

**IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT SHELBY COUNTY**

JOHN DOE and JANE DOE,
Individually and on behalf of
their daughter, JANET DOE, a minor

Plaintiffs,

vs.

NO. _____
JURY DEMANDED

BELLEVUE BAPTIST CHURCH,

Defendant.

COMPLAINT

COMES NOW, the Plaintiffs, John and Jane Doe, individually and on behalf of their daughter Janet Doe, proceeding by pseudonym¹, by and through undersigned counsel, and for their causes of action against the Defendant Bellevue Baptist Church, would respectfully state as follows:

PARTIES

1. Plaintiffs, John and Jane Doe, are adult residents of Shelby County, Tennessee. They are the parents of Janet Doe, who at all relevant times was and still is a minor and who resides in Shelby County Tennessee. When the events that are the subject of this Complaint began, the Plaintiffs were members of Bellevue Baptist Church and they trusted Bellevue Baptist Church to provide their children with a safe place to learn about God, but Bellevue failed their

¹ A motion to proceed using pseudonyms for the protection of the minor plaintiff is being filed contemporaneously with this Complaint. This Complaint involves allegations of sexual abuse and sexual battery of a minor and inappropriate touching of a minor, and the use of pseudonyms is sought for the protection of the identity of minor child.

family. This case involves extended horrific acts of sexual abuse perpetrated on the Plaintiff Janet Doe by James A. Hook who upon information and belief was a paid volunteer coordinator at Bellevue Baptist Church when he initiated contact with the minor Janet Doe. Hook groomed Janet Doe and fomented his incredibly inappropriate relationship with her at Bellevue Baptist Church and some of the sexual abuse took place on the grounds of the church. These allegations of sexual abuse are not just allegations as Hook has now admitted to doing these heinous acts. Bellevue Baptist Church placed Hook in a position that would put him in contact with minors, it ignored warnings about Hook, it failed to have policies in place that would prevent him from being alone with a minor on church property, and it failed to have training for its employees and staff to identify suspicious behavior and report it in an effort to prevent abuse.

2. Defendant Bellevue Baptist Church is a Tennessee domestic non-profit corporation doing business in the State of Tennessee, with its principal address listed as 2000 Appling Road, Cordova, TN 38016. This Defendant may be served with process through its registered agent David Coombs, 2000 Appling Road, Cordova, TN 38016.

3. All events and occurrences giving rise to the Plaintiffs' causes of action arose in Shelby County, Tennessee and the Plaintiffs' filing is timely.

JURISDICTION AND VENUE

4. The Plaintiffs' cause of action arises in tort as a result of injuries and damages sustained due to the negligence of the Defendant Bellevue Baptist Church, its employees and agents.

5. Jurisdiction is proper within this Court pursuant to Tenn. Code Ann. § 16-10-101.

6. Venue is proper pursuant to Tenn. Code Ann. § 20-4-101 in that the cause of action arose in Shelby County, Tennessee.

FACTS

7. At the times relevant to this Complaint, Bellevue Baptist Church was (and is) a mega church located in Cordova, Tennessee and is part of the Southern Baptist Convention ("SBC"). Bellevue is led by Pastor Steve Gaines who also served as the head of the SBC from 2016 to 2018. With the resources available to a large church supported by thousands of members, Bellevue offers multiple church services on Sundays, one on Wednesday night and makes its services available through its own media division. Bellevue Baptist Church has many opportunities for individuals, families, and their children to become active and involved in Church activities, and the Church offers a myriad of events and programs to its congregants from opportunities for community service, athletics, bible study, mission work, camps, educational clinics, and counseling.

ABUSE IN THE SOUTHERN BAPTIST CHURCH IN GENERAL OF WHICH BELLEVUE BAPTIST IS A PART

8. Because of the opportunities to develop deep relationships with its members, the 47,000 Baptist churches that make up the Southern Baptist Convention attract many truly caring and giving individuals; however, at the same time, service in the Baptist Church attracts an extraordinary number of sex abusers, molesters and those who take advantage of their position of authority.

9. Officials and religious figures at the highest levels of the Baptist Church are well aware of the attraction of the Church to those who will do serious harm to both minors, volunteers, and adults who seek pastoral care, support, and guidance from their pastors.

