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15 *Attorneys for Plaintiff Clay Timothy Hassler*

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **COUNTY OF SANTA CRUZ**

18 CLAY TIMOTHY HASSLER, an individual,

19 Plaintiff,

20 v.

21 CENTRAL CALIFORNIA CONFERENCE OF
SEVENTH-DAY ADVENTISTS d/b/a
22 MONTEREY BAY ACADEMY, a California
nonprofit corporation; GENERAL
23 CONFERENCE CORPORATION OF
SEVENTH-DAY ADVENTISTS, a foreign
24 nonprofit corporation, and DOES 3-50,

25 Defendants.

Case No. 21CV01345

Assigned for All Purposes to:
Hon. Judge Timothy Volkmann, Dept. 5

FIRST AMENDED COMPLAINT FOR DAMAGES for:

- 1) Negligence
- 2) Negligent Supervision
- 3) Negligent Retention
- 4) Sexual Harassment

Filed Pursuant to Code of Civil Procedure
Section 340.1, as Amended by Assembly
Bill 218

[Jury Trial Demanded]

ELECTRONICALLY FILED
Superior Court of California
County of Santa Cruz
6/10/2021 2:41 PM
Alex Calvo, Clerk
By: *Declar Salsedo*, Deputy

1 Plaintiff Clay Timothy Hassler (“Plaintiff”) brings this action against Defendants Central
2 California Conference of Seventh-day Adventists, doing business as, Monterey Bay Academy
3 (“Central California Conference”), General Conference Corporation of Seventh-day Adventists
4 (“General Conference”), and DOES 3–50 (together, “Defendants”), and based on information and
5 belief alleges as follows:

6 **INTRODUCTION**

7 1. This action arises from the sexual assault, battery, and abuse of a young boy while
8 he was a student at Monterey Bay Academy, an elite, religious, private high school with students
9 ranging in age from ninth grade through twelfth grade, located in Santa Cruz County. Lowell
10 Nelson (“Nelson”), a former teacher at Monterey Bay Academy, used his position of trust,
11 authority, and power as a teacher at Central California Conference’s campus to sexually assault,
12 harass, and molest Plaintiff.

13 2. In or around 1971, Nelson exhibited deplorable and humiliating conduct onto
14 Plaintiff which has caused lifelong emotional damage. Nelson’s conduct included developing
15 Plaintiff’s trust, and then using that trust to lure Plaintiff to Nelson’s home, located on the campus
16 of the Central California Conference. Once secluded, Nelson gave Plaintiff marijuana, told Plaintiff
17 that masturbation was “God’s gift,” began masturbating in front of Plaintiff, then reached over
18 began fondling Plaintiff’s genitals. On another occasion, Nelson attempted to sodomize and
19 penetrate Plaintiff.

20 3. Defendant Central California Conference was entrusted with the care and safety of
21 minor students, including Plaintiff, and in turn trusted minor students’ safety and care to Nelson.
22 Defendants knowingly, intentionally, willfully, deliberately, and recklessly fostered a pervasive and
23 hostile environment that utterly disregarded the rights and safety of young boys who entrusted
24 Defendants with their education. As a result, Plaintiff and other young boys have suffered
25 humiliation, shame, and horror and they will continue to suffer for the rest of their lives. Defendant
26 Central California Conference and Nelson have been sued on numerous occasions for Nelson’s
27 sexual misconduct with other minor students and Defendants’ complete and utter failure to protect
28 students in its care from Nelson’s sexual assaults.

1 **PARTIES**

2 4. Plaintiff is an adult male residing in Pacific Grove, within the State of California. At
3 all times relevant to this Complaint, Plaintiff was residing in Santa Cruz County,
4 California. Plaintiff was born in 1957 and was a minor throughout the period of child sexual assault
5 alleged herein. Plaintiff brings this Complaint pursuant to Code of Civil Procedure Section 340.1,
6 as amended by Assembly Bill 218, for the child assault he suffered at the hands of
7 Defendants. Thus, Plaintiff's claims for damages suffered as a result of childhood sexual assault
8 are timely filed as they are filed within three years of January 1, 2020.

