

**SUMMONS
(CITACION JUDICIAL)**

FILED
CIVIL BUSINESS SUM-100
FOR COURT USE ONLY DIVISION
(SOLO PARA USO DE LA CORTE)

MAY 20 2010

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Defendant Doe 1, La Jolla Church; Defendant Doe 2, Linda Vista Church; Defendant Doe 3, Supervisory Organization; Defendant Doe 4, Perpetrator; and Does 5 through 100, inclusive, **YOU ARE BEING SUED BY PLAINTIFF:**
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

John Dorman, Individually, and Joel Gamboa, Individually,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

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 may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

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. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

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. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

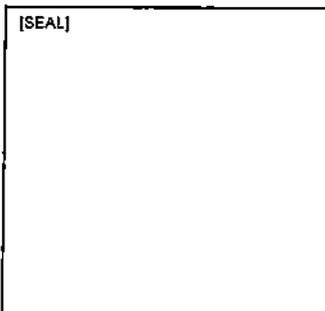
The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California - San Diego
330 West Broadway
San Diego, CA 92101

CASE NUMBER:
(Número del Caso):
37-2010-00092450-CU-PO-CTL

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):
Irwin M. Zalkin(89957); Devin M. Storey(234271); The Zalkin Law Firm, P.C. 858-259-3011
12555 High Bluff Drive, Suite 260, San Diego, CA 92130

DATE: **MAY 20 2010** Clerk, by **T. Lusch** Deputy
(Fecha) (Secretario) (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)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: 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):

MAY 20 2010

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

1 Irwin M. Zalkin, Esq. (#89957)
2 Devin M. Storey, Esq. (#234271)
3 Michael J. Kinslow, Esq. (#238310)
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5 12555 High Bluff Drive, Suite 260
6 San Diego, CA 92130
7 Tel: 858/259-3011
8 Fax: 858/259-3015

9 Attorneys for Plaintiffs

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN DIEGO

12 John Dorman, Individually, and Joel
13 Gamboa, Individually,

14 Plaintiffs,

15 v.

16 Defendant Doe 1, La Jolla Church;
17 Defendant Doe 2, Linda Vista Church;
18 Defendant Doe 3, Supervisory
19 Organization; Defendant Doe 4,
20 Perpetrator; and Does 5 through 100,
21 inclusive,

22 Defendants.

CASE NUMBER: 37-2010-00092450-CU-PO-CTL

COMPLAINT FOR DAMAGES FOR:

1. NEGLIGENCE;
2. NEGLIGENT SUPERVISION/
FAILURE TO WARN;
3. NEGLIGENT HIRING/RETENTION
4. FRAUD;
5. NEGLIGENT FAILURE TO WARN, TRAIN,
OR EDUCATE PLAINTIFF;
6. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS;
7. NEGLIGENCE PER SE;
8. SEXUAL BATTERY; AND
9. SEXUAL HARASSMENT.

[Demand for Jury Trial]

[Filed Concurrently with Certificates of Merit]

1 Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization and
2 Does 5 through 100.

3 3. Defendant Does 5 through 100, inclusive, are individuals and/or business or
4 corporate entities incorporated in and/or doing business in California whose true names
5 and capacities are unknown to Plaintiffs, who therefore sue such Defendants by such
6 fictitious names, and who will amend the Complaint to show the true names and capacities
7 of each such Doe Defendant when ascertained. Each such Defendant Doe is legally
8 responsible in some manner for the events, happenings and/or tortious and unlawful
9 conduct that caused the injuries and damages alleged in this Complaint.

10 4. Each Defendant is the agent, servant and/or employee of other Defendants, and
11 each Defendant was acting within the course and scope of his, her or its authority as an
12 agent, servant and/or employee of the other Defendants. The Defendants, and each of
13 them, are individuals, corporations, partnerships and other entities which engaged in,
14 joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful
15 activities described in this Complaint, and the Defendants, and each of them, ratified the
16 acts of the other Defendants as described in this Complaint.

17 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

18 5. Plaintiff John Dorman was born on September 7, 1977. Plaintiff John Dorman was
19 repeatedly and viciously sexually abused by Perpetrator on numerous occasions between
20 1983 and 1985, when he was between the approximate ages of six and eight.

21 5.1. Plaintiff John Dorman experienced a strict Jehovah's Witness upbringing. Plaintiff
22 John Dorman was taught to look at non-members of the Jehovah's Witness faith with
23 skepticism, and to trust in members of the Jehovah's Witness faith. Plaintiff John Dorman
24 was taught to trust, respect and revere Elders in the Jehovah's Witness Church. As a
25 minor in the Jehovah's Witness faith, Plaintiff John Dorman did not contemplate that an
26 Elder in the Jehovah's Witness Church would mislead him.

27 5.2. Plaintiff Joel Gamboa was born on December 31, 1980. Plaintiff Joel Gamboa was
28 repeatedly and viciously sexually abused by Perpetrator from approximately 1988 until

1 approximately 1995. The abuse ceased when Plaintiff Joel Gamboa moved away from the
2 San Diego area in 1995.

3 5.3. At the time of the sexual abuse by Perpetrator, Joel Gamboa attended religious
4 services at Defendant Linda Vista Church. Perpetrator frequently spoke at religious
5 services at Defendant Linda Vista Church, and also was sent to Plaintiff Joel Gamboa's
6 home by Defendant Linda Vista Church to instruct Plaintiff Joel Gamboa in Jehovah's
7 Witness matters.

8 5.4. Plaintiffs are informed and believe and on that basis allege that Defendant La Jolla
9 Church was aware that Perpetrator was providing Plaintiff Joel Gamboa instruction through
10 Defendant Linda Vista Church. Plaintiffs are further informed and believe and on that
11 basis allege that Defendant Linda Vista was aware that Perpetrator had been reprovved for
12 his conduct in sexually abusing boys at Defendant La Jolla Church, but continued to allow
13 Perpetrator access to Joel Gamboa.

