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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

CARRIE DOE, an individual proceeding  
under a pseudonym; and CARL DOE, an  
individual proceeding under a pseudonym

Plaintiff,

v.

WESTERN OREGON CONFERENCE  
ASSOCIATION OF SEVENTH-DAY  
ADVENTISTS, an Oregon not-for-profit  
corporation, d/b/a OREGON CONFERENCE  
OF SEVENTH-DAY ADVENTISTS; and  
EAST SALEM SEVENTH DAY  
ADVENTIST CHURCH, an unincorporated  
association,

Defendants.

Case No. 0904-04942

COMPLAINT

(Sexual Battery of a Child/*Respondeat  
Superior*; Intentional Infliction of Emotional  
Distress/*Respondeat Superior*; Negligence)

**JURY TRIAL DEMANDED**

Not Subject to Mandatory Arbitration

Plaintiffs allege:

(Common Allegations)

1.

Plaintiff Carrie Doe is an adult female born in the year 1988 and is now 20 years of age.  
Plaintiff Carl Doe is an adult male born in the year 1991 and is now 18 years of age. Plaintiffs  
are siblings. At all times relevant to the acts alleged in this Complaint, Plaintiffs were  
unemancipated minors who, with their family, attended religious services and participated in  
activities at the East Salem Seventh Day Adventist Church promoted or sponsored by  
Defendants.

2.

Defendant Western Oregon Conference Association of Seventh Day Adventists dba

1 Oregon Conference of Seventh Day Adventists (“Conference”) is an Oregon not-for-profit  
2 religious corporation authorized to do business in Oregon and, through its various churches,  
3 maintains offices or conducts regular and sustained business in Multnomah County. Defendant  
4 Conference operates East Salem Seventh Day Adventist Church (hereinafter “ESSDAC”), an  
5 unincorporated religious association, and also operates Livingstone Academy, a school affiliated  
6 with ESSDAC and other Adventist churches in Salem.

7  
8 3.

9 The pastors who oversee ESSDAC are employees and agents of the Oregon Conference,  
10 and the Conference has the right to control their actions as leaders of the ESSDAC. As part of  
11 their agency or employment with Defendants Conference and ESSDAC, these pastors in turn  
12 appoint volunteers and employees to church functions, and recommend members of the church to  
13 provide personal services such as babysitting to other members. The Conference and ESSDAC  
14 have the right to control these volunteers and employees.

15 4.

16 Between 1991 and 1994, Defendants retained a then-fifteen or sixteen year old male  
17 (referred to in this complaint as S.H.) as a babysitter at ESSDAC for small children whose  
18 parents were attending church functions. S.H. babysat Plaintiffs at the church on several  
19 occasions. During this same time frame, at least one of three individuals —the ESSDAC  
20 Assistant Pastor, the Young Adults Pastor, and one of the teachers at Livingstone Academy, all  
21 agents of Defendants Conference and ESSDAC acting in the course and scope of their agency—  
22 recommended S.H. to Plaintiffs’ mother as an in-home babysitter for Plaintiffs. The Young  
23 Adults Pastor had a particular need to recommend babysitters in the course of performing his  
24 agency duties—specifically, so that he could facilitate the participation of young couples with  
25 small children in church group activities. At various times from 1991 through 1994, Defendants  
26 Conference and ESSDAC selected or accepted S.H. as a church volunteer, and assigned him to  
one or more of the following volunteer positions of leadership and responsibility:

- 1 a. Babysitter at the church for church members' children, including these Plaintiffs;
- 2 b. Junior Counselor in the Pathfinders Program;
- 3 c. Instructor of a sign language class;
- 4 d. Junior Deacon;
- 5 e. Usher;
- 6 f. Big Brother at Livingstone Academy; and
- 7 g. Teacher's Aide at Livingstone Academy.

8 These Positions of Trust, confidence, and authority over the other minors at the church will  
9 hereinafter be referred to as S.H.'s "Positions of Trust." In one or more of these Positions of  
10 Trust, S.H was required to care for, befriend, counsel, educate, or train ESSDAC child members,  
11 including Plaintiffs in this case.

12 5.

