

LAW OFFICES ROSMARIE ARNOLD
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Attorney for Plaintiffs

BOB BOE – whose initials are J.C., MARY MOE – whose initials are T.B., JANE DOE – whose initials are F.A., and F.A.S, her spouse, ANN FOE – whose initials are K.S., FRANK MOE – whose initials are J.M, SUSAN POE – whose initials are M.J. and M.J.S., her spouse – ROBERT ROE, – whose initials are R.G. – MARK LOE – whose initials are D.C., and STEVE SOE – whose initials are D.M.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

Plaintiffs,

DOCKET NO. BER-

-against-

CIVIL ACTION

EVANGELICAL FREE CHURCH OF AMERICA,
THE EASTERN DISTRICT OF THE EVANGELICAL
FREE CHURCH ASSOCIATION, INC., THE CHRISTIAN
HOME FOR CHILDREN, INC., THE CHRISTIAN HOME
FOR CHILDREN OF FORT LEE, THE BOARD OF
TRUSTEES OF THE CHRISTIAN HOME FOR CHILDREN,
INC., PASTOR DONALDSON, ROBERT TONNESON,
DON HOCKENBERRY, WAYNE BRIGGS, SALLY SIELER a/k/a
SALLY SHABUK, BARBARA WRAGE a/k/a WRIGHT,
MARY KING, VIRGINIA KELLY FEARNES,
RICHARD GATCHER, BILL SIMPSON,
CAROLYN CORSE, JEAN BREWER, KATHRYN SPERRY,
LEE ANN WHITTLES, JIM CARBERRY,
“ABC CORP. 1-20”, “JOHN DOE 1-20”,
“JOAN DOE 1-20”
(the last being fictitious designations)

**COMPLAINT
AND JURY DEMAND**

Defendants.

Plaintiffs, J.C. residing in the County of Hudson, State of New Jersey, T.B., residing in the County of Albany, State of New York, F.A. and F.A.S. residing in the County of Denver,

State of Colorado, K.S. residing in the County of Monmouth, State of New Jersey, J.M. residing in the County of Essex, State of New Jersey, M.J. and M.J.S. residing in the County of Hudson, State of New Jersey, R.G. residing in the County of Ocean, State of New Jersey, D.C. residing in the County of Lincoln, State of Maine, D.M. residing in the County of Bergen, State of New Jersey by way of Complaint against the Defendants say:

PARTIES

1. Plaintiff, J.C., residing in Hudson County, New Jersey, is a 53 year old man, who, during the approximate years of 1965 through 1977 was a resident and/or ward of the Defendant, THE CHRISTIAN HOME FOR CHILDREN OF FORT LEE (hereinafter "THE HOME").

2. Plaintiff, T.B., residing in Albany County, State of New York is a 53 year old woman, who, during the approximate years of 1966 through 1972 was a resident and/or ward of the Defendant, THE HOME.

3. Plaintiff, F.A., residing in Denver County, Colorado is a 52 year old woman, who, during the approximate years 1963 through 1970 was a resident and/or ward of the Defendant, THE HOME.

4. Plaintiff, F.A.S., residing in Denver County, Colorado is the lawful spouse of Plaintiff, F.A.

5. Plaintiff, K.S., residing in Monmouth County, New Jersey is a 52 year old woman, who during the approximate years 1968 through 1975 was a resident and/or ward of the Defendant, THE HOME.

6. Plaintiff, J.M., residing in Essex County, New Jersey is a 51 year old man, who, during the approximate years 1965 through 1974 was a resident and/or ward of the Defendant, THE HOME.

7. Plaintiff, M.J., residing in Hudson County, New Jersey is a 49 year old woman, who, during the approximate years of 1964 through 1977 was a resident and/or ward of the Defendant, THE HOME.

8. Plaintiff, M.J.S., residing in Hudson County, New Jersey is the lawful spouse of Plaintiff, M.J.

9. Plaintiff, R.G., residing in Ocean County, New Jersey is a 51 year old man, who, during the approximate years 1965 through 1978 was a resident and/or ward of the Defendant, THE HOME.

10. Plaintiff, D.C., residing in Lincoln County, Maine is a 55 year old man, who, during the approximate years 1966 through 1970 was a resident and/or ward of the Defendant, THE HOME.

11. Plaintiff, D.M., residing in Bergen County, State of New Jersey is a 57 year old man, who, during the approximate years 1965 through 1978 was a resident and/or ward of the Defendant, THE HOME.

12. Upon information and belief, at all relevant times herein, Defendant, THE EVANGELICAL FREE CHURCH OF AMERICA and/or “ABC CORP. 1-20” (hereinafter “EFCA”) is an association of approximately 1500 churches and church plants whose principle place of business is in Bloomington, Minnesota. It’s governing body is made up of voting delegates from each of its member churches and church plants plus credentialed ministries and university chaplains. The Board of Directors, national office staff and districts all exist to serve the local church.