9 5. On information and belief, Defendant Central California Conference is a tax-exempt
10 religious corporation having its principal place of business in Fresno County, California. Defendant
11 Central California Conference purposely conducts substantial religious and educational business
12 activities in the State of California, and was the primary entity controlling the activities and
13 behavior of its employee and agent Nelson. At all times relevant to this Complaint, Defendant
14 Central California Conference's campus, Monterey Bay Academy, was and is a private religious
15 high school, with its principal place of business in Santa Cruz County, California. Monterey Bay
16 Academy began operating as a high school on or about 1949 and purposely conducts substantial
17 educational business activities within the State of California. Monterey Bay Academy operates
18 within the Pajaro Unified School District and describes itself on its website as providing "a safe and
19 secure environment" for its students.

20 6. On information and belief, Defendant General Conference is a religious corporation
21 having its principal place of business in Montgomery County, Maryland. Defendant General
22 Conference purposely conducts substantial religious and educational business activity throughout
23 the United States. On information and belief, Defendant General Conference assists, coordinates
24 and/or directs the operation of regional religious, educational, and business activity with various
25 entities, including with Defendant Central California Conference.

26 7. Lowell Nelson was an adult male who was under the direct supervision, employ,
27 agency, and control of Defendants. On information and belief, Nelson was an employee of
28 Defendants for thirty years and retired in approximately 1998. Nelson served as a teacher and

1 counselor at Monterey Bay Academy. On information and belief, in approximately 2008, Nelson
2 died.

3 8. The true names and capacities, whether individual, corporate, partnership, associate,
4 or otherwise, of Defendants DOES 3–50, inclusive, are unknown to Plaintiff. Accordingly, Plaintiff
5 sues DOES 3–50 by such fictitious names pursuant to section 474 of the California Code of Civil
6 Procedure. Plaintiff will seek leave to amend this Complaint to allege their true names and
7 capacities when they are ascertained. Plaintiff is informed and believes and thereon alleges that
8 DOES 3–50 are legally responsible in some manner for the events, happenings, and/or tortious and
9 unlawful conduct that caused the injuries and damages alleged in this Complaint.

10 9. On information and belief, at all times material hereto, Defendants were the agents,
11 representatives, servants, employees, partners, and/or joint venturers of each and every other
12 Defendant and were acting within the course and scope of said alternative capacity, identity,
13 agency, representation and/or employment and were within the scope of their authority, whether
14 actual or apparent. Each of the Defendants is responsible in some manner for one or more of the
15 events and happenings described herein. Each Defendant approved and/or ratified the conduct of
16 each other Defendant. Consequently, each Defendant is jointly and severally liable to Plaintiff for
17 the damages sustained as a proximate result of his, her, or its conduct. Each of the Defendants
18 proximately caused the injuries and damages alleged.

19 10. Whenever reference is made to “Defendants” in this Complaint, such allegation shall
20 be deemed to mean the acts of Defendants acting individually, jointly, and/or severally.

21 **GENERAL FACTUAL ALLEGATIONS**

22 ***I. Defendants Employed Nelson and Afforded Nelson Unfettered and Isolated Access to***
23 ***Minor Students as a Teacher.***

24 11. Defendant Central California Conference’s campus, Monterey Bay Academy, is a
25 private, accredited, co-educational school, providing education for students in grades nine through
26 twelve. Monterey Bay Academy is a boarding school that houses students on campus. The school
27 is small and currently has approximately 29 staff members and administrators, 16 teachers, and 210
28 students. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein,

1 Defendant Central California Conference owned and operated its campus, but Defendant Central
2 California Conference's operation was overseen, assisted or directed by, and/or coordinated with
3 Defendant General Conference.

4 12. On information and belief, at all times relevant hereto, Nelson was an adult male
5 who worked as a teacher and counselor at Defendant Central California Conference's campus.
6 Nelson's employment duties and responsibilities with Defendants included, in part, providing for
7 the supervision, counseling, advisory, educational, and emotional needs and wellbeing of minor
8 children, including Plaintiff. In such capacity, Nelson was under the direct supervision, employ,
9 agency, and control of Defendants.

10 13. As a student at Defendant Central California Conference's campus, where Nelson
11 was employed and worked, Plaintiff was under Central California Conference's supervision, care,
12 and control, which created a special or fiduciary relationship.

13 14. Plaintiff is informed and believes and thereon alleges, that in hiring Nelson as a
14 teacher at Monterey Bay Academy, Defendants gave him full power, control, and authority to
15 provide teaching services to Defendants' students. By continuing to employ Nelson, Defendants
16 held Nelson out to be a professional and safe teacher at Monterey Bay Academy.