13 Defendants Conference and ESSDAC authorized and empowered S.H. to be in these  
14 Positions of Trust, including Plaintiffs and their parents in this case. Defendants Conference and  
15 ESSDAC also taught and instructed Plaintiffs that they were to have respect for and obey all  
16 persons in positions of church authority wherever they might meet. Defendants Conference and  
17 ESSDAC had the right to control S.H.'s activities in the performance of his duties in the  
18 Positions of Trust.

19 6.

20 At the request and recommendation of Defendant ESSDAC, S.H. provided child care for  
21 Plaintiffs, both at the church facilities and in their home. While acting as Plaintiffs' child care  
22 provider at the church, and at least in part for the purpose of furthering his duties required in his  
23 Positions of Trust for ESSDAC, S.H. built a relationship of trust and confidence with Plaintiffs  
24 and their parents. As a result, Plaintiffs were conditioned to trust S.H., to comply with S.H.'s  
25 directions, and to respect S.H. as a person of authority. This course of conduct is referred to  
26 hereinafter as "Grooming."

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11 7.

The Grooming was part of S.H.'s performance of his duties under his Positions of Trust. Specifically, S.H.'s Grooming was (1) committed in direct connection and for the purposes of fulfilling S.H.'s agency with Defendants; (2) committed, at least in part, within the time and space limits of his agency in one or more of his Positions of Trust; (3) done initially and at least in part from a desire to serve the interests of Defendants; (4) done directly in the performance of his duties in his Positions of Trust; (5) consisted generally of actions of a kind and nature which S.H. was required to perform in his Positions of Trust; and (6) was done at the direction of, and pursuant to, the power vested in him by Defendants. Defendants, through their agents, had a right to control S.H. in his various Positions of Trust.

12 8.

13 Plaintiffs are both under the age of 24 at the time of the filing of this suit. Pursuant to  
14 ORS 12.117(1), their claims are timely. Claims by Carl Doe are timely pursuant to ORS  
15 12.160(1) and (2).

16 **FIRST CLAIM FOR RELIEF**  
17 *Sexual Battery of a Child/Respondeat Superior*  
18 *By Plaintiff Carrie Doe Against All Defendants*

19 9.

20 Plaintiff Carrie Doe realleges and incorporates by reference paragraphs 1 through 8,  
21 above.

22 10.

23 While acting as her babysitter and using the Grooming that was initiated in the course and  
24 scope of his Positions of Trust for Defendants Conference and ESSDAC, and acting under the  
25 authority of his Positions of Trust, S.H. used his Grooming of Plaintiff Carrie Doe to sexually  
26 abuse her.

1 11.

2 Specifically, S.H. sexually abused and molested Plaintiff Carrie Doe—then somewhere  
3 between four and six years old—on at least four occasions. The abuse included fondling of  
4 Plaintiff Carrie Doe’s chest and genitals both above and beneath her clothing, and digital  
5 penetration. The abuse occurred at Plaintiff Carrie Doe’s home while S.H. was babysitting  
6 Plaintiffs. These acts constituted a harmful and offensive touching of Plaintiff Carrie Doe, to  
7 which she did not and could not consent.

8 12.

9 As a result of S.H.’s sexual abuse, molestation, and breach of trust, Plaintiff Carrie Doe  
10 has suffered and continues to suffer severe and debilitating physical, mental, and emotional  
11 injury, including pain and suffering, physical and emotional trauma, and permanent  
12 psychological damage distinct from the abuse itself, all to her non-economic damages in the  
13 amount of \$3,000,000.00, the exact amount of which will be proven at the time of trial.

14 13.

15 As an additional result and consequence of S.H.’s sexual abuse, molestation, and breach  
16 of trust, Plaintiff Carrie Doe has incurred and/or will incur in the future, costs for counseling,  
17 psychiatric and psychological medical treatment, all to her economic damages in the approximate  
18 amount of \$250,000.00, the exact amount of which will be proven at the time of trial.

19 14.

20 Plaintiff Carrie Doe here gives notice to Defendants pursuant to ORS § 18.535 of her  
21 intent to move for punitive damages against Defendants at any time after the filing of this  
22 complaint based on the reckless and outrageous indifference to a highly unreasonable risk of  
23 harm and conscious indifference to the health, safety and welfare of others, including Plaintiff  
24 Carrie Doe in this case, presented by their agent S.H.

