

STATE OF IDAHO  
COUNTY OF KOOTENAI  
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CLERK DISTRICT COURT

DEPUTY

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three nationally-recognized firms who advocate  
for the rights of sexual abuse survivors

*Attorneys for Plaintiff*

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

CLAYTON PEASTER,

Plaintiff,

vs.

MT. VIEW MENNONITE CHURCH, INC. dba  
MOUNTAIN VIEW CHURCH OF GOD IN  
CHRIST, MENNONITE; CHURCH OF GOD IN  
CHRIST (MENNONITE) INC., DAVID  
PEASTER and CYNTHIA PEASTER,

Defendants.

Case No. *CV 16-1326*

COMPLAINT AND DEMAND  
FOR JURY TRIAL

Fee Category: A  
Fee: \$221.00

**COPY**

COMES NOW the above-named Plaintiff by and through one of his attorneys of  
record, CRAIG K. VERNON of the law firm JAMES, VERNON & WEEKS, P.A. for

causes of action against the above-named Defendants, complains and alleges as follows:

**I. IDENTITY OF THE PARTIES, JURISDICTION AND VENUE**

1.1. Plaintiff CLAYTON PEASTER: Plaintiff CLAYTON PEASTER was born on June 7, 1988. Plaintiff was subjected to child sexual abuse and other harm while a child as a direct and proximate result of each Defendant's wrongful conduct

1.2. Defendant MT. VIEW MENNONITE CHURCH, INC.: At all times material hereto, Defendant MT. VIEW MENNONITE CHURCH, INC. (referenced herein as MT. VIEW) has been an Idaho corporation. At all times material hereto, MT. VIEW was acting negligently.

1.3 At all times material hereto, Defendant THE NATIONAL CHURCH OF GOD IN CHRIST, MENNONITE (hereinafter referred to as "THE NATIONAL CHURCH") has been a Kansas not-for-profit corporation. At all times material hereto, THE NATIONAL CHURCH was acting negligently.

1.4. Defendant DAVID PEASTER: At all times material hereto, the perpetrator, identified herein as Defendant DAVID PEASTER, was acting negligently and intentionally to sexually abuse Plaintiff as a child.

1.5. Defendant CYNTHIA PEASTER: At all times material hereto, Defendant CYNTHIA PEASTER was married to the perpetrator, DAVID PEASTER, and had a special relationship with Plaintiff as his adoptive mother. At all times material hereto, CYNTHIA PEASTER was acting negligently.

1.6. Relationship between the Defendants: The exact relationship between the Defendants is not fully known; however, Plaintiff alleges that each Defendant was acting within the course and scope of its servitude, partnership or other relationship with its co-Defendant, such that each Defendant is jointly and severally liable for its co-Defendants' acts and omissions as alleged herein. With regard to acting in concert, Plaintiff specifically alleges that Defendants MT. VIEW, THE NATIONAL CHURCH and

CYNTHIA PEASTER acted in concert with Defendant DAVID PEASTER to hide his history and acts of pedophilia.

1.7. Jurisdiction and Venue: Jurisdiction and venue over this matter rest with the First Judicial District Court, Kootenai County, by virtue of Idaho Code §5-514 and Idaho Code §5-404.

## **II. GENERAL ALLEGATIONS**

2.1. Plaintiff incorporates by reference all other paragraphs of this Complaint as if set forth herein.

2.2. THE NATIONAL CHURCH is an association of Mennonite congregations with approximately 140 congregations in the United States and Canada. THE NATIONAL CHURCH was founded on the teachings of John Holdeman in the United States in the late 1800s. THE NATIONAL CHURCH has congregations all over the United States and Canada. The individual congregations are separately incorporated, but they receive direction from THE NATIONAL CHURCH'S headquarters in Moundridge, Kansas. THE NATIONAL CHURCH'S controls the formation of local congregations and controls administrative and policy decisions for congregations locally, such as MT. VIEW as well as THE NATIONAL CHURCH as a whole.

2.3. MT. VIEW is a local congregation of THE NATIONAL CHURCH, located in Bonners Ferry, Idaho. Upon information and belief, MT. VIEW, follows the practices promulgated from THE NATIONAL CHURCH in Moundridge, Kansas.

2.4. These practices followed by Defendant MT. VIEW include:

2.4.1. THE NATIONAL CHURCH proclaims it is the one and only true church and only through faithful membership in THE NATIONAL CHURCH will an individual qualify for salvation.