10. Such persons who will do serious harm seek employment by the Baptist Church as pastors, employees, or other staff, where they will obtain authority, influence, and privacy with these adults, teens and minors and control over them. As figures cloaked with authority of the church, they wield enormous influence over individuals – adults and children alike – and anyone who seeks their guidance, pastoral care and counsel.

11. Religious figures in the Church and even lay leaders are bestowed with an air of infallibility, and are cloaked with authority which creates opportunity and a pathway for these individuals to misuse their positions of trust and take advantage of the vulnerable.

12. As a result, when these seemingly infallible holy individuals commit unspeakable, perverted sexual acts with adults or children under their influence, it has an extraordinarily traumatic effect on the victims, psychologically, emotionally and spiritually.

13. Instead of exercising due care and diligence to protect these individuals under these circumstances from the serious harm described above, the Baptist Church has given pastors, other employees and agents, complete discretion and freedom to have personal, private and spiritual encounters with these individuals. At the same time, the Baptist Church has done little or nothing to train employees and agents to look for abusers, screen abusers or protect church members and volunteers from the sexual predators who infiltrate its ranks.

14. An investigation by the Houston Chronicle and the San Antonio Express-News in 2019 uncovered widespread sexual abuse including more than 200 criminal cases and 700 victims over a 20-year period involving people who worked or volunteered at Southern Baptist churches.

15. Among the things the investigation revealed:

- a. At least 35 church pastors, employees and volunteers who exhibited predatory behavior were still able to find jobs at churches during the past two decades. In some cases, church leaders apparently failed to alert law enforcement about complaints or warn other congregations about allegations of misconduct.
- b. Several past presidents and prominent leaders of the Southern Baptist Convention are among those criticized by victims for concealing or mishandling abuse complaints within their own church or seminaries.
- c. Some registered sex offenders returned to the pulpit while others remained there.
- d. Many of the victims were adolescents who were molested, sent explicit photos or texts, exposed to pornography, photographed nude, or repeatedly raped by youth pastors. Some victims as young as 3 were molested or raped inside pastor's studies and Sunday School classrooms. A few were adults - women and men who sought pastoral guidance and instead were seduced or sexually assaulted.

Robert Downen, Lise Olsen & John Tedesco, "Abuse of Faith",

www.houstonchronicle.com/news/investigations/article/Southern-Baptist-sexual-abuse-spreads-as-leaders-13588038.php (published February 10, 2019) (hereafter referenced as “Abuse of Faith”).

16. The investigation faulted Bellevue Pastor and then SBC president Steve Gaines for immediately failing to fire a sexual offender in 2006 from Bellevue Baptist Church. Gaines admitted to waiting six months to fire a pastor who had confessed to molestation at Bellevue Baptist Church. The report said the internal investigation found “[Bellevue was] ill prepared for sexual abuse.” See “Abuse of Faith,” *supra*.

17. The investigation demonstrated that the Southern Baptist Church has gone to great lengths to protect “its own.” It has been the practice of the Southern Baptist Church through its pastors and other church officials and agents, to conceal instances of sexual abuse and complaints by victims. The Church zealously maintains the secrecy of the horrifying truth of sexual abuse in the Church, by among other things:

- Failing to disclose complaints to law enforcement officials, church members and the public;
- Rejecting efforts at reform from a corporate level on the grounds that the local churches have “autonomy;”
- Rejecting efforts by victims to make changes;
- Rejecting prevention policies similar to those implemented by the other faiths such as the Catholic Church;
- Shunning of the victims by the churches;
- Rejecting an SBC official’s requests to study sexual abuse in the church in 2007 and 2018 and vote on preventative measures;
- Urging victims of abuse to get abortions in an effort to conceal the abuse; and
- Urging victims to forgive abusers in an effort to conceal the abuse.

See “Abuse of Faith,” *supra*.

18. As one former SBC official said, “There’s a known problem, but it’s too messy to deal with.” See “Abuse of Faith,” *supra*.

19. Each of the acts set forth above are done to protect and shelter the abuser; obstruct justice; conceal criminal conduct; evade prosecution; avoid being compelled by criminal and civil courts to turn over information or allegations regarding sexual abuse; avoid public awareness and scandal about abusive pastors; and avoid financial loss.

20. Bellevue Baptist Church is part of the Southern Baptist Convention and is one of its flagship churches. Bellevue Baptist Church’s conduct in this matter is outrageous given the enormous trust and confidence placed in its religious figures and employees.