14 5.5. Plaintiffs are informed and believe and on that basis allege that Defendant
15 Supervisory Organization exerts influence over which members of the Jehovah's Witness
16 faith can be appointed as elders and ministerial servants. Plaintiffs are further informed
17 and believe and on that basis allege that Perpetrator could not have been appointed as an
18 elder or ministerial servant without the approval of Defendant Supervisory Organization.

19 6. Plaintiffs are informed and believe and on that basis allege that, during the period of
20 abuse of Plaintiff John Dorman, and during the time period during which the molestation of
21 Plaintiff Joel Gamboa began, Perpetrator was a ministerial servant with Defendant La Jolla
22 Church. A ministerial servant is equivalent to a deacon in Catholicism. Ministerial servants
23 are appointed to assist the Elders with routine work in the local congregation.

24 6.1. Plaintiffs are informed and believe and on that basis allege that Perpetrator was
25 frequently chosen as a speaker to preach to the congregation by the Elders and was being
26 groomed by the Elders at Defendant La Jolla Church to become an Elder himself.

27 6.2. Plaintiffs are informed and believe, and on that basis allege that sometime in the
28 early 1990s Perpetrator became an Elder with Defendant La Jolla Church. Each

1 congregation of Jehovah's Witnesses has a body of Elders who are responsible for the
2 governance of the congregation, including selecting speakers, directing preaching and
3 serving on committees that investigate and decide disciplinary action cases and impose
4 punishments. The Elders are the highest authority at the congregational level.

5 7 In approximately December of 1993, or January of 1994, Plaintiff John Dorman
6 confided in his mother that he had been sexually abused by Perpetrator. On the night that
7 Mrs. Dorman learned that her son had been sexually abused by Perpetrator, she placed a
8 telephone call to an Elder at Defendant La Jolla Church. The Elder confirmed that his son
9 had also been sexually abused by Perpetrator.

10 7.1. After getting off the phone with the Elder from Defendant La Jolla Church, Mrs.
11 Dorman called Perpetrator to confront him about the abuse of her son. Perpetrator
12 confessed that he had sexually abused Plaintiff John Dorman, but defended himself by
13 saying that it had occurred several years earlier, and that he had been "reproved" by
14 Defendant La Jolla Church, which means that a judicial committee within Defendant La
15 Jolla Church determined that Perpetrator was considered to be repentant for his acts.

16 8. In approximately 1995, Plaintiff John Dorman received a telephone call from an
17 Elder from Defendant La Jolla Church. Plaintiff John Dorman was interviewed about the
18 abuse by Perpetrator, and was told that the statute of limitations had already expired for
19 both criminal and civil claims relating to the molestation by Perpetrator. This statement
20 was not correct when it was made. The civil statute of limitation had not expired on Plaintiff
21 John Dorman's claim at that time.

22 8.1. Plaintiff is informed and believes and on that basis alleges that the representative of
23 Defendant La Jolla Church that made this statement knew that it was incorrect when made,
24 and intentionally misled Plaintiff John Dorman so that he would be unable to exercise his
25 legal rights to press criminal charges or pursue a civil action resulting from the molestation
26 by Perpetrator.

27 8.2. Plaintiff John Dorman reasonably relied on the statement by the representative of
28 Defendant La Jolla Church that he was unable to pursue a civil action or press criminal

1 charges resulting from the molestation by Perpetrator due to the expiration of the statute of
2 limitations. Plaintiff, in reliance on the representations by the Elder from Defendant La
3 Jolla Church, did not pursue criminal charges against Perpetrator, nor did he pursue civil
4 claims against Perpetrator or Defendant La Jolla Church.

5 8.3. Plaintiff John Dorman did not discover, and could not reasonably have discovered,
6 that the criminal and civil statutes of limitation had not expired in 1995, as represented by
7 the Elder from Defendant La Jolla Church until January of 2010.

8 8.4. During her conversation with an Elder from Defendant Church, Mrs. Dorman was
9 told that Defendant was aware that Perpetrator had sexually abused children from
10 Defendant La Jolla Church, and that she should not pursue the matter any further. The
11 representative of Defendant La Jolla Church informed Mrs. Dorman that this was a church
12 matter, and Defendant La Jolla Church would take care of it. The Elder at Defendant La
13 Jolla Church also threatened that if Mrs. Dorman pursued there would be repercussions
14 that would effect her and her family's standing in the local Jehovah's Witness community.

15 8.5. At the time the threat was made, Mrs. Dorman reasonably believed that the
16 representative of Defendant La Jolla Church would follow through on the threat and that
17 there would be dire consequences for her and her family.

18 8.6. This threat reasonably caused Mrs. Dorman to cease pursuing the matter of the
19 molestation of her son by Perpetrator and to accept and believe the representations of the
20 Elder of Defendant La Jolla Church that the criminal and civil statutes of limitations had
21 expired by 1995.

22 8.7. Defendant La Jolla Church, by virtue of its threats against Mrs. Dorman and its
23 misleading statements to Plaintiff John Dorman, prevented Plaintiff John Dorman from
24 commencing an action at any earlier date. Defendant La Jolla Church is equitably
25 estopped from asserting the statute of limitations as a bar to Plaintiff John Dorman's
26 action.

