

FILED
SUPERIOR COURT, METROPOLITAN DIVISION
COUNTY OF KERN
MAY 19 2012
TERRY McNEIL, CLERK
BY _____ DEPUTY

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15 Attorneys for Plaintiff, JESSICA PRATER
16 BOWMAN

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18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF KERN

20 JESSICA PRATER BOWMAN, an individual

21 Plaintiff,

22 v.

23 INTERNATIONAL CHURCH OF THE
24 FOUR SQUARE GOSPEL, BAKERSFIELD
DAY SPRING FOUR SQUARE CHURCH;
25 DAMON YOUNG, and DOES 4-20,
26 Inclusive,

27 Defendants.
28

Case No. S-1500-CV-276114-SPC

FIRST AMENDED COMPLAINT FOR:

- 1. SEXUAL BATTERY
- 2. NEGLIGENCE

DEMAND FOR JURY TRIAL

Action Filed: March 13, 2012
Trial Date: None

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1 Based upon information and belief available to Plaintiff at the time of the filing of this
2 Complaint, Plaintiff makes the following allegations:

3 1. Plaintiff was sexually molested when she was between 4 to 8 years old by a youth
4 minister at her church in Bakersfield. The youth minister, Defendant DAMON YOUNG
5 sexually molested Plaintiff from approximately 1987 to 1990. Defendant DAMON YOUNG
6 sexually molested Plaintiff by taking her from the Day Care room at the BAKERSFIELD DAY
7 SPRING FOUR SQUARE CHURCH and leading her alone to various locations on church
8 grounds where he engaged in various sexual acts with the 4 to 8 year old girl. DAMON
9 YOUNG has admitted to sexually abusing Plaintiff.

10 2. Prior to his sexual abuse of Plaintiff, Defendant INTERNATIONAL CHURCH
11 OF THE FOUR SQUARE GOSPEL and Defendant BAKERSFIELD DAY SPRING FOUR
12 SQUARE CHURCH received complaints that DAMON YOUNG was engaging in sexualized
13 conduct with very young girls including, but not limited to, rubbing his pelvis and genitals
14 against little girls back's, butt's and heads. Despite these complaints and observation of this
15 conduct, Defendant INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL and
16 Defendant BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH engaged DAMON
17 YOUNG to work with very young girls, including Plaintiff, as their youth minister.

18 3. Starting in 1990 until approximately 1996, DAMON YOUNG worked as a Youth
19 Minister at LifeSpring Four Square Church in Oroville, California, a church affiliated with
20 Defendant INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL. Starting in
21 approximately 1996, Defendant DAMON YOUNG again worked at Defendant BAKERSFIELD
22 DAY SPRING FOUR SQUARE CHURCH.

23 4. Because of his presence at Defendant BAKERSFIELD DAY SPRING FOUR
24 SQUARE CHURCH, and because Plaintiff attended sex education course in school, Plaintiff at
25 the age of 14 years, told her family of the abuse Defendant DAMONG YOUNG committed upon
26 her when she was a young child. Plaintiff's parents immediately informed the lead Pastor of
27 Defendant BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH of the abuse Defendant
28 DAMON YOUNG had committed upon Plaintiff. Plaintiff and her family informed various

1 other pastors and agents of Defendant INTERNATIONAL CHURCH OF THE FOUR SQUARE
2 GOSPEL and Defendant BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH of the
3 abuse. As a result of Plaintiff's complaint, Defendant DAMON YOUNG admitted to various
4 officials with Defendant INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL
5 and Defendant BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH that he had sexually
6 abused Plaintiff, as well as numerous other girls.

7 5. Instead of reporting the molestation by Defendant DAMON YOUNG to law
8 enforcement, as was required by *California Penal Code Section 11164 et. seq.*, the Pastor of
9 Defendant BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH and other Pastors of
10 Defendant INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL encouraged
11 Plaintiff and her family not to report the abuse to law enforcement and to instead go to
12 counseling with individuals provided by Defendant INTERNATIONAL CHURCH OF THE
13 FOUR SQUARE GOSPEL and Defendant BAKERSFIELD DAY SPRING FOUR SQUARE
14 CHURCH.