THE GROOMING AND ABUSE OF MINOR JANET DOE

21. Long before the abuse of minor Janet Doe, James A. Hook and Jane Doe, the mother of Janet Doe, had an affair in 2011 while both were married to other individuals. Hook who was a Bellevue Baptist congregant at the time suggested that both couples get counseling from Bellevue Pastor Eric Brand.

22. Upon information and belief, both couples received counseling from Bellevue Pastor Eric Brand who told each couple to stay married to their own spouses because God hates divorce.

23. Upon information and belief, as part of the counseling, Bellevue Pastor Eric Brand shared sexually explicit photos of his wife with the couples and encouraged the women to do what his wife did to keep their husbands interested in order to maintain their marriages. Jane Doe was uncomfortable receiving the photos and her husband John Doe asked the Bellevue Pastor to stop sending the sexually explicit photos. Pastor Brand explained the photos were “for ministry.” Upon information and belief, Pastor Brand sent the photos to other women at Bellevue church as part of “his ministry.”

24. Pastor Brand's actions demonstrate the environment at Bellevue Baptist Church, and the inappropriate behavior that was allowed to exist at the church. Eventually, Plaintiffs stopped counseling with Brand.

25. Although they had had interactions with Bellevue and its pastors previously, the Does officially joined Bellevue Baptist Church in 2017. They had reservations about attending the same church as James A. Hook because of Hook's prior relationship with Jane Doe but thought that they would be able to avoid interaction with Hook given the size of the church. Once at Bellevue, the Does began teaching a Sunday school class for children. John Doe expressed his concerns about Hook to Children's Pastor Ken Hindman and asked that Hindman make sure that Hook was not allowed to interact with his children. John Doe told Pastor Hindman that Hook was not the man that he was holding himself out to be and that he did not want Hook around his children. Hindman assured John Doe that Hook would not be around his children.

26. In the fall of 2018, Jane and John Doe decided they would separate and filed for divorce in October 2018. John Doe left the church but his daughter, Janet Doe, continued to attend and serve in the children's ministry.

27. At this time, James A. Hook, aware of the separation, met Jane Doe and daughter Janet Doe and gave Janet Doe his cell phone number and told her that if she ever needed to talk to contact him.

28. Janet Doe and James Hook started communicating in the fall of 2018; at first the communication seemed harmless as James Hook tried to portray himself as a father figure to Janet Doe.

29. Upon information and belief, in the fall of 2018 James A. Hook was made a paid volunteer coordinator at Bellevue Baptist Church by Pastor Ken Hindman in the children's area for Sunday services from 7 a.m. to 1 p.m. Hook was an employee and/or agent of the Defendant Bellevue Baptist Church.

30. In that position, James Hook encouraged 15-year-old Janet Doe to volunteer in the children's Sunday school program where he worked and to work on Wednesday nights as well.

31. Upon information and belief, in this program Hook supervised and had access to the volunteers on Sundays in the children's Sunday school program which included teenage girls including Janet Doe. Hook also had full access to volunteers on Wednesday nights.

32. Hook worked as a "floater" and would go where "he was needed" on Sundays. Upon information and belief, Hook would place himself with the Sunday School class where Janet Doe was volunteering. Hook would go to the playground when Janet Doe's class was on the playground, and he would sit by the door of the class room when Janet Doe's class was inside. Hook did the same thing on Wednesday nights as he groomed Janet Doe to have relationship with him.

33. Given that her parents were in the process of a divorce, Janet Doe was vulnerable. James A. Hook knew this and Hook took advantage of the situation.

34. James Hook began "grooming" Janet Doe, telling her how to wear her hair and what clothes to wear. Hook told the young teen that she looked just like her mother. He also gave her gifts as he began showering Janet Doe with attention. Seven years after his affair with mother Jane Doe, James Hook sent Janet Doe sexually explicit photos and videos of her mother

taken during the extra marital affair. He told Janet Doe he was giving those photos and video to her for her protection to use against her mother.

35. Bellevue Baptist Church allowed James Hook unsupervised and unrestricted access to the volunteers and specifically Janet Doe. Bellevue Baptist Church further allowed Hook to leave the church with Janet Doe.

36. In 2018 and 2019 James Hook, the volunteer coordinator for Bellevue Baptist Church identified and targeted Janet Doe as a potential victim. James Hook worked to gain trust and access to Janet Doe while at Bellevue Baptist Church.