27 9. Plaintiffs are informed and believe and on that basis allege that although Defendant
28 La Jolla Church was aware, prior to December of 1993, that Perpetrator had sexually

1 abused children at Defendant La Jolla Church, Defendant La Jolla Church determined that
2 Perpetrator was repentant for his sexual molestation of children and was retained in his
3 leadership position with Defendant La Jolla Church where he continued to have access to
4 children and continued to abuse Plaintiff Joel Gamboa. By retaining Perpetrator after
5 learning of his past sexual abuse of children, Defendant La Jolla Church ratified and
6 authorized Perpetrator' conduct.

7 9.1. In approximately December of 1993 or January of 1994, Defendant La Jolla Church
8 gained actual knowledge that Plaintiff John Dorman was sexually abused by Perpetrator.
9 Notwithstanding this knowledge, Defendant La Jolla Church retained Perpetrator in his
10 leadership position with Defendant La Jolla Church. By retaining Perpetrator after learning
11 of his sexual abuse of Plaintiff John Dorman, Defendant La Jolla Church ratified and
12 authorized Perpetrator' conduct.

13 9.2. In approximately 1995, after his family had moved away from the San Diego area,
14 Plaintiff Joel Gamboa received a telephone call from at least two Jehovah's Witness
15 Elders. Joel was asked if he had been sexually molested by Perpetrator. Joel Gamboa
16 confirmed that he had been sexually abused. Defendant La Jolla Church did not report the
17 abuse to law enforcement, did not offer any aid to Plaintiff Joel Gamboa in recovering or
18 minimizing the damage caused by the molestation, and Plaintiff Joel Gamboa is informed
19 and believes and on that basis alleges that Defendant La Jolla Church retained Perpetrator
20 in his leadership position in Defendant La Jolla Church. By doing these acts, Defendant La
21 Jolla Church ratified and authorized Perpetrator' conduct.

22 9.3. Defendant La Jolla Church, having knowledge, prior to December of 1993, that
23 Perpetrator had committed acts of childhood sexual abuse, and retaining Perpetrator in a
24 leadership position authorized Perpetrator' subsequent sexual abuse of children, including
25 Plaintiff Joel Gamboa.

26 10. Defendant La Jolla Church, through its Elders, ministerial servants, speakers,
27 employees, agents ad volunteers knew of unlawful sexual conduct by Perpetrator prior to
28 some or all of the molestation of Plaintiff Joel Gamboa.

1 10.1. After becoming aware of acts of childhood sexual abuse committed by Perpetrator,
2 Defendant La Jolla Church did not warn or advise the congregation of the danger that
3 Perpetrator posed to children, or his past history of sexually abusing minors.

4 10.2. Defendant La Jolla Church actively concealed Perpetrator' sexual abuse of children,
5 and prevented members of the congregation from learning of Perpetrator' sexual abuse of
6 children.

7 10.3. Defendant La Jolla Church, notwithstanding its knowledge of acts of childhood
8 sexual abuse committed by Perpetrator, held Perpetrator out to the community and the
9 congregation, including Plaintiff Joel Gamboa, as a ministerial servant, speaker and / or
10 Elder in good standing with Defendant La Jolla Church. In doing so, Defendant La Jolla
11 Church represented that Plaintiff Joel Gamboa, and other minor parishioners, were safe in
12 Perpetrator' presence and under his supervision. Defendant La Jolla Church knew these
13 representations to be false.

14 10.4. Defendant La Jolla Church had sole knowledge of Perpetrator' history of sexually
15 abusing children. As a result of Defendant La Jolla Church's affirmative and active conduct
16 in suppressing information relating to Perpetrator' sexual abuse of children, such facts
17 were not known or reasonably discoverable to Plaintiff Joel Gamboa.

18 10.5. By virtue of their superior knowledge of Perpetrator' past history of sexually abusing
19 minors, and active conduct in preventing Plaintiff Joel Gamboa from ascertaining similar
20 knowledge, Defendant La Jolla Church assumed obligations to warn and or disclose the
21 danger posed by Perpetrator to Plaintiff Joel Gamboa and other parishioners.

22 10.6. Defendant La Jolla Church, having knowledge of the high rates of recidivism among
23 individuals who commit childhood sexual abuse, and with knowledge that Perpetrator had
24 repeatedly engaged in acts of childhood sexual abuse even after being reprimanded and
25 reproved by Defendant La Jolla Church, retained Perpetrator in a leadership position with
26 Defendant La Jolla Church where he had access to children in conscious disregard of the
27 substantial likelihood that minor parishioners would be sexually abused as a result of its
28 actions. Defendant La Jolla Church fraudulently, intentionally and knowingly breached its

1 obligation by not warning Plaintiff Joel Gamboa of the risk posed by Perpetrator.

2 10.7. Defendant La Jolla Church affirmatively misrepresented to Plaintiff John Dorman in
3 approximately 1995 that the statute of limitations for both a criminal action against
4 Perpetrator and a civil case resulting from the abuse had expired, and that no legal action
5 could be taken by Plaintiff John Dorman.

6 10.8. This representation was false when made since Plaintiff John Dorman had not
7 reached the age of majority and the civil statute of limitations had not even commenced
8 running. Defendant La Jolla Church and its agent and representatives knew this statement
9 to be false when uttered.

10 10.9. Plaintiff John Dorman reasonably relied on the statement to his detriment.

11 11. The sexual abuse and exploitation of Plaintiff John Dorman and the circumstances
12 under which it occurred caused Plaintiff John Dorman to develop various psychological
13 coping mechanisms which reasonably made him incapable of ascertaining the resulting
14 damages from that conduct, or the wrongfulness of Perpetrator' conduct. Plaintiff John
15 Dorman did not begin to discover the causal relationship between the molestation and
16 adulthood psychological injuries until after the birth of his son in 2008. Thus, within the
17 three years prior to the filing of this Complaint, Plaintiff discovered that the psychological
18 injury or illness occurring after the age of majority was caused by the sexual abuse.

