

DISTRICT COURT
FILED

SEP 21 2012

BALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

Individually and on Behalf
A Minor Child,

Plaintiff,

vs.

VICTORY CHRISTIAN CENTER,
INC., an Oklahoma Corporation,

Defendant.

CJ-2012-04987
Case No.

Rebecca Brett Nightingale

ATTORNEY'S LIEN CLAIMED
JURY TRIAL DEMANDED

PETITION

COMES NOW, the Plaintiff, [REDACTED] by and through her attorneys of record, Michael P. Atkinson, J. Craig Buchan, and Rachel A. Hubner, of the law firm of Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, Tulsa, Oklahoma, and for her Petition against the Defendant, states and avers as follows:

I. PARTIES, JURISDICTION & VENUE

1. Plaintiff is the respective parent and next friend ("Parent") [REDACTED] ("Child Victim") who is a female child under eighteen (18) years of age at all times relevant to the matters asserted herein. Parent brings this action on her own behalf and on behalf of Child Victim.

2. The events out of which this lawsuit arises occurred primarily in Tulsa County, Oklahoma.

3. Defendant Victory Christian Center, Inc. ("Defendant"), is an Oklahoma corporation, licensed by the State of Oklahoma, and in good standing. Defendant's place of business is in Tulsa County, Oklahoma.

4. This Court has personal and subject matter jurisdiction over the parties and their

claims. Therefore, this Honorable Court has jurisdiction over the parties, and is a proper venue for this action.

II. FACTUAL ALLEGATIONS

5. Child Victim was at all relevant times enrolled in Defendant's summer camp, Camp Victory.

6. Child Victim met Chris Denman ("**Denman**") while attending Camp Victory, where Denman was employed by Defendant.

7. Defendant failed to conduct a reasonable investigation into the background of Denman before retaining him and placing him in a position of authority, influence, and trust with young children. Had Defendant conducted a reasonable investigation, it would have identified Denman as unsuitable for the position for which he was employed.

8. Denman maintained contact with Child Victim after Camp Victory via Facebook and cellphones. Moreover, Denman's role at the church led to additional contact with Child Victim.

9. Denman utilized the access, trust, and proximity of his role as an agent and employee of Defendant to engage in a course of psychological, physical, and sexual exploitation and abuse of Child Victim.

10. On or about August 13, 2012, just prior to a church service, Denman sexually assaulted Child Victim in a stairwell near a band room at Defendant's facility. Denman forcibly removed Child Victim's clothes, pushed her against a wall and had vaginal intercourse with her. Denman then grabbed Child Victim's head, forced her to the floor, and made Child Victim perform oral sex on him.

11. On or about August 15, 2012. Child Victim reported the rape to youth leaders at

Victory Christian Center. Defendant's response to this tragedy was to attempt to conceal the sexual assault from the public eye, Child Victim's Parent, and the appropriate authorities. Defendant failed to report the assault to the Oklahoma Department of Human Services or the Tulsa Police Department. Rather than contacting the appropriate authorities, Defendant chose to conduct its own "*investigation*" with the ultimate purpose of doing damage control as opposed to protecting Child Victim.

12. Thereafter, Defendant used four of its adult leaders, including Youth Director Paul Willemstein ("**Willemstein**") and High School Outreach Program Director, Anna George ("**George**"), to question and intimidate Child Victim so as to conceal her rape from the public and Parent. During this questioning, Willemstein and George repeatedly told Child Victim the assault was her fault. These acts were done in furtherance of a scheme to protect the church's reputation, in total disregard of Child Victim's and Parent's rights.

13. A second meeting then occurred between Child Victim, Willemstein and George. During this meeting, it was reiterated to Child Victim that the rape was her fault, inflicting additional psychological harm and abuse on Child Victim.