37. Upon information and belief, Janet Doe began volunteering in the children's area at Bellevue Baptist Church on Wednesday nights assisting with young children in the day care area. The day care area where Janet Doe volunteered had two paid Bellevue employees and the whole area was supervised by a director.

38. James Hook took his older children to Bellevue Baptist on Wednesday nights and dropped them off in another part of the children's area. Hook would then go to the room where Janet Doe was working to stop by to say "hi." After talking with her for a short time, he would convince Janet Doe to leave with him. No adult there ever questioned this or prevented him from taking Janet Doe from the area.

39. After leaving the child care area, Hook, then 43 years old, took Janet Doe, 15, to other areas on the Bellevue campus including the Pavilion and outdoor bathrooms where he kissed her and had other physical contact with her. Hook would return Janet Doe to the child care area before the Wednesday night program was ended.

40. James Hook and Janet Doe left the child care area in front of Gwen Kaluzny, Director of Childcare. Kaluzny knew or should have known Hook was taking Doe from the child care area unaccompanied and this should have raised concerns and red flags to the director.

41. Upon information and belief, Hook who had a paid job on Sunday overseeing volunteers at Bellevue Baptist Church in the Sunday School, would sit in the security area on Wednesday night and no one questioned his presence or authority.

42. During these Sunday School sessions and then the Wednesday night sessions, Hook slowly groomed 15-year old Janet Doe and gained her confidence. Hook told Janet Doe that he would leave his wife and he would marry her. Hook gave Janet Doe a ring among other gifts and he gave her these gifts in front of Bellevue staff and volunteers without anyone ever questioning him or taking action to protect Janet Doe.

43. Eight years before, Hook had told Janet Doe's mother the same thing when he was having his affair with her. Hook told Jane Doe that he would leave his wife and he gave Jane Doe a bracelet.

44. In approximately April 2019, Janet Doe stopped volunteering at the Wednesday night program. Hook convinced Janet Doe to repeatedly sneak out of her home in the middle of the night and he began picking her up and taking her to a park where he continued to assault her. This occurred numerous times. After these encounters, Hook would drop Janet Doe off a mile away from her home where she would have to walk back early in the morning.

45. On May 5, 2019, law enforcement discovered James Hook and Janet Doe in the back of Hook's vehicle in a park on Dexter Road. Hook had been kissing Janet Doe. At other times he had been physically intimate with her. Hook was arrested and told police he was a "father figure" to the girl. He eventually pled guilty to sexual battery by an authority figure. He

was an authority figure to Janet Doe because of the authority that Bellevue Baptist Church gave him over her and because of the opportunities that authority gave him to groom her at the church. Hook also told police at the time of his arrest that he knew what he was doing was wrong but he did not care. Members of Bellevue Baptist Church came to Hook's sentencing hearing to show support and ask the judge for leniency.

NEGLIGENCE

46. Plaintiffs incorporate each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

47. Officials and church administrators at Bellevue Baptist Church knew or should have known of the attraction the church setting has to those who will do serious harm to minors.

48. Such persons who will do serious harm to minors seek employment and volunteer positions at churches like Bellevue Baptist to obtain privacy with minors and control over them. As pastors, volunteers and lay leaders, agents of Bellevue Baptist Church knew or should have known that these individuals wield enormous influence, control and power and misuse their positions of authority to take advantage of minors. Further, agents of Defendant knew or should have known that individuals like James Hook may (and in this case did) misuse their influence, control and power over minors for their own personal gain and desires.

49. When these authority figures commit unspeakable, perverted sexual acts with minors, it has long-lasting, extraordinarily traumatic effect on the victims, psychologically, physically and emotionally.

50. At the time of this occurrence, instead of exercising due care and diligence to protect minors under these circumstances from the serious harm described above, Bellevue Baptist Church gave pastors, lay leaders, employees and volunteers including James A. Hook,

complete discretion and freedom to have personal and private encounters with volunteers and minors. At the same time, Bellevue Baptist Church had done nothing to screen abusers or protect minors if a sexual predator infiltrated its ranks.

51. Defendant Bellevue Baptist Church knew or should have known that James Hook posed a threat and a risk to its members and volunteers, especially when its agents knew that Hook had an extra-marital affair with Janet Doe's mother prior to this sexual assault and Janet Doe's father had expressly asked the church to keep Hook away from his children.

