

JAN 16 2018

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10 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**
11 **(Central Courthouse)**

12 A.M.,

13 Plaintiff,

14 vs.

15 CHURCH OF THE NAZARENE IN
MID-CITY, a California corporation;
16 JOHN WRIGHT, an individual; and
DOES 1 TO 20,

17 Defendants.
18
19

CASE NO.: 37-2018-00004707-CU-PO-CTL

COMPLAINT FOR:

- 1. Sexual Battery/Rape;
- 2. Negligent Hiring/Supervision/Retention;
- 3. Gender Violence; and
- 4. Sexual Harassment.

20
21 Plaintiff A.M. alleges:

22 **GENERAL ALLEGATIONS**

- 23 1. Plaintiff, A.M. ("A.M." or "Plaintiff"), at all times relevant to this Complaint was a
24 resident of San Diego County, California.
- 25 2. Defendant, Church of the Nazarene in Mid City ("the Church"), an FTB suspended
26 California corporation, with its principal place of business in San Diego County.
- 27 3. Defendant, John Wright ("Wright"), at all times relevant to this Complaint was a
28 resident of San Diego County, California.

1 4. Wright is the perpetrator of the sexual abuse at issue in this action, and was at all
2 times relevant to this action an employee of the Church. Wright was employed at the Church as a
3 pastor. Wright gained access to Plaintiff through activities related to his employment with the
4 Church.

5 5. The true names and capacities, whether individual or otherwise, of defendants Does
6 1 to 20 ("Does") are unknown to Plaintiff, who therefore sues them by such fictitious names under
7 Cal. Civ. Proc. Code § 474. Plaintiff is informed and believes that each of the Does is responsible
8 in some manner for the acts or omissions alleged in this complaint or caused her damages. Does 1
9 to 10 are and were employers of Wright during all times relevant to this Complaint. Does 11 to 20
10 are and were the agents or employees of the Church and in doing the acts alleged in this Complaint
11 were acting within the course of scope of such agency and employment.

12 6. At all relevant times, Wright was under the direct supervision, employ, and control
13 of the Church and Does 1 to 10 and was acting within the course and scope of such agency and
14 employment.

15 7. Each of the defendants engaged in, joined in, conspired, and aided and abetted with
16 the other defendants in carrying out the acts of wrongdoing in this complaint, and each defendant
17 ratified and authorized the wrongful acts of the other defendants.

18 **FACTS APPLICABLE TO ALL COUNTS**

19 8. A.M. first met Wright in late 2014. A.M. attended the Church where Wright was a
20 pastor.

21 9. Soon after they met, A.M. confided in Wright that she had been a victim of long-term
22 childhood sexual abuse by a close family member and that she suffered PTSD as a result.

23 10. As A.M.'s pastor, Wright offered to help "heal" her and work through her PTSD from
24 the sexual abuse.

25 11. A.M. accepted his help, thinking that this would be as a mentor-mentee relationship,
26 but in reality Wright was a predator who recognized plaintiff's vulnerability and took that
27 opportunity to groom and coerce her into a sexual relationship.

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1 12. During the summer in 2016, while A.M. was a summer camp counselor, Wright
2 began exchanging emails with her on a daily basis, ostensibly to help work through her childhood
3 sexual trauma, while Wright's true goal was to gain A.M.'s trust.

4 13. Once A.M. returned to San Diego in the fall, Wright's behavior escalated. Wright
5 invited A.M. to meet him at coffee shops and parks. Wright would even bring a blanket to the park
6 and invite A.M. to lie down with him. .

7 14. After a few weeks, Wright began to touch A.M. in a suggestive manner and then
8 moved on to kissing her.

9 15. Wright eventually convinced A.M. to have a sexual relationship with him.

10 16. Whenever A.M. questioned Wright about their sexual relationship, Wright stressed
11 to her that he was only doing this to "heal her" from her childhood sexual abuse. He convinced her
12 that it was a necessary part of the healing process and that she needed to continue with the sexual
13 relationship in order to get better.

14 17. The sexual relationship lasted for more than a year until late October 2017. During
15 this period, Wright and A.M. exchanged hundreds or even thousands of messages via email and
16 other electronic means. Many of these messages contained Wright's lewd sexual advances towards
17 A.M., again within the context that he was "healing" her sexual trauma.

18 18. Over the course of the relationship, Wright coerced A.M. to have sexual intercourse
19 with him hundreds of times among other sexual contacts.

20 19. Most of the sexual encounters occurred at various locations inside the Church, in cars,
21 and at both of their residences.

22 20. The predatory sexual relationship that Wright had coerced A.M. into was always
23 within the context of "healing" A.M.'s PTSD from her childhood sexual trauma.

24 21. At all relevant times, A.M. did not or could not consent to any acts of sexual
25 intercourse or any other sexual acts because Wright used his position of authority over her and his
26 knowledge of her past as a victim of sexual abuse to coerce her into acts she would not have
27 otherwise consented to. Wright used emotional, verbal, and physical force to coerce A.M. into
28 having sex with him on hundreds of occasions under the guise that he was helping to heal her PTSD

1 and trauma from childhood sexual abuse.