17 15. As a teacher and with the endorsement of Defendants, Nelson stood in a position of
18 power, respect, confidence, trust, and authority among Plaintiff and numerous other young children.
19 Defendants lodged with Nelson the color of authority, by which he was able to influence, direct,
20 and assault Plaintiff and others, and to act illegally, unreasonably, and without respect for the
21 person and safety of Plaintiff.

22 16. It was through this position of trust and confidence that Nelson exploited Plaintiff in
23 perpetuating his sexual assault and battery upon him. Plaintiff is informed and believes and thereon
24 alleges that all of the sexually abusive and harassing conduct alleged herein was done to satisfy
25 Nelson's own prurient sexual desires.

26 17. Additionally, as a minor child under the custody, care, and control of Defendants,
27 Defendants stood *in loco parentis* with respect to Plaintiff while he attended class, lived on-campus,
28 and participated in extracurricular activities and other school related functions through Defendant

1 Central California Conference. As the responsible party and/or employer controlling Nelson,
2 Defendant Central California Conference—at the direction, oversight, or assistance of, or
3 coordination with Defendant General Conference—and Defendant General Conference were in a
4 special relationship with Plaintiff and owed special duties to Plaintiff.

5 18. At all times relevant, Defendant Central California Conference was responsible for
6 the supervision of its employees' and agents' activities, including those of Nelson, and assumed
7 responsibility for the well-being of the minor students in its care, including Plaintiff.

8 **II. *Nelson Identifies, Sexually Grooms, and Assaults Plaintiff.***

9 19. On information and belief, Monterey Bay Academy is a private, religious boarding
10 high school, with an isolated campus near a private beach. Defendant Central California
11 Conference provides on-campus dormitories for its students to use while attending school on its
12 premises. Defendants employed deans of the boys' and girls' dormitories to reside with and
13 oversee the students.

14 20. On information and belief, Monterey Bay Academy's teachers typically resided on
15 or nearby its campus. As an employee and/or agent of Defendants, Nelson was permitted to reside
16 and resided on-campus. Nelson's residence was located behind the Defendant Central California
17 Conference's on-campus dormitories for boys. On information and belief, Defendants' staff,
18 including Nelson, typically invited students to their on-campus residences.

19 21. Plaintiff was a student at Monterey Bay Academy, beginning approximately in fall
20 1971 when he was approximately fourteen years old. Plaintiff was a student in Nelson's class.

21 22. Plaintiff lived on Monterey Bay Academy's campus during his freshman year,
22 residing in the boys' dormitories. He did not have many friends and was often isolated from other
23 students and his parents. On information and belief, Nelson targeted Plaintiff for sexual grooming
24 based on his emotional, psychological, and physical vulnerability as a new student to the school
25 without many friends, and the product of his social isolation from his classmates and parents.

26 23. Defendants, through the decision of their agents, the deans of the boys' and girls'
27 dormitories, permitted their students to travel into nearby Watsonville on Sundays. Students often
28 traveled to eat, go to the poolhall, and meander through the city.

1 24. Defendants provided transportation to and from Watsonville for their students, but,
2 on information and belief, Defendants did not supervise the students during these trips. While
3 Defendant Central California Conference’s teachers and staff occasionally and coincidentally
4 ventured to Watsonville on Sundays, they did not supervise students who were dropped off.

5 25. On one occasion, Plaintiff used Defendants’ services to travel to Watsonville.
6 Plaintiff stayed in Watsonville past the specified pickup time and missed the bus service back to
7 Monterey Bay Academy. As Plaintiff was walking back to Monterey Bay Academy, Nelson drove
8 by and pulled over his car to talk to Plaintiff. Nelson asked Plaintiff why he was walking back to
9 campus and offered to drive him back. Plaintiff agreed.

10 26. Nelson wanted to discipline Plaintiff for staying in Watsonville past the specified
11 pickup time. Nelson’s disciplinary action was uncharacteristic, since the dean of the boys’
12 dormitories—not teachers—usually meted out any punishment of male students, like Plaintiff.
13 Plaintiff, however, was scared to question Nelson’s authority because he worked as a teacher for
14 Defendants.

15 27. Under the guise of his authority as a teacher for Defendants, Nelson decided to
16 punish Plaintiff by making him go to Nelson’s residence, which was located on the campus of
17 Defendant Central California Conference, on at least four occasions to perform chores as a
18 punishment for missing the bus service from Watsonville.

