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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

A.L., an individual proceeding under a
pseudonym; and M.L., an individual proceeding
under a pseudonym,

Plaintiffs,

v.

CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS, a foreign
corporation sole registered to do business in the
State of Oregon; CORPORATION OF THE
PRESIDENT OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS AND
SUCCESSORS, a foreign corporation sole
registered to do business in the State of Oregon;
THE BOY SCOUTS OF AMERICA, a
congressionally chartered corporation,
authorized to do business in Oregon; and
CASCADE PACIFIC COUNCIL, BOY
SCOUTS OF AMERICA, an Oregon non-profit
corporation,

Defendants.

Case No. _____

COMPLAINT
(Sexual Abuse of a Child/*Respondeat
Superior*; Negligence)

JURY TRIAL DEMANDED

Not Subject to Mandatory Arbitration

Plaintiffs allege:

(Common Allegations)

1.

Plaintiff A.L. is an adult male born in the year 1973, who at all times relevant to this
complaint was an unemancipated minor child who attended religious services, received spiritual
instruction and direction, or participated in the activities promoted or sponsored by Defendants
or agents of the Defendants. Plaintiff M.L. is Plaintiff A.L.'s brother and an adult male born in
the year 1972, who at all times relevant to this complaint was an unemancipated minor child who

1 attended religious services, received spiritual instruction and direction, or participated in the
2 activities promoted or sponsored by Defendants or agents of the Defendants.

3 2.

4 At all times relevant to this complaint, the Corporation of the President of the Church of
5 Jesus Christ of Latter-day Saints and Successors, was a foreign religious corporation sole of the
6 Church of Jesus Christ of Latter Day Saints operating in Oregon. At all times relevant to this
7 complaint, the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day
8 Saints, was a foreign religious corporation sole of the LDS Church operating in Oregon. The
9 Corporation of the President and Corporation of the Presiding Bishop will be referred to
10 collectively hereinafter as “LDS Church.” As part of the LDS Church’s religious mission, it
11 authorized and selected Home Teachers to educate and minister to LDS families, including their
12 children, in the congregation known as the “Cherry Park Ward.” As part of their ministry, the
13 leaders of the Cherry Park Ward—agents of Defendant LDS Church—selected Home Teachers
14 to educate and minister to LDS families, including their children. All Church of Jesus Christ of
15 Latter Day Saints Defendants will be referred to hereinafter collectively as “LDS Defendants.”

16 3.

17 At all times relevant to this complaint, Defendant Boy Scouts of America, was a
18 congressionally chartered corporation authorized to do business in Oregon. At all times relevant
19 to this complaint, Defendant Cascade Pacific Council, Boy Scouts of America was an Oregon
20 non-profit corporation. These Defendants will be referred to hereinafter collectively as “Boy
21 Scout Defendants.” At all times relevant to this complaint, Boy Scout Defendants operated
22 various programs for boys, including Plaintiffs in this case, and selected adults to serve as Scout
23 Leaders. Boy Scout and LDS Defendants jointly operated a Boy Scout troop for the benefit of
24 the Cherry Park Ward.

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1 4.

2 At all times relevant to this complaint, Timur Dykes, also known as “Timur Van
3 Dykes” (hereinafter “Dykes”) was a Home Teacher selected by LDS Defendants to educate and
4 minister to to LDS families and their children, including Plaintiffs in this case. At all times
5 relevant to this complaint, Dykes also served as a volunteer Scout Leader or in a similar
6 capacity, selected or accepted by Boy Scout Defendants to educate and train young boys,
7 including Plaintiffs in this case, in morality, patriotism, and various life skills.

8
9 **FIRST CLAIM FOR RELIEF**
10 By Plaintiff A.L. Against All Defendants
(Sexual Abuse of a Child/*Respondeat Superior*)

11 5.

12 Plaintiff A.L. realleges and incorporates by reference paragraphs 1 through 4, above.

13 6.

14 Defendants empowered Dykes to perform all duties of a Home Teacher and Scout
15 Leader, including educational and tutorial services, counseling, spiritual and moral guidance,
16 religious instruction, and other duties. Defendants knew that as part of his duties as a Home
17 Teacher and Scout Leader, Dykes would be in a position of trust and confidence with LDS
18 members and their children, including the Plaintiffs in this case.

19 7.

20 While working in the Cherry Park Ward, and for the purpose of furthering his assigned
21 duties as a Home Teacher and Scout Leader, Dykes identified Plaintiff A.L.’s family as one with
22 adolescent or teenage boys; befriended the Plaintiff, Plaintiff’s brother, and their family, gained
23 the family’s trust and confidence as an educational and spiritual guide, and as a valuable and
24 trustworthy mentor to Plaintiff A.L.; gained the permission, acquiescence, and support of
25 Plaintiff A.L.’s family to spend substantial periods of time alone with A.L.; and sought and
26 gained the instruction of Plaintiff’s parents to A.L. that he was to have respect for Dykes’s

1 authority and to comply with Dykes’s instruction and requests.