19 11.1. The sexual abuse and exploitation of Plaintiff Joel Gamboa and the circumstances
20 under which it occurred caused Plaintiff Joel Gamboa to develop various psychological
21 coping mechanisms which reasonably made him incapable of ascertaining the resulting
22 damages from that conduct, or the wrongfulness of Perpetrator' conduct. In approximately
23 2008 or 2009, Plaintiff Joel Gamboa learned that Perpetrator was still associated with, and
24 attending Jehovah's Witness services in the San Diego area. At that time, Joel was forced
25 to revisit his victimization by Perpetrator, and discovered, for the first time, that
26 psychological injuries occurring during his adulthood were caused by the molestation by
27 Perpetrator. Thus, within the three years prior to the filing of this Complaint, Plaintiff
28 discovered that the psychological injury or illness occurring after the age of majority was

1 caused by the sexual abuse.

2 **FIRST CAUSE OF ACTION**

3 **NEGLIGENCE**

4 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Supervisory**
5 **Organization and Does 5 through 100; Plaintiff Joel Gamboa Against Defendant La**
6 **Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization**
7 **and Does 5 through 100)**

8 12. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

9 13. Defendants had a duty to protect the minor Plaintiffs when they were entrusted to
10 their care by Plaintiffs' parents. Plaintiffs' care, welfare, and/or physical custody was
11 temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care
12 of Plaintiffs. As such, Defendants owed Plaintiffs, minor children, a special duty of care, in
13 addition to a duty of ordinary care, and owed Plaintiffs the higher duty of care that adults
14 dealing with children owe to protect them from harm.

15 14. Defendants, by and through their agents, servants and employees, knew or
16 reasonably should have known of the Perpetrator's dangerous and exploitive propensities
17 and/or that the Perpetrator was an unfit agent. It was foreseeable that if Defendants did
18 not adequately exercise or provide the duty of care owed to children in their care, including
19 but not limited to Plaintiffs, the children entrusted to Defendants' care would be vulnerable
20 to sexual abuse by the Perpetrator.

21 15. Defendants breached their duty of care to the minor Plaintiffs by allowing the
22 Perpetrator to come into contact with the minor Plaintiffs without supervision; by failing to
23 adequately hire, supervise, or retain the Perpetrator who they permitted and enabled to
24 have access to Plaintiffs; by failing to investigate or otherwise confirm or deny such facts
25 about the Perpetrator; by failing to tell or concealing from Plaintiffs, Plaintiffs' parents,
26 guardians, or law enforcement officials that the Perpetrator was or may have been sexually
27 abusing minors; by failing to tell or concealing from Plaintiffs' parents, guardians, or law
28 enforcement officials that Plaintiffs were or may have been sexually abused after

1 Defendants knew or had reason to know that the Perpetrator may have sexually abused
2 Plaintiffs, thereby enabling Plaintiffs to continue to be endangered and sexually abused,
3 and/or creating the circumstance where Plaintiffs were less likely to receive medical/mental
4 health care and treatment, thus exacerbating the harm done to Plaintiffs; and/or by holding
5 out the Perpetrator to the Plaintiffs and their parents or guardians as being in good
6 standing and trustworthy. Defendants cloaked within the facade of normalcy Defendants'
7 and/or the Perpetrator's contact and/or actions with the Plaintiffs and/or with other minors
8 who were victims of the Perpetrator, and/or disguised the nature of the sexual abuse and
9 contact.

10 16. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
11 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
12 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
13 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
14 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
15 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
16 capacity; and/or have incurred and will continue to incur expenses for medical and
17 psychological treatment, therapy, and counseling.

18 **SECOND CAUSE OF ACTION**

19 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

20 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Supervisory**
21 **Organization and Does 5 through 100; Plaintiff Joel Gamboa Against Defendant La**
22 **Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization**
23 **and Does 5 through 100)**

24 17. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.
25 18. Defendants had a duty to provide reasonable supervision of the Perpetrator; to use
26 reasonable care in investigating the Perpetrator; and to provide adequate warning to the
27 Plaintiffs, the Plaintiffs' families, minor students, and minor parishioners of the
28 Perpetrator's dangerous propensities and unfitness.

1 19. Defendants, by and through their agents, servants and employees, knew or
2 reasonably should have known of the Perpetrator's dangerous and exploitive propensities
3 and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendants
4 negligently failed to supervise the Perpetrator in the position of trust and authority as a
5 Jehovah's Witness speaker, ministerial servant, Elder, religious instructor, counselor,
6 surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where
7 he was able to commit the wrongful acts against the Plaintiffs. Defendants failed to provide
8 reasonable supervision of the Perpetrator, failed to use reasonable care in investigating the
9 Perpetrator, and failed to provide adequate warning to Plaintiffs and Plaintiffs' families of
10 the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take
11 reasonable measures to prevent future sexual abuse.

12 20. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
13 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
14 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
15 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
16 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
17 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
18 capacity; and/or have incurred and will continue to incur expenses for medical and
19 psychological treatment, therapy, and counseling.

20 **THIRD CAUSE OF ACTION**

21 **NEGLIGENT HIRING/RETENTION**

22 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Supervisory**
23 **Organization and Does 5 through 100; Plaintiff Joel Gamboa Against Defendant La**
24 **Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization**
25 **and Does 5 through 100)**

26 21. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

27 22. Defendants had a duty to not hire and/or retain the Perpetrator, and other
28 employees, agents, volunteers, and other representatives, given the Perpetrator's
dangerous and exploitive propensities.

