

IN MONTGOMERY COUNTY CIRCUIT COURT, MARYLAND
CIVIL DIVISION

JANE DOE (pseudonym),
NORMA NOE (pseudonym),
ROBIN ROE (pseudonym),

Plaintiffs and Class Representatives,

v.

SOVEREIGN GRACE MINISTRIES,
7505 Muncaster Mill Rd
Gaithersburg, MD 20877

CHARLES JOSEPH MAHANEY,
20911 Lochaven Court
Gaithersburg, MD 20882-4467

GARY RICUCCI
404 Sanders Lane
Gaithersburg, MD 20877-3410

DAVID HINDERS,
5328 Ox Road
Fairfax, VA 22030-4606

LOUIS GALLO
9663 Mason Bluff Court
Burke, VA 22015-3148

FRANK ECELBARGER
4113 Leafy Glade Place
Casselberry, FL 32707-5286

JOHN LOFTNESS
3005 Arden Forest Lane
Bowie, MD 20716-3821

GRANT LAYMAN
20305 Oyster Bay Terrace
Montgomery Village, MD 20886-5908

JURY DEMAND

Case No. 369721

RECEIVED

OCT 17 2012

Clerk of the Circuit Court
Montgomery County, Md.

LAWRENCE TOMCZAK)
1312 Wolverton Drive)
Franklin, TN 37067-6523)
)
)
Defendants.)
_____)

CLASS ACTION COMPLAINT AND JURY DEMAND

1. Plaintiffs and numerous others were seriously harmed by Sovereign Grace Ministries and the other Defendants (collectively referred to as “the Church”) because the Church covered up child molestation and sexual assaults occurring under its auspices. The facts show that the Church cared more about protecting its financial and institutional standing than about protecting children, its most vulnerable members. The Church failed to report known incidences of sexual predation to law enforcement, encouraged parents to refrain from reporting the assaults to law enforcement, and interposed themselves between the parents of the victims and law enforcement in order to mislead law enforcement into believing the parents had “forgiven” those who preyed on their children. Defendants’ acts and omissions were not isolated events. Defendants’ repeated acts and omissions created a culture in which sexual predators were protected from accountability, and victims were silenced.

2. This action arises under common law of Maryland.

PARTIES

3. Jane Doe is a female high-school student residing in Virginia who was sexually assaulted when she was three years old. Due to the nature of the lawsuit, she wishes to use the pseudonym Jane Doe to keep her identity confidential. Jane Doe brings this action on her own behalf and on behalf of those similarly situated.

4. Norma Noe is a 22-year old female college student residing in Maryland who was sexually assaulted when she was two years old. Due to the nature of the lawsuit, she wishes to use the pseudonym Norma Noe to keep her identity confidential. Norma Noe brings this action on her own behalf and on behalf of those similarly situated.

5. Robin Roe is a young woman residing in Maryland whose sister was sexually assaulted by a pedophiliac stepfather. Due to the nature of the lawsuit, she wishes to use the pseudonym Robin Roe to keep her identity confidential. Robin Roe brings this action on her own behalf and on behalf of those similarly situated.

6. Defendant Sovereign Grace Ministries, Inc. (“the Church” or “SGM”) operates in 21 countries and the United States. The Church is located at 7505 Muncaster Mill Road, Gaithersburg, MD 20877, and at 2002 Fandango Court, Louisville, KY 40245. The Church is a nonprofit organized under Maryland law. The Church includes and operates Sovereign Grace Church Fairfax at 5200 Ox Road, Fairfax, VA 22030, Covenant Life Church, at 7501 Muncaster Mill Rd, Gaithersburg, MD 20877, and numerous other churches in the United States and abroad. During timeframe at issue in this lawsuit, the Church generated substantial revenues in Maryland and elsewhere by planting churches,¹ training leaders, holding conferences, operating the “Pastors College,” selling books, music and audio products, and owning real estate in this District and elsewhere.

