

SUM-100

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

ROE ORGANIZATION NO. 1, a New York corporation; ROE ORGANIZATION NO. 2, a California Corporation; JOHN DOE 1, an individual; and ROES 3-50; DOES 2-50,

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): MELANIE D. POPPER

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro.

The name and address of the court is: (El nombre y dirección de la corte es): Victorville District, San Bernardino County Superior Court, 14455 Civic Drive, Victorville, CA 92392

CASE NUMBER: (Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Mary J. Shea, Esq., Shea Law Offices, 895 Dove St., 3rd Floor, Newport Beach, CA, 949-933-0260 Melanie D. Popper, Esq., The Revelation Law Firm, 2034 Blake St., Suite 8, Berkeley, CA, 510-665-4195

DATE: (Fecha) Clerk, by (Secretario) Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

- 1. [X] as an individual defendant.
2. [] as the person sued under the fictitious name of (specify):
3. [X] on behalf of (specify):
under: [X] CCP 416.10 (corporation) [] CCP 416.60 (minor)
[] CCP 416.20 (defunct corporation) [] CCP 416.70 (conservatee)
[] CCP 416.40 (association or partnership) [] CCP 416.90 (authorized person)
[] other (specify):
4. [] by personal delivery on (date):

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Form Adopted for Mandatory Use Judicial Council of California SUM-100 (Rev. January 1, 2004)

SUMMONS

Code of Civil Procedure 55 412.20, 486

American LegalNet, Inc. www.USCourtForms.com

CM-010

Form with sections: ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address); SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino; CASE NAME: POPPER V. ROE, ET AL.; CIVIL CASE COVER SHEET; Complex Case Designation; CASE NUMBER; JUDGE; DEPT.

1. Check one box below for the case type that best describes this case. Auto Tort, Contract, Provisionally Complex Civil Litigation, Other P/DP/W/D (Personal Injury/Property Damage/Wrongful Death) Tort, Real Property, Unlawful Detainer, Non-P/DP/W/D (Other) Tort, Judicial Review, Employment, Enforcement of Judgment, Miscellaneous Civil Complaint, Miscellaneous Civil Petition.

2. This case [] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: a. [] Large number of separately represented parties d. [] Large number of witnesses b. [] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. [] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court c. [] Substantial amount of documentary evidence f. [] Substantial postjudgment judicial supervision 3. Type of remedies sought (check all that apply): a. [X] monetary b. [] nonmonetary, declaratory or injunctive relief c. [X] punitive 4. Number of causes of action (specify): 5. This case [] is [X] is not a class action suit. 6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 23, 2007 MELANIE D. POPPER (TYPE OR PRINT NAME) [Signature] (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE • Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions. • File this cover sheet in addition to any cover sheet required by local court rule. • If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding. • Unless this is a complex case, this cover sheet will be used for statistical purposes only.

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Form Adopted for Mandatory Use Judicial Council of California CM-010 (Rev. January 1, 2007)

CIVIL CASE COVER SHEET

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Cal. Rules of Court, rules 3.220, 3.400-3.403; Standards of Judicial Administration, § 19 www.courtinfo.ca.gov

1 COMES NOW Plaintiff MELANIE D. POPPER in the above entitled cause, and files
2 this, her Original Complaint, and allege as follows:

3
4 **I.**

5 **PARTIES**

6 1. Plaintiff MELANIE D. POPPER is and at all mentioned herein, was a resident
7 of the state of California. At all material times, Plaintiff was also a child entrusted to
8 the Defendants' care within the State of California. As a minor child between the
9 ages of eight (8) and seventeen (17), Plaintiff was sexually abused by a ministerial
10 servant, JOHN DOE, who was appointed by the Defendants' ROE organizations
11 within the State of California.

12 2. Defendant designated herein as ROE ORGANIZATION 1 is a corporation
13 located at 25 Columbia Heights, Brooklyn, New York, 11201 organized and existing
14 under the laws of the State of New York, and has conducted business within the State
15 of California through its agents and alter egos.

16 3. ROE ORGANIZATION 1 ("ROE 1") is, based upon best information and
17 belief, a corporate entity that has engaged in conduct, or a lack thereof, thereby
18 allowing children affiliated with its entity to be victims of sexual abuse. The identity
19 of ROE ORGANIZATION 1 is known by Plaintiff and her attorneys, and an order
20 will be sought in compliance with Code of Civil Procedure § 340.1(m-p) to plead the
21 true identity of ROE ORGANIZATION 1.

22 4. Defendant designated herein as ROE ORGANIZATION 2 ("ROE 2") is a
23 corporation located at 16077 Sago Rd., #6, Apple Valley, CA 92307 and 15743
24 Cheyenne Rd., Apple Valley, CA 92307 organized and existing under the laws of the
25 State of California, and has conducted business within the State of California through
26 its agents and alter egos.