1 23. Defendant La Jolla Church, Defendant Linda Vista Church, Defendant Supervisory
2 Organization and Does 5 through 100, by and through their agents, servants and
3 employees, knew or reasonably should have known of the Perpetrator's dangerous and
4 exploitive propensities and/or that the Perpetrator was an unfit agent. Despite such
5 knowledge, Defendants negligently hired and/or retained the Perpetrator in the position of
6 trust and authority as a Jehovah's Witness speaker, ministerial servant, Elder, religious
7 instructor, counselor, surrogate parent, spiritual mentor, emotional mentor, and/or other
8 authority figure, where he was able to commit the wrongful acts against the Plaintiffs.
9 Defendants failed to use reasonable care in investigating the Perpetrator and failed to
10 provide adequate warning to Plaintiffs and Plaintiffs' families of the Perpetrator's
11 dangerous propensities and unfitness. Defendants further failed to take reasonable
12 measures to prevent future sexual abuse.

13 24. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
14 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
15 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
16 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
17 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
18 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
19 capacity; and/or have incurred and will continue to incur expenses for medical and
20 psychological treatment, therapy, and counseling.

21
22 **FOURTH CAUSE OF ACTION**

23 **FRAUD**

24 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Supervisory**
25 **Organization and Does 5 through 100; Plaintiff Joel Gamboa Against Defendant La**
26 **Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization**
27 **and Does 5 through 100)**

28 25. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

26. Defendants knew and/or had reason to know of the sexual misconduct of the

1 Perpetrator.

2 27. Defendants misrepresented, concealed or failed to disclose information relating to
3 sexual misconduct of the Perpetrator as described herein, and that Defendants continued
4 to misrepresent, conceal, and fail to disclose information relating to sexual misconduct of
5 the Perpetrator as described herein.

6 28. Defendants knew that they misrepresented, concealed or failed to disclose
7 information relating to sexual misconduct of the Perpetrator.

8 29. Plaintiffs justifiably relied upon Defendants for information relating to sexual
9 misconduct of the Perpetrator.

10 30. Defendants, with the intent to conceal and defraud, did misrepresent, conceal or fail
11 to disclose information relating to the sexual misconduct of the Perpetrator.

12 31. As a direct result of Defendants' fraud, Plaintiffs have suffered, and continue to
13 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
14 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
15 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
16 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
17 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
18 capacity; and/or have incurred and will continue to incur expenses for medical and
19 psychological treatment, therapy, and counseling.

20 32. In addition, when Plaintiffs finally discovered the fraud of Defendants, and
21 continuing thereafter, Plaintiffs experienced recurrences of the above-described injuries.
22 In addition, when Plaintiffs finally discovered the fraud of Defendants, and continuing
23 thereafter, Plaintiffs experienced extreme and severe mental and emotional distress that
24 Plaintiffs had been the victim of the Defendants' fraud; that Plaintiffs had not been able to
25 help other minors being molested because of the fraud; and that Plaintiffs had not been
26 able because of the fraud to receive timely medical treatment needed to deal with the
27 problems Plaintiffs have suffered and continue to suffer as a result of the molestations.

28

1 **FIFTH CAUSE OF ACTION**

2 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF**

3 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Supervisory**
4 **Organization and Does 5 through 100; Plaintiff Joel Gamboa Against Defendant La**
5 **Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization**
6 **and Does 5 through 100)**

7 33. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

8 34. Defendants breached their duty to take reasonable protective measures to protect
9 Plaintiffs and other minor parishioners and/or students from the risk of childhood sexual
10 abuse by the Perpetrator, such as the failure to properly warn, train, or educate Plaintiffs
11 and other minor parishioners and/or students about how to avoid such a risk, pursuant to
12 Juarez v. Boy Scouts of America, Inc., 97 Cal.Rptr.2d 12, 81 Cal.App.4th 377 (2000).

13 35. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
14 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
15 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
16 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
17 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
18 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
19 capacity; and/or have incurred and will continue to incur expenses for medical and
20 psychological treatment, therapy, and counseling.

21 **SIXTH CAUSE OF ACTION**

22 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

23 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Supervisory**
24 **Organization, Defendant Perpetrator and Does 5 through 100; Plaintiff Joel Gamboa**
25 **Against Defendants La Jolla Church, Defendant Linda Vista Church, Defendant**
26 **Supervisory Organization, Defendant Perpetrator and Does 5 through 100)**

27 36. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

28 37. Defendants' conduct was extreme and outrageous and was intentional or done

1 recklessly.

2 38. As a result of Defendants' conduct, Plaintiffs experienced and continue to
3 experience severe emotional distress resulting in bodily harm.

4 39. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
5 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
6 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
7 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
8 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
9 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
10 capacity; and/or have incurred and will continue to incur expenses for medical and
11 psychological treatment, therapy, and counseling.

12 **SEVENTH CAUSE OF ACTION**

13 **NEGLIGENCE PER SE**

14 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Supervisory**
15 **Organization and Does 5 through 100; Plaintiff Joel Gamboa Against Defendant La**
16 **Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization**
17 **and Does 5 through 100)**

18 40. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

19 41. At all times or sometimes herein mentioned, there was in full force and effect Penal
20 Code §§ 32; 11166; 273a; 266j; 285; 286(b)(1) & (2); 286(c); 288(a) & (b); 288a(b)(1) & (2);
21 288a(c); 289(h), (l) & (j); 647.6; or any prior laws of California of similar effect at the time
22 these acts described herein were committed. These laws made unlawful certain acts
23 relating to the sexual abuse of minors.

24 42. At the times mentioned herein, Defendants were in violation of the aforesaid
25 statutes in doing the acts set forth herein.

26 43. Plaintiffs were within the class of persons to be protected by Penal Code §§ 32;
27 11166; 273a; 266j; 285; 286(b)(1) & (2); 286(c); 288(a) & (b); 288a(b)(1) & (2); 288a(c);
28 289(h), (l) & (j); 647.6; or any prior laws of California of similar effect at the time these acts

1 described herein were committed.