52. At all times relevant to this matter, the Defendant Bellevue Baptist Church owned and/or managed and/or operated the church known as Bellevue Baptist Church through the use of employees and agents who performed services within the scope of their employment, apparent authority, agency or contract to act for the Defendant. Therefore, the Defendant was in exclusive control of its facility and employees and agents in 2018 and 2019.

53. James Hook created a situation in which he isolated Janet Doe and separated her from others while Janet Doe was vulnerable. Hook was alone with Janet Doe for extended periods of time during which Hook initiated physical, inappropriate, and/or sexual contact with Janet Doe.

54. James Hook used his position through the church to "groom" Janet Doe. Grooming occurs when an individual in a position of authority or superiority establishes and maintains a special relationship with a young person and socializes with that person either away from church, after church and/or during church but in an inappropriate setting. Often the young person is vulnerable in some way that makes the person susceptible and eager for the new attention. Janet Doe was vulnerable given that her parents were in the midst of a divorce, Janet Doe's relationship with her father was not a good one, and James Hook knew that.

55. Sexual predators are often trusted by young person's parents, the church institution, and staff. They are often well-liked individuals, volunteers, and authority figures. They are often the adults who have access to young people before and after church programs and in private situations. They work with minors who are vulnerable in some way. Defendant Bellevue Baptist Church knew or should have known how sexual predators prey on victims and failed to protect Janet Doe from Hook's heinous acts despite having numerous opportunities to protect her.

56. Hook persisted with the inappropriate, physical and sexual contact and created an inappropriate, physical and sexual relationship with Janet Doe that lasted for months while Janet Doe was attending Bellevue Baptist Church and continued that relationship after she left the Wednesday night program.

57. Hook acted to create an imbalance of power between himself and Janet Doe. Hook cultivated trust and groomed Janet Doe so that he could take advantage of Janet Doe. As one of the individuals cloaked with authority at Bellevue Baptist Church, Hook wielded power in the relationship with Janet Doe. Hook manipulated the power he had to gain the trust and confidence of Janet Doe.

58. This inappropriate relationship created by Hook was grounded in secrecy and shame making Janet Doe afraid to seek help.

59. Hook was allowed unsupervised and unrestricted access to minors and volunteers including Janet Doe.

60. Bellevue Baptist Church permitted James Hook to remove minors including Janet Doe from its physical building to other areas of its property where he sexually assaulted them. They also allowed him to leave the property with minors, including Janet Doe. .

61. Bellevue Baptist Church, its pastors, administration and employees knew or should have known that Hook was spending too much time with certain minors including Janet Doe and creating situations where Hook was alone with Janet Doe. Based upon their knowledge and his observable actions, Bellevue Baptist knew or should have known that James Hook posed a risk of harm and threat to minors.

62. Bellevue Baptist Church failed to investigate and prevent Hook from creating opportunities for Hook to be alone with Janet Doe.

63. Bellevue Baptist Church turned a “blind eye” to inappropriate conduct and sexual misconduct.

64. Bellevue Baptist Church failed to provide essential training and education to its pastors, volunteers, administrators, and staff to educate them on their duty to report suspected inappropriate relationships, sexual abuse and exploitation.

65. Bellevue Baptist Church failed to provide training and education on the prevention of sexual misconduct and abuse of members, teens, and children; failed to protect minors, and church members from sexual abuse; failed to educate staff and employees, administrators and volunteers about identifying the signs of exploitation, grooming and sexual abuse; failed to educate staff, administrators and volunteers about identifying grooming behaviors of sexual predators; failed to investigate reports of child sexual abuse; failed to remediate sexual harassment and abuse; and failed to create policies and procedures aimed at identifying perpetrators.

66. In the months following this sexual abuse, Janet Doe has suffered anxiety, fear and emotional harm.

67. When her parents learned the truth about what had occurred, they also suffered anxiety, fear and emotional harm.

68. Upon information and belief, the Defendant Bellevue Baptist Church and its administrators knew or should have known prior to and during Janet Doe's abuse that James Hook posed a threat and risk to minors including Janet Doe.

69. Hook was in a fiduciary relationship with Janet Doe. As a paid person at Bellevue overseeing volunteers, Hook used the position to place himself in a special position of trust and confidence with Janet Doe. Janet Doe looked to Hook for guidance at a vulnerable and impressionable time in her young life.

