

7. Plaintiff KELLI MIMS is a resident of Haughton, Louisiana.
8. Plaintiff JAMES SHANNON is a resident of Atlanta, Georgia.
9. Defendant SOUTHERN BAPTIST CONVENTION EXECUTIVE COMMITTEE (“SBCEC”) is a Religious Corporation with its principal place of business located at 901 Commerce Street, Suite 750, Nashville, Tennessee 37203-3600.
10. Defendant FOUNTAIN VALLEY BAPTIST CHURCH is located in Fountain, Colorado.
11. Defendant FAITH BAPTIST CHURCH is located in Danville, Illinois.
12. Defendant AIRLINE BAPTIST CHURCH is located in Bossier City, Louisiana.
13. Defendant FIRST BAPTIST CHURCH is located in Talladega, Alabama.
14. The FOUNTAIN VALLEY BAPTIST CHURCH, FAITH BAPTIST CHURCH, FIRST BAPTIST CHURCH, and FIRST BAPTIST CHURCH are hereinafter collectively referred to as the “Local Churches”).

JURISDICTION AND VENUE

15. This action is based on diversity jurisdiction pursuant to 28 U.S.C. § 1332, in that: (a) at all times material to this action, Plaintiffs were not residents of Tennessee; (b) at all times material to this action, Defendant EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION is incorporated under the laws of Tennessee with corporate headquarters in Tennessee; and (c) that the amount in controversy exceeds the sum of \$75,000.00.

16. This Court has supplemental jurisdiction over the state law claims in this civil action pursuant to 28 U.S.C. § 1367.

17. That venue is proper before this Court pursuant to 28 U.S.C. §1391(b)(2), in that the Western District of Tennessee is a judicial district in which a substantial part of the events or omissions giving rise to the claims occurred.

FACTUAL BACKGROUND

General Background

18. Because of the opportunities to develop deep relationships with its members, the 47,000 Baptist churches that make up the Southern Baptist Convention attract many truly caring and giving individuals; however, at the same time, service in the Baptist Church attracts an extraordinary number of sex abusers, molesters and those who take advantage of their position of authority.

19. Officials and religious figures at the highest levels of the Baptist Church are well aware of the attraction of the Church to those who will do serious harm to both minors, volunteers, and adults who seek pastoral care, support, and guidance from their pastors.

20. Such persons who will do serious harm seek employment by the Baptist Church as pastors, employees, or other staff, where they will obtain authority, influence, and privacy with these adults, teens and minors and control over them. As figures cloaked with authority of the church, they wield enormous influence over individuals - adults and children alike - and anyone who seeks their guidance, pastoral care and counsel.

21. Religious figures in the Church and even lay leaders are bestowed with an air of infallibility, and are cloaked with authority which creates opportunity and a pathway for these individuals to misuse their positions of trust and take advantage of the vulnerable.

22. As a result, when these seemingly infallible holy individuals commit unspeakable, perverted sexual acts with adults or children under their influence, it has an extraordinarily traumatic effect on the victims, psychologically, emotionally and spiritually.

23. Instead of exercising due care and diligence to protect these individuals under these circumstances from the serious harm described above, the Baptist Church has given pastors, other

employees and agents, complete discretion and freedom to have personal, private and spiritual encounters with these individuals. At the same time, the Baptist Church has done little or nothing to train employees and agents to look for abusers, screen abusers or protect church members and volunteers from the sexual predators who infiltrate its ranks.

Houston Chronicle and the San Antonio Express-News Investigation

24. An investigation by the Houston Chronicle and the San Antonio Express-News in 2019 uncovered widespread sexual abuse including more than 200 criminal cases and 700 victims over a 20-year period involving people who worked or volunteered at Southern Baptist churches.

