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5 SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 FOR THE COUNTY OF ORANGE

7 CARRA CROUCH,

8 Plaintiff,

9 vs.

10 TRINITY CHRISTIAN CENTER OF SANTA
11 ANA, INC., a corporation; JAN CROUCH, an
12 individual; JOHN CASORIA, an individual;
13 JOHN DOES 1-20

14 Defendants.

Case No: 30-2012-00577733-CU-PO-CJC

JUDGE JAMOA MOBERLY

FIRST AMENDED COMPLAINT FOR:

1. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
2. NEGLIGENCE - FAILURE TO REPORT;
3. NEGLIGENCE - FAILURE OF DUE CARE;
4. VICARIOUS LIABILITY.

DEMAND FOR JURY TRIAL

15 Plaintiff alleges:

16 PARTIES

17 1. Plaintiff Carra Crouch ("**Plaintiff**") is a competent adult. At the time of the incident
18 giving rise to this complaint, Carra Crouch was a thirteen-year-old minor.

19 2. Defendant Trinity Christian Center of Santa Ana, Inc. ("**Trinity Broadcasting**"), is a CA
20 corporation. Trinity Broadcasting does business as "Trinity Broadcasting Network."

21 3. Defendant Jan Crouch ("**Jan**") is a director of Trinity Broadcasting, Vice President of
22 Trinity Broadcasting, an ordained minister, and grandmother of Plaintiff.

23 4. Defendant John Casoria ("**John**") is an officer of Trinity Broadcasting, an attorney, an
24 ordained minister, and second cousin of Plaintiff. John is the nephew of Paul and Jan.

25 5. Defendants John Does 1-20 are individuals employed by, are officers of or agents of
26 Defendant Trinity Broadcasting who acted, or conspired to act, in such a way as to cause Plaintiff
27 damages.

28 6. Defendants Jan, John and Does 1-20 are collectively referred to as "**Participating**
29

1 **Individuals.”**

2 7. Plaintiff is informed, believes, and based thereon alleges that each of the Participating
3 Individuals and were acting within the course and scope of their employment with Trinity Broadcasting.

4 8. Jurisdiction and venue are proper in this Court as one or more of the Defendants resides
5 in or does business in Orange County, California and one or more of the actions or omissions alleged
6 herein occurred in Orange County.

7 **GENERAL ALLEGATIONS**

8 *The Battery and Sexual Battery of Plaintiff*

9 9. In April 2006, at the request of Jan, Plaintiff attended Trinity Broadcasting’s annual fund-
10 raiser called “telethon.” Trinity Broadcasting paid for Plaintiff’s airline tickets to attend the telethon, and
11 Plaintiff was thirteen at the time.

12 10. Plaintiff was provided a hotel room by Trinity Broadcasting in Atlanta, GA. Plaintiff is
13 informed, believes, and based thereon alleges that Trinity Broadcasting’s normal business practice is to
14 provide hotel rooms to dozens of guests and employees, and business meetings frequently take place at
15 the hotel among those guests and employees.

16 11. Non-party James Doe was an employee of Trinity Broadcasting and was 30 years old at
17 the time of the incident giving rise to this complaint.

18 12. During the telethon one evening, James Doe approached Plaintiff in the hotel and began
19 talking to her about the telethon in general and how she thought everything was going. He coerced
20 himself into Plaintiff’s hotel room in order to further discuss the telethon and other relevant Trinity
21 Broadcasting business activity.

22 13. Once in Plaintiff’s room, James Doe ordered a bottle of wine. He proceeded to have
23 Plaintiff drink the wine in an attempt to get her intoxicated and Plaintiff, in fact, drank the wine under
24 duress and became intoxicated.

25 14. Plaintiff began asking James Doe to leave her room, and he responded by giving her a
26 glass of water to “help her feel better.” Plaintiff awoke the next morning with James Doe lying next to
27 her, blood on her bed sheets, and severe pain and soreness in her body in places that indicated she had
28 been molested and raped.

29 15. Plaintiff locked herself in the bathroom and screamed at Doe to leave her room, which he

1 eventually did. Plaintiff boarded a flight later that day back to her home in CA.

2 *The Report of the Battery and Sexual Battery by Plaintiff*

3 16. Plaintiff was distraught over what happened, and upon the advice of her mother, decided
4 to talk with Jan and John about what happened.

5 17. Plaintiff had a meeting with Jan in Jan's TBN affiliate owned mansion located in
6 Newport Beach, CA where she told her everything that had happened. In response, Jan became furious
7 and began screaming at Plaintiff, a thirteen-year-old girl, and began telling her "it is your fault."