2 44. As a result of the above-described conduct, Plaintiffs have suffered, and will
3 continue to suffer great pain of mind and body, shock, emotional distress, physical
4 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
5 humiliation, and loss of enjoyment of life; have suffered and will continue to suffer
6 spiritually; were prevented and will continue to be prevented from performing Plaintiffs'
7 daily activities and obtaining the full enjoyment of life; have sustained and will continue to
8 sustain loss of earnings and earning capacity; and/or have incurred and will continue to
9 incur expenses for medical and psychological treatment, therapy, and counseling.

10 **EIGHTH CAUSE OF ACTION**

11 **SEXUAL BATTERY (Civil Code § 1708.5)**

12 **(All Plaintiffs Against All Defendants)**

13 45. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

14 46. From approximately 1983 to 1985, the Perpetrator engaged in unpermitted, harmful
15 and offensive sexual contact upon the person of Plaintiff John Dorman, and Defendant La
16 Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization and
17 Does 5 through 100 ratified or approved of that sexual contact.

18 47. From approximately 1988 to approximately 1995, the Perpetrator engaged in
19 unpermitted, harmful and offensive sexual contact upon the person of Plaintiff Joel
20 Gamboa, and Defendant La Jolla Church, Defendant Linda Vista Church, Defendant
21 Supervisory Organization and Does 5 through 100 ratified or approved of that sexual
22 contact.

23 48. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
24 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
25 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
26 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
27 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
28 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning

1 capacity; and/or have incurred and will continue to incur expenses for medical and
2 psychological treatment, therapy, and counseling. Pursuant to Civil Code § 1708.5(c),
3 Plaintiffs are also entitled to injunctive relief for this cause of action pursuant, in which the
4 Perpetrator is enjoined from committing further acts of sexual battery.

5 **NINTH CAUSE OF ACTION**

6 **SEXUAL HARASSMENT**

7 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Perpetrator**
8 **and Does 5 through 100; Plaintiff Joel Gamboa Against Defendant La Jolla Church,**
9 **Defendant Linda Vista Church, Defendant Perpetrator and Does 5 through 100)**

10 49. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

11 50. During Plaintiff John Dorman's time as a congregant, church member and student at
12 Defendant La Jolla Church, Perpetrator intentionally, recklessly and wontonly made sexual
13 advances, sexual solicitations, sexual comments and sexual requests and engaged in
14 other visual, verbal or physical conduct of a sexual nature based on Plaintiff John
15 Dorman's gender that were unwelcome, pervasive and severe, including but not limited to
16 engaging in sexual talk with John Dorman and touching John Dorman in a sexually
17 motivated and illegal manner, all while Perpetrator was acting in the course and scope of
18 his agency with Defendant La Jolla Church and Does 5 through 100.

19 51. During Plaintiff Joel Gamboa's time as a congregant, church member and student at
20 Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly made
21 sexual advances, sexual solicitations, sexual comments and sexual requests and engaged
22 in other visual, verbal or physical conduct of a sexual nature based on Plaintiff Joel
23 Gamboa's gender that were unwelcome, pervasive and severe, including but not limited to
24 engaging in sexual talk with Joel Gamboa and touching Joel Gamboa in a sexually
25 motivated and illegal manner, all while Perpetrator was acting in the course and scope of
26 his agency with Defendant Linda Vista Church and Does 5 through 100.

27 52. The incidents of sexual misconduct and sexual harassment outlined herein took
28 place while Plaintiff John Dorman was under the control of Perpetrator, in his capacity as a

1 ministerial servant, teacher and speaker at Defendant La Jolla Church and while
2 specifically acting on behalf of the Defendant La Jolla Church and Does 5 through 100.

3 53. The incidents of sexual misconduct and sexual harassment outlined herein took
4 place while Plaintiff Joel Gamboa was under the control of Perpetrator, in his capacity as a
5 ministerial servant, teacher and speaker at Defendant La Jolla Church, and while
6 specifically acting on behalf of the Defendant La Jolla Church, Defendant Linda Vista
7 Church and Does 5 through 100.

8 54. During Plaintiff John Dorman's time as a church member, congregant and student at
9 Defendant La Jolla Church, Perpetrator intentionally, recklessly and wontonly did acts
10 which resulted in harmful and offensive contact with intimate parts of Plaintiff John
11 Dorman's person, including but not limited to, using his position as a ministerial servant,
12 teacher and speaker to require Plaintiff John Dorman to give into his sexual suggestions,
13 and used his authority and position of trust to exploit John Dorman physically, sexually and
14 emotionally.

15 55. During Plaintiff Joel Gamboa's time as a church member, congregant and student at
16 Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly did acts
17 which resulted in harmful and offensive contact with intimate parts of Plaintiff Joel
18 Gamboa's person, including but not limited to, using his position as a ministerial servant,
19 teacher and speaker to require Plaintiff Joel Gamboa to give into his sexual suggestions,
20 and used his authority and position of trust to exploit Joel Gamboa physically, sexually and
21 emotionally.

22 56. Because of Plaintiff John Dorman's relationship with Perpetrator, Plaintiff John
23 Dorman's young age as a minor congregant and student, and Plaintiff John Dorman's
24 inexperience, Plaintiff John Dorman was emotionally unable to terminate the contact he
25 had with Perpetrator.

26 57. Because of Plaintiff Joel Gamboa's relationship with Perpetrator, Plaintiff Joel
27 Gamboa's young age as a congregant and student, and Plaintiff Joel Gamboa's
28 inexperience, Plaintiff Joel Gamboa was emotionally unable to terminate the contact he

1 had with Perpetrator.