19 28. The first time Nelson required Plaintiff to perform chores at his residence, Nelson
20 required Plaintiff to perform yardwork, including pulling weeds and mowing the lawn. During
21 subsequent visits to Nelson’s residence to perform chores, Nelson offered Plaintiff marijuana and
22 asked Plaintiff if he wanted to watch “adult”—pornographic—films. Nelson was known as a cool
23 teacher who often had students at his home. Because Plaintiff was a loner who had not made any
24 friends, he felt flattered that Nelson was showing an interest in him.

25 29. On information and belief, Nelson began sexually grooming Plaintiff by seeking to
26 earn his emotional and psychological trust, and giving Plaintiff special attention and forging a close
27 relationship with him at his residence. Nelson also used his charm, popularity, and role as a teacher
28 and counselor to sexually groom Plaintiff.

1 30. When Nelson had Plaintiff at his home, he often set up an 8mm film projector and
2 began playing pornographic films to watch with Plaintiff. These films often depicted participants
3 engaging in oral sex. While Nelson watched pornographic films with Plaintiff, he began to ask
4 Plaintiff questions of a sexual nature and advocating for Plaintiff to masturbate. Nelson told
5 Plaintiff that the act of masturbation was “God’s gift to men” and it kept men from developing
6 hysteria and from raping women. He further told Plaintiff that masturbation relieved anxiety and
7 stress, and that he should not be ashamed to masturbate. Nelson then exposed himself to Plaintiff
8 and began masturbating in front of Plaintiff. While masturbating, Nelson reached over Plaintiff’s
9 lap and fondled Plaintiff’s genitals. On subsequent visits to Nelson’s residence, Nelson attempted
10 to sodomize and penetrate Plaintiff.

11 31. Plaintiff was fearful of reporting Nelson’s sexual assaults. Nelson told him that if
12 Plaintiff reported Nelson’s acts, no one would believe him. He further told him that the sexual
13 abuse would be their secret. As a result of Nelson’s statements, Plaintiff was forced to remain quiet
14 about the sexual assaults. He did not have many friends on campus and feared reporting Nelson’s
15 conduct since Nelson was trusted, beloved, and appeared nice and personable.

16 32. The abuse continued until Plaintiff told his father that unusual things were happening
17 at Defendant Central California Conference’s campus. Before the end of the school year, Plaintiff
18 ultimately dropped out of school to avoid further sexual assaults from Nelson.

19 33. Plaintiff did not, and was unable to, give free or voluntary consent to the sexual acts
20 perpetrated against him by Nelson, as he was a minor child at the time of the assaults alleged
21 herein.

22 34. The sexual acts perpetrated upon Plaintiff by Nelson constitute child sexual assault
23 as defined by California Code of Civil Procedure Section 340.1, as modified by Assembly Bill 218,
24 and were a violation of the California Penal Code, including, but not limited to, Penal Code
25 Sections 288 and 647.6.

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1 **III. Defendants Central California Conference and General Conference Knew or Should**
2 **Have Known that Nelson Sexually Assaulted Minors, and Failed to Implement Appropriate**
3 **Safeguards to Protect Minor Students.**

4 35. Prior to and during the sexual harassment, molestation and assault of Plaintiff,
5 Defendants knew or should have known, or were otherwise on notice, that Nelson had violated his
6 role as a teacher and counselor, and used this position of authority and trust acting on behalf of
7 Defendants to gain access to children, including Plaintiff, on and off Defendant Central California
8 Conference's facilities and grounds, which he used to inappropriately touch, molest, abuse, and
9 assault Plaintiff and other minor students.

10 36. Defendants knew or should have known of Nelson's propensity and disposition to
11 engage in sexual misconduct with minors before he sexually assaulted and harassed Plaintiff, and
12 knew of the probability that he would harass minors with whom he came into contact, such as
13 Plaintiff.

14 37. Defendants had a duty to disclose these facts to Plaintiff, his parents, and others, but
15 negligently and/or intentionally suppressed, concealed, or failed to disclose this information for the
16 express purposes of maintaining Nelson's image as an ethical, wholesome, safe, and trusted teacher,
17 counselor, and leader at and within Defendant Central California Conference's campus. The duty
18 to disclose this information arose from the special, trusting, confidential, fiduciary, and *in loco*
19 *parentis* relationship between Defendants and Plaintiff.