15 6. Within only a few years after Defendant DAMON YOUNG admitted to molesting
16 young girls, he was employed as a Youth Minister, this time at New Life Four Square church in
17 Bakersfield operated by Defendant INTERNATIONAL CHURCH OF THE FOUR SQUARE
18 GOSPEL. Upon learning in 2000, that DAMON YOUNG was employed at New Life Church,
19 Plaintiff's father informed the Pastor of New Life Church of DAMON YOUNG'S's molestation
20 of Plaintiff. No report was made by that Pastor to law enforcement as is required by *California*
21 *Penal Code Section 11164 et. seq.* Neither did Defendant INTERNATIONAL CHURCH OF
22 THE FOUR SQUARE GOSPEL take any action to restrict DAMON YOUNG'S's ability to
23 engage in youth ministry at any other church operated by the INTERNATIONAL CHURCH OF
24 THE FOUR SQUARE GOSPEL.

25 7. In 2010, Plaintiff reported DAMON YOUNG'S's abuse to law enforcement
26 authorities. Despite DAMON YOUNG'S admission to molesting Plaintiff and other minor girls,
27 DAMON YOUNG received no jail time and was not even required to register as a sex offender.

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1 **TOLLING UNDER INSURANCE CODE SECTION 11583**

2 8. In November of 2007, Plaintiff began attending therapy sessions with a counselor
3 regarding the abuse she suffered by DAMON YOUNG. The therapy was paid for by Defendant
4 INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL and BAKERSFIELD DAY
5 SPRING FOUR SQUARE CHURCH. Defendant INTERNATIONAL CHURCH OF THE
6 FOUR SQUARE GOSPEL and Defendant BAKERSFIELD DAY SPRING FOUR SQUARE
7 CHURCH paid for the therapy after Plaintiff's father contacted Defendant INTERNATIONAL
8 CHURCH OF THE FOUR SQUARE GOSPEL in September of 2007, and sought Defendant
9 INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL to pay for Plaintiff's
10 counseling in light of Defendant's negligent supervision of DAMON YOUNG. Defendant
11 INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL in making payment directly
12 to Plaintiff, expressly recognized in a letter that payment for the therapy expenses was in
13 recognition of Plaintiff's injuries from DAMON YOUNG'S molestation of Plaintiff. At no
14 time has any Defendant provided written notice to Plaintiff or her parents of any period of
15 limitation for any cause of action Plaintiff might have. Plaintiff hired her lawyer in October of
16 2011. Plaintiff was born in August of 1982.

17 **DELAYED DISCOVERY OF HARM**

18 9. In 2010, Defendant DAMON YOUNG was interviewed by Law Enforcement
19 authorities because of Plaintiff's complaint of abuse. DAMON YOUNG admitted in his
20 interview to sexually abusing Plaintiff in ways that Plaintiff did not previously remember,
21 including DAMON YOUNG committing oral sex upon Plaintiff. Learning of DAMON
22 YOUNG'S admission caused Plaintiff to relive more details of the abuse and to suffer new
23 emotional trauma associated with the new memories

24 10. Plaintiff JESSICA PRATER BOWMAN was a minor at the time of the sexual
25 abuse by her youth minister DAMON YOUNG. Plaintiff is a resident of Kern County,
26 California.

27 11. Defendant INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL is
28 a California corporation, organized and existing under the state laws of California whose

1 principal place of business and headquarters is located at 1910 W. Sunset Blvd., Los Angeles,
2 California, 90026. At all times herein, INTERNATIONAL CHURCH OF THE FOUR
3 SQUARE GOSPEL operated, controlled and managed churches across the country, including in
4 Bakersfield, California. At all times herein, INTERNATIONAL CHURCH OF THE FOUR
5 SQUARE GOSPEL provided supervision, information, direction, and exercised control over
6 individual member churches operating under its direction and supervision, including
7 BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH and each of the other churches
8 DAMON YOUNG is alleged in this complaint to have worked for.