13. Upon information and belief, at all relevant times herein, Defendant, EASTERN DISTRICT OF THE EVANGELICAL FREE CHURCH ASSOCIATION, INC. and/or “ABC

CORP. 1-20” is an association which represents 125 Evangelical churches in the Eastern part of the United States which are members of EFCA. Upon information and belief, EDEFCA is governed by EFCA. (Hereinafter, Defendants, EFCA and EDEFCA and/or “ABC CORP. 1-20” will be referred to collectively as “THE CHURCH.”)

14. Upon information and belief, at all relevant times herein, Defendant, CHRISTIAN HOME FOR CHILDREN, INC. and/or “ABC CORP. 1-20” (being a fictitious designation) (hereinafter referred to as “CHC”) organized and existing pursuant to the laws of the State of New Jersey is an organization which is operated and/or controlled by and/or created under the auspices of the Defendants THE CHURCH, which corporation created and/or owned and/or operated and/or supervised and/or maintained and/or appointed the Board of Directors for various childrens homes throughout the country.

15. Upon information and belief, at all relevant times herein, THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) was a home operated and/or owned and/or supervised and/or maintained and/or created under the auspices of the Church and the CHC and, was, from the period of 1920 to 1978 a residential home where children whose parents were unable to care for them were admitted for residency. The primary purpose of the home according to its constitution, ...“is to provide for the physical, mental, spiritual and social welfare of needy, destitute, or orphaned children...and to give each child the training he would receive in a Christian family.”

16. Upon information and belief, at all relevant times herein, THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) acted as Plaintiffs’ guardians in the place of their parents and stood in loco parentis to Plaintiffs.

17. Upon information and belief, at all relevant times herein, Defendant THE BOARD OF TRUSTEES OF THE CHRISTIAN HOME FOR CHILDREN and/or “ABC CORP. 1-20” (being a fictitious designation) (hereinafter “THE BOARD”) were in existence for the purposes of operating and/or governing and/or supervising and/or inspecting and/or maintaining the Defendant THE HOME. THE BOARD consisted of fifteen members who were elected by the members of Defendant CHC. The Trustees served three year terms, with a limit of two terms. In 1978, all fifteen Trustees were male, white and active members in the Evangelical Free Church. THE BOARD operated under a Constitution and through a committee structure.

18. Upon information and belief, at all relevant times herein, the Defendant, THE BOARD and/or “ABC CORP. 1-20” (being a fictitious designation), was comprised of twelve men, including three retired businessmen, three engineers, a banker, an airline pilot, a pastor, an insurance underwriter and men in other business related fields. The board members did not include any women or minorities. They functioned as a “Committee of the Whole” however, knew nothing about the childcare being provided by the Home.

19. At all relevant times herein, Defendant, PASTOR DONALDSON and/or “JOHN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “DONALDSON”), was hired and/or retained and/or trained and/or supervised and/or employed by any and all of the Defendants, as the administrator of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and/or agent, and/or servant and/or employee of THE HOME and at all times relevant to the within action was empowered by any and all of the Defendants to act as, virtually, the alter ego of THE HOME and, acted within the course and scope of his employment.

20. At all relevant times herein, Defendant, ROBERT TONNISON and/or “JOHN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “TONNISON”), was hired

and/or retained and/or trained and/or supervised and/or employed by any and all of the Defendants, as the administrator of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and/or agent, and/or servant and/or employee of THE HOME and at all times relevant to the within action was empowered by any and all of the Defendants to act as, virtually, the alter ego of THE HOME and, acted within the course and scope of his employment.

21. At all relevant times herein, Defendant, DONALD HOCKENBERRY and/or “JOHN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “HOCKENBERRY”), was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant times herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of his employment.

22. At all relevant times herein, Defendant, WAYNE BRIGGS and/or “JOHN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “BRIGGS”), was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant times herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of his employment.

23. At all relevant times herein, Defendant, SALLY SIELER a/k/a SALLY SHABUK and/or “JOAN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “SHABUK”) was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant times herein was empowered by any and all of the Defendants to act within the course and scope of her employment.

24. At all relevant times herein, Defendant, BARBARA WRAGE a/k/a BARBARA WRIGHT and/or “JOAN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “WRIGHT”) was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of her employment.

25. At all relevant times herein, Defendant, MARY KING (hereinafter referred to as “KING”) and/or “JOAN DOE 1-20 (being a fictitious designation) was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant times herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of her employment.

26. At all relevant times herein, Defendant, VIRGINIA KELLY FEARNES and/or “JOAN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “FEARNES”) was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant times herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of her employment.

27. At all relevant times herein, Defendant, RICHARD GATCHER and/or “JOHN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “GATCHER”) was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant times

herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of his employment.