2.4.2. THE NATIONAL CHURCH, and at the local level, Defendant MT. VIEW, holds its leaders and members out as people of high morals, as

possessing immense power, teaching families and children to obey these leaders, respect and revere these leaders and to strictly obey their teaching and counsel.

2.5. Ministers and Deacons of MT. VIEW, via the practices promulgated by THE NATIONAL CHURCH, have absolute authority over the activities of the congregation as a body of parishioners and as a community. This authority includes the ability to remove members from for misdeeds, and reinstate members at the leaders' discretion.

2.6. THE NATIONAL CHURCH headquarters in Moundridge, Kansas, distributes a handbook used by local congregations, including MT. VIEW, to instruct local congregations on accepted practices. Pastors and other leaders in local congregations such as MT. VIEW are not required to meet any traditional educational requirements or qualifications to become leaders. THE NATIONAL CHURCH'S standard for selection of ministers and deacons, as found in *The Confession of the Faith and Conference Order*, requires only "an inspired male to be filled with the Holy Spirit, called of God to this particular work, be instructed as to the work he is to perform", and be commissioned by THE NATIONAL CHURCH.

2.7. At all times material hereto, Plaintiff, as a child, was under the care, custody, protection and/or responsibility of each Defendant. Plaintiff was educated at a K-8 school owned and operated by MT. VIEW. As described in the paragraph above, Plaintiff was taught strict obedience to the one and only true CHURCH (THE NATIONAL CHURCH and its local congregation) and its leaders.

2.8. Plaintiff and his family were active participants in THE NATIONAL CHURCH and their lives were highly influenced by practices and instruction given by MT. VIEW and THE NATIONAL CHURCH leaders. Plaintiff's family followed THE NATIONAL CHURCH practice of putting all trust and faith in MT. VIEW and THE NATIONAL CHURCH leaders, without questioning decisions, and striving to obey the practices and instructions of those leaders. The failure to do so, according to their

practices, could result in excommunication from MT. VIEW and THE NATIONAL CHURCH and the loss of salvation and eternal life. THE NATIONAL CHURCH also encouraged the practice that all followers report any misconduct by any other follower to MT. VIEW or THE NATIONAL CHURCH leaders, and to not report misconduct to State law enforcement authorities, without regard to the mandated reporting statutes.

2.9. Based upon information and belief, at all times DAVID PEASTER was in contact with Plaintiff, each Defendant knew or reasonably should have known that DAVID PEASTER was a pedophile, child predator, and child molester. At all times material hereto, DAVID PEASTER was an adult male who, under the shielding cover and protection of MT. VIEW (and THE NATIONAL CHURCH'S practices and instruction) preyed upon vulnerable children, specifically Plaintiff, and sexually abused him. MT. VIEW and CYNTHIA PEASTER concealed from the general public, law enforcement, and parishioners that Defendant DAVID PEASTER was a pedophile, child predator and child molester. MT. VIEW, THE NATIONAL CHURCH and CYNTHIA PEASTER also misrepresented to the general public, parishioners, children, and to Plaintiff that children were safe around DAVID PEASTER when, in fact, children were at an unreasonably heightened risk of sexual abuse by DAVID PEASTER. In so doing, THE NATIONAL CHURCH, MT. VIEW and CYNTHIA PEASTER acted in concert with a common design or scheme to hide DAVID PEASTER'S history of pedophilia and child abuse. Defendants' actions proximately caused Plaintiff's damages.

2.10. Plaintiff was sexually abused over a period of four to five years by DAVID PEASTER. DAVID PEASTER was sexually abusing at least one other child before he started abusing Plaintiff; the sexual abuse of this other child then continued while Plaintiff was similarly being sexually abused.

2.11. At some time after this sexual abuse started, Plaintiff disclosed to a leader (believed to be a Deacon) at MT. VIEW the ongoing childhood sexual abuse being perpetrated by DAVID PEASTER. This leader, an agent for Defendant MT. VIEW,

failed to meet his duty to report the sexual abuse of a child. After learning that Plaintiff had told leaders at MT. VIEW of the abuse, DAVID PEASTER admitted his heinous acts to leaders at MT. VIEW. DAVID PEASTER was then excommunicated from MT VIEW and THE NATIONAL CHURCH.

2.12. Approximately ten days later, MT. VIEW represented to Plaintiff, the membership of THE NATIONAL CHURCH, and the public at large, that DAVID PEASTER had repented and would no longer engage in the heinous acts of sexually molesting children. After that date, DAVID PEASTER continued to sexually abuse Plaintiff, and at least one other child, for an extended period of time.