70. The Defendant Bellevue Baptist Church was in a fiduciary relationship with Janet Doe. The Defendant Bellevue Baptist Church was in a position of trust and confidence with Janet Doe. Janet Doe looked to the Defendant Bellevue Baptist Church and its representatives and agents including Hook for guidance, education, instruction and spiritual growth as a person. In addition, Defendant Bellevue Baptist Church knew or should have known that James Hook had misused his position and groomed Janet Doe for an inappropriate, physical and/or sexual relationship. The Defendant Bellevue Baptist Church had a fiduciary duty to Janet Doe and breached the duty to:

- (a) Investigate, warn and protect Janet Doe from the potential for harm from James Hook;
- (b) Disclose its awareness of facts regarding James Hook that created a likely potential for harm;
- (c) Properly screen and vet its employees, agents and volunteers such as James Hook before placing them in a position where they could misuse their position to harm others;

- (d) Properly supervise its agents, employees and volunteers to prevent harm to its volunteers such as Janet Doe;
- (e) Properly train employees, agents, staff and volunteers to watch for potential risks of harm such as those posed by the conduct of James Hook;
- (f) Implement policies for employees, agents, staff and volunteers to address potential risks of harm such as those posed by the conduct of James Hook including inappropriate conduct by adults such as having isolated contact with a minor;
- (g) Provide adequate security on the premises to prevent unauthorized use of the church facilities;
- (h) Allow for the creation and maintenance of an environment that was free from abuse and behavior that encouraged and fostered abuse;
- (i) Operate a program using minor volunteers with meaningful oversight that would prevent a minor from being alone and isolated with an unrelated adult on church property who abused her on church property;
- (j) Operate a program for volunteers with individuals in charge who did not pose risks to others;
- (k) Follow up when receiving warnings about those employees working with and who have access to youth;
- (l) Monitor the children's area and its staff and volunteers from internal risks of harm;
- (m) Disclose its own negligence with regard to hiring, supervision, assignment, and retention of employees including James Hook;
- (n) Provide a safe environment for Janet Doe where she would be free from abuse;
- (o) Protect Janet Doe from exposure to harmful individuals like James Hook; and

- (p) Implement policies for supervising pastors, volunteers, employees and agents to prevent occurrences and harm such as what occurred with Janet Doe.

71. These breaches of the above duties caused harm to Janet Doe which would not have occurred otherwise but for the actions of Bellevue Baptist Church and its agents, employees and staff.

72. The sexual abuse, physical abuse, and lewd and lascivious acts, described herein have caused Janet Doe to experience severe psychological and emotional injuries, including but not limited to anxiety, emotional disconnection in relationships, mood swings, anger, anxiety, rage and the loss of enjoyment of life.

73. In committing the acts and/or failing to act as alleged herein, Bellevue Baptist Church's conduct was malicious, reckless, and willful and wanton and disregarded the safety of the Plaintiff, thereby entitling Janet Doe to an award of exemplary and punitive damages.

74. At all material times, Bellevue Baptist Church owed a duty to Janet Doe to use reasonable care to ensure the safety, care, well-being and health of Janet Doe while she was under the care, custody or in the presence of Bellevue Baptist Church and/or its agents including James Hook and others who were supervising her. Bellevue Baptist Church's duties encompassed the hiring, retention and/or supervision of James Hook, the supervision of the minor volunteers, the supervision of others in the children's program whose duty it was to provide protection to the volunteers and otherwise providing a safe environment for Janet Doe.

75. Bellevue Baptist Church breached all of these duties by failing to protect the minor Janet Doe from inappropriate, physical and sexual assault and lewd and lascivious acts committed by James Hook, an agent and/or employee of Bellevue Baptist Church.

76. At all relevant times, Bellevue Baptist Church knew or in the exercise of

reasonable care should have known that James Hook was unfit, dangerous, and a threat to the health, safety and welfare of the minors.

77. Despite such actual or constructive knowledge, Bellevue Baptist Church provided James Hook unfettered access to Janet Doe and gave him unlimited and uncontrolled privacy, including the opportunity to have unsupervised access to Janet Doe, at Bellevue Church in unsecured areas of the church property, and away from church. As a result, Bellevue Baptist Church, its agents and employees breached its duty to protect minor Janet Doe from physical and emotional harm.