14. Despite Defendant's knowledge of the rape, Defendant failed to immediately terminate Denman's employment.

15. On August, 30, 2012, more than two weeks after Child Victim was raped, Defendant, through Human Resource Director, Harold Frank Sullivan ("**Sullivan**"), informed Parent that Child Victim had an inappropriate relationship with a church employee. Wickedly, Sullivan told Parent that Child Victim had admitted to having a consensual sexual relationship with Denman.

16. Sullivan falsely informed Parent that the police had been contacted. In fact, Parent

gave the first report of her daughter's rape to the Tulsa Police Department on August 30, 2012.

17. Defendant's Senior Pastor, Sharon Daugherty ("**Daugherty**"), knew of the assault and failed to inform authorities.

18. Daughterty did telephone Parent to offer prayers. However, she never offered an apology.

19. Many additional Victory Christian Center employees were aware of the assault during the two-week lapse in reporting the sexual assault to the police. During that time, Defendant and its employees, agents, and/or servants concealed the matter. The employees involved in this cover-up include: Daugherty; Sullivan; Willemstein; George; John Samuel Daugherty, a youth pastor; and Charica Dene Daugherty, an assistant youth pastor (collectively, these individuals will hereinafter be referred to as "**Informed Personnel**").

20. Defendant failed to take reasonable and necessary steps in responding to the assault on Child Victim. This intentional, reckless and/or deliberately indifferent choice by Defendant resulted in the continued psychological abuse of Child Victim and Parent.

21. Oklahoma statute 10A O.S. §1-2-101(B)(1) required Defendant and its employees, agents, and/or servants to report the assault to the Oklahoma Department of Human Services ("DHS"). This law provides that *every person* who has reason to believe a child is a victim of abuse *must* report the matter promptly to DHS. In violation of this legal obligation, Defendant made the intentional, reckless and/or deliberately indifferent choice not to report the conduct.

22. Moreover, Defendant has a written policy that requires any allegations of abuse to be reported internally and to DHS within *one hour*. Defendant has publically acknowledged that said policy was not followed and that Defendant and Informed Personnel failed and neglected to enforce

its own protocol.

23. Defendant's intentional, reckless and/or deliberate choice to forego contacting authorities, but instead to coerce, preach, and lie to Child Victim and Parent resulted in the continued psychological abuse of Child Victim as well as psychological abuse of Parent.

24. The sexual and psychological abuse of Child Victim and the psychological abuse of Parent were part and parcel of Denman's and Informed Personnel's actions and would not have occurred but for their roles within the church. Defendant is directly responsible for these employees' actions.

25. Child Victim has experienced significant emotional distress and psychological injury as a result of the acts and omissions of Defendant and its employees. The nature and extent of Child Victim's injuries and the resulting damages will be detailed by expert witnesses at the time of trial.

26. Parent has experienced direct emotional damages as a result of the psychological manipulation and abuse of her daughter.

27. The psychological abuse and manipulation upon Child Victim and Parent by Informed Personnel referenced above, however perverted and misguided, was within the scope of their employment with Defendant.

28. Defendant is directly responsible for the conduct of Denman and Informed Personnel. Defendant is responsible for actual damages to Child Victim and Parent as a result of its wrongful conduct. Defendant is also responsible for exemplary and punitive damages as a result of its wrongful conduct.

29. Defendant is responsible for all compensatory damages and for punitive damages for its negligent employment and supervision of Denman.

30. Defendant is responsible for compensatory and punitive damages for its failure to properly respond to Child Victim's allegations as well as its intended cover-up.

31. The conduct of Defendant constitutes negligence, negligence *per se*, and gross negligence. Defendant acted intentionally, with reckless disregard and/or with deliberate indifference for the rights of Child Victim and Parent. Defendant acted intentionally, recklessly and/or with deliberate indifference to protect itself, all to the detriment of Child Victim and Parent.

FIRST CAUSE OF ACTION
(Negligence, Gross Negligence, Reckless Disregard and Intentional Acts)

32. Parent re-pleads Section II as if fully set forth here.

33. Defendant had a duty to Child Victim and Parent.

34. Defendant, through its acts and omissions, breached its duty.

35. Such negligence, gross negligence, reckless disregard and intentional conduct was the direct and proximate cause of physical and psychological abuse to Child Victim and psychological abuse to Parent.