2 58. Because of Perpetrator' position of authority over Plaintiff John Dorman, Plaintiff
3 John Dorman's mental and emotional state, and Plaintiff John Dorman's young age under
4 the age of consent, Plaintiff John Dorman was unable to, and did not, give meaningful
5 consent to such acts.

6 59. Because of Perpetrator' position of authority over Plaintiff Joel Gamboa, Plaintiff
7 Joel Gamboa's mental and emotional state, and Plaintiff Joel Gamboa's young age under
8 the age of consent, Plaintiff Joel Gamboa was unable to, and did not, give meaningful
9 consent to such acts.

10 60. Even though Defendant La Jolla Church, Defendant Linda Vista Church and Does 5
11 through 100 knew or should have known of these activities by Perpetrator, Defendant La
12 Jolla Church, Defendant Linda Vista Church and Does 5 through 100 did nothing to
13 investigate, supervise or monitor Perpetrator to ensure the safety of the minor students and
14 choir members.

15 61. Defendant La Jolla Church, Defendant Linda Vista Church and Does 5 through
16 100's conduct was a breach of their duties to Plaintiffs.

17 63. As a result of the above-described conduct, Plaintiffs have suffered and will continue
18 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
19 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
20 enjoyment of life; have suffered and will continue to suffer spiritually; were prevented and
21 will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
22 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
23 capacity; and/or have incurred and will continue to incur expenses for medical and
24 psychological treatment, therapy, and counseling.

25 WHEREFORE, Plaintiffs pray for damages; costs; interest; statutory/civil penalties
26 according to law; punitive damages against Defendant Perpetrator; attorney's fees and
27 such other relief as the court deems appropriate and just.

28

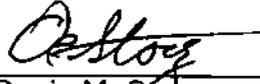
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JURY DEMAND

Plaintiffs demand a jury trial on all issues so triable.

THE ZALKIN LAW FIRM, P.C.

Dated: 5/20/10

By: 
Devin M. Strey
Attorney for Plaintiffs

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: 330 West Broadway
MAILING ADDRESS: 330 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 450-7073

Sandy Clerk

PLAINTIFF(S) / PETITIONER(S): John Dorman et.al.

DEFENDANT(S) / RESPONDENT(S): La Jolla Church et.al.

DORMAN VS. LA JOLLA CHURCH

NOTICE OF CASE ASSIGNMENT

CASE NUMBER:

37-2010-00092450-CU-PO-CTL

Judge: Steven R. Denton

Department: C-73

COMPLAINT/PETITION FILED: 05/20/2010

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NUMBER: 37-2010-00092450-CU-PO-CTL CASE TITLE: Dorman vs. La Jolla Church

NOTICE TO LITIGANTS/ADR INFORMATION PACKAGE

You are required to serve a copy of this Notice to Litigants/ADR Information Package and a copy of the blank Stipulation to Alternative Dispute Resolution Process (received from the Civil Business Office at the time of filing) with a copy of the Summons and Complaint on all defendants in accordance with San Diego Superior Court Rule 2.1.5, Division II and CRC Rule 201.9.

ADR POLICY

It is the policy of the San Diego Superior Court to strongly support the use of Alternative Dispute Resolution ("ADR") in all general civil cases. The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court's expectation that litigants will utilize some form of ADR – i.e. the court's mediation or arbitration programs or other available private ADR options as a mechanism for case settlement before trial.

ADR OPTIONS

1) CIVIL MEDIATION PROGRAM: The San Diego Superior Court Civil Mediation Program is designed to assist parties with the early resolution of their dispute. All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participate in the program. Limited civil collection cases are not eligible at this time. San Diego Superior Court Local Rule 2.31, Division II addresses this program specifically. Mediation is a non-binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and will not resolve the dispute – the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial. It can also save time and money, allow for greater client participation and allow for more flexibility in creating a resolution.

Assignment to Mediation, Cost and Timelines: Parties may stipulate to mediation at any time up to the CMC or may stipulate to mediation at the CMC. Mediator fees and expenses are split equally by the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to the court's payment schedule for county-referred mediation: \$150.00 per hour for each of the first two hours and their individual rate per hour thereafter. Parties may select any mediator, however, the court maintains a panel of court-approved mediators who have satisfied panel requirements and who must adhere to ethical standards. All court-approved mediator fees and other policies are listed in the Mediator Directory at each court location to assist parties with selection. **Discovery:** Parties do not need to conduct full discovery in the case before mediation is considered, utilized or referred. **Attendance at Mediation:** Trial counsel, parties and all persons with full authority to settle the case must personally attend the mediation, unless excused by the court for good cause.

2) JUDICIAL ARBITRATION: Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

Assignment to Arbitration, Cost and Timelines: Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under \$50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees. Superior Court Local Rules Division II Chapter 3 and Code of Civil Procedure 1141 et seq. address this program specifically.

3) SETTLEMENT CONFERENCES: The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Parties may, at any time, request a settlement conference before the judge assigned to their case; request another assigned judge or a pro tem to act as settlement officer; or may privately utilize the services of a retired judge. The court may also order a case to a mandatory settlement conference prior to trial before the court's assigned Settlement Conference judge.

4) OTHER VOLUNTARY ADR: Parties may voluntarily stipulate to private ADR options outside the court system including private binding arbitration, private early neutral evaluation or private judging at any time by completing the "Stipulation to Alternative Dispute Resolution Process" which is included in this ADR package. Parties may also utilize mediation services offered by programs that are partially funded by the county's Dispute Resolution Programs Act. These services are available at no cost or on a sliding scale based on need. For a list of approved DRPA providers, please contact the County's DRPA program office at (619) 238-2400.