8 18. Upon information and belief, the wrongful actions of James Doe were reported to John
9 Casoria on Plaintiff's behalf, and both John Casoria and Jan Crouch, ordained ministers, intentionally
10 and/or recklessly did not report the allegations of abuse.

11 *The Subsequent Acts and Omissions by Defendants*

12 19. Plaintiff is informed, believes, and based thereon alleges that Jan, John and John Does 1-
13 20 actually did believe her accusations despite what they told her and fired James Doe the next working
14 day. Plaintiff is informed, believes, and based thereon alleges that Jan, John and Does 1-20 came up
15 with a plan to lie to her about their beliefs and about what happened in order to intimidate Plaintiff so
16 that they could "cover up" the incident and make sure it was never reported to police authorities or to the
17 media, which would have brought negative publicity to Trinity Broadcasting during their annual fund-
18 raiser.

19 20. Plaintiff is informed, believes, and based thereon alleges that John fired James Doe over
20 the telephone in which he represented that: (1) the termination was a decision passed down directly from
21 the president's office; (2) the termination would be without cause even though Trinity Broadcasting had
22 gathered enough evidence to terminate James Doe with cause; (3) the evidence was most probably
23 sufficient to bring criminal charges against James Doe; (4) Trinity Broadcasting would not disclose the
24 evidence to the police if James Doe would not file an EEOC claim, file for unemployment, or file for
25 workers compensation.

26 21. Plaintiff is informed, believes, and based thereon alleges that Jan, John and Does 1-20
27 were all "ordained ministers" at the time of this incident and that they were mandatory reporters under
28 the Child Abuse and Neglect Reporting Act. Plaintiff is informed, believes, and based thereon alleges
29 that neither Jan, John or John Does 1-20 made any report, as required, and in the alternative, deliberately

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1 covered up the incident to protect Trinity Broadcasting from negative publicity.

2 22. Plaintiff is informed, believes and based thereon alleges that Defendants Trinity
3 Broadcasting, Jan, John and/or John Does 1-20 attempted to conceal the incident further by requiring
4 Plaintiff, still then a minor child, to execute a confidentiality agreement barring her from discussing the
5 incident and preventing her from obtaining the proper treatment and counseling she needed.

6 **FIRST CAUSE OF ACTION FOR**
7 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
8 **(AGAINST ALL DEFENDANTS)**

9 23. The above paragraphs of this complaint are incorporated by reference as though full set
10 forth herein.

11 24. There existed, at all times relevant herein, a special relationship between Plaintiff and the
12 Participating Individuals, who were Plaintiff's family members and/or ordained ministers.

13 25. As set forth in the paragraphs incorporated herein by reference, the actions and
14 statements of the Participating Individuals were outrageous, intentional, unreasonable, and malicious.
15 The Participating Individuals not only undertook these actions with, at the very minimum, reckless
16 disregard of the fact that they would certainly cause Plaintiff to suffer severe emotional distress; the
17 Participating Individuals undertook these actions with the intent and purpose to cause that harm to
18 Plaintiff so she would not report the incident to the police or news media.

19 26. As adults, family members, and/or ordained ministers, the Participating Individuals were
20 in a position of actual or apparent power over Plaintiff, and the Participating Individuals abused that
21 position of trust and that relationship to protect Trinity Broadcasting's interests and/or their own
22 interests.

23 27. The Participating Individuals knew that Plaintiff was peculiarly susceptible to injuries
24 through mental distress because she was only thirteen years old; due to the terrible assault and rape she
25 had just been subjected to; and due to the Participating Individuals' abandonment of Plaintiff's interests
26 in favor of the conflicting interests of Trinity Broadcasting.

27 28. As a proximate result of the acts of the Participating Individuals, Plaintiff suffered severe
28 emotional distress in the form of fear, nervousness, anxiety, worry, illness, and indignity. Plaintiff has
29

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1 been made physically ill as a result of the Participating Individuals' actions, including loss of appetite,
2 physical weakness, nausea, headaches, shortness of breath, heart palpitations, stomach and digestive
3 problems, malnutrition, hair loss, severe insomnia, and suicidal thoughts requiring counseling and
4 medication. Plaintiff has been damaged by the Participating Individuals' actions, including the cover up
5 of the sexual assault, the repeated screaming and yelling at her over the incident, telling her the rape was
6 Plaintiff's fault, their prevention of Plaintiff from speaking about the incident, and the betrayal of trust
7 and loyalty. The Participating Individuals' actions have caused Plaintiff to fear and avoid placing trust
8 in persons of authority, which has severely affected Plaintiff in her work and education. Plaintiff
9 requires medication and counseling as a result of the Participating Individuals' conduct.