¹ Church planting involves sending groups of SGM members to begin an SGM church in a new area. Many SGM members all buy or rent houses near each other to live out their religious beliefs in a communal setting. Church planting requires members to attempt to persuade other neighbors to attend and participate in the new church.

7. Defendant Charles Joseph (“C.J.”) Mahaney resides at 20911 Lochaven Court, Gaithersburg, MD 20882-4467. Together with Defendant Tomczak, he founded the Church in 1982. He presently serves as President of the Church.

8. Defendant Lawrence Tomczak resides at 1312 Wolverton Drive, Franklin, TN 37067-6523. Together with Defendant Mahaney, Defendant Tomczak founded the Church in 1982.

9. Defendant John Loftness resides at 3005 Arden Forest Lane, Bowie, MD 20716-3821. He presently serves as Chairman of the Board of the Church and was personally involved in the events that led to this lawsuit.

10. Defendant Grant Layman resides at 20305 Oyster Bay Terrace, Montgomery Village, MD 20886-5908. He is employed by the Church and was personally involved in the events that led to this lawsuit.

11. Defendant Gary Ricucci resides at 404 Sanders Lane, Gaithersburg, MD 20877-3410. He is employed by the Church and was personally involved in the events that led to this lawsuit.

12. Defendant David Hinders resides at 5328 Ox Road, Fairfax, VA 22030-4606. He is employed by the Church and was personally involved in the events that led to this lawsuit.

13. Defendant Louis Gallow resides at 9663 Mason Bluff Court, Burke, VA 22015-3148. He is employed by the Church and was personally involved in the events that led to this lawsuit.

14. Defendant Frank Ecelbarger resides at 4113 Leafy Glade Place, Casselberry, FL 32707-5286. He is employed by the Church and was personally involved in the events that led to this lawsuit.

FACTUAL ALLEGATIONS

15. The Church constantly engaged in the care of members' children. Among other things, the Church directed the establishment of home schooling groups, arranged for and provided day care to permit members to attend services, and arranged for babysitting during multiple weekly Home/Care meetings. According to the Church's own admissions, it was responsible for more than 800 children at its Gaithersburg Church, and many hundreds of others elsewhere.

16. The Church failed to take the necessary steps to ensure the safety of children under its care, such as requiring that pastors be licensed or ordained. The Church failed to adopt any processes or policies to deal with sexual predation, and failed to train adequately those placed in direct control over children.

17. During the time frame at issue in this lawsuit (1987 to the present), the Church operated through a "Home Group" structure and required members to attend a Home Group meeting each week in various residential premises.² The Church issued and reinforced church organizational policies and practices through regular weekly teachings, books, and audio tapes conditioning members to follow "spiritual leaders." The Church directed members to unquestioningly "obey" the Church in all matters, including methods of parenting, place of residence and employment.

18. As early as 1987, the Church was on notice that sexual predation of children was occurring under its auspices. In addition to the incidents described below, the Church learned in

² Defendants initially called this structure "Home Groups," but later changed the terminology to "CareGroups." Plaintiffs use the term "Home Groups" to encompass both "Home Groups" and "CareGroups."

1997 through non-ministerial means that the son of a high-ranking Church leader was engaged in the sexual predation of children under the Church's care. Yet the Church did absolutely nothing to protect the children.

19. Between 1987 and the present, the Church repeatedly confronted occasions of sexual predation of children was occurring under the Church's auspices. The Church failed to alert law enforcement authorities, and failed to take any steps whatsoever to protect the children from sexual predation.

20. Instead, the Church taught members to fear and distrust all secular authorities, and expressly directed members not to contact law enforcement to report sexual assaults. This practice has not stopped, as is evidenced by teachings as communications as recent as August 2011. On those occasions when the Church was not successful in persuading the parents of the victim to refrain from contacting law enforcement, the Church interfered with the administration of justice by tipping off the sexual predators that they had been reported to law enforcement.

21. The Church provided sexual predators with free legal advice and counsel on how to evade accountability, and repeatedly worked with sexual predators to mislead law enforcement. The Church was willing to, and did, make false statements to law enforcement officials and in courts of law in its efforts to protect sexual predators.