2 22. Plaintiff is informed and believes that at least two other females complained to the
3 Church and/or Does 1 to 10 about Wright behaving inappropriately towards them while engaged in
4 activities in connection with his employment at the Church and Does 1 to 10.

5 23. Plaintiff is informed and believes that Wright has previously been accused of sexual
6 harassment or misconduct in connection with his employment at the Church and/or Does 1 to 10.

7 24. Plaintiff is informed and believes that the Church and Does 1 to 10 were aware or
8 should have been aware of these previous accusations.

9 25. Plaintiff is informed and believes that the Church, and Does 1 to 10 permitted Wright
10 to continue working despite knowledge of the complaints and claims lodged against him.

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

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19 **FIRST CAUSE OF ACTION**
(Sexual Battery/Rape Against All Defendants)

20 27. Plaintiff realleges the facts set forth in paragraphs 1 to 26.

21 28. Wright intended to cause harmful sexual contacts with A.M. and such harmful sexual
22 contacts did in fact occur in the form of hundreds of sexual encounters, including but not limited to
23 sexual intercourse. A.M. did not or could not consent to any of the sexual contacts. As described
24 above, A.M. has suffered and continues to suffer physical, mental, emotional, and economic injuries
25 as a result of Wright's conduct.

26 29. Wright acted with malice, oppression, or fraud as defined in Civil Code § 3294 when
27 committing the sexual batteries, which entitles Plaintiff to recover punitive damages against him
28 individually.

1 30. The Church and Does 1 to 10 authorized, ratified, and adopted Wright's behavior and
2 further had advance knowledge of Wright's history and propensity for inappropriate and unwanted
3 sexually harassing behavior and/or misconduct toward females yet continued to allow him to be in
4 contact with females like A.M. in conscious disregard for her rights and safety. Plaintiff therefore
5 is entitled to recover punitive damages against the Church and Does 1 to 10.

6 **SECOND CAUSE OF ACTION**
7 **(Negligent Hiring/Supervision/Retention**
8 **Against The Church And Does 1 To 10)**

9 31. Plaintiff realleges the facts set forth in paragraphs 1 through 30.

10 32. The Church and Does 1 to 10 knew or reasonably should have known that Wright had
11 dangerous and exploitative propensities and/or that he was an unfit agent because they each had
12 actual or constructive notice of the previous claims of sexual misconduct filed against him.
13 Therefore these Defendants each had a duty to not hire and/or retain Wright.

14 33. Despite such knowledge, these Defendants hired and retained Wright in the position
15 of trust and authority as a counselor, emotional mentor, and/or other authority figure, where he was
16 able to commit wrongful acts against Plaintiff.

17 34. These Defendants also failed to use reasonable care in investigating and supervising
18 Wright and failed to provide adequate warning to Plaintiff of Wright's dangerous propensities and
19 unfitness. Defendants further failed to take reasonable measures to prevent the sexual abuse
20 including properly supervising Wright.

21 35. As described above, Plaintiff has suffered and continues to suffer physical, mental,
22 emotional and economic injuries as a result of the above unreasonable conduct by the Church and
23 Does 1 to 20.

24 **THIRD CAUSE OF ACTION**
25 **(Gender Violence, Civil Code § 52.4**
26 **Against All Defendants)**

27 36. Plaintiff realleges the facts set forth paragraphs 1 through 35.

28 37. By sexually battering and raping A.M., Wright acted with violence, coercion, and
intimidation against Plaintiff, and violated her rights under Civil Code § 52.4(c).

 38. Wright intended to violate A.M.'s rights under Civil Code § 52.4(c) because she is

1 a woman.

2 39. The Church and Does 1 to 20 breached their duties to Plaintiff. The Church and Does
3 1 to 20 aided, abetted, authorized, and ratified Wright's sexual batteries of Plaintiff by failing to
4 investigate, supervise, or monitor Wright once they knew or should have known of his dangerous
5 or exploitive tendencies in the following ways: 1) by allowing Wright to come into contact with the
6 Plaintiff without supervision; 2) by failing to use reasonable care in hiring, supervising, and retaining
7 Wright; 3) by failing to investigate or otherwise confirm facts in their knowledge about Wright; 4)
8 by failing to tell or concealing from law enforcement officials that Wright was or may have been
9 sexually abusing females; 5) by failing to tell or concealing from law enforcement officials that
10 Plaintiff was or may have been sexually abused by Wright after Defendants knew or had reason to
11 know that Wright may have sexually abused Plaintiff, thereby causing Plaintiff to continue to be
12 endangered and sexually abused; 6) by creating circumstance in which Plaintiff was less likely to
13 receive medical or mental health care and treatment, thus exacerbating the harm done to Plaintiff;
14 and 7) by holding out Wright to the Plaintiff and the public as being in good standing and
15 trustworthy.

16 40. As a result of Defendants' conduct, Plaintiff has suffered, and continues to suffer
17 physical, mental, emotional, and economic injuries, as described above.

