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

6 SALLY ROE, an individual proceeding under  
a pseudonym,

7 Plaintiff,

8 v.

9 WESTERN OREGON CONFERENCE  
10 ASSOCIATION OF SEVENTH-DAY  
11 ADVENTISTS, an Oregon non-for-profit  
corporation, operating under the assumed  
12 business name of ROSEBURG JUNIOR  
ACADEMY,

Defendant.

Case No. 0902-01873

COMPLAINT

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

**JURY TRIAL DEMANDED**

Not Subject to Mandatory Arbitration

13  
14 Plaintiff alleges:

15 (Common Allegations)

16 1.

17 Plaintiff Sally Roe (a pseudonym used for litigation) is an adult Oregon resident born in  
18 1987 who was, at all times relevant this complaint, a five year old girl attending kindergarten at  
19 Roseburg Junior Academy in Roseburg, Oregon.

20 2.

21 Defendant Western Oregon Conference Association of Seventh Day Adventists dba  
22 Oregon Conference of Seventh Day Adventists (“Conference”) is an Oregon not-for-profit  
23 religious corporation authorized to do business in Oregon and, through its various churches,  
24 maintains offices or conducts regular and sustained business in Multnomah County. Defendant  
25 Conference operates and manages through its agents the Roseburg Junior Academy (hereinafter  
26 “RJA”), a Seventh Day Adventist (SDA) K-10 school located in Roseburg, Oregon.

1 3.

2 At all times relevant this complaint, Defendant Conference sent pastors—employees and  
3 agents of the Oregon Conference—to RJA for religious events such as “prayer weeks.” At all  
4 times relevant this complaint, Defendant Conference had the right to control the actions of these  
5 pastors while at RJA, including their interaction with children.

6 4.

7 In approximately 1992, Defendant assigned Pastor C.T. (a pseudonym for a known  
8 individual) to conduct a prayer week at RJA. As part of Pastor C.T.’s duties for Defendant at  
9 RJA, he was to interact with and gain the trust and reverence of the students there, including  
10 Plaintiff in this case. During the prayer week at issue in this complaint, Pastor C.T. was acting as  
11 the agent of Defendant in performing those duties.

12 5.

13 Defendant Conference empowered Pastor C.T. to perform all duties of a pastor to the  
14 children at RJA, including educational and religious services, spiritual and moral guidance, and  
15 religious instruction. The Conference knew that in fulfilling his duties as a pastor, Pastor C.T.  
16 would be in a position of trust and confidence with SDA children attending RJA, including the  
17 Plaintiff in this case.

18 6.

19 In or about 1992, while working at RJA in his assigned duties as a pastor for Defendant,  
20 Pastor C.T. commanded Plaintiff’s obedience and trust in his capacity as pastor for Defendant.  
21 As a result of this trust relationship, and her relationship with the SDA Church generally,  
22 Plaintiff was conditioned to have respect for Pastor C.T.’s authority and to comply with his  
23 instructions and requests. Plaintiff did in fact look to and obey Pastor C.T. as an authority figure.

24 7.

25 Pastor C.T.’s actions and steps leading to Plaintiff’s obedience and trust were (1)  
26 committed in direct connection and for the purposes of fulfilling Pastor C.T.’s employment and

1 agency with the Defendant; (2) committed within the time and space limits of his agency as  
2 pastor; (3) done initially and at least in part from a desire to serve the interests of the Defendant;  
3 (4) done directly in the performance of his duties as pastor; (5) generally actions of a kind and  
4 nature which Pastor C.T. was required to perform as pastor; and (6) done at the direction of, and  
5 pursuant to, the power vested in him by Defendant.

6 8.

7 Pastor C.T., while acting within the course and scope of his employment and  
8 agency—under the authority and position of trust as a Pastor for Defendant, and using the trust  
9 relationship that he formed with Plaintiff as at least part of his authorized agency duties, and the  
10 authority granted to him by Defendant—removed Plaintiff to a secluded part of RJA during the  
11 schoolday, and then sexually abused and raped her.

12 9.

13 As a result of Pastor C.T.'s sexual abuse, as well as his misuse of his authority and  
14 Plaintiff's obedience, Plaintiff has suffered and continues to suffer emotional trauma and  
15 permanent psychological damage—as distinct from the actual events of abuse themselves—all to  
16 her non-economic damages in the amount of \$3,000,000.00.