9 12. BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH is the church at
10 which Plaintiff and her family attended when Defendant DAMON YOUNG, a Youth Minister of
11 BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH sexually molested her.
12 BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH at the time of the molestation and
13 at all times DAMON YOUNG was employed there was affiliated, operated by and supervised by
14 INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL.

15 13. DAMON YOUNG is the individual that sexually molested Plaintiff. DAMON
16 YOUNG is a resident of Kern County, California.

17 14. Defendant Does 4 through 20, inclusive, are individuals and/or business or
18 corporate private or public entities incorporated in and/or doing business in California whose
19 true names and capacities are unknown to Plaintiff who therefore sues such defendants by such
20 fictitious names, and who will amend the Complaint to show the true names and capacities of
21 each such Doe defendants when ascertained. Each such Defendant is legally responsible in some
22 manner for the events, happenings and/or tortious and unlawful conduct that caused the injuries
23 and damages alleged in this Complaint.

24 15. INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL,
25 BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH, DAMON YOUNG and Does 4
26 through 20, are hereinafter referred to as the "Defendants."

27 16. Each Defendant is the agent, servant and/or employee of other Defendants, and
28 each Defendant was acting within the course and scope of his, her or its authority as an agent,

1 servant and/or employee of the other Defendants. Defendants, and each of them, are individuals,
2 corporations, partnerships and other entities which engaged in, joined in and conspired with the
3 other wrongdoers in carrying out the tortious and unlawful activities described in this Complaint,
4 and Defendants, each of them, ratified the acts of the other Defendants as described in this
5 Complaint.

6 **FIRST CAUSE OF ACTION**

7 **NEGLIGENCE**

8 **(Plaintiff Against All Defendants)**

9 17. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

10 18. Defendants had a duty to protect the minor Plaintiff when he was entrusted to
11 their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody were
12 temporarily entrusted to Defendants, and Defendants accepted the entrusted care of Plaintiff. As
13 such, Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty of
14 ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to
15 protect them from harm. Defendants and their agents further had a duty to make mandatory
16 reports pursuant to California Penal Code Section 11164 et. seq.

17 19. The Perpetrator, DAMON YOUNG, was able, by virtue of his unique authority
18 and position as a Youth Minister, to identify vulnerable victims and their families upon which
19 the Perpetrator could perform such sexual abuse; to manipulate his authority to procure
20 compliance with his sexual demands from his victims; to induce the victim to continue to allow
21 the abuse; and to coerce him not to report it to any other persons or authorities. As a Youth
22 Minister, the Perpetrator had unique access to the physical facilities of the BAKERSFIELD
23 DAY SPRING FOUR SQUARE CHURCH, including the Day Care room and used said
24 facilities to provide resources which allowed him to commit sexual abuse upon children.

25 20. Defendants, by and through their agents, servants and employees, knew or
26 reasonably should have known of the Perpetrator's dangerous and exploitive propensities and/or
27 that the Perpetrator was an unfit agent. It was foreseeable that if Defendants did not adequately
28 exercise or provide the duty of care owed to children in their care, including but not limited to

1 the Plaintiff, the children entrusted to Defendants' care would be vulnerable to sexual abuse by
2 the Perpetrator.

3 21. Defendants breached their duty of care to the minor Plaintiff by allowing the
4 Perpetrator to come into contact with the minor Plaintiff without supervision; by failing to
5 adequately supervise, or negligently retaining the Perpetrator who they permitted and enabled to
6 have access to Plaintiff; by failing to investigate or otherwise confirm or deny such facts about
7 the Perpetrator; by failing to tell or concealing from Plaintiff, Plaintiff's parents, guardians, or
8 law enforcement officials that the Perpetrator was or may have been sexually abusing minors; by
9 failing to tell or concealing from Plaintiff's parents, guardians, or law enforcement officials that
10 Plaintiff was or may have been sexually abused after Defendants knew or had reason to know
11 that the Perpetrator may have sexually abused Plaintiff, thereby enabling Plaintiff to continue to
12 be endangered and sexually abused, and/or creating the circumstance where Plaintiff was less
13 likely to receive medical/mental health care and treatment, thus exacerbating the harm done to
14 Plaintiff; and/or by holding out the Perpetrator to the Plaintiff and his parents or guardians as
15 being in good standing and trustworthy. Defendants cloaked within the facade of normalcy
16 Defendants' and/or the Perpetrator's contact and/or actions with the Plaintiff and/or with other
17 minors who were victims of the Perpetrator, and/or disguised the nature of the sexual abuse and
18 contact.