27 5. ROE ORGANIZATION 2 is, based upon best information and belief, a
28 corporate

1 religious entity that has engaged in conduct, or a lack thereof, thereby allowing
2 children affiliated with its entity to be victims of sexual abuse. The identity of ROE
3 ORGANIZATION 2 is known by Plaintiff and her attorneys, and an order will be
4 sought in compliance with Code of Civil Procedure § 340.1(m-p) to plead the true
5 identity of ROE ORGANIZATION.

6 6. JOHN DOE 1 (hereinafter "JOHN DOE 1," "DOE 1" or "DOE No. 1") is a
7 sixty (60) year old male who was, at all relevant times, a ministerial servant, a
8 baptized ordained minister and publisher and an agent of the Defendants ROE
9 ORGANIZATION 1 and ROE ORGANIZATION 2. JOHN DOE 1 committed all of
10 the acts complained of in the state of California, and he currently resides, upon
11 information and belief, in part at an address on Via Basilica Ave., in Delano, CA
12 93215-3858 and, upon information and belief, in part at an address on Sauk Ct., in
13 Apple Valley, CA 92308-8138, and upon information and belief, in part a residence in
14 Belize, Central America.

15 7. The true names and capacities, whether individual, corporate, associate, or
16 otherwise, of defendants ROES 3-50 and DOES 2-50, inclusive, are known and
17 unknown to Plaintiff who therefore sue such defendants by such fictitious names in
18 compliance with Code of Civil Procedure § 340.1(m-p), and will amend the
19 complaint to show the true names and capacities of each known ROE and DOE
20 defendant pursuant to Court Order. Plaintiff alleges on information and belief that
21 each defendant designated as a ROE ORGANIZATION and JOHN or JANE DOE is
22 legally responsible in some manner for the events, happenings, and/or tortuous, and
23 unlawful conduct that caused the injuries and damages alleged in this complaint.

24 8. The Defendant entities are collectively referred to herein as "ROE
25 DEFENDANTS" and each is the agent and alter ego of each other and operates as a
26 single business enterprise. Each of the ROE DEFENDANTS was acting within the
27 scope and course of his or its authority as an agent, servant, and/or alter ego of the
28 other and each of them engaged in, joined in and conspired with the other

1 wrongdoers in carrying out the unlawful activities alleged in this complaint.

2 **II.**

3 **JURISDICTION AND VENUE**

4 8a. Each Plaintiff has been damaged in an amount exceeding the minimum
5 jurisdictional requirements of this Court.

6 8b. Venue is proper in San Bernardino county, the city of Victorville, California
7 because most of the acts or omissions that give rise to Plaintiff' claims occurred in
8 San Bernardino County, and in the town of Apple Valley.

9 ***•Details Of Personal Jurisdiction Over Defendants •***

10 8c. This Court has personal jurisdiction over ROE ORGANIZATION 1
11 (hereinafter ROE 1), because, as indicated in the Napa County Superior Court's
12 Ruling in Case No. 26-22191 on October 5, 2005, ROE 1 engages in the following
13 activities in the state of California:

14 Kingdom Hall Fund: Through this fund, ROE 1 provides loans to
15 congregations in California for the construction and remodeling of Kingdom Halls.
16 The loans are secured by promissory notes or mortgages on California property.

17 Kingdom Hall Assistance Arrangement (KHAA): This is an insurance and risk
18 management program administered by ROE 1. KHAA collects funds from California
19 congregations and purchases insurance policies for California congregations to
20 protect such congregations.

21 Acquisition and Sale of Real Property: ROE 1 solicits donations and receives
22 donations from congregations in California. With those donations, ROE 1 has
23 purchased property in its name, received gifts of real property, and sold property
24 using the name of ROE 1.

25 9. This Court has personal jurisdiction over ROE ORGANIZATION 2
26 (hereinafter ROE 2 because ROE 2 is physically located in the state of California on
27 Sago Road in Apple Valley and on Cheyenne Road in Apple Valley, California.
28 [*Vons Companies, Inc., v. Seabest Foods, Inc.* (1996) 14 Cal.4th 434, 445, holding

1 that physical presence or presence which is substantial, continuous, and systematic is
2 sufficient to establish personal jurisdiction].

3 10. This Court has personal jurisdiction over JOHN DOE 1 because a) he
4 committed the acts complained of herein in the state of California, b) he is also an
5 agent for service of process on an (now dissolved California Corporation called
6 "Easy Days Adult Daycare, Inc." , No. C2501667), and c) a "dba" business affiliation
7 called "Aarlees Cleaning Services," located in Apple Valley, California, and is
8 therefore maintaining a continuous and systematic presence in California.

9 III.

10 FACTS COMMON TO ALL CAUSES OF ACTION

11 •Basic Organizational Structure Of The ROE Defendants•

12 11. Defendant ROE ORGANIZATION 1 ("ROE 1") is the parent organization of
13 all entities of one of the largest religious organizations of door-to-door evangelical
14 cults in the world. Plaintiff POPPER was a member of ROE 1 and ROE 2 at all
15 relevant times.