10 29. As a direct and proximate result of the Participating Individuals' conduct, Plaintiff has
11 suffered general damages in an amount to be determined by proof at trial.

12 30. As set forth in the paragraphs above, the Participating Individuals' conduct was done
13 knowingly, willfully, and with malicious intent, and Plaintiff is entitled to punitive and exemplary
14 damages from Defendants in an amount to be determined by proof at trial, and in excess of the
15 jurisdictional minimum of this Court. Pursuant to *Code Civ. Proc.* § 425.14, punitive and exemplary
16 damages are sought at this time from all Defendants other than Trinity Broadcasting, which Plaintiff is
17 informed is a nonprofit corporation. Plaintiff intends to comply with Section 425.14 by filing the
18 required motion to seek punitive and exemplary damages from Trinity Broadcasting following
19 preliminary discovery as contemplated by Section 425.14.

20 **SECOND CAUSE OF ACTION**
21 **NEGLIGENCE – FAILURE TO REPORT**
22 **(AGAINST ALL DEFENDANTS)**

23 31. The above paragraphs of this complaint are incorporated by reference as though fully set
24 forth herein.

25 32. The duty of the Participating Individuals here is established by Cal. Penal Code § 11166,
26 which is the *Child Abuse and Neglect Reporting Act*. The Act states in relevant part:

27 A mandated reporter shall make a report to an agency specified in Section
28 11165.9 whenever the mandated reporter, in his or her professional capacity
29 or within the scope of his or her employment, has knowledge of or observes a

1 child whom the mandated reporter knows or reasonably suspects has been the
2 victim of child abuse or neglect. The mandated reporter shall make an initial
3 report to the agency immediately or as soon as is practicably possible by
4 telephone and the mandated reporter shall prepare and send, fax, or
5 electronically transmit a written follow-up report thereof within 36 hours of
receiving the information concerning the incident. The mandated reporter may
include with the report any non-privileged documentary evidence the
mandated reporter possesses relating to the incident.

6 If a mandated reporter intentionally conceals his or her failure to report an
7 incident known by the mandated reporter to be abuse or severe neglect under
8 this section, the failure to report is a continuing offense until an agency
specified in Section 11165.9 discovers the offense.

9 33. A mandatory reporter is defined by Cal. Penal Code § 11165.7 (32) as a clergy member,
10 which includes a minister. Each of the Participating Individuals qualifies as, and is, mandatory reporters.

11 34. The Participating Individuals breached their duty set forth in Cal. Penal Code § 11166, in
12 conjunction with § 11165.7 (32), which coupled with causation of Plaintiff's damages, gives rise to
13 negligence the part of the Participating Individuals. These statutes establish a duty on behalf of the
14 Participating Individuals because they were mandated reporters as ordained ministers; they were acting
15 within the scope of their employment of Trinity Broadcasting because they were investigating the
16 incident of an employee and deciding his possible termination. The Participating Individuals knew or
17 reasonably suspected Plaintiff had been subjected to sexual abuse, as exemplified by their involvement
18 in the termination of James Doe's employment with Trinity Broadcasting while stating they had
19 gathered evidence against him to constitute a "for cause termination" and which would most probably be
20 sufficient for criminal charges to be brought.

21 35. Plaintiff is informed, believes, and based thereon alleges that the Participating Individuals
22 breached their duty established by Cal. Penal Code § 11166 and 11165.7 (32) because they did not make
23 the required report pursuant to Cal. Penal Code § 11166 at the time of the incident or anytime since then.
24 To the contrary, the Participating Individuals covered up the incident to protect the interests of Trinity
25 Broadcasting by intimidating Plaintiff and telling her the terrible and unspeakable incident was her fault.

26 36. Cal. Penal Code § 11166 was clearly established to prevent situations like the one here,
27 where child sexual abuse goes unreported and is therefore, not dealt with properly on behalf of the child.
28 Further, the Code was established to ensure that children who are subject to sexual abuse are not put
29 back in situations where sexual abuse might happen again, and to ensure that the victims of such abuse

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1 receive the proper care and treatment. Plaintiff did not receive such treatment, which would have helped
2 her deal with such a tragedy.

3 37. Plaintiff was the very person the statute was designed to protect because she was a
4 thirteen-year-old girl who was sexually abused by a 30-year-old man. She has suffered, and continues to
5 suffer from, severe emotional distress.