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1 **SECOND CLAIM FOR RELIEF**  
2 Intentional Infliction of Emotional Distress/*Respondeat Superior*  
3 *By Plaintiff Carrie Doe Against All Defendants*

4 15.

5 Plaintiff Carrie Doe realleges and incorporates by reference paragraphs 1 through 13,  
6 above.

7 16.

8 S.H., in the course of his agency for Defendants, knowingly and intentionally caused  
9 severe emotional distress to Plaintiff Carrie Doe when he sexually battered and abused her as  
10 described in paragraphs 10 and 11, above. Plaintiff Carrie Doe did in fact suffer severe  
11 emotional distress as a result of this sexual contact. The sexual touching of a four-to-six year old  
12 child by a trusted authority figure—even one who is himself still a 15 year old adolescent—is  
13 beyond the bounds of all socially tolerable conduct.

14 17.

15 As a result of S.H.'s intentional infliction of emotional distress on Plaintiff Carrie Doe,  
16 and S.H.'s breach of authority, trust and position as a leader and authority figure to her, Plaintiff  
17 Carrie Doe has suffered permanent and lasting damages as detailed in paragraphs 12 and 13,  
18 above.

19 18.

20 Plaintiff Carrie Doe here gives notice to Defendants pursuant to ORS § 18.535 of her  
21 intent to move for punitive damages against Defendants at any time after the filing of this  
22 complaint based on the reckless and outrageous indifference to a highly unreasonable risk of  
23 harm and conscious indifference to the health, safety and welfare of others, including Plaintiff  
24 Carrie Doe in this case, presented by their agent S.H.

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1 **THIRD CLAIM FOR RELIEF**  
2 *Sexual Battery of a Child/Respondeat Superior*  
3 *By Plaintiff Carl Doe Against All Defendants*

4 19.

5 Plaintiff Carl Doe realleges and incorporates by reference paragraphs 1 through 8, above.

6 20.

7 While acting within the course and scope of his Positions of Trust for Defendants  
8 Conference and ESSDAC, and acting under the authority of his Positions of Trust, S.H. used his  
9 Grooming of Plaintiff Carl Doe to sexually abuse him.

10 21.

11 Specifically, while acting as his babysitter and using the Grooming that he had performed  
12 in the course of his Positions of Trust, S.H. sexually abused and molested Plaintiff Carl Doe—  
13 then somewhere between eighteen months and three years old—on at least four occasions. The  
14 abuse included fondling Plaintiff Carl Doe. The abuse occurred at ESSDAC and Plaintiff Carl  
15 Doe's home while S.H. was babysitting Plaintiffs. These acts constituted a harmful and  
16 offensive touching of Plaintiff Carl Doe, to which he did not and could not consent.

17 22.

18 As a result of S.H.'s sexual abuse, molestation, and breach of trust, Plaintiff Carl Doe has  
19 suffered and continues to suffer severe and debilitating physical, mental, and emotional injury,  
20 including pain and suffering, physical and emotional trauma, and permanent psychological  
21 damage distinct from the abuse itself, all to his non-economic damages in the amount of  
22 \$3,000,000.00, the exact amount of which will be proven at the time of trial.

23 23.

24 As an additional result and consequence of S.H.'s sexual abuse, molestation, and breach  
25 of trust, Plaintiff Carl Doe has incurred and/or will incur in the future, costs for counseling,  
26 psychiatric and psychological medical treatment, all to his economic damages in the approximate  
amount of \$250,000.00, the exact amount of which will be proven at the time of trial.

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24.

Plaintiff Carl Doe here gives notice to Defendants pursuant to ORS § 18.535 of his intent to move for punitive damages against Defendants at any time after the filing of this complaint based on the reckless and outrageous indifference to a highly unreasonable risk of harm and conscious indifference to the health, safety and welfare of others, including Plaintiff Carl Doe in this case, presented by their agent S.H.

**FOURTH CLAIM FOR RELIEF**  
Intentional Infliction of Emotional Distress/*Respondeat Superior*  
*By Plaintiff Carl Doe Against All Defendants*

25.

Plaintiff Carl Doe realleges and incorporates by reference paragraphs 1 through 8, and 19 through 23, above.

26.