2 8.

3 For the purpose of furthering his duties as a Home Teacher and Scout Leader, Dykes
4 also sought and gained the trust, friendship, admiration and obedience of Plaintiff A.L. As a
5 result, Plaintiff A.L. was conditioned to trust Dykes, to comply with Dykes’s direction, and to
6 respect Dykes as a person of authority in spiritual, moral and ethical matters. The above course
7 of conduct described in this paragraph and in paragraph 7, above, is hereinafter collectively
8 referred to as “Grooming.”

9 9.

10 Dykes, while acting within the course and scope of his employment and agency, and
11 using the authority and position of trust as a Home Teacher and Scout Leader for the
12 Defendants—through the Grooming process—induced and directed Plaintiff A.L. to engage in
13 various sexual acts with Dykes. These acts constituted a harmful or offensive touching of
14 Plaintiff A.L.

15 10.

16 Specifically, Dykes sexually abused and molested Plaintiff A.L. for two years from 1983
17 through approximately 1985, including instances of fondling and mutual masturbation, as well as
18 instances of oral sex, all while Dykes was serving the Defendants.

19 11.

20 Dykes used the Grooming process to accomplish his acts of sexual molestation of the
21 Plaintiff. Dykes’s Grooming was (1) committed in direct connection and for the purposes of
22 fulfilling Dykes’s employment and agency with the Defendants; (2) committed within the time
23 and space limits of his agency as Home Teacher and Scout Leader; (3) done initially and at least
24 in part from a desire to serve the interests of Defendants; (4) done directly in the performance of
25 his duties as Home Teacher and Scout Leader; (5) consisted generally of actions of a kind and
26 nature which Dykes was required to perform as a Home Teacher and Scout Leader; and (6) was

1 done at the direction of, and pursuant to, the power vested in him by the Defendants.

2 12.

3 As a result of Dykes's sexual abuse, molestation, and breach of authority, trust and
4 position as Home Teacher and Scout Leader and authority figure to A.L., Plaintiff A.L. has
5 suffered and continues to suffer severe debilitating physical, mental, and emotional injury,
6 including pain and suffering, physical and emotional trauma, and permanent psychological
7 damage, all to his non-economic damages in the amount of \$3,000,000.00.

8 13.

9 As an additional result and consequence of Dykes's sexual abuse, molestation, breach of
10 authority, trust and position as Home Teacher and authority figure to A.L., Plaintiff A.L. has
11 incurred and/or will incur in the future, costs for counseling, psychiatric and psychological
12 medical treatment all to his economic damages in the approximate amount of \$250,000.00, the
13 exact amount of which will be proven at the time of trial.

14 14.

15 In 2005, Plaintiff A.L. discovered the causal connection between his abuse set forth in
16 paragraph 9 and 10 above, and the injuries suffered in paragraphs 12 and 13 above. Prior to
17 2005, Plaintiff A.L. did not discover, and could not reasonably have discovered, the causal
18 connection between the abuse and the damages he suffered as a result of the abuse.

19

20 **SECOND CLAIM FOR RELIEF**
21 By Plaintiff M.L. Against All Defendants
(Sexual Abuse of a Child/*Respondeat Superior*)

22 15.

23 Plaintiff M.L. realleges and incorporates by reference paragraphs 1 through 4, above.

24 16.

25 Defendants empowered Dykes to perform all duties of a Home Teacher and Scout
26 Leader, including educational and tutorial services, counseling, spiritual and moral guidance,

1 religious instruction, and other duties. Defendants knew that as part of his duties as a Home
2 Teacher and Scout Leader, Dykes would be in a position of trust and confidence with LDS
3 members and their children, including the Plaintiffs in this case.

4 17.

5 While working in the Cherry Park Ward, and for the purpose of furthering his assigned
6 duties as a Home Teacher and Scout Leader, Dykes identified Plaintiff M.L.'s family as one with
7 adolescent or teenage boys; befriended the Plaintiff, Plaintiff's brother, and their family, gained
8 the family's trust and confidence as an educational and spiritual guide, and as a valuable and
9 trustworthy mentor to Plaintiff M.L.; gained the permission, acquiescence, and support of
10 Plaintiff M.L.'s family to spend substantial periods of time alone with M.L.; and sought and
11 gained the instruction of Plaintiff's parents to M.L. that he was to have respect for Dykes's
12 authority and to comply with Dykes's instruction and requests.

13 18.

14 For the purpose of furthering his duties as a Home Teacher and Scout Leader, Dykes
15 also sought and gained the trust, friendship, admiration and obedience of Plaintiff M.L. As a
16 result, Plaintiff M.L. was conditioned to trust Dykes, to comply with Dykes's direction, and to
17 respect Dykes as a person of authority in spiritual, moral and ethical matters. The above course
18 of conduct described in this paragraph and in paragraph 7, above, is hereinafter collectively
19 referred to as "Grooming."