22. Upon information and belief, the Church never initiated contact with the police or any other secular authority when it learned of sexual predation occurring under its auspices. Instead, the Church concealed the ongoing sexual predation in order to avoid any financial or reputational harms to the Church. The Church admitted that it placed such harms over the well-being of the vulnerable children in its care, claiming "[t]hat is our responsibility to protect the Church from harm, and that includes a lawsuit against the Church."

23. The Church forbade members from discussing sexual predation, which created additional opportunities for sexual predation to occur, as sexual predators repeat their conduct unless detected and incarcerated.

24. The Church refused to alert members to the presence of known and convicted pedophiles, instead relying on such persons to “self-report” to church members. The Church knew that pedophiles were not “self-reporting” to church members and instead were participating in church events involving children. The Church permitted and, as reasonable discovery will show, is continuing to permit, known pedophiles to interact with children without advising the parents of these interactions. For example, the Church has permitted one known pedophile to homeschool children at his house, and has permitted another to attend a children’s camping trip.

25. The Church exacerbated the harm to the innocent victims of sexual predation by forcing them (some as young as 3 years old) to meet and “forgive” their sexual predators. These sessions re-traumatized the victims and their parents.

26. In the majority of instances of sexual predation, the Church managed to silence the parents of the child victims, and effectively prevented the involvement of law enforcement. The Church retaliated against those parents who refused to participate in the Church’s efforts to assist sexual predators evade secular accountability. The Church engaged in a series of coercive and retaliatory acts designed to isolate and harm, including threatening families’ financial well-being, threatening expulsion from the church, and threatening legal action against victims and their families.

27. The Church misled its members by making a series of false statements designed to allay concerns about the ongoing sexual predation. During a meeting held on August 17,

2011, the Church claimed – falsely – that there had only been two incidents of sexual predation when the Church knew the number was far greater.

JANE DOE

28. Between August 1998 and March 1999, a church member repeatedly sexual assaulted and sexually molested Jane Doe. Jane Doe was three years old at the time of the sexual assaults and repeated sexual assaults. She was living in Woodbridge, Virginia.

29. On or about March 15, 1999, the mother of the perpetrator told the Church in a non-confessional setting that that her son had been repeatedly sexually molesting Jane Doe. She told Defendants Ecelbarger, Phillips, Hinders, Gallo, and perhaps others that her son had admitted to these crimes.

30. Upon learning of the crimes, the Church failed to report the crimes to the secular authorities. Instead, the Church engaged in a lengthy pattern of fraud and deception to try to prevent anyone from learning the full extent of the ongoing criminal activity.

31. The Church directed the parents of Jane Doe -- church officials who ran a Home Group -- to remain silent about the sexual assault and assault, and refrain from alerting other members of the church to the ongoing predation of their three-year old daughter.

32. The Church sought to persuade the parents of Jane Doe to refrain from reporting the crimes and involving social services.

33. The Church did nothing to prevent the perpetrator from babysitting at other church functions or otherwise having contact with other children.

34. The Church interfered with the administration of justice by repeatedly interviewing the perpetrator, and working with him and his mother to determine how best to prevent any prosecution and publicity regarding his criminal sexual deviance.

35. The Church misled secular authorities into believing that it was providing “accountability measures” to ensure that the perpetrator was not permitted access to his siblings or other children. In fact, the Church did not put any “accountability measures” in place, but instead permitted a known child molester to frequent the “children’s ministry” without any supervision, babysit children of members, and otherwise interact with children at church events, including a weekend retreat, without any supervision whatsoever.

36. The Church lied to the parents of Jane Doe, telling them that the Church would ensure that the parents were kept informed of all court dates. In fact, the Church, working with the perpetrator and his mother, lied and misled the parents in order to prevent them from attending court appearances and filing a victim impact statement.

37. The Church lied to the public authorities, representing that they were speaking on behalf of the parents of Jane Doe, and falsely claiming that the parents did not wish to participate in the court proceedings regarding the sexual assault and sexual molestation of Jane Doe.