19 22. As a direct result of the wrongful conduct alleged herein, Plaintiff has suffered,
20 and continues to suffer great pain of mind and body, shock, emotional distress, physical
21 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
22 and loss of enjoyment of life; was prevented and will continue to be prevented from performing
23 Plaintiff's daily activities and obtaining the full enjoyment of life; and/or has incurred and will
24 continue to incur expenses for medical and psychological treatment, therapy, and counseling.

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1 SECOND CAUSE OF ACTION

2 SEXUAL BATTERY

3 (Plaintiff Against All Defendants)

4 23. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

5 24. The Perpetrator, at all times relevant, was an employee, agent or representative of
6 the INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL, BAKERSFIELD DAY
7 SPRING FOUR SQUARE CHURCH and Does 4 through 20. Defendant Perpetrator did
8 engaged in unlawful sexual conduct with plaintiff while plaintiff was a minor. Defendants
9 INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL and BAKERSFIELD DAY
10 SPRING FOUR SQUARE CHURCH did commit sexual battery upon Plaintiff by virtue of their
11 vicarious liability for the sexual abuse and battery committed by their agent DAMON YOUNG.
12 INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL AND BAKERSFIELD
13 DAY SPRING FOUR SQUARE CHURCH are vicariously liable for the abuse committed by the
14 Perpetrator through the theories of *Respondeat Superior*, ratification and authorization. The
15 Perpetrator's sexual misconduct with Plaintiff was within the Course and scope of his duties as a
16 Youth Minister with the INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL
17 and BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH. Defendants have
18 acknowledged through their conduct that the Perpetrator's conduct was within the course and
19 scope of his duties as an employee of defendants.

20 25. Defendants INTERNATIONAL CHURCH OF THE FOUR SQUARE GOSPEL
21 and BAKERSFIELD DAY SPRING FOUR SQUARE CHURCH did ratify and authorize the
22 Perpetrator's sexual abuse of Plaintiff. Defendants did this by failing to discharge, dismiss,
23 suspend, DAMON YOUNG or investigate the complaint(s) made that the Perpetrator did
24 sexually abuse Plaintiff and other children. By failing to discharge, dismiss, suspend or
25 investigate the complaints made that the Perpetrator sexually abused the Plaintiff and other
26 children, after having knowledge or reason to know of such sexual abuse of Plaintiff and other
27 children, Defendants did ratify the Perpetrators conduct. Defendants' ratification of
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1 Perpetrators' abuse of plaintiff has caused and will cause Plaintiff severe emotional distress, pain
2 and suffering and economic damages.

3 **WHEREFORE**, Plaintiff prays for compensatory damages; punitive damages as to
4 DAMON YOUNG only; injunctive relief; costs; interest; attorneys' fees; statutory/civil
5 penalties according to law; and such other relief as the court deems appropriate and just.

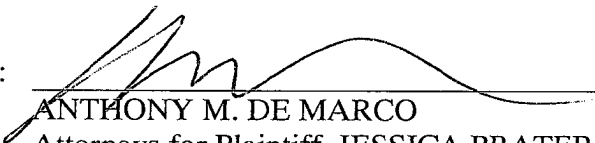
6 **JURY DEMAND**

7 Plaintiff demands a jury trial on all issues so triable.

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10 DATED: May 16, 2012

LAW OFFICE OF ANTHONY M. DE MARCO

11
12 By:



13 ANTHONY M. DE MARCO
14 Attorneys for Plaintiff, JESSICA PRATER
15 BOWMAN
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