20 38. On information and belief, in or about 2004, five former students at Monterey Bay
21 Academy filed five lawsuits against Defendants alleging they were sexually abused by several of
22 Defendants' employees, including Nelson, during the 1980s. Three of these cases were filed in Los
23 Angeles County under case numbers BC300486, BC308138, and BC308139, and one case was filed
24 in Santa Cruz County with case number CV148107. Ultimately, Defendant Central California
25 Conference and/or Defendant General Conference settled the lawsuits and agreed to alter their
26 school policies to become more responsive to reports of sexual abuse by limiting employee access
27 to student dormitories and forbidding employees from driving students off-campus alone.

28

1 39. In 2005, Victor Elliott, an in-house Maryland attorney working with Defendant
2 General Conference in one of the lawsuits admitted to the San Jose Mercury News that the prior
3 allegations against Nelson “went back 20 years. The circumstances of screening of teachers and
4 supervision are not up to current-day standards.”

5 40. On information and belief, Defendants failed to take reasonable steps or implement
6 reasonable safeguards to avoid acts of childhood sexual assault, including by failing to enact
7 adequate policies and procedures or failing to ensure their policies and procedures were followed.

8 41. On information and belief, Defendants’ failure to take appropriate action against
9 Nelson to protect its students and the public at-large resulted in Nelson’s ability to continue to enjoy
10 access to minors in California and continue his abuse into the 1980s.

11 42. On information and belief, Defendants ratified and authorized Nelson’s sexual
12 assault of Plaintiff by (1) allowing Nelson to come into contact with Plaintiff as a child without
13 supervision, (2) failing to follow their own policies regarding supervision on student trips to
14 Watsonville, punishment, and student visits to faculty residences, (3) by holding out Nelson to the
15 Santa Cruz community at large as being in good standing and trustworthy as a person of stature and
16 integrity, and (4) failing to take steps to timely remove Nelson from Defendants’ employ so as to
17 prevent him from using his authority bestowed upon him by Defendants to gain access to minors
18 and sexually assault them.

19 43. On information and belief, the personnel and/or employment records of Nelson,
20 including personnel and employment records of Defendant Central California Conference, and
21 other records of Defendants reflect numerous incidents of inappropriate sexual contact and conduct
22 with minor students by Nelson, including incidents occurring both on and off the physical premises
23 of Defendant Central California Conference’s campus, or would have included such records of
24 incidents of inappropriate sexual contact by Nelson had Defendant Central California Conference
25 maintained adequate procedures for recordkeeping. Based on this conduct and these records,
26 Defendant Central California Conference knew and/or should have known of Nelson’s history of
27 sexual assault, and his propensity and disposition to engage in unlawful activity and unlawful
28 sexual activity with minor children such that Defendant Central California Conference knew or

1 should have known that Nelson would commit wrongful sexual acts with those students, including
2 Plaintiff.

3 44. On information and belief, Nelson planned to keep Plaintiff from disclosing the
4 sexual abuse that he suffered by actively targeting Plaintiff due to Plaintiff's isolation, Plaintiff's
5 lack of friends, and Nelson's reputation with students and faculty as an authority figure. Nelson
6 knew that his reputation would be favored against Plaintiff's and deliberately used that to convince
7 Plaintiff to stay silent. Plaintiff is informed and believes, and on that basis alleges, that Defendants'
8 conduct, and the conduct of their agent, Nelson, to force Plaintiff to stay quiet about his sexual
9 assaults, constitutes a cover up as statutorily defined by Code of Civil Procedure section 340.1(b),
10 and that Plaintiff's further sexual assaults are the result of Defendants' cover up.

11 45. As a direct and proximate result of Plaintiff's sexual assault by Nelson, which was
12 enabled and facilitated by Defendants, Plaintiff has suffered economic injury, all to Plaintiff's
13 general, special, and consequential damage in an amount to be proven at trial, but in no event less
14 than the minimum jurisdictional amount of this Court.

15 **RESERVATION OF RIGHT TO PLEAD PUNITIVE DAMAGES**

16 46. Based on information and belief, Defendant Central California Conference and
17 Defendant General Conference are religious corporations, organized under the laws of California,
18 and Washington D.C. and/or Maryland, respectively, and believed to be afforded the protection of
19 Section 425.14 of the Code of Civil Procedure. Plaintiff expressly reserves the right to file a
20 Motion to Amend the Complaint, in order to allege facts sufficient to constitute punitive and/or
21 exemplary damages against Defendant Central California Conference and Defendant General
22 Conference, in accord with evidence that substantiates a finding of the clear and convincing
23 evidentiary requirement of Section 3294 of the Civil Code.