S.H., in the course of his agency for Defendants, knowingly and intentionally caused severe emotional distress to Plaintiff Carl Doe when he sexually battered and abused Carl Doe as described in paragraphs 20 and 21, above. Plaintiff Carl Doe did in fact suffer severe emotional distress as a result of this sexual contact. The sexual touching of a child under the age of three by a trusted authority figure—even one who is himself still a 15 year old adolescent—is beyond the bounds of all socially tolerable conduct.

27.

As a result of S.H.’s intentional infliction of emotional distress on Plaintiff Carl Doe, and S.H.’s breach of authority, trust and position as a leader and authority figure to him, Plaintiff Carl Doe has suffered permanent and lasting damages as detailed in paragraphs 22 and 23, above.

28.

Plaintiff Carl Doe here gives notice to Defendants pursuant to ORS § 18.535 of his intent to move for punitive damages against Defendants at any time after the filing of this complaint

1 based on the reckless and outrageous indifference to a highly unreasonable risk of harm and  
2 conscious indifference to the health, safety and welfare of others, including Plaintiff Carl Doe in  
3 this case, presented by their agent S.H.

4  
5 **FIFTH CLAIM FOR RELIEF**  
6 Negligence  
7 *By All Plaintiffs Against Defendant ESSDAC*

8 29.

9 Plaintiffs reallege and incorporate by reference paragraphs 1 through 28, above.

10 30.

11 In early- to mid-1991, S.H. abused at least one young boy while living in Washington  
12 State, he was discovered, and the police became involved. S.H.'s parents quickly sent him to his  
13 grandparents' home in Salem, Oregon. His grandparents were members of ESSDAC. In 1991—  
14 prior to any abuse suffered by Plaintiffs—the pastors at ESSDAC or other agents of the  
15 Defendant ESSDAC knew or should have known that S.H. was a risk to children. Defendant  
16 ESSDAC, through its pastors and other agents nonetheless allowed S.H. to serve in his Positions  
17 of Trust and recommended him for the care of members' children to facilitate church activities  
18 when they knew or, alternatively, should have known that he was a danger. It was through his  
19 Position of Trust as babysitter at the church that S.H. first engaged in Grooming of the Plaintiffs,  
20 the Grooming enabled S.H. to secure the trust of Plaintiffs and their parents, and in turn allowed  
21 him to babysit the Plaintiffs at their home where they were abused.

22 31.

23 As young children entrusted to the care and control of Defendant ESSDAC, Plaintiffs had  
24 a special relationship with Defendant ESSDAC. This special relationship created a duty of care  
25 on the part of Defendant ESSDAC to ensure Plaintiffs' safety while in ESSDAC's facilities or in  
26 recommending caretakers for them when their parents were engaging in Church activities.  
27 Plaintiffs were within the class of persons to be protected by Defendant ESSDAC's screening

1 and supervision of those it used for child care or recommended to congregants, and the risk of  
2 sexual molestation by agents of the Church or those recommended by its agents is within the  
3 general type of potential incidents and injuries that requires Defendant ESSDAC to screen all  
4 agents and those it recommends for child care.

5 32.

6 Defendant ESSDAC's failure to screen S.H. prior to the beginning of his agency, and its  
7 retention of S.H. thereafter, created a foreseeable risk of harm to the safety of children over  
8 whom S.H. would exercise authority. Plaintiffs' interest in being free from sexual molestation is  
9 an interest of a kind that the law protects against negligent invasion. Defendant ESSDAC's  
10 failure to screen or supervise S.H. was unreasonable in light of the known risk he posed to young  
11 children, and Defendant ESSDAC's failure to screen S.H. was a cause of the molestation  
12 suffered by Plaintiffs, as alleged in paragraphs 10, 11, 20 and 21, above, and the damages alleged  
13 in paragraphs 12, 13, 22, and 23, above.

14 33.

15 Plaintiffs here give notice to Defendant ESSDAC pursuant to ORS § 18.535 of their  
16 intent to move for punitive damages against Defendant ESSDAC at any time after the filing of  
17 this complaint based on the reckless and outrageous indifference to a highly unreasonable risk of  
18 harm and conscious indifference to the health, safety and welfare of others, including Plaintiffs in  
19 this case, presented by S.H.

20  
21 **SIXTH CLAIM FOR RELIEF**  
22 *Negligence/Respondeat superior*  
*By All Plaintiffs Against Defendant Conference*

23 34.