28. At all relevant times herein, Defendant, BILL SIMPSON a/k/a BILL SIMMS and/or “JOHN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “SIMPSON”), was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant times was herein empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of his employment.

29. At all relevant times herein, Defendant, CAROLYN CORSE and/or “JOAN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “CORSE”), was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant times herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of her employment.

30. At all relevant times herein, Defendant, JEAN BREWER a/k/a JEAN MINCK and/or “JOAN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “BREWER”) was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of her employment.

31. At all relevant times herein, Defendant, KATHRYN SPERRY and/or “JOAN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “SPERRY”) was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE

HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of her employment.

32. At all relevant times herein, Defendant, LEE ANN WHITTLES and/or “JOAN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “WHITTLES”) was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of her employment.

33. At all relevant times herein, Defendant, JIM CARBERRY and/or “JOHN DOE 1-20 (being a fictitious designation) (hereinafter referred to as “CARBERRY”), was a houseparent and/or otherwise employed as an agent and/or servant and/or employee of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and at all relevant times herein was empowered by any and all of the Defendants to act on behalf of THE HOME and acted within the course and scope of his employment.

NATURE OF ACTION

1. This is an action for sexual abuse against children pursuant, to *inter alia*; N.J. Stat. Ann. Section 2A:61B-1 and N.J. Stat. Ann. Section 2A:61B-1(a)(1).

2. On or about the periods of 1963-1978, the Plaintiffs, J.C., T.B., F.A., K.S., J.M., M.J., R.G., D.C. and D.M. were full time residents of the THE HOME.

3. At all relevant times herein, the Plaintiffs were all under the age of 18 years.

4. At all relevant times herein, the Plaintiffs were in their infant, toddler and/or formative adolescent years.

5. At all relevant times herein, the Plaintiffs were subject to severe, pervasive, horrendous and/or unspeakable acts of sexual abuse and/or physical abuse and/or corporal punishment and/or emotional and/or other abuses at the hands of the administration and/or the employees and/or the houseparents and/or the children of the employees and/or the spouses of the employees of THE HOME who used their authority over Plaintiffs and positions given to them by CHC and THE CHURCH and THE BOARD to gain the trust of Plaintiffs.

6. The sexual abuse and/or physical abuse and/or corporal punishment and/or emotional abuse and/or other abuses that were perpetrated upon the Plaintiffs include, but are not limited to:

- a. Being forced to engage in vaginal intercourse with adults and other children;
- b. Being subjected to vaginal penetration with objects and/or fingers;
- c. Being forced to engage in anal intercourse with adults and other children;
- d. Being subjected to anal penetration with objects and/or fingers;
- e. Touching of breasts;
- f. Touching of genitals in public, in showers, in closets and other places;
- g. Touching of buttocks;
- h. Staring at genitals;
- i. Being forced to touch the breasts, genitals and/or buttocks' of adults and/or other children;
- j. Being forced to lick the breasts, genitals and/or buttocks' of adults and/or other children;

- k. Being forced to completely remove clothing, then, being spanked on naked buttocks with hands and/or paddles;
- l. Being forced to completely remove clothing, then, being spanked on naked buttocks with a hand or paddle until defecation occurred;
- m. Violent beatings with objects including but not limited to 2x3 planks of wood, chairs, hands, feet, paddles, handball rackets, canes, canoe paddles and other objects.

7. The abuse perpetrated upon the Plaintiffs was open, notorious, rampant, frequent, prolonged, constant and described by scores of other young resident victims residing at THE HOME and/or “ABC CORP. 1-20” during the 1960s and 1970s.

8. The abuse perpetrated upon the Plaintiffs took place, *inter alia*, at THE HOME, at Camp Mohonk and at West Park, Fresh Air Camp.

9. In 1973, the Division of Youth and Family Services investigated THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) as a result of allegations of the sexual and/or physical and/or emotional abuse perpetrated upon the minor residents of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation). As a result of the above mentioned DYFS investigation, THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) was cited for: (1) corporal punishment; (2) the Home’s policy and practices of providing custodial, long-term institutional care with little or no individual treatment services for children and their families and (3) the Home’s religious policy requiring parents to consent to have their child(ren) instructed in the Evangelical religion.

10. THE CHURCH and/or THE BOARD and/or CHC and/or THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) knew or should have known of the sexual

and/or physical abuse of the Plaintiffs yet failed to warn and/or protect them from it and/or failed to warn and/or advise their natural parents of it and/or allowed said abuse to continue and/or took affirmative steps to conceal it and/or altered and/or destroyed documents and evidence relevant to it.

11. All of the Plaintiffs repressed the memories of their sexual abuse and/or believed their recollections of the sexual abuse to be based in dreams and/or imagination but not a reality.