38. The Church made a series of misrepresentations to their church members to ensure that they did not learn that the perpetrator had been raping Jane Doe.

39. The Church did not take any steps whatsoever to protect other children from sexual predation by a known sexual predator.

FACTS REGARDING NORMA NOE

40. On or about March 17, 1993, a church member sexually molested Norma Noe. Norma Noe was two years old at the time of the sexual assault and living in Gaithersburg, Maryland.

41. The parents of Norma Noe learned of the abuse the day after it occurred. They immediately called the police and reported the assault. After calling the police, they contacted

Defendant Loftness. He immediately advised the parents “do not call the police.” When the parents of Norma Noe advised Defendant Loftness that they had already called the police, he expressed his displeasure (stating “that is going to be a problem”), and explained that such matters were handled internally by the church leadership, not by secular authorities.

42. The Church, acting through Defendant Loftness, immediately interfered with the administration of justice by tipping off the perpetrator that the parents had reported his sexual predation to the police. Defendant Loftness also took steps to ensure that other church members in the neighborhood were not alerted to the crime.

43. Defendant Loftness continued to interfere with the impartial administration of justice. Defendant Loftness “obtained” a confession from the predator, and began to serve as an intermediary between the police and the predator in order to control and prevent the dissemination of information to other families whose children were at risk of predation.

44. The Church required the parents of Norma Noe to bring Norma Noe to a meeting to be “reconciled” with her predator. When Norma Noe (who had just turned three) was brought into the same room with her predator, she was visibly scared and crawled under the chair. The “reconciliation” meeting created additional damage to Norma Noe, already traumatized by the initial abuse, and traumatized the parents of Norma Noe.

45. Defendant Loftness involved Defendants Ricucci and Layman to assist him in disseminating false and misleading information to the police and to church members.

46. The Church did not take any steps whatsoever to learn the extent of sexual predation by the predator, such as advising the police that the predator had been charged with the care of numerous toddlers in his role as a Home Group babysitter. The parents of other children

exposed to the predator were never advised of the sexual assault, and never counseled to be alert for signs of trauma in their children.

47. The Church advised the parents of Norma Noe that they were required to remain completely silent about who had committed the assault, and thus refrain from providing other members of the Church information needed to protect their own children from the sexual predation.

48. The Church required the parents of Norma Noe to refrain from telling any other church members the name of the sexual predator who had sexual assaulted their three-year old daughter.

49. The Church knowingly permitted the sexual predator to continue to participate, unsupervised, in church activities with children despite his conviction for molesting Norma Noe.

50. The Church withheld information from the parents of Norma Noe about the assault that the Church had obtained directly from the predator.

51. The Church misled the parents in order to prevent them from attending court appearances and filing a victim impact statement.

FACTS REGARDING ROBIN ROE

52. Plaintiff Robin Roe's adoptive father ("Parental Pedophile") is a sexual deviant who sexually abused her older sister for three and one-half years. His criminal conduct was discovered by Robin Roe's mother on or about November 2, 1987. Parental Pedophile was and remains a member of the Church.

53. The Church' actions taken after discovering her adoptive father's pedophilia permanently harmed Robin Roe. Robin Roe's mother reported Parental Pedophile's sexual

abuse of her 11-year old daughter to the Church leader Dave Mays, who in turn immediately reported the abuse to Defendant Ricucci, and later reported the abuse to Defendant Loftness.

54. The Church did not report the matter to the police or any other law enforcement authorities, as they were required to do. Instead, acting through Defendant Ricucci, the Church directed Robin Roe's mother to let them "take care of everything." Robin Roe's mother wanted counseling for the victim and herself, but Defendant Ricucci told Robin Roe's mother that they did not want her to go to a counselor because counselors had a duty to report abuse. Rather than assisting the victims, the Church retained a lawyer for the sexual predator.