24 **FIRST CAUSE OF ACTION**

25 **NEGLIGENCE**

26 **(Against All Defendants)**

27 47. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
28 paragraphs of this Complaint as if fully set forth herein.

1 48. Defendants had a duty to protect Plaintiff when he was entrusted to Defendant
2 Central California Conference's care by Plaintiff's parents. Plaintiff's care, welfare, and/or
3 physical custody were temporarily entrusted to Defendants while he attended school with
4 Defendants and lived on Defendants' campus, and Defendants accepted the entrusted care of
5 Plaintiff. As such, Defendants owed Plaintiff, as a child at the time, a special duty of care, in
6 addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing
7 with children owe to protect them from harm.

8 49. Defendants were required but failed to exercise careful supervision of the moral
9 conditions in their school. This duty extended beyond the classroom. Defendants failed to
10 adequately supervise students on their trips to Watsonville, faculty when disciplining students,
11 and/or faculty when inviting and/or hosting minor students at their residences.

12 50. Defendants had a duty to and failed to adequately train and supervise all counselors,
13 advisors, teachers, mentors and staff to create a positive, safe, spiritual, and educational
14 environment, specifically including training to perceive, report and stop inappropriate conduct by
15 other members of the staff, specifically including Nelson, with children.

16 51. By virtue of his unique authority and position as a teacher and counselor, Nelson
17 was able to identify vulnerable victims and their families, such as Plaintiff, upon which he could
18 perform sexual assault; to manipulate his authority to procure compliance with his sexual demands
19 from his victims; to induce the victims to continue to allow the assault; and to coerce them not to
20 report it to any other persons or authorities. As a teacher and counselor, Nelson had unique access
21 to, and held a position of authority among, students who were attending Defendants' school, like
22 Plaintiff, and their families who either belonged to and attended Monterey Bay Academy or
23 approved of their minor children doing so, like Plaintiff's parents.

24 52. Defendants, by and through their agents, servants, and employees, knew or
25 reasonably should have known of Nelson's sexually abusive and exploitative propensities and/or
26 that Nelson was an unfit agent. It was foreseeable that if Defendants did not adequately exercise or
27 provide the duty of care owed to children in their care, including but not limited to Plaintiff, the
28

1 children entrusted to Defendants' care would be vulnerable to sexual assault by Nelson when
2 disciplining children or hosting them at their homes.

3 53. Defendants breached their duty of care to Plaintiff by allowing Nelson to come into
4 contact with him as a child without supervision; by failing to properly investigate; by failing to
5 inform or concealing from Plaintiff's parents, guardians, or law enforcement officials that Nelson
6 was or may have been sexually abusing minors; and by holding out Nelson to the Santa Cruz
7 community at large as being in good standing and trustworthy as a person of stature and integrity.

8 54. As a direct and proximate result of Defendants' multiple and continuous breaches,
9 Plaintiff has suffered economic injury, all to Plaintiff's general, special, and consequential damage
10 in an amount to be proven at trial, but in no event less than the minimum jurisdictional amount of
11 this Court.

12 55. As a result of the above-described conduct, Plaintiff has suffered and continues to
13 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
14 distress, severe anxiety, depression, feelings of self-blame, hypervigilance, a lost sense of trust, a
15 sense of being tainted, and relationship and intimacy issues, and was prevented and will continue to
16 be prevented from performing daily activities and obtaining the full enjoyment of life.

17 **SECOND CAUSE OF ACTION**

18 **NEGLIGENT SUPERVISION**

19 **(Against All Defendants)**

20 56. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
21 paragraphs of this Complaint as if fully set forth herein.

22 57. By operating an educational institution entrusted with the care of minors, where all
23 students are entrusted to the teachers, counselors, advisors, mentors, faculty members, and
24 administrators, Defendants expressly and implicitly represented that these individuals, including
25 Nelson, were not a sexual threat to children and others who would fall under Nelson's influence,
26 control, direction, and guidance.

27 58. Defendants were aware or should have been aware of children's significant
28 vulnerability to sexual harassment, molestation and assault by mentors, advisors, teachers, pastors,

1 counselors, and other persons of authority within Defendant Central California Conference's
2 campus.