78. At all relevant times, Bellevue Baptist Church created an environment which fostered child sexual abuse and emotional abuse of minors whom it had a duty to protect, including Janet Doe.

79. At all relevant times, Bellevue Baptist Church had inadequate policies and procedures to protect minors it was entrusted to care for and protect, including Janet Doe.

80. At all relevant times, Bellevue Baptist Church had inadequate policies and procedures governing the appropriate relationships between minors and church employees and agents.

81. At all relevant times, Bellevue Baptist Church had inadequate policies and procedures for supervising employees and volunteers.

82. As a direct and proximate result of Bellevue Baptist Church's conduct and negligence, Janet Doe suffered severe and permanent psychological, emotional, spiritual, and physical injuries, including but not limited to shame, humiliation and the inability to lead a normal life. These injuries occurred as a result of Bellevue Baptist Church's conduct and would not have otherwise occurred but for the conduct of the church, its agents and employees.

83. The Defendant Bellevue Baptist Church is liable for its own negligence, as well as the negligence of its employees and agents including James Hook by virtue of the doctrines of agency, apparent agency, employer-employee relations, master servant, *respondeat superior*, joint venture, contract and /or vicarious liability.

NEGLIGENCE PER SE

84. Plaintiffs incorporate each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

85. The pastors and administrators of Bellevue Baptist Church were at all times relevant to this case mandatory reporters pursuant to Tenn. Code Ann. §§ 37-1-403 and 37-1-605.

86. As mandatory reporters, the pastors, staff and employees of Bellevue Baptist Church had a statutory duty to make an immediate report any time he or she had even a mere suspicion that the Plaintiff Janet Doe was an abused child.

87. Tennessee Code Annotated § 37-1-605 (1996) states:

(a) Any person, including, but not limited to, any:

* * *

8) Authority figure at a community facility, including any facility used for recreation or social assemblies, for educational, religious, social, health, or welfare purposes, including, but not limited to, facilities operated by schools, the boy or girl scouts, the YMCA or YWCA, the boys and girls club, or church or religious organizations;

* * *

(9) Neighbor, relative, friend or any other person who knows or has reasonable cause to suspect that a child has been sexually abused;

Shall report such knowledge or suspicion to the department in the manner prescribed in section (b).

(b)(1) each report of known or suspected child sexual abuse pursuant to this section shall be made immediately to the local office of the department responsible for the investigation of reports made pursuant to this section or to the judge having juvenile jurisdiction or to the office of the sheriff or the chief law enforcement official of the municipality where the child resides. . . .

88. Tennessee Code Annotated § 37-1-601 declares the public policy of Tennessee, and the purpose of the statutory scheme is to protect children such as Janet Doe. The statute

declares that the prevention of child sexual abuse shall be a priority of this state. According to the statute it was and is the general assembly's intent that a comprehensive approach for the detection, intervention, prevention and treatment of child sexual abuse be developed for the state.

89. Minor Janet Doe is a member of the class of persons Tenn. Code Ann. § 37-1-601 et seq. and Tenn. Code Ann. § 37-1-401 et seq. were enacted to protect, and the injuries she suffered are of the sort the statutes were enacted to prevent.

90. Employees of the Defendant Bellevue Baptist Church did not report that he or she had reason to suspect that the Plaintiff was an abused child in violation of Tenn. Code Ann. § 37-1-403 and Tenn. Code Ann. § 37-1-605.

91. Employees of the Defendant Bellevue Baptist Church violated statutory standards of conduct designed to protect children and students from harm.

92. The foregoing acts of negligence per se directly and proximately caused Plaintiff Janet Doe to suffer serious, disabling and painful injuries which are or may be permanent; to suffer physical pain, discomfort, and mental anguish, and these will continue in the future; she has suffered humiliation and embarrassment, inconvenience and this will continue into the future; she has incurred expenses for doctors and related medical and occupational care, and in the future will continue to incur expenses in an effort to be cured and healed and in the future will continue to lose time, income and earning capacity as well as other benefits from her work, employment or chosen occupation; and they have caused her to be unable to perform all of her activities of daily living and enjoyment, or to enjoy the normal activities of life, and will or may continue to cause her to be unable to perform such activities in the future.