16 12. Upon information and belief, ROE 1 has a hierarchical structure in which the
17 GOVERNING BODY, which is a small group of men who operate out of various
18 entities within the hierarchical structure, sits at the top of a chain of command that
19 extends over each individual and Defendant entity in the organization including its
20 worldwide operations. These individuals and entities act as agents, servants and alter
21 egos of each other. Authority for actions by the organization or its members derive
22 from the GOVERNING BODY.

23 13. All of the ROE Defendants are the agents and servants of each other and are
24 liable for each other's acts. The ROE DEFENDANTS are so organized and
25 controlled and their affairs are so conducted that they are alter egos of each other and
26 operate as a single business enterprise.

27 14. Through its hierarchical structure, the ROE DEFENDANTS assume
28 responsibility for the development, protection and discipline of its membership,

1 especially the children of members. All male members, whether Elders, Ministerial
2 Servants, Pioneers and/or Publishers, are appointed and empowered by the
3 GOVERNING BODY of ROE 1 to carry out this responsibility.

4 **•The Role Of The Ministerial Servant Within The ROE Organization: Male Agents**
5 **Who Set An Example, Are Held Out As Trustworthy, And Who Must Report**
6 **Wrongdoing •**

7 15. To further their goals, the ROE DEFENDANTS, including ROE 1 and ROE 2,
8 authorize male members to develop relationships of trust with women, children and
9 families and to assume a role of counselor and advocate for any problems that might
10 arise, including claims of child abuse.

11 16. *It is the responsibility of the ministerial servants and Elders and those higher*
12 *up in the chain of command, including the GOVERNING BODY, to decide if*
13 *abuse has occurred and how it should be handled.*

14 16a. A ministerial servant is held out by ROE 1 and ROE 2 to be a person of good
15 character and responsibility, and one whom children, including Plaintiff POPPER
16 while she was a child, can trust.

17 17. Parents within the organizations ROE 1 and ROE 2 are encouraged to view
18 ministerial servants as role models for their children, and specifically advised
19 members of ROE 1 and ROE 2, during the time period of the unlawful conduct
20 complained of herein (between 1985 and 1995), *not to trust other authority figures*
21 *such as school teachers, law enforcement authorities, psychiatrists, doctors, lawyers,*
22 *and so forth.* These instructions were entirely unrelated to religious beliefs and/or
23 teachings of ROE 1 and ROE 2.

24 **•The Appointment And Duties of Ministerial Servants•**

25 18. Upon information and belief, ministerial servants are appointed by the local
26 Branch Office of ROE 2 who are assigned by the Governing Body of ROE 1 to act on
27 their behalf in this matter, usually on the recommendation of the local body of elders,
28 during a visit of a Circuit Overseer.

1 19. *Only men* may be appointed as elders and ministerial servants, although
2 women may perform most of the activities of Ministerial Servants above, if they do
3 not involve teaching the congregation.

4 20. In Lesson 14 of a 1996 publication by ROE 1, entitled, "How are [The ROE
5 ORGANIZATIONS] organized?", ROE 1 quoted a passage that states in part:

6 "Ministerial servants should likewise be serious, not double-tongued, not
7 giving themselves to a lot of wine, not greedy of dishonest gain, 9 holding the
8 sacred secret of the faith with a clean conscience. 10 Also, let these be tested as
9 to fitness first, then let them serve as ministers, as they are free from
10 accusation. 11 Women should likewise be serious, not slanderous, moderate in
11 habits, faithful in all things. 12 *Let ministerial servants be husbands of one
13 wife, presiding in a fine manner over children and their own households.* 13
14 For the men who minister in a fine manner are acquiring for themselves a fine
15 standing and great freeness of speech in the faith in connection with Christ
16 Jesus."

17 (Italics and emphasis added).

18 20a. *The duties of ministerial servants in general does not stop when they leave the*
19 *Kingdom Hall (church), but continues when they go home to set an example as "head*
20 *of the household" for families, being the first and only individual outside of ROE 1*
21 *and ROE 2 who can be trusted, since ROES 1 and 2 encourage its members not to*
22 *trust any persons entities outside of its organization.*

23 20b. Ministerial servants can only be male, and they have authority over baptized
24 publishers, unbaptized publishers, women, and children.

25 20c. Ministerial servants have been held to liable for breach of "fiduciary duty"
26 when they engaged in sexual abuse in other states, including Massachusetts in a
27 February 23, 2005 superior court ruling by Judge Herman Smith, Jr., in Suffolk
28 County.

29 20d. Upon information and belief, ministerial servants have the responsibility of
30 making "shepherding calls" with
31 elders in the organization in order to counsel and advise members of the ROES 1 and
32 2 organizations.

33 20e. Upon information and belief, ministerial servants have a duty to report sexual

1 abuse, even when they are the persons responsible for perpetrating the sexual abuse
2 within the ROES 1 and 2 organizations.