6 38. Plaintiff would not have suffered such severe emotional distress if the Participating
7 Individuals had not failed to report the rape, covered up her rape and further told her it was her fault.

8 39. Plaintiff's injury of severe emotional distress was exactly what Cal. Penal Code § 11166
9 was designed to protect against because the purpose of the Code was to ensure that the victims of child
10 abuse receive the proper care and treatment for their emotional distress by reporting such abuse to the
11 proper authorities. Further, the code was specifically designed to protect Plaintiff because she was a
12 minor child who was subjected to sexual abuse.

13 40. As a proximate result of the acts of the Participating Individuals, Plaintiff suffered severe
14 emotional distress in the form of fear, nervousness, depression, anxiety, worry, illness, and indignity.
15 Plaintiff has been made physically ill as a result of the Participating Individuals' actions, including loss
16 of appetite, physical weakness, nausea, headaches, shortness of breath, heart palpitations, stomach and
17 digestive problems, malnutrition, hair loss, severe insomnia, and suicidal thoughts requiring counseling
18 and medication. Plaintiff is terrified and haunted by the Participating Individuals' actions, including the
19 cover up of the sexual assault, the screaming and yelling at her over the incident, stating that the rape
20 was Plaintiff's own fault, their prevention of Plaintiff from speaking with others, and the betrayal of
21 trust and loyalty. The Participating Individuals' actions have caused Plaintiff to fear and avoid placing
22 trust in persons of authority, which has severely affected Plaintiff in her work and education. Plaintiff
23 requires medication and counseling as a result of the Participating Individuals' conduct.

24 41. As a direct and proximate result of the Participating Individuals' wrongful, intentional
25 and/or reckless actions and/or omissions, which were carried out by the Participating Individuals on
26 behalf of themselves and Defendant Trinity Broadcasting, Plaintiff has suffered damages in an amount
27 to be determined by proof at trial. Plaintiff, as one who has suffered detriment from the wrongful and/or
28 unlawful acts and/or omissions of another, is entitled to recover damages from Defendants, as set forth
29

1 in *Cal. Civ. Code* §§ 3281, et. seq.

2 42. As set forth in the paragraphs above, the Participating Individuals' conduct was done
3 recklessly or knowingly, willfully, and with malicious intent, and Plaintiff is entitled to punitive and
4 exemplary damages from Defendants in an amount to be determined by proof at trial, and in excess of
5 the jurisdictional minimum of this Court. Pursuant to *Code Civ. Proc.* § 425.14, punitive and exemplary
6 damages are sought at this time from all Defendants other than Trinity Broadcasting, which Plaintiff is
7 informed is a non-profit corporation. Plaintiff intends to comply with Section 425.14 by filing the
8 required motion to seek punitive and exemplary damages from Trinity Broadcasting following
9 preliminary discovery as contemplated by Section 425.14.

10 **THIRD CAUSE OF ACTION**
11 **FOR NEGLIGENCE – FAILURE OF DUE CARE**
12 **(AGAINST DEFENDANTS JAN CROUCH and DOES 1-20)**

13 43. The above paragraphs of this complaint are incorporated by reference as though fully set
14 forth herein.

15 44. Jan Crouch and other employees, or officers, of Trinity Broadcasting had a duty to act
16 reasonably under the circumstances toward Plaintiff. Jan Crouch and Trinity Broadcasting breached
17 their duty to Plaintiff and acted unreasonably by providing a hotel room to a thirteen-year-old girl to stay
18 in by herself and by not providing any supervision for Plaintiff while she was in their custodial care in
19 Atlanta, Georgia away from her parents. At all times relevant hereto, Jan Crouch and Plaintiff shared a
20 special relationship as family members.

21 45. Defendants Crouch and Trinity Broadcasting undertook a duty to care for the health and
22 well-being of Plaintiff, then a minor child, and failed to properly care for and supervise Plaintiff.
23 Defendants Crouch and Trinity Broadcasting, by and through its employees, agents and/or officers,
24 permitted Plaintiff to be placed in a situation where she might have been endangered. Defendants failed
25 in their duty, as is set forth in *Cal. Pen. Code* § 273(a).

26 46. Plaintiff would not have been served alcohol, assaulted and raped if Jan Crouch and
27 Trinity Broadcasting's other employees and/or officers had not acted unreasonably.

28 47. It was foreseeable that Plaintiff, a minor child, was susceptible to injury and actions when
29 left alone and unsupervised, especially in a non-familiar environment.

