

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND
FOR SEMINOLE COUNTY, FLORIDA

CASE NO. :
DIVISION:

JANE DOE NO. 7 ,

Plaintiff,

v.

NEW TRIBES MISSION, INC.

Defendants.

COMPLAINT

Plaintiff, JANE DOE, by and through her undersigned counsel, hereby files this Complaint against Defendant, NEW TRIBES MISSION, and alleges as follows:

PARTIES AND JURISDICTION

1. Plaintiff, JANE DOE ("JANE"), is an adult female who resides in Dunedin, Florida.
2. Defendant, NEW TRIBES MISSION ("NTM"), is a Florida corporation, with its home office located in Seminole County, FL. NTM organizes, operates, funds, employs, and controls international Christian "missions". Part of NTM's operation of these international "missions" is the organization, operation, control, funding, and employment of boarding schools and dormitories for children of "mission volunteers". NTM operates through an "Executive Committee", which is a body of individuals stationed in Sanford, FL who control all NTM international "missions", including the "mission" in Aritao, Nueva Vizcaya in the Philippines.
3. LESLIE EMORY ("EMORY") was at all material times an agent, managing director and/or employee of NTM. EMORY was employed as a "Dorm Dad" and "Bible Studies

Teacher” for the NTM Dormitory in Aritao, Nueva Vizcaya in the Philippines. As part of EMORY’s duties as “Dorm Dad”, he was given unfettered access to the young children housed in the Aritao Dormitory. As part of his duties as “Bible Studies Teacher”, he was put in a position of great control and influence over the young children.

4. Venue properly lies in this judicial circuit in that NTM is headquartered in this judicial circuit. This Court has jurisdiction in that this is a claim for damages in excess of the jurisdictional minimum of this Court, as Plaintiff seeks damages in excess of five million dollars, exclusive of interest, costs, and attorney’s fees.

SEXUAL ABUSE OF JANE DOE

FACTUAL ALLEGATIONS

5. JANE DOE NO. 7 (“JANE”) was born in 1975 and raised in the Philippines. During her youth, JANE was housed in the Aritao Dormitory, as her adopted parents were missionaries with NTM.

6. As a result of her housing in Aritao Dormitory, JANE had constant and unsupervised contact with EMORY, the Aritao Dormitory “Dorm Dad” and “Bible Studies Teacher”.

7. As part of EMORY’s duties, EMORY had unlimited and unsupervised access to the young boys and girls housed in the Aritao Dormitory, including JANE. As, “Dorm Dad”, EMORY garnered the trust, respect, and obedience of the children living in the Aritao Dormitory. As, “Bible Studies Teacher”, EMORY gained control and influence over the children in his class. EMORY was looked upon by the young children as a parent as he assumed the role of their natural parents who were away on “missionary” duties.

8. EMORY used his position at NTM as a means of satisfying his most deviant and

illegal sexual desires. Emory used his status as “Dorm Dad” and “Bible Studies Teacher” to molest, sexually abuse, and brutally rape JANE.

9. In or about 1984, when JANE was only eight years old, EMORY began his unlawful and heinous sexual relationship with JANE. EMORY began coming into JANE’s room late at night after the other children had fallen asleep for “bed checks”. The molestation began as EMORY would sit on the edge of JANE’s bed and rub her back and legs. The molestation became more severe over time as EMORY began rubbing JANE’s buttocks and vagina. The molestation eventually became sexual abuse and brutal rape as EMORY would penetrate JANE’s vagina and anus simultaneously with his fingers. At times, EMORY would physically hold JANE down so that she could not move and would force and thrust his penis into her mouth to the point she would choke and vomit. At times, EMORY would also force and thrust his penis into JANE’s anus, while he held her down and covered her mouth to muffle her screams and cries of pain and horror. This molestation, sexual assault, and brutal rape occurred at least once a week every week until JANE moved to the high school dorm.

10. The molestation, sexual assault, and rape continued however, as JANE entered high school. EMORY would come to the Manela Guest House purposely on the same weekends JANE was visiting her parents. While there, EMORY would bring JANE to his room and have forced sexual intercourse with her.

11. Emory’s horrific molestation and sexual assaults of JANE took place from the time JANE was approximately eight years old, in or about 1984, until she was approximately 16 years old, in or about 1993.

12. EMORY convinced JANE that telling anyone about their sexual relationship would breach her trust with her parents, breach her trust with EMORY, and, most disconcerting

to JANE, breach her trust with God. Additionally, EMORY threatened to expose JANE to “everyone” if JANE did not cooperate.

13. EMORY sexually abused JANE and numerous other minors whom he met and gained access to in connection with his official duties at NTM, including but not limited to his role as “Dorm Dad” and “Bible Studies Teacher”.