55. The Church worked with him and intervened repeatedly on his behalf to try to lessen the consequences for his criminality. The Church interposed themselves between law enforcement authorities and the family members, and falsely claimed that they were acting on the family's behalf. The Church even suggested to Robin Roe's mother that she send Robin Roe's sister, the victim, out of the house in order to "bring" the predator home as "head of the household."

56. The Church took steps to prevent Robin Roe from alerting others in the church community about her stepfather's sexual predation. After Robin Roe confided in one friend, another church member, about the Parental Pedophile's abuse of her sister, the Church acted to prevent Robin Roe from remaining within the church community.

57. As a result of the Church's conduct and misrepresentations, Robin Roe was not cared for by loving and responsible adults, but instead was incarcerated in a juvenile half-way house with criminal juveniles.

58. The Church obstructed the investigation and the pursuit of justice. The Church interfered with interactions with the secular authorities. The Church warned Robin Roe's mother

that her means of financial support would disappear if Parental Pedophile was convicted. The Church intervened with the State in support of the Parental Pedophile, and otherwise supported his defense efforts contrary to the wishes of the victim and her mother.

59. After Robin Roe's mother refused to acquiesce in the Church's attempt to obstruct justice, the Church dropped all pretense of support, and expelled the family from the Church. The Church also effectively expelled the children from school by denying them the reduced tuition that the family had received for over ten years. The Church told Robin Roe's mother that the family's financial destitution was self-induced because she was refusing to cooperate.

60. The secular authorities prosecuted and incarcerated Parental Pedophile. During the incarceration, the Church continuously intervened on his behalf, trying to reduce his sentence. When the Parental Pedophile was released from incarceration, the Church continuously intervened with the secular authorities in supporting his effort to obtain custody of the children.

CLASS ALLEGATIONS REGARDING DEFENDANT SGM

61. Plaintiffs seek to certify this action as a class against Defendant SGM. For purposes of the Class Allegations, the term "Church" refers only to Defendant SGM. Plaintiffs, acting in the interest of others similarly situated, allege that there is a class of male and female persons harmed by the Church's negligent and intentional misconduct in concealing, tolerating, failing to report, and thereby encouraging sexual abuse, sexual contact, sexual exploitation and sexual misconduct by church members.

62. Certification of a class is permitted here under Rule 2-231 of the Code of Maryland because the prerequisites have been met. Joinder of all members of the class is impracticable for two reasons: there are too many members, and they seek anonymity given the facts. There are questions of law and fact common to the class which predominate over any

question affecting only individual members and a class action is superior to other available methods for the fair and efficient adjudication of the controversy. Plaintiffs' claims are typical of the class claims, and plaintiffs will fairly adequately protect the interests of the class.

63. The Plaintiff Class is defined as those minor persons sexually assaulted or molested by a Church member during the time period 1987 to present, and who were harmed by the Church's acts and omissions after the Church was put on notice of the assault or molestation.

64. Discovery from SGM's files will establish the precise number of victims in the Plaintiff Class. Three examples are provided here: First, a young girl was repeatedly sexually abused by her father, a member of the SGM church located in Fairfax, Virginia. When the girl reached the age of ten, she told her mother about the ongoing and long-standing sexual abuse. The mother immediately contacted the Church.

65. The Church directed the mother to remain completely silent about the father's repeated incestuous sexual assaults, and to refrain from reporting the pedophilia to the police or other authorities.

66. The Church directed the mother to refrain advising other members of the church of her husband's sexually-deviant behavior. When the mother turned to her friends (fellow SGM members) for support, the Church reprimanded her for the sin of "gossiping."

67. The Church required the family to undergo pastoral counseling. During the counseling, the Church told the mother that she was a "sinner," and directed her to refrain from seeking any outside counseling for herself or her daughter. The Church also told the 10-year old victim that she was a "sinner" for having been victimized.

68. The Church blamed the mother for the father's pedophilia and instructed her to engage in sex with her husband more frequently to prevent him from "being tempted."

69. The Church instructed the mother to place a lock on the inside of her daughter's door, and lock it each night to keep the father from assaulting the child.