12. Most of the Plaintiffs sustained mental trauma resulting from the sexual abuse, which mental trauma caused insanity.

COUNT ONE

1. The Plaintiffs repeat, reiterate and re-allege each and every allegation set forth with the same force and effect as if more fully set forth herein at length.

2. At all relevant times herein, the Defendants, DONALDSON, TONNESON, HOCKENBERRY, BRIGGS, SHABUK, WRIGHT, KING, FEARNs, GATCHER, SIMPSON, CORSE, BREWER, SPERRY, WHITTLES, CARBERRY and/or “JOAN DOES 1-20 and/or JOHN DOES 1-20” (being fictitious designations) were administrators, houseparents and/or employees of Defendants, THE CHURCH and/or the BOARD, and/or CHC, and/or THE HOME, and/or “ABC CORP. 1-20” (being a fictitious designation) and were acting within the course and scope of their employment.

3. The Defendants above had a duty to use due care in the child rearing and/or upbringing and/or discipline of the children in their care, to ensure their safety, health and well-being and to refrain from negligence and/or carelessness and/or malice and/or wanton and willful disregard in the child rearing and/or upbringing and/or discipline of the children in their care and also to refrain from sexually and/or physically and/or emotionally abusing the children in their care and to refrain from allowing others to sexually abuse the children in their care.

4. The Defendants above had a further duty to protect the children in their charge from foreseeable dangers, whether those dangers arose from the careless and/or intentional acts of Defendants or the careless or intentional acts of others.

5. At all relevant times herein, the Defendants above breached that duty of care to Plaintiffs when they negligently and/or carelessly and/or recklessly and/or intentionally and/or with malice and/or with wanton and willful disregard, sexually and/or physically and/or emotionally abused the Plaintiffs, each and every one. Specifically, the Defendants:

- a. Forced Plaintiffs to engage in vaginal intercourse;
- b. Subjected Plaintiffs to vaginal penetration with objects and/or fingers;
- c. Forced Plaintiffs to engage in anal intercourse with adults and other children;
- d. Anally penetrated Plaintiffs with objects and/or fingers;
- e. Touched Plaintiffs' breasts;
- f. Touched Plaintiffs' genitals in public, in showers, in closets and other places;
- g. Touched Plaintiffs' buttocks;
- h. Stared at Plaintiffs' genitals;
- i. Forced Plaintiffs to touch the breasts, genitals and/or buttocks' of adults and/or other children;
- j. Forced Plaintiffs to lick the breasts, genitals and/or buttocks' of adults and/or other children;
- k. Forced Plaintiffs to completely remove clothing then spanked them on their buttocks with hands and/or paddles;
- l. Forced Plaintiffs to completely remove their clothing, then, spanked them on their naked buttocks with a hand or paddle until they defecated;

m. Violently beat Plaintiffs with objects including but not limited to 2x3 planks of wood, chairs, hands, feet, paddles, handball rackets, canes, canoe paddles and other objects.

6. The above recitation of the despicable sexual, physical and/or emotional abuse perpetrated upon the Plaintiffs by the Defendants is a representative sample and not intended to be an exhaustive list.

7. The abuse perpetrated upon the Plaintiffs was open, notorious, rampant, frequent, prolonged, constant and described by scores of other young resident victims residing at THE HOME and/or "ABC CORP. 1-20" during the 1960s and 1970s.

8. The Defendants above further breached their duties to Plaintiffs by negligently and/or carelessly and/or recklessly, and/or intentionally and/or with malice and/or wanton and willful disregard, sexually and/or physically and/or emotionally abusing the Plaintiffs, each and every one and knowingly permitting and/or acquiescing in the sexual abuse of the Plaintiffs by others.

9. The Defendants above knew or should have known that by negligently and/or carelessly and/or recklessly, and/or intentionally and/or with malice and/or wanton and willful disregard, sexually and/or physically and/or emotionally abusing the Plaintiffs, each and every one and knowingly permitting and/or acquiescing in the sexual abuse of the Plaintiffs by others, that harm would befall the Plaintiffs.

10. As a proximate cause and reasonably foreseeable result of the aforesaid sexual abuse and/or sexual assault and/or physical abuse and/or assault and/or battery and/or emotional abuse and/or infliction of emotional distress, and/or Defendants knowingly permitting and/or

acquiescing in the same conduct by others, the Plaintiffs sustained severe and permanent physical and/or psychological injuries, were disabled, and/or disfigured, have suffered and will continue to suffer great mental pain and torment, have been and will be caused to spend great and diverse sums of money for medical aid and treatment, and have been and will be prevented from attending to their usual occupations, activities and businesses.