2.13. At all times material hereto, MT. VIEW and THE NATIONAL CHURCH had a responsibility and duty to protect Plaintiff and other minor children, including the responsibility and duty to interview, investigate, and supervise DAVID PEASTER. MT. VIEW and THE NATIONAL CHURCH further had affirmative duties to warn of the risk of harm posed by Defendant DAVID PEASTER and to report Defendant DAVID PEASTER of suspected child abuse to law enforcement authorities.

2.14. At all times material hereto, DAVID PEASTER was a pedophile, child predator, and child molester, and, upon information and belief, all Defendants knew or reasonably should have known this. At all times material hereto, DAVID PEASTER was an adult male who, under the other Defendants shielding cover and protection, preyed upon vulnerable children, specifically Plaintiff. Defendants fraudulently concealed from the general public, law enforcement, and parishioners, their knowledge that DAVID PEASTER was a pedophile, child predator, and child molester.

2.15. MT. VIEW, through its agents, including but not limited to, its leaders Ministers and Deacons, hid known information that DAVID PEASTER was a child molester and misrepresented facts to Plaintiff, and others to include:

2.15.1. DAVID PEASTER had sexually abused Plaintiff and others;

2.15.2. Concerns that DAVID PEASTER posed a danger to children and

was potentially harmful to them;

2.15.3. Concerns that DAVID PEASTER's behavior was an entrée to sexually deviant behavior with youth; and

2.15.4. Representing that DAVID PEASTER, had repented and therefore would no longer engage in these heinous acts;

2.16. MT. VIEW and THE NATIONAL CHURCH, held DAVID PEASTER out to Plaintiff, the congregation and the public at large as safe, moral and trustworthy. MT. VIEW and THE NATIONAL CHURCH also failed to warn of the ongoing risks DAVID PEASTER posed.

2.17. At all times material hereto, MT. VIEW and THE NATIONAL CHURCH had a responsibility and duty to protect Plaintiff and other minor children, including its responsibility and duty to interview, investigate and supervise DAVID PEASTER.

2.18. At all times material hereto, specifically including the times of Plaintiff's childhood, each Defendant acted under circumstances or conditions likely to produce great bodily and emotional harm to Plaintiff and other children; caused or permitted Plaintiff and other children to suffer unjustifiable physical pain or mental suffering; and/or while these Defendants had the care of Plaintiff, caused or permitted Plaintiff or the health of Plaintiff to be injured, or caused or permitted Plaintiff to be placed in such situation that his person or health was endangered.

2.19. At all times material hereto, MT. VIEW, THE NATIONAL CHURCH and CYNTHIA PEASTER protected DAVID PEASTER from being exposed for his pedophilia and other wrongful conduct with minors and enabled him to continue to harm Plaintiff. In so doing, Defendants acted with a common design or scheme in concealing the ongoing abuse.

2.20 THE NATIONAL CHURCH had a pattern and practice of requiring followers to report misconduct, including childhood sexual abuse, by other followers to Church leaders and to not report that childhood sexual abuse to law enforcement

authorities:

2.20.1 In 2009, Staven Schmidt, a minister for the El Campo Mennonite Church in El Campo, Texas, was arrested for and ultimately convicted of the crime of failing to report child sexual abuse involving a 14-year-old girl who attended his church who was sexually abused by her father. According to the police reports relating to the incident, Schmidt's reason for refusing to provide information about the sexual abuse of the girl, was that he was "Mennonite." The El Campo Mennonite Church is a member church of THE NATIONAL CHURCH.

2.20.1 In 2009, Kenneth Duncalfe was convicted of sexually abusing his daughter, Susan Duncalfe. Both Kenneth and Susan Duncalfe were members of the Abbotsford Mennonite Church of God in Christ in Abbotsford, British Columbia, Canada. In the criminal prosecution, it was revealed that the leaders at the Abbotsford Church were aware of the sexual abuse, but never reported the sexual abuse to law enforcement authorities. At Kenneth Duncalfe's sentencing, Judge John Lenaghan blasted Abbotsford Mennonite church leaders, stating: "They have known about the sexual abuse of this young woman for 18 years and did nothing about it." According to Susan Duncalfe, the Abbotsford Church handled the report according to its internal policies and practices instead of reporting the sexual abuse to law enforcement officials, "My father was excommunicated from the church and then reaccepted a couple weeks later, and it was never talked about." Upon information and belief, the Abbotsford Mennonite Church of God in Christ is a member church of THE NATIONAL CHURCH.