14. Upon information and belief, EMORY sexually abused at least twenty-three other children during his tenure at NTM. NTM knew or should have known of EMORY’s serious threat to the health, safety and welfare of JANE and other minors arising from “red flags” demonstrating his perverted sexual propensities. NTM, however, continued to provide EMORY with unfettered access to minors, including JANE.

15. NTM purposefully and fraudulently concealed information that was pertinent and necessary for JANE to bring civil claims in this matter. After learning of EMORY’s heinous actions in 1993, the NTM Executive Committee in Sanford, FL conducted its own “private” and “secretive” investigation and transferred EMORY to his home church in Virginia. While being harbored in Virginia, EMORY confessed to NTM authorities about the 23 specific children he had sexually abused. The Executive Committee of NTM purposely failed to report EMORY’s criminal acts to the appropriate authorities and kept the information secret outside the inner sanctum of NTM.

16. Upon information and belief, the Executive Committee of NTM made a “list” of the names of the 23 victims, which included the name of JANE. JANE was never made aware of EMORY’s confession or the existence of this list, as the Executive Committee of NTM concealed this “list” from the victims and the public. This was done for purposes of shielding NTM’s ministries from civil liability and evading same.

17. NTM fraudulently mislead the numerous victims, including JANE and all other interested parties as to their knowledge of EMORY's vast record of sexual abuse in Aritao. Upon information and belief, after learning of EMORY's actions, the Executive Committee of NTM concealed this information and mislead the victims in Aritao. In the "Family News" newsletter distributed to those in Aritao, for example, efforts were made to lie to and mislead the victims of EMORY's heinous crimes. Instead of announcing to EMORY's victims that they were aware of his actions and had taken steps to hold EMORY accountable, NTM concealed this knowledge and simply listed EMORY and his family under the "Dismissed" section on the "Personnel Changes" page of the news-letter. NTM offered no explanation and absolutely no indication that EMORY had been dismissed with NTM's knowledge of his heinous sexual crimes. In addition, an article by the Executive Committee of NTM appears in the same newsletter, discussing the issue of child molestation. This article outlined procedures that would be taken if NTM were to discover child molestation within their "missions". This article was intended to lead those associated with NTM to believe that if there were such an issue in Aritao, that NTM would handle it properly and inform all interested parties. In this regard, the NTM Executive Committee in the article makes clear that if they were to learn of sexual molestation, that they "cannot be silent" and "will be reporting the crime to the authorities and legal action can be expected". This article indicated to JANE, other victims, and all interested parties, that if sexual molestation was discovered by NTM, that the "actions" listed in the article would be taken. Yet in the same newsletter, NTM disclosed that EMORY was dismissed with no mention of his dismissal's connection to allegations of rampant sexual abuse. The newsletter thereby gave the fraudulent appearance that NTM was diligent in properly responding to allegations of sexual abuse and had no knowledge of EMORY's crimes. This fraudulent and active concealment, as

well as blatant deceit, deprived JANE the requisite knowledge necessary to bring a claim against NTM, thereby protecting NTM from liability.

18. Upon information and belief, NTM concealed, altered and/or destroyed documents that would have disclosed NTM's negligence with regard to its supervision and retention of EMORY.

19. Upon information and belief, the Executive Committee of NTM ordered EMORY to be reassigned to his home church in Virginia and to not turn over any information to Philippine authorities with the purpose and intent of concealing its knowledge of his acts from persons associated with NTM in the Philippines, including JANE.

20. Upon information and belief, the Executive Committee of NTM is admittedly still, and has been in "concealed possession" of the confessions and evidence of EMORY's crimes since 1993. At all times since 1993, the Executive Committee of NTM has actively concealed this evidence and has protected it from the public in order to conceal its knowledge and protect itself from liability.

21. EMORY's sexual abuse of children was open and notorious within NTM's premises in the Philippines. The scope of his crimes and numerous victims demonstrates that NTM was negligent in its supervision of EMORY, to whom NTM had given unrestricted access to children. Within the timeframe of the statute of limitations, the Executive Committee of NTM was aware of its negligent supervision of EMORY. In order to avoid civil liability for its blatantly negligent supervision, the Executive Committee of NTM actively concealed all information and knowledge related to EMORY's crimes from JANE, other victims, and any interested party. This was purposely and fraudulently done to avoid civil liability for NTM's negligent supervision of EMORY.

22. Upon information and belief, the wife of EMORY, Wendy Emory, was an employee/agent of NTM given the duties of “Dorm Mom” at Aritao. Wendy Emory knew of her husband’s sexual abuse of children. In an effort to avoid civil liability, the Executive Committee of NTM declared and took the false position that Wendy Emory was not an employee/agent of NTM. By distancing itself from Wendy Emory, NTM sought to avoid civil liability and conceal NTM’s notice and knowledge of EMORY’s crimes.