WHEREFORE, Plaintiffs demand judgment against Defendants, DONALDSON, TONNESON, HOCKENBERRY, BRIGGS, SHABUK, WRIGHT, KING, FEARNES, GATCHER, SIMPSON, CORSE, BREWER, SPERRY, WHITTLES, CARBERRY and/or “JOAN DOES 1-20 and/or JOHN DOES 1-20” (being fictitious designations) and/or THE CHURCH and/or THE BOARD and/or CHC and/or THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) jointly and severally for compensatory damages, punitive damages, interest, costs of suit and attorney’s fees.

COUNT TWO

1. The Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in Count One with the same force and effect as if more fully set forth herein at length.

2. The conduct set forth in Count One of the complaint was extreme and/or outrageous and/or intentionally intended to produce emotional distress and/or recklessly in deliberate disregard of a high degree of probability that emotional distress would follow.

3. As a proximate cause and reasonably foreseeable result of the aforesaid sexual abuse and/or sexual assault and/or physical abuse and/or assault and/or battery and/or emotional abuse and/or infliction of emotional distress, and/or Defendants knowingly permitting and/or acquiescing in the same conduct by others, the Plaintiffs sustained emotional distress, have been and will be caused to spend great and diverse sums of money for medical aid and treatment, and

have been and will be prevented from attending to their usual occupations, activities and businesses.

WHEREFORE, Plaintiffs demand judgment against Defendants, DONALDSON, TONNESON, HOCKENBERRY, BRIGGS, SHABUK, WRIGHT, KING, FEARNES, GATCHER, SIMPSON, CORSE, BREWER, SPERRY, WHITTLES, CARBERRY and/or “JOAN DOES 1-20 and/or JOHN DOES 1-20” (being fictitious designations) and/or THE CHURCH and/or THE BOARD and/or CHC and/or THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) jointly and severally for compensatory damages, punitive damages, interest, costs of suit and attorney’s fees.

COUNT THREE

1. The Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in Counts One and Two with the same force and effect as if more fully set forth herein at length.

2. The conduct of Defendants set forth in the within complaint caused Plaintiffs fright from a reasonable fear of immediate personal injury.

3. As a proximate cause and reasonably foreseeable result of the aforesaid sexual abuse and/or sexual assault and/or physical abuse and/or assault and/or battery and/or emotional abuse and/or infliction of emotional distress, and/or Defendants knowingly permitting and/or acquiescing in the same conduct by others, the Plaintiffs sustained emotional distress, have been and will be caused to spend great and diverse sums of money for medical aid and treatment, and have been and will be prevented from attending to their usual occupations, activities and businesses.

WHEREFORE, Plaintiffs demand judgment against Defendants, DONALDSON, TONNESON, HOCKENBERRY, BRIGGS, SHABUK, WRIGHT, KING, FEARNES,

GATCHER, SIMPSON, CORSE, BREWER, SPERRY, WHITTLES, CARBERRY and/or “JOAN DOES 1-20 and/or JOHN DOES 1-20” (being fictitious designations) and/or THE CHURCH and/or THE BOARD and/or CHC and/or THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) jointly and severally for compensatory damages, punitive damages, interest, costs of suit and attorney’s fees.

COUNT FOUR

1. The Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in Counts One, Two and Three with the same force and effect as if more fully set forth herein at length.

2. At all relevant times herein, THE CHURCH and/or CHC and/or THE BOARD and/or THE HOME, its agents, and/or servants and/or employees and/or “ABC CORP. 1-20” (being a fictitious designation) had a duty to hire, and/or retain employees and/or administrators and/or houseparents who were fit and competent to do their jobs.

3. At all relevant times herein, THE CHURCH and/or CHC and/or THE BOARD and/or THE HOME, its agents, and/or servants and/or employees and/or “ABC CORP. 1-20” (being a fictitious designation) had a further duty properly train and/or to supervise, their employees and/or administrators and/or houseparents.

4. At all relevant times herein, THE CHURCH and/or CHC and/or THE BOARD THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) breached their duties to Plaintiffs by negligently and/or carelessly and/or recklessly and/or intentionally and/or with malice and/or wanton and willful disregard, hired and/or retained unfit and incompetent administrators, houseparents and/or other employees.

5. At all relevant times herein, THE CHURCH and/or CHC and/or THE BOARD and/or THE HOME, its agents, and/or servants and/or employees and/or “ABC CORP. 1-20”

(being a fictitious designation) further breached their duties to Plaintiff by negligently and/or carelessly and/or recklessly, and/or intentionally and/or with malice and/or wanton and willful disregard failed to properly train and/or supervise their employees.

6. The Defendants above knew or should have known of the incompetence and/or unfitness of their employees above and knew or should have known that by hiring and/or retaining unfit and/or incompetent administrators, houseparents and/or other employees and/or by failing to properly train and/or supervise them, that harm would befall the Plaintiffs.

7. The Defendants above had a duty to warn Plaintiffs of the incompetence and/or unfitness and/or lack of training and/or supervision of them but failed to do so.