36. Such negligence, gross negligence, reckless disregard and intentional acts caused the Child Victim and her Parent great pain of body and mind, mental anguish, physical injury, terror, fright, and permanent mental disability.

37. Defendant acted intentionally, with gross negligence, with deliberate indifference and/or in reckless disregard for the rights of Child Victim and Parent.

38. To deter such outrageous conduct by Defendant in the future, to prevent the repetition of such conduct as a practice, and to punish Defendant for its wrongful conduct, exemplary damages should be assessed against them.

SECOND CAUSE OF ACTION
(Negligence *per se* - 10A O.S. §1-2-101(B)(1))

39. Parent re-pleads Section II as if fully set forth here.

40. Defendant and its employees, agents and/or servants had a duty to report Child Victim's allegations to the Oklahoma Department of Human Services ("DHS").

41. Such law was promulgated by the Oklahoma Legislature to prevent the type of injuries inflicted upon Child Victim and Parent.

42. Defendant failed to report to the DHS, notwithstanding that Defendant had information which required reporting.

43. Such behavior by Defendant was the direct and proximate cause of the continued psychological abuse of Child Victim and the psychological abuse of Parent.

44. Such failure to report caused Child Victim and Parent great pain of body and mind, physical injury, mental anguish, terror, fright, and permanent mental disability.

45. Defendant's acts and omissions were intentional and grossly negligent of the rights of Child Victim and Parent.

46. To deter such outrageous conduct by Defendant in the future, to prevent the repetition of such conduct as a practice, and to punish Defendant for its wrongful conduct, exemplary damages should be assessed against them.

THIRD CAUSE OF ACTION
(Intentional or Reckless Infliction of Emotional Distress)

47. Parent re-pleads Section II as if fully set forth here.

48. Defendant's acts and omissions were so extreme and outrageous as to go beyond all possible bounds of decency and would be considered atrocious and utterly intolerable in a civilized

society.

49. Defendant intentionally and/or recklessly caused severe emotional distress to Child Victim and Parent by refusing to take action, by refusing to report, by coercing Child Victim into believing she was at fault and that the assault was consensual, and by notifying Parent that Child Victim had consented to the sexual assault.

50. Informed Personnel's acts were conducted in the scope of their employment.

51. Defendant is vicariously liable for its employees conduct under the doctrine of *respondeat superior*.

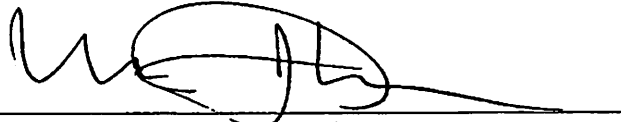
52. Defendant's acts caused Child Victim and Parent great pain of body and mind, mental anguish, terror, fright, and permanent disability.

53. To deter such outrageous conduct by Defendant in the future, to prevent the repetition of such conduct as a practice, and to punish Defendant for its wrongful conduct, exemplary damages should be assessed against them.

WHEREFORE, premises considered, Plaintiff [REDACTED] individually and on behalf of [REDACTED] a minor child, prays for judgment against Defendant, Victory Christian Center, Inc., on all causes of action for actual and exemplary damages in an amount in excess of \$75,000.00, including costs and attorney's fees, together with such other and further relief to which this Court finds Plaintiff to be entitled.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS, HOLEMAN,
BRITTINGHAM, GLADD & CARWILE**
A PROFESSIONAL CORPORATION

A handwritten signature in black ink, appearing to read 'Michael P. Atkinson', written over a horizontal line.

Michael P. Atkinson, OBA #374

J. Craig Buchan, OBA #19420

Rachel A. Hubner, OBA #31096

1500 ParkCentre

525 South Main

Tulsa, Oklahoma 74103-4524

Telephone: (918) 582-8877

Facsimile: (918) 585-8096

Attorneys for Plaintiff