23. EMORY was in a fiduciary relationship with JANE and her parents. EMORY was in a position of trust and confidence with JANE, who looked to EMORY for counseling, parenting, and guidance.

24. NTM was also in a fiduciary relationship with JANE. JANE and her parents looked to NTM and its representatives for counseling, spiritual direction, parenting, and guidance. NTM owed JANE a fiduciary duty to:

- (a) Investigate and warn JANE and her parents of the potential for harm from EMORY;
- (b) Disclose its awareness of facts regarding EMORY that created a likely potential for harm;
- (c) Disclose its negligence with regard to the hiring, supervision, assignment, and retention of EMORY;
- (d) Provide a safe environment for JANE where she would be free from abuse; and
- (e) Protect JANE from exposure to harmful individuals like EMORY.

25. NTM breached its fiduciary duty to JANE by failing to:

- (a) Investigate and warn JANE of the potential for harm from EMORY;
- (b) Disclose its awareness of facts regarding EMORY that created a likely potential for harm;

- (c) Disclose its own negligence with regard to hiring, supervision, assignment, and retention of EMORY;
- (d) Provide a safe environment for JANE where she would be free from abuse; and
- (e) Protect JANE from exposure to harmful individuals like EMORY.

26. The sexual abuse by EMORY has caused JANE to experience severe and permanent psychological, emotional and physical injuries. These injuries are persistent, permanent, and debilitating in nature.

COUNT I
(NEGLIGENCE)

27. Plaintiff repeats and re-alleges Paragraphs 1 through 20 above.

28. At all material times, NTM owed a duty to JANE to use reasonable care to ensure JANE's safety, care, health, and well-being while she was housed and schooled by NTM or under the supervision and direction of its pastors and agents.

29. NTM's duties encompassed using reasonable care in the hiring, retention, assignment and/or supervision of pastors and other religious authority figures who would not pose a threat to the safety, care, health, and well-being of minors.

30. At all relevant times, NTM knew or in the exercise of reasonable care should have known that EMORY had dangerous sexual propensities involving children, was unfit for his duties, and presented a threat to the health, safety and welfare of JANE.

31. NTM breached these duties by failing to take reasonable precautions to provide a safe environment for JANE where she would be free from the unwanted sexual advances and dangerous propensities of EMORY, a person of religious authority, father figure, managing agent and/or employee of NTM. NTM also breached its duty of care by failing to properly investigate and/or disclose its awareness of facts regarding EMORY that created a likely

potential for harm to JANE.

32. As a direct and proximate result of NTM's negligence, JANE has experienced severe and permanent psychological, emotional, and physical injuries. These injuries are persistent, permanent, and debilitating in nature.

33. It is only recently that JANE has recognized the causal connection between her abuse and his injuries.

WHEREFORE, Plaintiff, JANE DOE, demands judgment against Defendant, NEW TRIBES MISSION, for compensatory damages, costs and such other and further relief as this Court may deem appropriate.

COUNT II
(RESPONDEAT SUPERIOR / VICARIOUS LIABILITY)

34. Plaintiff repeats and re-alleges Paragraphs 1 through 20 above.

35. EMORY was at all material times the employee, appointee and/or agent of NTM.

36. EMORY was authorized to be alone with JANE and other minors, and to have unlimited access to minors at night in their beds.

37. EMORY's initial contact and relationship with JANE was in furtherance of the business of NTM. In addition, EMORY was authorized to touch JANE and display affection in a manner consistent with providing care, spiritual guidance, parental guidance, and leadership. EMORY extended and converted this authorized touching into the molestation and sexual assault of JANE as described above. The molestation and rape of JANE occurred during EMORY's working hours, on NTM's premises, and in the course and scope of the performance of EMORY's duties.

38. The wrongful acts of EMORY were committed in the actual or apparent course and scope of his employment or agency with NTM.

39. NTM ratified the criminal acts and conduct of EMORY that he committed to JANE.

40. As a direct and proximate result of the sexual abuse perpetrated by EMORY, JANE has suffered severe and permanent psychological, emotional and physical injuries. These injuries are persistent, permanent, and debilitating in nature. It is only recently that JANE has recognized the causal connection between her abuse and her injuries.

41. Under the doctrine of respondeat superior, NTM is responsible for the actions of its servant, EMORY, committed in the actual or apparent scope of his duties.


WHEREFORE, Plaintiff, JANE DOE, demands judgment against Defendant, NTM, for compensatory damages, costs and such other and further relief as this Court deems just and proper. Plaintiff intends to move to amend the Complaint in accordance with Florida Statutes to assert a claim for punitive damages.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action.

Respectfully submitted,
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