8. As a proximate cause and reasonably foreseeable result of the aforesaid negligent and/or carelessness and/or reckless and/or intentional and/or with malice and/or wanton and willful disregard in the hiring and/or retention and/or training and/or supervision of their administrators and/or houseparents and/or employees and/or of their failure to warn of the same, the Plaintiffs sustained emotional distress, have been and will be caused to spend great and diverse sums of money for medical aid and treatment, and have been and will be prevented from attending to their usual occupations, activities and businesses.

WHEREFORE, Plaintiffs demand judgment against Defendants, DONALDSON, TONNESON, HOCKENBERRY, BRIGGS, SHABUK, WRIGHT, KING, FEARNES, GATCHER, SIMPSON, CORSE, SPERRY, BREWER, WHITTLES, CARBERRY, "JOAN DOES 1-20 and/or JOHN DOES 1-20" (being fictitious designations) and/or THE CHURCH and/or THE BOARD and/or CHC and/or THE HOME and/or "ABC CORP. 1-20" (being a fictitious designation) jointly and severally for compensatory damages, punitive damages, interest, costs of suit and attorney's fees.

COUNT FIVE

1. The Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in Counts One, Two, Three and Four with the same force and effect as if more fully set forth herein at length.

2. At all relevant times herein, the Defendant, THE HOME, and/or “ABC CORP. 1-20” (being a fictitious designation) its agents, and/or servants and/or employees had a duty to provide ongoing services to the Plaintiffs including, but not limited to counseling and psychological services.

3. At all relevant times herein, THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) breached their duties to Plaintiffs by negligently and/or carelessly and/or recklessly and/or intentionally and/or with malice and/or wanton and willful disregard, failing to provide ongoing services to the Plaintiffs including, but not limited to counseling and psychological services.

4. The Defendants above knew or should have known that by failing to provide ongoing services to the Plaintiffs including, but not limited to counseling and psychological services that harm would befall the Plaintiffs.

5. As a proximate cause and reasonably foreseeable result of the aforesaid failure of Defendants to provide ongoing services to Plaintiffs, the Plaintiffs sustained severe and permanent physical and/or psychological injuries, were disabled, and/or disfigured, have suffered and will continue to suffer great mental pain and torment, have been and will be caused to spend great and diverse sums of money for medical aid and treatment, and have been and will be prevented from attending to their usual occupations, activities and businesses.

WHEREFORE, Plaintiffs demand judgment against Defendants, THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation), jointly and severally for compensatory damages, punitive damages, interest, costs of suit and attorney’s fees.

COUNT SIX

1. The Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in Counts One, Two, Three, Four and Five with the same force and effect as if more fully set forth herein at length.

2. At all relevant times herein, the Defendant, the BOARD, and/or “ABC CORP. 1-20” (being a fictitious designation) its agents, and/or servants and/or employees had a duty to provide ongoing services to the Plaintiffs including, but not limited to counseling and psychological services and to ensure that THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) was providing the Plaintiffs with ongoing services.

3. At all relevant times herein, the BOARD and/or “ABC CORP. 1-20” (being a fictitious designation) its agents, and/or servants and/or employees had a further duty to hire, and/or retain administrators and/or employees and/or houseparents who were fit and competent to do their job.

4. At all relevant times herein, THE BOARD and/or “ABC CORP. 1-20” (being a fictitious designation) its agents, and/or servants and/or employees had a further duty to train and/or supervise the administrators and/or employees and/or houseparents of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation).

5. At all relevant times herein, THE BOARD and/or “ABC CORP. 1-20” (being a fictitious designation) breached their duties to Plaintiffs by negligently and/or carelessly and/or recklessly, and/or intentionally and/or with malice and/or wanton and willful disregard, hired

and/or retained and/or trained and/or supervised their employees and/or failed to warn Plaintiffs of their actions above and/or failed to provide Plaintiff's with ongoing services including, but not limited to counseling and psychological services.

6. As a proximate cause and reasonably foreseeable result of the aforesaid negligent hiring and/or retention and/or training and/or supervision of THE HOME's and/or "ABC CORP. 1-20" (being a fictitious designation) administrators and/or houseparents and/or employees, the Plaintiffs sustained severe and permanent physical and/or psychological injuries, were disabled, and/or disfigured, have suffered and will continue to suffer great mental pain and torment, have been and will be caused to spend great and diverse sums of money for medical aid and treatment, and have been and will be prevented from attending to their usual occupations, activities and businesses.

WHEREFORE, Plaintiffs demand judgment against Defendants, THE BOARD and/or "ABC CORP. 1-20" (being a fictitious designation) jointly and severally for compensatory damages, punitive damages, interest, costs of suit and attorney's fees.

COUNT SEVEN

1. The Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in Counts One, Two, Three, Four, Five and Six with the same force and effect as if more fully set forth herein at length.