3 59. Defendants owed Plaintiff a duty to provide reasonable supervision of both Plaintiff
4 and Nelson, to use reasonable care in investigating Nelson, and to provide adequate warning to
5 Plaintiff and his family, and to families of other children who were entrusted to Nelson, of Nelson's
6 sexually abusive and exploitative propensities and unfitness.

7 60. Defendants, by and through their agents, servants and employees, knew or should
8 have known of Nelson's sexually abusive and exploitative propensities and/or that Nelson was an
9 unfit agent. Despite such knowledge, Defendants negligently failed to supervise Nelson in his
10 position of trust and authority as a teacher, in which he was able to commit the wrongful acts
11 against Plaintiff alleged herein using his position. Defendants failed to provide reasonable
12 supervision of Nelson, failed to use reasonable care in investigating Nelson, and failed to provide
13 adequate warning to Plaintiff and his family regarding Nelson's sexually abusive and exploitative
14 propensities and unfitness. Defendants further failed to take reasonable measures to prevent future
15 sexual assault.

16 61. Defendants breached their duty to Plaintiff by, *inter alia*, failing to adequately
17 monitor and supervise Nelson and failing to stop Nelson from committing wrongful sexual acts
18 with minors, including Plaintiff.

19 62. As a direct and proximate result of Defendants' multiple and continuous breaches,
20 Plaintiff has suffered economic injury, all to Plaintiff's general, special, and consequential damage
21 in an amount to be proven at trial, but in no event less than the minimum jurisdictional amount of
22 this Court.

23 63. As a result of the above-described conduct, Plaintiff has suffered and continues to
24 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
25 distress, severe anxiety, depression, feelings of self-blame, shame, hypervigilance, a lost sense of
26 trust, a sense of being tainted, and relationship and intimacy issues, and was prevented and will
27 continue to be prevented from performing daily activities and obtaining the full enjoyment of life.
28

1 **THIRD CAUSE OF ACTION**

2 **NEGLIGENT RETENTION**

3 **(Against All Defendants)**

4 64. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
5 paragraphs of this Complaint as if fully set forth herein.

6 65. Defendants owed Plaintiff a duty not to retain Nelson given his proclivity towards
7 pedophilia, which Defendants knew or should have known had they engaged in a meaningful and
8 adequate investigation of his background, hosting of students at his home, rumors and red flags,
9 and/or of allegations of sexual assault of Plaintiff and minor students at Monterey Bay Academy.

10 66. By operating a religious and educational institution entrusted with the care of
11 minors, where all minor students are entrusted to the pastors, administrators, teachers, counselors,
12 advisors, mentors, coaches, faculty members and administrators, Defendants expressly and
13 implicitly represented that these individuals, including Nelson, were not a sexual threat to children
14 and others who would fall under Nelson's influence, control direction, and guidance.

15 67. Defendants, by and through their agents, servants, and employees, knew or
16 reasonably should have known of Nelson's sexually abusive and exploitative propensities and/or
17 that Nelson was an unfit agent. Despite such knowledge and/or an opportunity to learn of Nelson's
18 sexual misconduct, Defendants negligently retained Nelson in his position of trust and authority as
19 a counselor and teacher, where he was able to commit the wrongful acts against Plaintiff and others
20 alleged herein. Defendants failed to properly evaluate Nelson's conduct and performance as an
21 employee of, or provider of services to Defendants, and failed to exercise the due diligence
22 incumbent upon employers to investigate employee misconduct, or to take appropriate disciplinary
23 action, including immediate termination and report and referral of Nelson's sexual assault to
24 appropriate authorities. Defendants negligently continued to retain Nelson in service as a counselor
25 and teacher, working or providing services for Defendants, which enabled him to continue engaging
26 in the sexually abusive and predatory behavior described herein.

27 68. Defendants should have known that Nelson had previously engaged in dangerous
28 and inappropriate conduct, and it was reasonably foreseeable that Nelson was engaging, or would

1 engage in illicit sexual activities with Plaintiff, and others, under the cloak of his authority,
2 confidence, and trust, bestowed upon him through Defendants.

3 69. Defendants were aware or should have been aware of children's significant
4 vulnerability to sexual harassment, molestation and assault by mentors, advisors, teachers,
5 counselors and other persons of authority.

6 70. As a direct and proximate result of Defendants' multiple and continuous breaches,
7 Plaintiff has suffered economic injury, all to Plaintiff's general, special, and consequential damage
8 in an amount to be proven at trial, but in no event less than the minimum jurisdictional amount of
9 this Court.