2.21. At all times material hereto, each Defendant is alleged to have engaged in grossly negligent, reckless, willful, wanton, malicious, and/or outrageous conduct that directly and proximately caused damages to Plaintiff.

2.22. At all times material hereto, each Defendant engaged in the ultra-



hazardous activity of exposing Plaintiff and other children to extreme risks of harm at the hands of a pedophile, and each Defendant is strictly liable therefore.

2.23. As a direct result of the acts of Defendants, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries. Plaintiff was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life.

**III. FIRST CAUSE OF ACTION: EQUITABLE RELIEF AGAINST  
DEFENDANT MT. VIEW AND THE NATIONAL CHURCH**

3.1. Plaintiff incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

3.2. Plaintiff is entitled to equitable relief from this Court, for non-monetary redress and the protection of Plaintiff and other similarly situated members of the public and children, as follows:

3.2.1. That MT. VIEW and THE NATIONAL CHURCH enact corporate policies and/or practices to protect children from child sexual abuse. The corporate policy should require all leadership participate in VIRTUS® Online or some other similar training designed to better inform organizations as to how it can protect and prevent child sexual abuse within the organization.

3.2.2. Because there are no policies currently that adequately protect children, rather, the absence of such policies, aim to protect MT. VIEW and THE NATIONAL CHURCH, these policies should be changed to include the following:

3.2.2.1. Where a charge of sexual abuse of a child has been made against any agent, leader, or member of MT. VIEW or THE NATIONAL CHURCH, he or she shall be immediately removed from any and all

positions with exposure to children and all appropriate safeguards be made to keep him or her away from children pending investigation;

3.2.2.2. Whenever any leader or member in MT VIEW or THE NATIONAL CHURCH has a reasonable suspicion of child sexual abuse, whether the abuse happened during a “Church Activity” or not, this leader or member shall report the abuse first to the police and child protective services;

3.2.2.3. Every Church leader shall be a mandatory reporter of child sexual abuse, regardless of whether mandatory reporting is required by state law;

3.2.2.4. There shall be an affirmative statement published that leaders and members shall cooperate with civil and criminal authorities in cases involving child sexual abuse; this includes truthfully testifying at depositions, hearings, trials and other proceedings, regardless of whether such testimony would implicate MT. VIEW or THE NATIONAL CHURCH or not;

3.2.2.5. That MT. VIEW and THE NATIONAL CHURCH agree that police and child protective services should investigate all complaints of child sexual abuse involving its members and there will be a policy instructing its members of such;

3.2.2.6. That for a period of not less than five years from entry of judgment, MT. VIEW and THE NATIONAL CHURCH post on the homepage of its websites, or print to disseminate to all of its members, that DAVID PEASTER is a credibly accused pedophile and post his last known address as well in order to alert people of this danger;

3.2.2.7. That MT. VIEW and THE NATIONAL CHURCH establish an “age appropriate” sex abuse training and educational program

for children ages 3-18. That this program shall contain a “safe haven” for children to report sexual abuse; that this “safe haven” include three persons in each local congregation that are designated to speak with children about sexual abuse; that the children are taught they can go to any of the three that they feel most comfortable with; that if one of these designated persons has a reasonable suspicion of child sexual abuse, whether the abuse happened during a “Church Activity” or not, this designated person shall report the abuse first to the police and child protective services; and

3.2.2.8. That MT. VIEW and THE NATIONAL CHURCH adopt a whistleblower policy concerning the method by which a report concerning abuse within a local congregation, like MT. VIEW, can be made and expressly providing any such local congregation will not take any retaliatory actions, including shunning, against persons who report such information in good faith.

**IV. SECOND CAUSE OF ACTION: LEWD AND LASCIVIOUS CONDUCT AGAINST DEFENDANT DAVID PEASTER.**

4.1. Plaintiff incorporates all prior allegations as though set forth in full herein.

4.2. At all times material hereto, DAVID PEASTER did, with the intent to arouse, appeal to, and gratify his lust, passion and sexual desires, engage in acts constituting lewd conduct with a minor under the age of sixteen (16) as defined by Idaho Code Section 18-1508.

4.3. DAVID PEASTER’S conduct was a direct cause and proximate cause of damages sustained by Plaintiff.

**V. THIRD CAUSE OF ACTION: SEXUAL ABUSE OF A CHILD AGAINST DEFENDANT DAVID PEASTER.**

5.1. Plaintiff incorporates all prior allegations as though set forth in full herein.

5.2. At all times material hereto, DAVID PEASTER did, with the intent to gratify his lust, passion and sexual desires, solicit a child under the age of sixteen (16) to participate in a sexual act as defined in Idaho Code Section 18-1506 (1)(a), (b), (d), (2), (3), (4), and did engage in acts constituting sexual abuse of a minor child under the age of sixteen years as defined by Idaho Code Section 18-1506.