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS OF JANET DOE

93. Plaintiffs incorporate each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

94. Acting through its agents and employees, Bellevue Baptist Church caused Janet Doe to suffer severe emotional distress. Acting through its agents and employees, Bellevue Baptist Church was negligent and its negligence directly, factually, legally and proximately caused Janet Doe to suffer severe emotional distress.

95. As a result of Bellevue Baptist Church's negligence, Janet Doe has suffered severe emotional distress for which she has sought medical treatment.

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS OF PARENTS

96. Acting through its agents and employees, Bellevue Baptist Church caused John Doe, the father of Janet Doe to suffer severe emotional distress. Acting through its agents and employees, Bellevue Baptist Church caused Jane Doe, the mother of Janet Doe to suffer severe emotional distress. Acting through its agents and employees, Bellevue Baptist Church was negligent and its negligence directly, factually, legally and proximately caused John and Jane Doe to suffer severe emotional distress.

97. As a result of Bellevue Baptist Church's negligence, John and Jane Doe have suffered severe emotional distress.

PUNITIVE DAMAGES

98. Plaintiffs incorporate each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

99. Pursuant to Tennessee law, including but not limited to Hodges v. S.C. Toof & Co., 833 S.W.2d 896 (Tenn. 1992), the intentional, fraudulent, malicious, and reckless conduct

of the defendant Bellevue Baptist Church or its employees, officers or agents in question render Bellevue liable for punitive damages. Pursuant to Tennessee law, including but not limited to Metcalfe v. Waters, 970 S.W.2d 448 (Tenn. 1998), the acts of the employees, officers or agents in attempting to conceal the culpable conduct of Bellevue Baptist Church its agents or employees renders Bellevue Baptist Church liable for punitive damages.

DAMAGES

100. As a direct and proximate result of the Defendant Bellevue Baptist Church's negligence including the negligence of its employees and staff, the Plaintiffs Janet Doe and her parents John and Jane Doe were caused to suffer serious, painful injuries which include emotional and psychological injuries that persist to this day.

101. As a direct and proximate result of the Defendant Bellevue Baptist Church's negligence, including the negligence of its employees and staff, the Plaintiff Janet Doe has incurred medical/counseling expenses and reasonably anticipates that she will incur medical/counseling expenses in the future.

102. As a direct and proximate result of the Defendant Bellevue Baptist Church's negligence, including the negligence of its employees and staff, the Plaintiff Janet Doe has suffered loss of enjoyment of life as a result of her injuries.

103. As a direct and proximate result of the Defendant Bellevue Baptist Church's negligence, including the negligence of its employees and staff, the Plaintiff Janet Doe will likely also suffer a loss of earning capacity over the course of her lifetime.

104. As a direct and proximate result of the Defendant Bellevue Baptist Church's negligence, including the negligence of its employees and staff, the Plaintiff Janet Doe has

incurred medical expenses as well as travel expenses for the cost of transportation to the medical providers for the purpose of obtaining medical treatment.

105. In addition, as a direct and proximate result of Defendant Bellevue Baptist Church's negligence, including the negligence of its employees and staff, Plaintiff Janet Doe has undergone pain and suffering and reasonably anticipates that she will undergo pain and suffering in the future which will require medical treatment and or counseling.

106. In addition, as a direct and proximate result of Defendant Bellevue Baptist Church's negligence, including the negligence of its employees and staff, Plaintiff Janet Doe has suffered emotional pain and suffering do to her injuries and will likely do so in the future.

107. In addition, as a direct and proximate result of Defendant Bellevue Baptist Church's negligence, including the negligence of its employees and staff, Plaintiff Janet Doe has suffered Prejudgment and/or post judgment interest to the extent permitted by law.

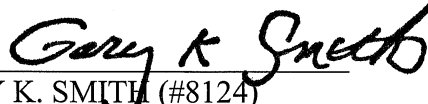
PRAYER FOR RELIEF

108. WHEREFORE, PREMISES CONSIDERED, Plaintiffs John and Jane and Janet Doe sue the Defendant Bellevue Baptist Church for the injuries described and pray for judgment and an award of compensatory damages and punitive damages against the Defendant in such amount as may appear fair and reasonable to a jury, and for all such other relief, both general and specific, to which she may be entitled under the premises.

A JURY TRIAL IS RESPECTFULLY DEMANDED.

Respectfully submitted,

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