17 10.

18 As a result of Pastor C.T.'s sexual abuse, as well as his misuse of his authority and  
19 Plaintiff's obedience, Plaintiff has incurred and/or will incur in the future, lost earnings, costs for  
20 counseling, psychiatric and psychological medical treatment all to her economic damages in the  
21 approximate amount of \$250,000.00, the exact amount of which will be proven at the time of  
22 trial.

23 11.

24 Plaintiff is currently 21 years old. The acts of Pastor C.T. in this case constitute child  
25 abuse as it is defined in ORS 12.117(2), and this case is therefore “based on” child abuse  
26 pursuant to ORS 12.117. Under ORS 12.117(1), Plaintiff's claims are timely filed.

1 **FIRST CLAIM FOR RELIEF**

2 (Sexual Abuse of a Child/*Respondeat Superior*)

3 12.

4 Plaintiff realleges and incorporates by reference paragraphs 1 through 11, above.

5 13.

6 The abuse described in paragraph 8, above, constituted a harmful and offensive touching  
7 of Plaintiff, to which Plaintiff did not and could not consent.

8 14.

9 As a result of the harmful and offensive contact by Pastor C.T., Plaintiff has suffered the  
10 damages set out in paragraphs 9 and 10, above.

11 15.

12 In abusing Plaintiff, Pastor C.T. acted with malice or a reckless and outrageous  
13 indifference to a highly unreasonable risk of harm and with a conscious indifference to the  
14 health, safety and welfare of Plaintiff. Plaintiff here gives notice of her intent to amend this  
15 claim to add punitive damages pursuant to ORS 31.725. Defendant is liable for these damages as  
16 they are directly attributable to Pastor C.T.'s performance of his agency duties.

17  
18 **SECOND CLAIM FOR RELIEF**

19 *Intentional Infliction of Emotional Distress/Respondeat Superior Liability*

20 16.

21 Plaintiff realleges and incorporates by reference paragraphs 1 through 14, above.

22 17.

23 Pastor C.T. knowingly and intentionally caused severe emotional distress to Plaintiff  
24 when he forcibly raped and sodomized her as described in paragraph 8, above. Plaintiff did in  
25 fact suffer severe, profound emotional distress as a result of this sexual contact, and the rape of a  
26 5 year old girl by a trusted authority figure is far, far beyond the bounds of any and all socially

1 tolerable conduct.

2 18.

3 Pastor C.T. used the trust relationship, described in paragraph 6, above, to accomplish his  
4 intentional infliction of emotional distress against Plaintiff.

5 19.

6 As a result of Pastor C.T.'s intentional infliction of emotional distress, Plaintiff has  
7 suffered and continues to suffer damages as set out in paragraphs 11 and 12, above.

8 20.

9 In molesting Plaintiff, Pastor C.T. acted with malice or a reckless and outrageous  
10 indifference to a highly unreasonable risk of harm and with a conscious indifference to the  
11 health, safety and welfare of Plaintiff. Plaintiff here gives notice of her intent to amend this  
12 claim to add punitive damages pursuant to ORS 31.725. Defendant is liable for these damages as  
13 they are directly attributable to Pastor C.T.'s performance of his agency duties.

14

15 **WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

16 1. On Plaintiff's First Claim for Relief, non-economic damages for Plaintiff in the  
17 amount of \$3,000,000.00, the exact amount to be determined by the jury at the time of trial;

18 2. On Plaintiff's First Claim for Relief, economic damages for Plaintiff in the  
19 amount of \$250,000.00, the exact amount to be determined by the jury at the time of trial;

20 3. On Plaintiff's Second Claim for Relief, non-economic damages for Plaintiff in the  
21 amount of \$3,000,000.00, the exact amount to be determined by the jury at the time of trial;

22 4. On Plaintiff's Second Claim for Relief, economic damages for Plaintiff in the  
23 amount of \$250,000.00, the exact amount to be determined by the jury at the time of trial;

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- 5. For Plaintiff's costs and disbursements incurred; and
- 6. For any other relief this Court deems just and equitable.

DATED this 6<sup>th</sup> day of February, 2009.

O'DONNELL CLARK & CREW LLP

  
\_\_\_\_\_  
Kelly Clark, OSB No. 83172  
Kristian Roggendorf, OSB No. 01399

*Of Attorneys for Plaintiff*