5.3. DAVID PEASTER'S conduct was a direct and proximate cause of the damages sustained by Plaintiff.

**VI. FOURTH CAUSE OF ACTION: INJURY TO A CHILD  
AGAINST ALL DEFENDANTS**

6.1. Plaintiff incorporates all prior allegations as though set forth in full herein.

6.2. Plaintiff alleges that each Defendant acted in a way that created circumstances and conditions that were likely to produce great bodily harm, and that each Defendant's willful conduct, including failure to act and other omissions, caused Plaintiff to suffer and have inflicted upon him unjustifiable physical pain and mental suffering. Plaintiff further alleges that each Defendant had Plaintiff in its respective care and custody and unreasonably caused and or permitted Plaintiff to be placed in a situation where Plaintiff's person and health was endangered. MT. VIEW, THE NATIONAL CHURCH and CYNTHIA PEASTER failed to supervise DAVID PEASTER and report DAVID PEASTER, as an individual that these Defendants knew or should have known was dangerous or predisposed to prey on children. As a result, Plaintiff was injured as set forth in Idaho Code Section 18-1501.

6.3. Defendants' conduct was a direct and proximate cause of damages sustained by Plaintiff.

**VII. FIFTH CAUSE OF ACTION: FRAUDULENT CONCEALMENT  
AGAINST DEFENDANT MT. VIEW AND THE NATIONAL CHURCH**

7.1. Plaintiff incorporates all prior allegations as though set forth in full herein.

7.2. Plaintiff alleges that at all times material hereto, MT. VIEW and THE

NATIONAL CHURCH induced Plaintiff to rely on MT. VIEW and THE NATIONAL CHURCH for protection from abuse. After Plaintiff informed MT. VIEW of the abuse to seek help, MT. VIEW and THE NATIONAL CHURCH fraudulently concealed the abuse, leaving Plaintiff subject to ongoing abuse.

**VIII. SIXTH CAUSE OF ACTION: NEGLIGENCE AND GROSS NEGLIGENCE OF DEFENDANTS MT. VIEW, THE NATIONAL CHURCH AND CYNTHIA PEASTER BASED ON A SPECIAL RELATIONSHIP**

8.1. Plaintiff incorporates all prior allegations as though set forth in full herein.

8.2. At all times material hereto, Defendants MT. VIEW, THE NATIONAL CHURCH and CYNTHIA PEASTER had either actual or constructive notice of the sexual abuse that was being inflicted upon Plaintiff by DAVID PEASTER and failed to take action to protect Plaintiff or prevent DAVID PEASTER from sexually abusing Plaintiff.

8.3. Defendants MT. VIEW, THE NATIONAL CHURCH and CYNTHIA PEASTER undertook a protective custodial relationship with Plaintiff. Each of these Defendants also had a special relationship with the Plaintiff, as described elsewhere in this complaint, and had an affirmative duty to protect Plaintiff from harm. Defendants MT. VIEW, THE NATIONAL CHURCH and CYNTHIA PEASTER breached this duty by:

8.3.1. Bringing Plaintiff into contact or association with DAVID PEASTER;

8.3.2. Promulgating policies and practices that exposing Plaintiff to DAVID PEASTER and creating opportunity for DAVID PESTER to abuse Plaintiff even after the abuse was reported to leaders of MT. VIEW and THE NATIONAL CHURCH;

8.3.3. Engaging in the other acts and omissions described elsewhere in this Complaint.

**IX. SEVENTH CAUSE OF ACTION: NEGLIGENCE, NEGLIGENCE PER SE,  
TORTIOUS AND RECKLESS ACTS AND OMISSIONS  
AGAINST ALL DEFENDANTS**

9.1. Plaintiff incorporates all prior allegations as though set forth in full herein.

9.2. All Defendants had duties to exercise reasonable care and to warn Plaintiff and the public of known or suspected child molesters like Defendant DAVID PEASTER.

9.3. Each Defendants' careless, negligent, tortious, and reckless acts and omissions, including failing to report known or suspected pedophilia, constituted a breach of the aforementioned duties.