3 20f. Ministerial servants are agents of ROES 1 and 2 organizations whose
4 knowledge can be imputed to ROES 1 and 2 organizations.

5 **•Details Of The Unlawful Acts Of Rape, Incest, And Child Molestation By**
6 **Ministerial Servant JOHN DOE 1•**

7 21. Defendant JOHN DOE 1 became an ordained minister of ROE 1 in or about
8 January 1, 1972.

9 21a. Defendant JOHN DOE 1 was appointed as a ministerial servant of ROES 1 and
10 2 in or about January 1, 1988.

11 21b. Plaintiff POPPER was a member of ROES 1 and 2 organizations between the
12 time of the unlawful conduct, 1985-1995 (except that Plaintiff joined ROE 2 in or
13 about January 1, 1987).

14 22. JOHN DOE 1 is the biological father of Plaintiff Melanie D. Popper.

15 23. In 1985, when Plaintiff was about eight (8) years old, JOHN DOE 1 was a
16 baptized publisher and minister of ROE 1 and he continues to be a baptized and
17 ordained minister of such organizations.

18 24. On several different occasions between 1985 and 1989, when Plaintiff was
19 between about eight (8) years old and eleven (11) years old, Defendant JOHN DOE 1
20 engaged in the following gruesome acts of sexual abuse:

- 21 • Rape and oral sex on Plaintiff Melanie D. Popper committed by
- 22 Defendant JOHN DOE 1 by force or fear.
- 23 • Engaging in masturbation in the presence of a Plaintiff.
- 24 • Touching and caressing Plaintiff's breast area.
- 25 • Touching and caressing Plaintiff's crotch area.
- 26 • Penetrating Plaintiff's vagina digitally and with Defendant JOHN DOE
- 27 1's penis.
- 28 • When Plaintiff Popper questioned Defendant JOHN DOE 1 about his

1 behavior in or about 1986, Defendant JOHN DOE 1 stated *"No, no, no,*
2 *darling. That's our little secret. But if anyone else tells you about a*
3 *little secret, you come directly to me and tell me, ok."* Defendant
4 JOHN DOE 1 also said, *"I love you and remember you're Daddy's*
5 *little girl."*

- 6 • Defendant JOHN DOE 1 approached Plaintiff POPPER smiling and took
7 her into the shower with him, offering his soap and forcing her to
8 perform oral sex on him in the shower.

9 25. As a result of Defendant JOHN DOE 1's behavior, Plaintiff POPPER began to
10 show telltale signs of abuse, including constant bedwetting, precocious discussions of
11 sex and sex organs prior to puberty, fear of going home or going to bed, wanting to
12 sleep in sister's bed, and sleeping with a pillow over her face at all times, clutching
13 crotch area and gritting teeth when sleeping. Baptized and unbaptized publishes of
14 Defendant ROE 1 were aware of some of these behaviors.

15 26. Defendant JOHN DOE 1 was appointed as a ministerial servant by Defendants
16 ROE 1 and ROE 2 on approximately January 1, 1988.

17 27. When he was appointed as a ministerial servant charged with the care and
18 attention to families and children, Defendant JOHN DOE 1 was well aware that he
19 molested children, including his own child, Plaintiff Melanie D. Popper, in the past.

20 28. Despite his knowledge and awareness of his conduct, Defendant JOHN DOE 1
21 failed to report his behavior to authorities or to Defendants ROE 1 and ROE 2.

22 29. Between 1989 and 1995, when Plaintiff was between the ages of about eleven
23 (11) and seventeen (17), Defendant JOHN DOE 1 engaged in the following acts,
24 some of which were done repeatedly and regularly:

- 25 • Defendant JOHN DOE 1 violently penetrated, raped and thrashed
26 Plaintiff MELANIE D. POPPER. The next day, when Plaintiff got into
27 an argument with her parents, she went into a form of psychological
28 distress, the left side of her face began sinking slowly during the

1 argument. Defendant JOHN DOE 1 then said, *"I know what she's going*
2 *to do. She's going to go to the authorities and say that I'm abusing*
3 *her."* Plaintiff's mother stated, *"Oh, she'd never do a thing like that."*