2. At all relevant times herein, THE HOME and THE BOARD, and/or "ABC CORP. 1-20" (being a fictitious designation) their agents, servants and/or employees, had a fundamental duty to protect the children in their charge from foreseeable dangers whether those dangers arose from their own careless or intentional acts or the careless acts or intentional transgressions of others.

3. At all relevant times herein, THE HOME and THE BOARD and/or “ABC CORP. 1-20” (being a fictitious designation) had a further fundamental duty to take reasonable measures to assure that the administrators and/or employees and/or houseparents and/or their spouses and/or their children who stood as in loco parentis to Plaintiffs were not endangering and/or exploiting these vulnerable children.

4. At all relevant times herein, THE HOME and/or THE BOARD and/or “ABC CORP. 1-20” (being a fictitious designation) knew or should have known that the administrators and/or employees and/or houseparents and/or their spouses and/or their children were endangering and/or exploiting and/or sexually and/or physically and/or emotionally abusing the children at THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) including Plaintiffs.

5. At all relevant times herein, THE HOME, and/or “ABC CORP. 1-20” (being a fictitious designation) its agents, and/or servants and/or employees and THE BOARD had a further duty to warn and/or disclose the present and/or previous misconduct of present employees and/or previous employees to Plaintiffs and the parents of the children in their charge.

6. THE HOME, and/or “ABC CORP. 1-20” (being a fictitious designation) its agents and/or servants and/or employees and or THE BOARD and/or “ABC CORP. 1-20” (being a fictitious designation), breached their duty to Plaintiffs by negligently and/or carelessly and/or recklessly and/or intentionally and/or with malice and/or wanton and willful disregard failing to protect them from sexual and/or physical and/or emotional abuse and/or failing to take any measures to assure that the administration and/or employees and/or houseparents and/or their spouses and/or their children who stood as in loco parentis to Plaintiffs were not endangering and/or exploiting them and/or by failing to warn them and/or their parents of the sexual and/or

physical and/or emotional abuse of Plaintiffs and the past and/or previous sexual and/or physical and/or emotional abuse of other vulnerable children in their charge.

7. As a proximate cause and reasonably foreseeable result of the aforesaid negligent and/or careless and/or reckless and/or intentional and/or with malice and/or wanton and willful disregard failure to protect Plaintiffs and to take measures to assure that the administration and/or employees and/or houseparents and/or their spouses and/or children did not sexually abuse and/or sexual assault and/or assault and/or commit battery and/or inflict of emotional distress upon the Plaintiffs, and/or Defendants' knowingly permitting and/or acquiescing in the same conduct by others, the Plaintiffs sustained severe and permanent physical and/or psychological injuries, were disabled, and/or disfigured, have suffered and will continue to suffer great mental pain and torment, have been and will be caused to spend great and diverse sums of money for medical aid and treatment, and have been and will be prevented from attending to their usual occupations, activities and businesses.

WHEREFORE, Plaintiffs demand judgment against Defendants, THE HOME, the BOARD and/or "ABC CORP. 1-20" (being a fictitious designation) jointly and severally for compensatory damages, punitive damages, interest, costs of suit and attorney's fees.

COUNT EIGHT

1. The Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in Counts One, Two, Three, Four, Five, Six and Seven with the same force and effect as if more fully set forth herein at length.

2. Upon information and belief, at all relevant times hereto, THE CHURCH, CHC, the BOARD and THE HOME and/or "ABC CORP. 1-20" (being a fictitious designation) knew or should have known that the residents of THE HOME and/or "ABC CORP. 1-20" (being a fictitious designation) were being sexually and/or physically and/or emotionally abused by the

administrators of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) and/or employees and/or houseparents and/or children of the employees and/or the spouses of the employees as said abuse was well known to residents, administrators and members of THE BOARD and/or “ABC CORP. 1-20” (being a fictitious designation).

3. Upon information and belief, at all relevant times hereto, the Defendants THE CHURCH and/or CHC and/or THE BOARD and/or THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) proceeded to take action to conceal and/or cover up the sexual and/or physical and/or emotional abuse of the Plaintiffs and other residents of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation).

4. Upon information and belief, at all relevant times hereto, the CHURCH and/or “ABC CORP. 1-20” (being a fictitious designation) gave instructions to the CHC and/or THE BOARD and/or THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) that they should take action to conceal and/or cover up the sexual and/or physical and/or emotional abuse of the Plaintiffs which instructions were followed by CHC and/or THE BOARD and/or THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) constituting a conspiracy.

5. Upon information and belief, at all relevant times hereto, tragically, to the immeasurable detriment of Plaintiffs and dozens of other residents of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation), this conspiracy continued until the present date.

6. Despite the above mentioned citations, no action was taken by any of the Defendants to alleviate and/or correct and/or cure and/or further eliminate the sexual and/or physical and/or emotional abuse perpetrated upon the minor residents of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation).