18 41. Wright acted with malice, oppression, or fraud as defined in Civil Code § 3294 when
19 committing the sexual batteries, which entitles Plaintiff to recovery punitive damages against him
20 individually.

21 42. The Church and Does 1 to 10 authorized, ratified, and adopted Wright's behavior and
22 further had advance knowledge of Wright's history and propensity for inappropriate and unwanted
23 sexually harassing behavior and/or misconduct toward females yet continued to allow him to be in
24 contact with females like A.M. in conscious disregard for her rights and safety. Plaintiff therefore
25 is entitled to recover punitive damages against the Church and Does 1 to 10. A.M. is also entitled
26 to attorney's fees and civil penalties against all defendants.

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2 **FOURTH CAUSE OF ACTION**
3 **(Sexual Harassment, Civil Code § 51.9 Against All Defendants)**

4 43. Plaintiff realleges the facts set forth in paragraphs 1 through 42.

5 44. During Plaintiff's time as a parishioner at the Church, Wright intentionally, recklessly,
6 and wantonly made sexual advances, sexual solicitations, sexual comments, and sexual requests and
7 engaged in other visual, verbal or physical conduct of a sexual nature based on Plaintiff's gender.

8 45. Wright's conduct was unwelcome, pervasive, and severe, including but not limited
9 to raping and committing sexual batteries against Plaintiff in a sexually motivated and illegal
10 manner.

11 46. Wright's conduct resulted in harmful and offensive contact with intimate parts of
12 Plaintiff's person. Wright used his position as a professor and pastor and his authority and position
13 of trust to exploit Plaintiff physically, sexually and emotionally.

14 47. Wright engaged in this conduct while acting in the course and scope of his agency
15 with the Church and Does 1 to 10.

16 48. The incidents of sexual misconduct took place while Plaintiff was under the control
17 of Wright, while he was acting in his capacity as a pastor at the Church, and while he was
18 specifically acting on behalf of the Church and Does 1 to 10.

19 49. Because of Plaintiff's relationship with Wright, Plaintiff's young age and immaturity,
20 Plaintiff's inexperience, Plaintiff's past history as a victim of childhood sexual abuse, and Wright's
21 unsupervised sexual batteries, Plaintiff was unable to terminate the pastor and mentor relationships
22 she had with Wright.

23 50. A.M. did not or could not give consent to any such acts.

24 51. The Church and Does 1 to 20 breached their duties to Plaintiff. Employees and
25 administrators of the Church aided, abetted, authorized and ratified Wright's sexual batteries of
26 Plaintiff by doing nothing to investigate, supervise, or monitor Wright once they knew or should
27 have known of his dangerous or exploitive tendencies as alleged above, in the following ways: 1)
28 by allowing Wright to come into contact with the Plaintiff without supervision; 2) by failing to

1 adequately hire, supervise, or retain use reasonable care in hiring, supervising, and retaining Wright
2 who they permitted and enabled to have access to Plaintiff; 3) by failing to investigate or otherwise
3 confirm facts in their knowledge about Wright; 4) by failing to tell or concealing from law
4 enforcement officials that Wright was or may have been sexually abusing females; 5) by failing to
5 tell or concealing from law enforcement officials that Plaintiff was or may have been sexually abused
6 by Wright after defendants knew or had reason to know that Wright may have sexually abused
7 Plaintiff thereby causing Plaintiff to continue to be endangered and sexually abused; 6) by creating
8 the circumstance where Plaintiff was less likely to receive medical or mental health care and
9 treatment, thus exacerbating the harm done to Plaintiff; and 7) by holding out Wright to the Plaintiff
10 and the public as being in good standing and trustworthy.

11 52. As a result of Defendants' conduct, Plaintiff has suffered, and continues to suffer
12 physical, mental, emotional, and economic injuries, as described above.

13 53. Wright acted with malice, oppression, or fraud as defined in Civil Code § 3294 when
14 committing the sexual batteries, which entitles Plaintiff to recover punitive damages against him
15 individually.

16 54. The Church and Does 1 to 10 authorized, ratified, and adopted Wright's behavior and
17 further had advance knowledge of Wright's history and propensity for inappropriate and unwanted
18 sexually harassing behavior and/or misconduct toward females yet continued to allow him to be in
19 contact with females like A.M. in conscious disregard for her rights and safety. Plaintiff therefore
20 is entitled to recover punitive damages against the Church and Does 1 to 10.. A.M. is also entitled
21 to attorney's fees and civil penalties against all Defendants.

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REQUEST FOR RELIEF

Therefore, plaintiff A.M. requests judgment against defendants Church of the Nazarene in Mid City, John Wright, and Does 1 to 20 as follows:

- a. Special and general damages according to proof;
- b. Punitive damages;
- c. Civil penalties pursuant to statute;
- d. Attorney's fees pursuant to statute;
- e. Costs of court; and
- f. Other further relief.

Date: January 16, 2018

The Gilleon Law Firm



Daniel M. Gilleon, Attorneys for
Plaintiff A.M.