- 4 • Defendant JOHN DOE 1 repeatedly performed oral sex on Plaintiff
5 POPPER, forced her to perform oral sex, raped her, and masturbated in
6 her presence and on her.
- 7 • On one occasion, Defendant JOHN DOE 1 grabbed Plaintiff's neck
8 while penetrating her. This event was humiliating, shocking, and has
9 caused a great deal of emotional and psychological pain.
- 10 • Defendant JOHN DOE 1 came into Plaintiff POPPER's bed room late at
11 night, put the pillow over her face and told her to go back to sleep.
12 Plaintiff remembers "keeping a straight face" and "floating away, up to
13 the ceiling or somewhere in [her] head." ***When he was finished,***
14 ***Defendant JOHN DOE 1 kissed Plaintiff POPPER on the forehead***
15 ***and said, "I love you. Go back to sleep."***
- 16 • Defendant JOHN DOE 1 would come in with just his underwear (briefs)
17 on, and his penis out touching himself (masturbating), especially on
18 nights that Plaintiff's mother was not at home.
- 19 • Defendant JOHN DOE 1 held Plaintiff MELANIE D. POPPER's arms
20 over her head while fondling her genitals and penetrating her.
- 21 • Defendant JOHN DOE 1 ejaculated onto Plaintiff MELANIE D.
22 POPPER's chest and wiped it off with a towel.
- 23 • JOHN DOE 1 also regularly referred to assertive women as
24 ***"prostitutes" or "dumb bitches."***
- 25 • JOHN DOE 1 regularly made psychologically damaging comments to
26 Plaintiff POPPER such as, "Are you really seeing what you're seeing?"
27 and other mechanisms to enforce a system of denial.

1 • JOHN DOE 1 regularly told explicit sexual jokes, including jokes about
2 genitalia and sexual intercourse, in front of his children.

3 30. The acts alleged in paragraphs in 24 and 29 have caused Plaintiff MELANIE
4 D. POPPER extreme emotional distress, including symptoms of “dissociation,” a
5 diagnosis of post-traumatic stress disorder as a result of childhood sexual abuse,
6 anxiety at bedtime, sadness, loss of childhood innocence, rage, and a profound lack
7 of trust in people.

8 •**Absolute Control Nature of The Religious Cults ROE 1 and ROE 2 Aided**
9 **Defendant JOHN DOE 1 In His Conduct**

10 31. While he engaged in the aforementioned acts, Defendant JOHN DOE 1 was
11 acting in the course and scope of his employment as a ministerial servant and
12 ordained minister of ROE 1 and ROE 2.

13 32. While he engaged in the aforementioned acts, Defendant JOHN DOE 1 and the
14 ROE Defendants engaged in the mental manipulation of children, opposing all forms
15 of socialization and external education and maintaining absolute control over people
16 from the youngest age on to maintain them in a secluded organization. Such acts and
17 contextual situation actually constitute the many manifestations of the grasp of cults
18 on minors. The absolute control nature of ROES 1 and ROE 2 is unrelated to its
19 religious beliefs and/or practices.

20 33. During the time that Defendant JOHN DOE 1 engaged in the unlawful acts,
21 Defendants ROE 1 and ROE 2 discouraged children from associating with or trusting
22 authorities figures besides those appointed in the their organization. Defendants
23 ROE 1 and ROE 2 encouraged children to trust only ministerial servants, heads of the
24 family (i.e., fathers), elders, and others within ROE 1 and ROE 2. And Defendants
25 ROE 1 and ROE 2 specifically discouraged children from trusting people of outside
26 of its organization including school teachers, law enforcement authorities, therapists,
27 doctors, psychiatrists, and the military.

28

1 38. As a legal result of Defendants' conduct as described hereinabove, Plaintiff has
2 suffered, and will continue to suffer great pain of mind, body, shock, emotional
3 distress, physical manifestations of emotional distress, embarrassment, loss of
4 self-esteem, disgrace, humiliation, loss of enjoyment of life, and a profound lack of
5 trust in people. Further, Plaintiff was prevented and will continue to be prevented
6 from performing daily activities and obtaining the full enjoyment of life. Plaintiff has
7 incurred and will incur expenses for medical and psychological treatment, therapy,
8 and counseling.

9 **SECOND CAUSE OF ACTION**
10 **COMMON-LAW NEGLIGENCE**
11 **Against All Defendants**

12 39. Plaintiff incorporates herein by this reference and re-allege paragraphs 1
13 through 38 of this Complaint as if fully set forth herein.

14 40. Plaintiff allege that, at all times herein mentioned, the ROE DEFENDANTS
15 assumed a duty to protect Plaintiff from sexual predators within the ROE
16 DEFENDANTS' organization. The ROE DEFENDANTS further knew or should
17 have known, or were otherwise on notice pursuant to CCP §340.1(a) and (b) that
18 Plaintiff POPPER was at risk of foreseeable harm by their agent, Defendant JOHN
19 DOE 1, but failed to act to protect them from said harm. The ROE DEFENDANTS
20 breached their duty to Plaintiff, thereby causing great harm to Plaintiff POPPER.