9.4. At all times and events described in the preceding paragraphs, MT. VIEW, THE NATIONAL CHURCH and CYNTHIA PEASTER had certain duties imposed upon them by statutes, regulations and/or common law which it then and there owed to Plaintiff and other children under the age of eighteen to report DAVID PEASTER's abuse and/or the circumstances which would reasonably result in abuse, and in fact did result in child abuse; and it did negligently, carelessly, tortiously, and recklessly breach said duties, including but not limited to: violating I.C. §16-1605 (Reporting of Abuse, Abandonment or Neglect).

9.5. Plaintiff further alleges that the Defendants' negligence, negligence per se, tortious conduct, and recklessness were the direct and proximate cause of Plaintiff's past and future damages complained of herein.

**X. EIGHTH CAUSE OF ACTION AGAINST DEFENDANT MT. VIEW AND  
THE NATIONAL CHURCH:  
VIOLATIONS IN CONTRAVENTION OF  
IDAHO'S STATED PUBLIC POLICY TO PROTECT CHILDREN**

10.1. Plaintiff incorporates by reference all other paragraphs of this Complaint as if set forth herein.

10.2. With respect to Plaintiff, MT. VIEW and THE NATIONAL CHURCH violated Idaho State statutes and regulations, including but not limited to Idaho Code §6-

1701 et seq. (Tort Actions in Child Abuse Cases, et seq.) and §18-1501 (Injury to Children). At all times material hereto, MT. VIEW and THE NATIONAL CHURCH had certain duties imposed upon them by statutes, regulations and common law which it then and there owed to Plaintiff and other children; and MT. VIEW and THE NATIONAL CHURCH did breach said duties by, inter alia:

10.2.1. DAVID PEASTER'S sexual abuse of Plaintiff as a child as defined in section 18-1506, Idaho Code;

10.2.2. Injury of Plaintiff while a child as defined in section 18-1501, Idaho Code;

10.2.3. Acting under circumstances or conditions likely to produce great bodily harm to Plaintiff; and/or

10.2.4. Willfully causing or permitting Plaintiff to suffer unjustifiable physical pain or mental suffering, or while having the care or custody of Plaintiff, willfully causing or permitting Plaintiff or the health of Plaintiff to be injured, or willfully causing or permitting Plaintiff to be placed in such situation that his person or health was endangered.

10.3. MT. VIEW and THE NATIONAL CHURCH breached their duties owed to Plaintiff directly and proximately caused life-long, ongoing, and profound damages to Plaintiff as further alleged herein.

## **XI. CAUSATION AND DAMAGES**

11.1. Plaintiff incorporates by reference all other paragraphs of this Complaint as if set forth herein.

11.2. As a direct and proximate result of each Defendant's acts, omissions, negligence, gross negligence, recklessness, willful conduct, wanton conduct, malicious conduct, outrageous conduct, statutory violations and/or strict liability, Plaintiff was tragically, seriously and permanently injured and damaged. Although supportive

remedies have been resorted to, said injuries prevail and will continue to prevail for an indefinite time into the future. It is impossible at this time to fix the full nature, extent, severity and duration of said injuries, but they are alleged to be permanent, progressive and disabling. Plaintiff has incurred and will likely continue to incur damages. These damages include both severe physical and emotional injury. These damages include special and general damages to be proved at the time of trial, in an amount now unknown. Plaintiff's claimed damages specifically include all damages allowed by statute and common law, including but not limited to those allowed by Idaho Code §6-1703.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against each Defendant in an amount in excess of \$10,000.00, the jurisdictional limit, as will sufficiently compensate Plaintiff for damages received, along with reasonable costs, interest, attorney fees (specifically including but not limited to attorney's fees allowed pursuant to Idaho Code §6-1703) and such other relief as the Court may deem appropriate. Plaintiff specifically reserves his right to amend this Complaint to assert additional claims, including claims for punitive damages.

DATED this 10th day of February, 2016.

JAMES, VERNON & WEEKS, P.A.  
*Attorneys for Plaintiff*

By:  \_\_\_\_\_  
Craig K. Vernon, ISB#5514



**DEMAND FOR JURY TRIAL**

COMES NOW the above-named Plaintiff, by and through his attorney of record, CRAIG K. VERNON of the law firm JAMES, VERNON & WEEKS, P.A., and hereby demands a trial by jury on all issues herein pursuant to the Idaho Rules of Civil Procedure.

Dated: this 10th day of February, 2016.

JAMES, VERNON & WEEKS, P.A.  
*Attorneys for Plaintiff*

By: \_\_\_\_\_



Craig K. Vernon, ISB#5514