70. The Church advised the father to turn himself into authorities, but he never did so. The Church knew the abuse was ongoing and that the father was not going to turn himself into the authorities, yet they directed the mother to refrain from reporting the crimes or otherwise involving any civil authorities.

71. The Church withheld information about the abuse from other church members.

72. The Church continued to allow this pedophile to attend church events that put him in unsupervised contact with other minors.

73. The Church disseminated the false information that sexual deviants who molest their own children are unlikely to molest non-family members.

74. Second, church members discovered that one of their minor children was being sexually molested by a member of SGM. The parents reported the abuse to the Church.

75. The Church failed to place any meaningful restrictions on the sexual predator and instead permitted him to continue to have access to the child during Sunday church services.

76. The Church directed the parents to refrain from reporting the events to the police or other law enforcement authorities. The parents followed this directive.

77. Nine years later, the parents learned that their other child had been sexually molested in 2002 as a result of the Church's acts and omissions. The parents immediately contacted the police and pressed charges.

78. The Church interfered with the administration of justice by alerting and interviewing the sexual predator in advance of the police. When the police requested information from the Church, they refused to comply with the subpoenas.

79. The Church instructed the two victims' biological aunt (their mother's sister), a woman married to an SGM pastor, to refrain from speaking with her sister about the abuse of her niece and nephew.

80. The Church withheld information about the known sexual predators from other church members.

81. Third, a child was molested by a person of the same sex. The parents immediately advised the Church of this attack. The Church told the parents that the sexual predator had been caught molesting several other children on occasions in the past. The Church did not report the sexual predator to the authorities or take any other steps to protect children in their care. Instead, the Church merely required the parents and the victim to attend a session in which the sexual predator "apologized" for the attack.

82. The Church directed the parents and victim to refrain from telling anyone about the attack because the predator "repented." As a result of the attack and subsequent cover-up, the victim suffered serious mental after-effects, including but not limited to suicidal ideation.

83. In sum, the Church has conspired repeatedly to permit sexual predators to evade detection and prosecution. The Church has abused the positions of trust and subjected defenseless children to life-changing crimes.

84. The Church's repeated misconduct and/or negligence harmed and continues to harm the three Jane Does, their parents, and many others, in wholly foreseeable ways.

85. The Church's misconduct and/or negligence caused the three Jane Does severe emotional distress as well as financial distress arising from the need for treatment and inability to function to an optimum capacity.

86. The Church's misconduct and/or negligence caused harm to Plaintiffs and to the Plaintiff Class.

COUNT I – NEGLIGENCE

87. All the foregoing allegations are hereby incorporated by reference in their entirety.

88. Defendants, individually and through their actual and or apparent agents, servants and/or employees, owed Plaintiffs and the Plaintiff Class a duty to exercise reasonable care to protect Plaintiffs from sexual predators and report sexual abuse to law enforcement when it was found to have occurred under the auspices of the Church.

89. Defendants are liable for the sexual violence that happened in their ranks because they acted in reckless and grossly negligent fashion with complete disregard for the safety of children entrusted into the Church's care.

90. Defendants were on notice that sexual predation was occurring in church settings and as a result of authority bestowed by the Church, yet they lied and intervened to try to protect the predators from being incarcerated.

91. Defendants negligently breached duties owed to Plaintiffs and the Plaintiff Class by repeatedly allowing known sexual predators to engage with children at church-sponsored events or on church premises, by failing to report the abuse themselves, by directing parents not to report the abuse and by concealing the abuse from church members and authorities.

92. Defendants knew, or should have known, that making children available to sexual predators breached a duty of care owed to minors.

93. Defendants knew, or should have known, that failure to report sexual abuse and engage in its concealment, breached a duty of care owed to minors. Defendants knew, or should

have known, that state laws required the reporting of suspected sexual abuse of a minor to the authorities.