- 21 a. **Actual Notice By All Defendants:** Defendants, including the
22 ROE Defendants, had actual notice of the acts complained of
23 sufficient to satisfy the requirements of CCP §340.1(a)(1-2) and
24 (b)(1-2) because Defendant JOHN DOE 1 was an "agent" of
25 Defendants ROE 1 and ROE 2. A "ministerial servant" is an agent
26 for the purposes of imputing knowledge to the ROE defendants.
27 California courts have determined that an individual perpetrator
28

1 with sufficient authority within an organization may be sued based
2 on knowledge imputed to the organization based on his status as
3 an agent. (See Alameda County Superior Court Case No.
4 RG05195909). JOHN DOE 1, as an agent of ROE 1 AND ROE 2
5 by virtue of his status a ministerial servant, knew of the abuse
6 because he perpetrated such abuse, therefore ROES 1 and 2 also
7 had knowledge of such abuse. The allegations in paragraphs 15
8 through 20f, above, detail the role and duties of ministerial
9 servants, all of whom must be male and ordained ministers of
10 ROE Defendants 1 and 2. Additionally, ministerial servants are
11 "religious practitioners" for the purpose of reporting childhood
12 sexual abuse under California Penal Code Section 11164 and
13 11165.7.

14 b. **Constructive Notice By All Defendants:** Defendants, including
15 ROE Defendants, had constructive notice of the acts complained
16 of sufficient to satisfy the requirements of CCP §340.1(a)(1-2)
17 and (b)1-2) because of behaviors and conduct indicating
18 childhood sexual abuse of Plaintiff POPPER which were readily
19 apparent and observable by representatives and agents of
20 Defendants ROES 1 and 2, as well as Defendant JOHN DOE.
21 These behaviors are more fully set forth in paragraphs 25 and the
22 last bullet point of 29, above.

23 c. **Otherwise On Notice:** In 1995, *Plaintiff POPPER also had a*
24 *private meeting with three male, elder leaders of Defendants*
25 *ROE 1 and ROE 2 and told them that she felt very*
26 *uncomfortable being in relationships with men and specifically*
27 *asked for their help in dealing with this challenge.* The three
28

1 Elders, Brothers H., B., and S., did nothing.

2 41. As a legal result of Defendants' conduct as described hereinabove, Plaintiff has
3 suffered, and will continue to suffer great pain of mind, body, shock, emotional
4 distress, physical manifestations of emotional distress, embarrassment, loss of
5 self-esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff
6 was prevented and will continue to be prevented from performing daily activities and
7 obtaining the full enjoyment of life. Plaintiff has incurred and will incur expenses for
8 medical and psychological treatment, therapy, and counseling.

9 **THIRD CAUSE OF ACTION**

10 **NEGLIGENT APPOINTMENT, RETENTION AND SUPERVISION**

11 **Against Defendants ROE 1 and ROE 2**

12 42. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1
13 through 41 of this Complaint as if fully set forth herein.

14 43. Plaintiff further alleges that at all times herein mentioned, the ROE
15 DEFENDANTS knew or should have known of their agents, JOHN DOE 1's
16 propensities to use his position as a leader in the local congregation to engage in
17 and/or aid and abet acts of sexual abuse. The ROE DEFENDANTS failed to
18 adequately investigate, evaluate, and otherwise research the background of their
19 agent, JOHN DOE 1, prior to their hiring appointing him to leadership positions and
20 entrusting children to his care.

21 44. Plaintiff further alleges that after JOHN DOE 1 was retained by ROE
22 DEFENDANTS acting on behalf of and under the supervision of the ROE
23 DEFENDANTS, ROE DEFENDANTS failed to adequately investigate, evaluate and
24 otherwise monitor the conduct of their agent, JOHN DOE 1, during his interactions
25 with children entrusted by ROE DEFENDANTS to his care *to the exclusion of all*
26 *other authority figures*, thereby also failing to adequately supervise and discipline the
27 conduct of JOHN DOE.

28

1 45. Plaintiff's further allege that ROE DEFENDANTS failed to provide adequate
2 warning to Plaintiff and their families of their agent's dangerous propensities and
3 unfitness to lead.

4 46. Plaintiff further allege the ROE DEFENDANTS negligently investigated,
5 appointed, retained and supervised JOHN DOE 1 in the organization at a time when
6 they knew or should have known of his propensities to use his appointed position to
7 engage in acts of sexual abuse against Plaintiff and other young children under the
8 ROE DEFENDANTS' care.

9 47. As a legal result of Defendants' conduct as described hereinabove, Plaintiff has
10 suffered, and will continue to suffer great pain of mind, body, shock, emotional
11 distress, physical manifestations of emotional distress, embarrassment, loss of
12 self-esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff
13 was prevented and will continue to be prevented from performing daily activities and
14 obtaining the full enjoyment of life. Plaintiff has incurred and will incur expenses for
15 medical and psychological treatment, therapy, and counseling.

16 **FOURTH CAUSE OF ACTION**

17 **GROSS NEGLIGENCE/WILFUL MISCONDUCT**

18 **Against All Defendants**

19 48. Plaintiff incorporate herein by this reference and re-allege paragraphs 1
20 through 47 of this Complaint as if fully set forth herein.