24 Plaintiffs reallege and incorporate by reference paragraphs 1 through 32, above.

25 35.

26 The pastors at ESSDAC were direct employees and agents of Defendant Conference, and

1 they were at all relevant times acting in the course and scope of their agency in operating  
2 ESSDAC for the benefit of Defendant Conference when they assigned volunteers to Positions of  
3 Trust in the church, as well as when they recommended and secured child care for congregants  
4 with children while the parents participated in church activities. Defendant Conference, through  
5 the pastors, allowed S.H. to serve in his Positions of Trust and recommended him as a babysitter  
6 when they either knew or, alternatively, should have known that he was a risk to children.

7 36.

8 Defendant Conference is liable under the doctrine of *respondeat superior* for the  
9 negligent actions of the pastors, having been taken in the course and scope of their agency.

10 37.

11 The actions of Defendant Conference's agents in assigning S.H. to his agency duties and  
12 recommending him to the congregants was a cause of the molestation suffered by Plaintiffs, as  
13 alleged in paragraphs 10, 11, 20 and 21, above, and the damages alleged in paragraphs 12, 13, 22,  
14 and 23, above.

15 38.

16 Plaintiffs here give notice to Defendant Conference pursuant to ORS § 18.535 of their  
17 intent to move for punitive damages against Defendant Conference at any time after the filing of  
18 this complaint based on the reckless and outrageous indifference to a highly unreasonable risk of  
19 harm and conscious indifference to the health, safety and welfare of others, including Plaintiffs in  
20 this case, presented by S.H.

21

22 **WHEREFORE**, Plaintiffs pray for judgment against Defendants, and each of them, as  
23 follows:

24 1. On Plaintiff Carrie Doe's First or Second Claims for Relief against Defendants,  
25 non-economic damages in the amount of \$3,000,000.00, the exact amount to be determined by  
26 the jury at the time of trial;

1           2.       On Plaintiff Carrie Doe's First or Second Claims for Relief against Defendants,  
2 economic damages in the amount of \$250,000.00, the exact amount to be determined by the jury  
3 at the time of trial;

4           3.       On Plaintiff Carl Doe's Third or Fourth Claims for Relief against Defendants,  
5 non-economic damages in the amount of \$3,000,000.00, the exact amount to be determined by  
6 the jury at the time of trial;

7           4.       On Plaintiff Carl Doe's Third or Fourth Claims for Relief against Defendants,  
8 economic damages in the amount of \$250,000.00, the exact amount to be determined by the jury  
9 at the time of trial;

10          5.       On Plaintiffs' joint Fifth Claim for Relief against Defendant ESSDAC, non-  
11 economic damages of \$3,000,000.00 for Plaintiff Carrie Doe and \$3,000,000.00 Plaintiff Carl  
12 Doe, the exact amount to be determined by the jury at the time of trial;

13          6.       On Plaintiffs' joint Fifth Claim for Relief against Defendant ESSDAC, economic  
14 damages of \$250,000.00 for Plaintiff Carrie Doe and \$250,000.00 Plaintiff Carl Doe, the exact  
15 amount to be determined by the jury at the time of trial;

16          7.       On Plaintiffs' joint Sixth Claim for Relief against Defendant Conference, non-  
17 economic damages of \$3,000,000.00 for Plaintiff Carrie Doe and \$3,000,000.00 Plaintiff Carl  
18 Doe, the exact amount to be determined by the jury at the time of trial;

19          8.       On Plaintiffs' joint Sixth Claim for Relief against Defendant Conference,  
20 economic damages of \$250,000.00 for Plaintiff Carrie Doe and \$250,000.00 Plaintiff Carl Doe,  
21 the exact amount to be determined by the jury at the time of trial;

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24 *////*

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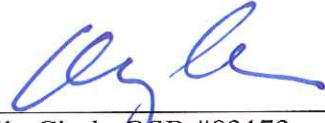
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- 9. For Plaintiffs' costs and disbursements incurred; and
- 10. For any other relief this Court deems just and equitable.

DATED this 8<sup>th</sup> day of April, 2009.

O'DONNELL CLARK & CREW LLP



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Kelly Clark, OSB #83172  
Kristian Roggendorf, OSB #01399  
Stephen F. Crew, OSB # 78171  
*Of Attorneys for Plaintiff*