ADDITIONAL ADR INFORMATION: For more information about the Civil Mediation Program, please contact the Civil Mediation Department at (619) 515-8908. For more information about the Judicial Arbitration Program, please contact the Arbitration Office at (619) 531-3818. For more information about Settlement Conferences, please contact the Independent Calendar department to which your case is assigned. Please note that staff can only discuss ADR options and cannot give legal advice.

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|---|--|
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central PLAINTIFF(S): John Dorman et.al. DEFENDANT(S): La Jolla Church et.al. SHORT TITLE: DORMAN VS. LA JOLLA CHURCH | FOR COURT USE ONLY |
| STIPULATION TO ALTERNATIVE DISPUTE RESOLUTION PROCESS (CRC 3.221) | CASE NUMBER: 37-2010-00092450-CU-PO-CTL |

Judge: Steven R. Denton

Department: C-73

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management time-lines.

- | | |
|---|---|
| <input type="checkbox"/> Court-Referred Mediation Program | <input type="checkbox"/> Court-Ordered Nonbinding Arbitration |
| <input type="checkbox"/> Private Neutral Evaluation | <input type="checkbox"/> Court-Ordered Binding Arbitration (Stipulated) |
| <input type="checkbox"/> Private Mini-Trial | <input type="checkbox"/> Private Reference to General Referee |
| <input type="checkbox"/> Private Summary Jury Trial | <input type="checkbox"/> Private Reference to Judge |
| <input type="checkbox"/> Private Settlement Conference with Private Neutral | <input type="checkbox"/> Private Binding Arbitration |
| <input type="checkbox"/> Other (specify): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate: (mediation & arbitration only) _____

Date: _____

Date: _____

 Name of Plaintiff

 Name of Defendant

 Signature

 Signature

 Name of Plaintiff's Attorney

 Name of Defendant's Attorney

 Signature

 Signature

(Attach another sheet if additional names are necessary). It is the duty of the parties to notify the court of any settlement pursuant to California Rules of Court, 3.1385. Upon notification of the settlement the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court and all un-served, non-appearing or actions by names parties are dismissed.

IT IS SO ORDERED.

Dated: 05/20/2010

 JUDGE OF THE SUPERIOR COURT

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FILED
Clerk of the Superior Court
JUN 4 - 2010
By: S. WEAVER, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

John Dorman, individually, Joel Gamboa,
Individually,

Plaintiffs,

v.

Defendant Doe 1, La Jolla Church;
Defendant Doe 2, Linda Vista Church;
Defendant Doe 3, Supervisory
Organization; Defendant Doe 4,
Perpetrator; and Does 5 through 100,
inclusive,

Defendants

CASE NO.: 37-2010-00092450-CU-PO-CTL

**[PROPOSED] ORDER ALLOWING
DOCUMENTS TO BE FILED UNDER
SEAL**

After considering the merits of the application, and good cause appearing, THIS
COURT FINDS:

(1) Plaintiffs' certificates of merit are required to be kept confidential by law under
California Code of Civil Procedure § 340.1, and are otherwise required to be sealed after being
reviewed in camera under Rule 2.585 of the California Rules of Court.

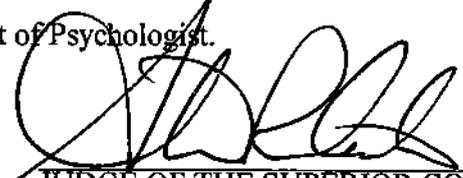
In light of the express factual findings enumerated above, and good cause appearing,

1 THIS COURT ORDERS THE FOLLOWING DOCUMENTS TO BE SEALED:

- 2 1. John Dorman's Certificate of Merit of Attorney re Defendant Doe 1, La Jolla
3 Church;
- 4 2. John Dorman's Certificate of Merit of Attorney re Defendant Doe 3, Supervisory
5 Organization;
- 6 3. John Dorman's Certificate of Merit of Attorney re Defendant Doe 4, Perpetrator;
- 7 4. John Dorman's Certificate of Merit of Psychologist;
- 8 5. Joel Gamboa's Certificate of Merit of Attorney re Defendant Doe 1, La Jolla
9 Church;
- 10 6. Joel Gamboa's Certificate of Merit of Attorney re Defendant Doe 2, Linda Vista
11 Church;
- 12 7. Joel Gamboa's Certificate of Merit of Attorney re Defendant Doe 3, Supervisory
13 Organization;
- 14 8. Joel Gamboa's Certificate of Merit of Attorney re Defendant Doe 4, Perpetrator;
- 15 9. Joel Gamboa's Certificate of Merit of Psychologist.

16 IT IS SO ORDERED.

17 Dated: 6/4/10


18 JUDGE OF THE SUPERIOR COURT

F I L E D
Clerk of the Superior Court

JUN 30 2010

By: Y. STOVALL, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

John Dorman, Individually, and Joel
Gamboa, Individually,

Plaintiff,
vs.

Defendant Doe 1, La Jolla Church;
Defendant Doe 2, Linda Vista Church;
Defendant Doe 3, Supervisory
Organization; Defendant Doe 4,
Perpetrator, and Does 5 through 100,
inclusive,
Defendants.

CASE NO.: 37-2010-00092450-CU-PO
CTL

ORDER TO SERVE

Judge: Steven R. Denton
Dept: C-73

This Court has reviewed the Certificates of Merit of Psychologist and of Counsel for plaintiffs, John Dorman and Joel Gamboa, pursuant to the requirements of C.C.P. 340.1(h) and (j) and finds that there is a meritorious basis for this Complaint. Accordingly, it is hereby ordered that the Complaint herein may be served upon Defendants.

IT IS SO ORDERED

Date: 6/30/10

STEVEN R. DENTON

JUDGE OF THE SUPERIOR COURT

ORDER TO SERVE

VIA FAX