21 49. Plaintiff allege the behavior of the ROE DEFENDANTS as described
22 hereinabove demonstrates a conscious indifference to the safety and welfare of
23 Plaintiff, in that ROE DEFENDANTS knew or should have known of the dangerous
24 propensities of their agents, JOHN DOE 1, yet failed to act to protect the health,
25 safety and welfare of children in the custody and care of ROE DEFENDANTS,
26 thereby allowing Plaintiff to be sexually abused, which could have been prevented
27 but for ROE DEFENDANTS' wilful misconduct and gross negligence in failing to
28

1 implement safeguards to protect Plaintiff, in violation of ROE DEFENDANTS' duty
2 to protect the children entrusted to JOHN DOE 1's care and custody to the exclusion
3 of all other authority figures.

4 49a. Defendants ROE 1 and ROE 2, as well as JOHN DOE 1, discouraged Plaintiffs
5 from trusting and/or communicating with outside authority figures who were not
6 members of ROES 1 and 2 thereby preventing Plaintiff access to help for dealing
7 with the childhood sexual abuse.

8 50. Plaintiff further allege that ROE DEFENDANTS' actions, constituting wilful
9 misconduct and gross negligence described hereinabove, caused significant mental,
10 emotional, and physical injuries as a result of the acts of sexual abuse described
11 hereinabove.

12 51. As a legal result of Defendants' conduct as described hereinabove, Plaintiff has
13 suffered, and will continue to suffer great pain of mind, body, shock, emotional
14 distress, physical manifestations of emotional distress, embarrassment, loss of
15 self-esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff
16 was prevented and will continue to be prevented from performing daily activities and
17 obtaining the full enjoyment of life. Plaintiff has incurred and will incur expenses for
18 medical and psychological treatment, therapy, and counseling.

19 **FIFTH CAUSE OF ACTION**

20 **NEGLIGENCE PER SE and COMMON-LAW NEGLIGENCE:**

21 **VIOLATION OF PENAL CODE SECTION 11164**

22 **Against All Defendants**

23 52. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1
24 through 51 of this Complaint as if fully set forth herein.

25 53. Plaintiff alleges that the ROE DEFENDANTS had a duty, under the California
26 Child Abuse and Neglect Reporting Act, California Penal Code § 11164, et. seq.,
27 (and predecessor provisions) and the common-laws, to report the abuse or suspected
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1 abuse of children.

2 54. Plaintiff further allege that the ROE DEFENDANTS failed to report to law
3 enforcement the abusive and illegal acts of their agent, JOHN DOE1 , both prior to
4 and after the abuse inflicted on Plaintiff. By failing to report the actions of JOHN
5 DOE, the ROE DEFENDANTS violated California Child Abuse and Neglect
6 Reporting Act, which is intended to safeguard and enhance the welfare of abused
7 children. Plaintiff was and is member of the class of persons that the California
8 Child Abuse and Neglect Reporting Act was designed to protect and each was injured
9 as a result of The ROE DEFENDANTS' violation of the statute. Such violation
10 constitutes negligence per se. *Defendant JOHN DOE 1 was a ministerial servant*
11 *with a duty to report childhood sexual abuse in his capacity as "religious*
12 *practitioner" under Penal Code Sections 11164 and 11165.7 and he failed to report*
13 *such abuse.*

14 55. *Further, the duties of ministerial servants in general does not stop when they*
15 *leave the Kingdom Hall (church), but continues when they go home to set an example*
16 *as "head of the household" for families, being the first and only individual that can*
17 *be trusted, since ROES 1 and 2 encourage its members not to trust any persons*
18 *entities outside of its organization.*

19 56. Ministerial servants can only be male, and they have authority over baptized
20 publishers, unbaptized publishers, women, and children.

21 57. Ministerial servants have been held to liable for breach of "fiduciary duty"
22 when they engaged in sexual abuse in other states, including Massachussetts in a
23 February 23, 2005 ruling by Judge Herman Smith, Jr. in Suffolk County.

24 58. Ministerial servants have the responsibility of making "shepherding calls" with
25 elders in the organization in order to counsel and advice members of the ROES 1 and
26 2 organizations.

27 59. Upon information and belief, ministerial servants have a duty to report sexual
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1 abuse, even when they are the persons responsible for perpetrating the sexual abuse
2 within the ROES 1 and 2 organizations.

3 59a. Upon information and belief, ministerial servants are agents of ROES 1 and 2.

4 60. Plaintiff further allege that JOHN DOE 1 and the ROE DEFENDANTS' failure
5 to report constitutes common-law negligence. The ROE DEFENDANTS asserted
6 their authority over both Plaintiff and her abuser and agent, JOHN DOE, creating a
7 special relationship of trust and confidence and power over Plaintiff in his capacity as
8 a ministerial servant. In the context of this special relationship and the unequal
9 relationship among the parties, the ROE DEFENDANTS assumed a duty to handle
10 all reports of child abuse and in doing so caused Plaintiff and their families from
11 reporting the abuse to, or seeking help from, sources and authorities outside the ROE
12 DEFENDANTS' organization. The ROE DEFENDANTS acted with conscious
13 disregard for the safety and welfare of Plaintiff and violated that duty to Plaintiff'
14 detriment.