10 71. As a result of the above-described conduct, Plaintiff has suffered and continues to
11 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
12 distress, severe anxiety, depression, feelings of self-blame, shame, hypervigilance, a lost sense of
13 trust, a sense of being tainted, and relationship and intimacy issues, and was prevented and will
14 continue to be prevented from performing daily activities and obtaining the full enjoyment of life.

15 **FOURTH CAUSE OF ACTION**

16 **SEXUAL HARASSMENT**

17 **(Against All Defendants)**

18 72. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
19 paragraphs of this Complaint as if fully set forth herein.

20 73. During Plaintiff's time as a minor student at Monterey Bay Academy, Nelson
21 intentionally, recklessly, and wantonly made sexual advances, solicitations, requests, and demands
22 for sexual compliance of a hostile nature based on Plaintiff's gender that were unwelcome,
23 pervasive, and severe. The sexual harassment and assault included, but was not limited to, Nelson's
24 massaging, manipulating, and fondling Plaintiff's body, including Plaintiff's genitals, and
25 attempting to penetrate Plaintiff's body. These incidents of sexual assault occurred while Plaintiff
26 was under the control of Defendants and their agents, acting in their capacity as pastors, teachers,
27 counselors, mentors, advisors, and administrators on behalf of Defendants.

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1 74. Because of Plaintiff's relationship with Defendants, reliance on Defendants for
2 education and shelter, and Plaintiff's age of minority, Plaintiff was unable to terminate the
3 relationship he had with Defendants after Nelson's repeated sexual assaults.

4 75. Because of Nelson's age and position of authority, physical seclusion of Plaintiff,
5 Plaintiff's mental and emotional state, and Plaintiff's age of minority, Plaintiff was unable to, and
6 did not, give meaningful consent to Defendant's acts.

7 76. Even though Defendants knew or should have known of these activities by Nelson,
8 Defendants did nothing to investigate, supervise, or monitor Nelson to ensure the safety of minor
9 children.

10 77. On information and belief, Defendants ratified and authorized Nelson's sexual
11 harassment and assault of Plaintiff by actively shielding Nelson from responsibility for his sexual
12 harassment and assault of Plaintiff and other minors, and failing to take steps to timely remove
13 Nelson from Defendants' employ so as to prevent him from using his authority bestowed upon him
14 by Defendants to gain access to minors and sexually harass and assault them.

15 78. Defendants' conduct (and the conduct of their agents) was a breach of their duties to
16 Plaintiff.

17 79. As a result of Nelson's sexual harassment, Plaintiff has suffered economic injury, all
18 to Plaintiff's general, special, and consequential damage in an amount to be proven at trial, but in
19 no event less than the minimum jurisdictional amount of this Court.

20 80. As a result of the above-described conduct, Plaintiff has suffered and continues to
21 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
22 distress, severe anxiety, depression, feelings of self-blame, shame, hypervigilance, a lost sense of
23 trust, a sense of being tainted, and relationship and intimacy issues, and was prevented and will
24 continue to be prevented from performing daily activities and obtaining the full enjoyment of life.

25 81. Plaintiff also seeks appropriate statutory penalties pursuant to section 52 of the Civil
26 Code.

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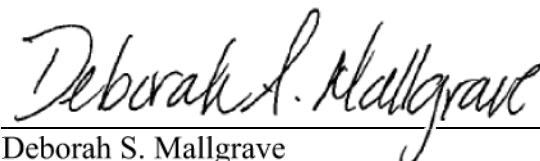
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief against Defendants:

- 1. For past, present, and future general damages in an amount to be determined at trial;
- 2. For past, present, and future special damages, including but not limited to past, present and future lost earnings, economic damages, and others in an amount to be determined at trial;
- 3. For treble damages pursuant to Civil Code section 52 and as authorized by Code of Civil Procedure section 340.1(b)(1);
- 4. Any appropriate statutory damages;
- 5. For cost of suit;
- 6. For interest as allowed by law;
- 7. Plaintiff reserves his right, pursuant to section 425.14 of the Code of Civil Procedure, to seek leave of Court by noticed motion to pursue an appropriate award of punitive damages against Defendants; and
- 8. For such other and further relief as the Court may deem proper.

DATED: June 10, 2021

GREENBERG GROSS LLP

By: 
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 Claire-Lise Y. Kutlay
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in this action for any and all claims so triable.

DATED: June 10, 2021

GREENBERG GROSS LLP

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