20 19.

21 Dykes, while acting within the course and scope of his employment and agency, and
22 using the authority and position of trust as a Home Teacher and Scout Leader for the
23 Defendants—through the Grooming process—induced and directed Plaintiff M.L. to engage in
24 various sexual acts with Dykes. These acts constituted a harmful or offensive touching of
25 Plaintiff M.L.

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20.

Specifically, Dykes sexually abused and molested Plaintiff M.L. in 1983 or 1984 by engaging in fondling and mutual masturbation, all while Dykes was serving the Defendants.

21.

Dykes used the Grooming process to accomplish his acts of sexual molestation of the Plaintiff. Dykes’s Grooming was (1) committed in direct connection and for the purposes of fulfilling Dykes’s employment and agency with the Defendants; (2) committed within the time and space limits of his agency as Home Teacher and Scout Leader; (3) done initially and at least in part from a desire to serve the interests of Defendants; (4) done directly in the performance of his duties as Home Teacher and Scout Leader; (5) consisted generally of actions of a kind and nature which Dykes was required to perform as a Home Teacher and Scout Leader; and (6) was done at the direction of, and pursuant to, the power vested in him by the Defendants.

22.

As a result of Dykes’s sexual abuse, molestation, and breach of authority, trust and position as Home Teacher and Scout Leader and authority figure to M.L., Plaintiff M.L. has suffered and continues to suffer severe debilitating physical, mental, and emotional injury, including pain and suffering, physical and emotional trauma, and permanent psychological damage, all to his non-economic damages in the amount of \$3,000,000.00.

23.

As an additional result and consequence of Dykes’s sexual abuse, molestation, breach of authority, trust and position as Home Teacher and authority figure tp M.L., Plaintiff M.L. has incurred and/or will incur in the future, costs for counseling, psychiatric and psychological medical treatment all to his economic damages in the approximate amount of \$250,000.00, the exact amount of which will be proven at the time of trial.

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1 24.

2 In 2006, Plaintiff M.L. discovered the causal connection between his abuse set forth in
3 paragraph 19 and 20 above, and the injuries suffered in paragraphs 22 and 23 above. Prior to
4 2006, Plaintiff M.L. did not discover, and could not reasonably have discovered, the causal
5 connection between the abuse and the damages he suffered as a result of the abuse.

6
7 **THIRD CLAIM FOR RELIEF**
8 By All Plaintiffs Against LDS Defendants
(Negligence)

9 25.

10 Plaintiffs reallege and incorporate by reference paragraphs 1 through 24, above.

11 26.

12 In or about 1985 or 1986, LDS Defendants discovered that Plaintiffs' other brother P.L.
13 had been suffering ongoing sexual abuse by Dykes. LDS Defendants investigated the
14 allegations.

15 27.

16 LDS Defendants never filed a report with law enforcement about the abuse, and never
17 engaged any professional to interview the Plaintiffs.

18 28.

19 LDS Defendants had created a special relationship with Plaintiffs by inviting and
20 encouraging them to participate in religious and other activities within the LDS Church and with
21 their Home Teacher and Scout Leader.

22 29.

23 It was foreseeable at the time to LDS Defendants—and they knew or should have
24 known—that pedophiles or pedeophilic predators most often engage in serial abuse of minors
25 under their care, and that where a sexual predator is discovered, there are most likely numerous
26 additional victims that have either not been discovered or who remain silent about the abuse.

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30.

LDS Defendants had a duty to use reasonable care and diligence in the investigation of child abuse by a Home Teacher and Scout Leader.

31.

LDS Defendants unreasonably created a foreseeable risk to the protected interest of Plaintiffs—were negligent—in at least one of the following particulars:

- a. In failing to thoroughly investigate the possibility of abuse to the Plaintiffs, brothers of the known victim and children who had significant contact with Dykes, upon learning of Dykes’ abuse of P.L.;
- b. In failing to report the abuse to law enforcement;
- c. In failing to provide or pursue mental health services to Plaintiffs; and
- d. In failing to thoroughly interrogate Dykes to determine the existence of other victims.

32.

As a direct and foreseeable consequence of the LDS Defendants’ negligence Plaintiffs have suffered damages as described in paragraphs 12, 13, 22, and 23, above.

33.

Pursuant to ORS § 31.725, Plaintiffs hereby give notice to LDS Defendants of their intent to move for punitive damages against the LDS Defendants at any time after the filing of this complaint.

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

- 1. On Plaintiff A.L.’s First Claim for Relief, non-economic damages for Plaintiff in the amount of \$3,000,000.00, the exact amount to be determined by the jury at the time of trial;

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