15 61. As a legal result of the ROE DEFENDANTS' failure to report the illegal
16 conduct of their agent, JOHN DOE, law enforcement, Plaintiff was deprived of the
17 benefits provided by the State of California and other trained professionals that
18 would have decreased further harm to the Plaintiff and prevented further abuse.
19 Plaintiff has suffered, and will continue to suffer great pain of mind, body, shock,
20 emotional distress, physical manifestations of emotional distress, embarrassment, loss
21 of self-esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff
22 was prevented and will continue to be prevented from performing daily activities and
23 obtaining the full enjoyment of life. Plaintiff has incurred and will incur expenses for
24 medical and psychological treatment, therapy, and counseling.

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PRAYER

WHEREFORE, Plaintiff demand judgment against the DEFENDANTS individually, jointly and severally as follows:

- 1 For general damages according to proof;
- 2. For past and future medical expenses according to proof;
- 3. For prejudgment interest;
- 4. For costs of suit incurred herein; and
- 5. For punitive damages (as to the first and fourth causes of action)
- 6. For such other and further relief as the Court deems just and proper.

Dated: April 23, 2007

BY: Mary J. Shea

Mary J. Shea, Esq.

Attorneys for Plaintiff

MELANIE DENISE POPPER

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues triable by jury.

Dated: Apr 123, 2007

BY: Mary J. Shea

Mary J. Shea, Esq.

Attorneys for Plaintiff

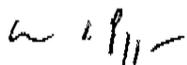
MELANIE DENISE POPPER

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Verification

I, Melanie D. Popper have read and reviewed the foregoing VERIFIED COMPLAINT FOR DAMAGES, and I know the contents thereof. The contents of this document are true of my own knowledge except for those matters therein stated on information and belief, and as to those matters, I believe them to be true. I declare that the foregoing is true and correct under penalty of perjury of the laws of the State of California.

Dated: April 23, 2007

Signed: 

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Melanie D. Popper, Esq. (SBN: 236279)
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Attorneys for Plaintiff
MELANIE D. POPPER
In Propria Persona

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO – Victorville Civil Unlimited Jurisdiction

MELANIE DENISE POPPER)	CASE NO.
Plaintiff,)	CERTIFICATE OF MERIT BY ATTORNEYS
vs.)	FOR PLAINTIFF <i>BY SHEA</i>
ROE ORGANIZATION 1, a New York)	
corporation; ROE ORGANIZATION 2,)	
a California Corporation; JOHN DOE,)	
and individual; and DOES 1-20,)	
Defendants.)	

1. I, Mary J. Shea, declare the following:
2. I am one of the attorneys for Plaintiff Melanie D. Popper in a civil action styled Popper v. Roe, et al.
3. I have consulted with at least one mental health practitioner, REDACTED, who is licensed to practice and practices in this state and who I reasonably believe is knowledgeable of the relevant facts and issues involved in this particular action.
4. I have concluded on the basis of that review and consultation that there is reasonable

1 and meritorious cause for the filing of the action.

2 5. The mental health practitioner whom I consulted is not a party to this action.

3 I declare under penalty of perjury that the foregoing is true and correct under the laws of the
4 state of California.

5

6 Dated: April 23, 2007

7

BY: Mary J. Shea

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Mary J. Shea, Esq.

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Attorneys for Plaintiff

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MELANIE DENISE POPPER

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Attorneys for Plaintiff
MELANIE D. POPPER
In Propria Persona

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN BERNARDINO – Victorville Civil Unlimited Jurisdiction

MELANIE DENISE POPPER

Plaintiff,

vs.

ROE ORGANIZATION 1, a New York
corporation; ROE ORGANIZATION 2,
a California Corporation; JOHN DOE,
and individual; and DOES 1-20,

Defendants.

CASE NO.

CERTIFICATE OF MERIT BY ATTORNEYS
FOR PLAINTIFF BY POPPER

1. I, Melanie D. Popper, declare the following:
2. I am one of the attorneys for Plaintiff Melanie D. Popper in a civil action styled Popper v. Roe, et al.
3. I have consulted with at least one mental health practitioner, REDACTED who is licensed to practice and practices in this state and who I reasonably believe is knowledgeable of the relevant facts and issues involved in this particular action.
4. I have concluded on the basis of that review and consultation that there is reasonable

1 and meritorious cause for the filing of the action.

2 5. The mental health practitioner whom I consulted is not a party to this action.

3 I declare under penalty of perjury that the foregoing is true and correct under the laws of the
4 state of California.

5

6 Dated: April 23, 2007

7

BY: 

8

Melanie D. Popper, Esq.

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Attorneys for Plaintiff

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MELANIE DENISE POPPER

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