94. As a direct and proximate result of this breach of duty, Plaintiffs and the Plaintiff Class suffered and continue to suffer physical and emotional distress, shock, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; have sustained and will continue to sustain loss of earnings and earning capacity; and have incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

COUNT II – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

95. All the foregoing allegations are hereby incorporated by reference in their entirety.

96. Plaintiffs and the Plaintiff Class have suffered from extreme stress and severe emotional distress due to Defendants' extreme and outrageous actions.

97. Defendants' conduct was intentional and reckless and Defendants knew or should have known that injury and emotional distress would likely result from their conduct.

98. Defendants knew, or should have known, that failure to report sexual abuse and engage in its concealment, breached a duty of care. Defendants knew, or should have known, that state laws required the reporting of suspected sexual abuse of a minor to the authorities.

99. Defendants' acts and omissions that made Plaintiffs and the Plaintiff Class available to sexual predators, prevented parents from reporting, and interfered with police investigations were so extreme and outrageous that it violated human dignity.

100. As a direct and proximate result of this breach of duty, Plaintiffs and the Plaintiff Class suffered and continue to suffer physical and emotional distress, shock, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; have sustained and will

continue to sustain loss of earnings and earning capacity; and have incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

COUNT III - CONSPIRACY TO OBSTRUCT JUSTICE

101. All the foregoing allegations are hereby incorporated by reference in their entirety.

102. Defendants engaged in a conspiracy with each other by agreement or understanding to not report acts of abuse, to refrain from contacting civil authorities, to conceal the sexual abuse, and to interfere with police investigations.

103. Defendants owed a duty of care arising from the convening of Home Groups.

104. Plaintiffs and the Plaintiff Class were owed a duty to be safe on Defendants' property and to be free of sexual abuse.

105. Defendants knew, or should have known, that dangerous conditions existed on their property. They knew, or should have known, that sexual predators were allowed on their property and were placed in unsupervised rooms with minors.

106. Defendants' knowledge was gained in sufficient time to allow Defendants to remove the sexual predators from their property and/or to warn the Plaintiffs and the Plaintiff class. Instead, Defendants tipped off the predators, thus obstructing justice.

107. Defendants adopted policies and practices that required members to refrain from reporting crimes to secular law enforcement authorities until and instead report such crimes to Defendants.

**COUNT IV - NEGLIGENT HIRING AND SUPERVISION
AGAINST DEFENDANT SGM**

108. All the foregoing allegations are hereby incorporated by reference in their entirety.

109. Defendant SGM entered into an employment relationship with the individual Defendants. Defendant SGM had actual or constructive knowledge that the individual Defendants (acting as pastors) routinely refused to report suspected child abuse to secular authorities, encouraged parents to refrain from seeking outside help or counsel, allowed child abusers access to minors and fostered a culture of concealment of sexual deviance.

110. These employees' actions and omissions caused injury to Plaintiffs and to the Plaintiff Class, who have suffered and continue to suffer physical and emotional distress, shock, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; have sustained and will continue to sustain loss of earnings and earning capacity; and have incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

111. Defendant SGM in hiring, supervising or retaining the employees is a direct and proximate cause of injuries to Plaintiffs and Plaintiff Class.

COUNT V - MISREPRESENTATION

112. All the foregoing allegations are hereby incorporated by reference in their entirety.

113. Defendants owed a duty of care to Plaintiffs and the Plaintiff Class. Defendants misrepresented that they would provide a safe atmosphere for Plaintiffs and the Plaintiff Class. Defendants intended and had knowledge that their statements would be relied upon by parents.

Defendants knew, however, that reliance on those statements would cause injury, since Defendants allowed sexual predators access to minors.

114. Defendants misrepresented that they would act as advocates for the victims and their families. Defendants intended and had knowledge that their statements would be relied upon by parents. Defendants knew, however, that reliance on those statements would cause injury, since Defendants acted as advocates for the perpetrators, not the victims.


115. As a direct and proximate result of Defendants' misrepresentations, Plaintiffs and the Plaintiff Class were harmed and injured.

JURY DEMAND

Plaintiffs hereby request a trial by jury on all issues.



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