7. The Defendants above had a duty to investigate and/or inspect and/or interrogate the administrators and/or houseparents and/or employees of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) with regard to the allegations of sexual and/or physical and/or emotional abuse and/or corporal punishment and/or violation of rights regarding Plaintiffs exercise of Freedom of Religion going on in THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation).

8. The Defendants breached their duty to Plaintiffs by negligently and/or carelessly and/or recklessly and/or intentionally and/or with malice and/or wanton and willful disregard failing to investigate and/or inspect and/or interrogate THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation), its agents, and/or servants and/or employees and by immediately subsequent to the DYFS investigation, THE CHURCH, and/or CHC, and/or THE BOARD and/or “ABC CORP. 1-20” (being a fictitious designation) did publish and/or cause to be published a newsletter about THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) which did not disclose any information regarding the DYFS investigation but rather contained misleading material and fraudulent misrepresentations and photographs of the Plaintiffs, which photographs were designed to conceal and cover up the sexual and/or physical and/or emotional abuse perpetrated on the Plaintiff by the Defendants.

9. The Defendants had a duty to refrain from attempting to conceal and/or cover up the sexual and/or physical and/or emotional abuse of the Plaintiffs and other minor residents of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation).

10. The Defendants above disregarded their duty to Plaintiffs by knowingly and maliciously covering up and concealing the culpability of the administrators and/or houseparents and/or other employees and/or children of the employees and/or the spouses of the employees

and failing to discourage and/or dissuade and/or eliminate the sexual abuse and/or physical abuse and/or emotional abuse of the Plaintiffs and other minor residents of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation).

11. By virtue of the numerous overt acts to cover up and conceal the abuse as set forth above, the Defendants share culpability for civil RICO racketeering activities. The Defendants’ actions in concealing their knowledge of the rampant sexual and/or physical and/or emotional abuse of the Plaintiffs and minor residents of THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) constituted self-concealing fraud which gave the abusers *carte blanche* to continue to abuse the Plaintiffs.

12. The affirmative acts, deceptive practices and techniques, material falsehoods and fraudulent concealment practiced by the Defendants above, have prevented Plaintiffs from discovering Defendants’ conspiracy on any earlier dates.

13. Upon information and belief, at all relevant times hereto, Defendants self-concealing fraud was motivated by their desire to derive substantial revenue from wealth benefactors and a committee contributions to THE CHURCH and THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation).

14. As a proximate cause and reasonably foreseeable result of the aforesaid sexual abuse and/or sexual assault and/or assault and/or battery and/or infliction of emotional distress, and/or Defendant knowingly permitting and/or acquiescing in the same, and/or conspiring to conceal and/or cover it up, the Plaintiffs sustained severe and permanent physical and/or psychological injuries, were disabled, and/or disfigured, have suffered and will continue to suffer great mental pain and torment, have been and will be caused to spend great and diverse sums of

money for medical aid and treatment, and have been and will be prevented from attending to their usual occupations, activities and businesses.

WHEREFORE, Plaintiffs demand judgment against Defendants, THE CHURCH, CHC, the BOARD and THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation) jointly and severally for compensatory damages, punitive damages, interest, costs of suit and attorney’s fees.

COUNT NINE

1. Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in Counts One, Two, Three, Four, Five, Six, Seven and Eight with the same force and effect as if more fully set forth herein at length.

2. M.J.S. and F.A.S. are the lawful spouses of M.J. and F.A, respectively.

3. As a proximate cause and reasonably foreseeable result of the negligence and/or carelessness and/or intentional conduct and/or reckless disregard of the aforesaid Defendants, Plaintiffs M.J.S. and F.A.S., have been and will be deprived of the services, society and consortium of their wives, M.J. and F.A, respectively.

WHEREFORE, the Plaintiffs demand judgment against the Defendants, DONALDSON, TONNESON, HOCKENBERRY, BRIGGS, SHABUK, WRIGHT, KING, FEARNES, GATCHER, SIMPSON, CORSE, BREWER, SPERRY, WHITTLES, CARBERRY and/or “JOAN DOES 1-20 and/or JOHN DOES 1-20” (being fictitious designations) and/or THE CHURCH and/or THE BOARD and/or CHC and/or THE HOME and/or “ABC CORP. 1-20” (being a fictitious designation).

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Rosemarie Arnold, Esq. is designated as trial counsel.

CERTIFICATION

I hereby certify that this matter is not the subject of any other action pending in any court or arbitration proceeding, that no such other action or arbitration proceeding is contemplated by this Plaintiffs, and that there are no other parties, whom, to the knowledge of the Plaintiffs' counsel, should be joined in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: November 27, 2012



ROSEMARIE ARNOLD