25. Among the things the investigation revealed:

- a. At least 35 church pastors, employees and volunteers who exhibited predatory behavior were still able to find jobs at churches during the past two decades. In some cases, church leaders apparently failed to alert law enforcement about complaints or warn other congregations about allegations of misconduct.
- b. Several past presidents and prominent leaders of the Southern Baptist Convention are among those criticized by victims for concealing or mishandling abuse complaints within their own church or seminaries.
- c. Some registered sex offenders returned to the pulpit while others remained there.
- d. Many of the victims were adolescents who were molested, sent explicit photos or texts, exposed to pornography, photographed nude, or repeatedly raped by youth pastors. Some victims as young as 3 were molested or raped inside pastor's studies and Sunday School classrooms. A few were adults - women and men who sought pastoral guidance and instead were seduced or sexually assaulted.¹

26. The investigation faulted Bellevue Pastor and then SBC president Steve Gaines for immediately failing to fire a sexual offender in 2006 from Bellevue Baptist Church. Gaines admitted to waiting six months to fire a pastor who had confessed to molestation at Bellevue

¹ Robert Downen, Lise Olsen & John Tedesco, "Abuse of Faith", www.houstonchronicle.com/news/investigations/article/Southern-Baptist-sexual-abuse-spreadsas-leaders-13588038.php (published February 10, 2019) (hereafter referenced as "Abuse of Faith").

Baptist Church. The report said the internal investigation found "[Bellevue was] ill prepared for sexual abuse." *See* "Abuse of Faith," *supra*.

27. The investigation demonstrated that the Southern Baptist Church has gone to great lengths to protect "its own." It has been the practice of the Southern Baptist Church through its pastors and other church officials and agents, to conceal instances of sexual abuse and complaints by victims. The Church zealously maintains the secrecy of the horrifying truth of sexual abuse in the Church, by among other things:

- Failing to disclose complaints to law enforcement officials, church members and the public;
- Rejecting efforts at reform from a corporate level on the grounds that the local churches have "autonomy;"
- Rejecting efforts by victims to make changes;
- Rejecting prevention policies similar to those implemented by the other faiths such as the Catholic Church;
- Shunning of the victims by the churches;
- Rejecting an SBC official's requests to study sexual abuse in the church in 2007 and 2018 and vote on preventative measures;
- Urging victims of abuse to get abortions in an effort to conceal the abuse; and
- Urging victims to forgive abusers in an effort to conceal the abuse.

See "Abuse of Faith," *supra*.

28. As one former SBC official said, "There's a known problem, but it's too messy to deal with." *See* "Abuse of Faith," *supra*.

29. Each of the acts set forth above are done to protect and shelter the abuser; obstruct justice; conceal criminal conduct; evade prosecution; avoid being compelled by criminal and civil

courts to turn over information or allegations regarding sexual abuse; avoid public awareness and scandal about abusive pastors; and avoid financial loss.

The Guidepost Independent Investigation

30. On May 15, 2022, Guidepost Solutions LLC completed its investigation into the allegations of systemic sexual abuse in the Southern Baptist Convention limited to January 1, 2000 to June 14, 2021.

31. The report found that survivors of sexual abuse had been contacting the SBCEC to report child molesters and other abusers who were in the pulpit or employed as church staff; however, their efforts were only met with “resistance, stonewalling, and even outright hostility from some within the EC.”

32. Only a few senior leaders of the SBCEC, along with outside legal counsel, controlled the SBCEC’s response to reports of abuse. The senior leaders were singularly focused on avoiding liability for the SBC to the exclusion of other considerations. In service of this goal, survivors and others who reported abuse were ignored, disbelieved, or met with the constant refrain that the SBC could take no action due to its polity regarding church autonomy – even if it meant that convicted molesters continued in ministry with no notice or warning to their current church or congregation.

33. Among other notable findings the Guidepost Investigation revealed:

- a. SBC President Johnny Hunt (2008-2010) had sexually assaulted the wife of another Pastor on July 25, 2010;
- b. There was systematic mishandling of abuse allegations and mistreatment of victims;
- c. Over the years, the EC’s response to sexual abuse allegations was largely driven by senior EC staff members, particularly D. August “Augie” Boto, the EC General Counsel and later Interim EC President, as well as the SBC’s long-serving outside

counsel – James Guenther, James Jordan, and the firm of Guenther, Jordan & Price (“GJP”). Mr. Guenther had provided legal advice since 1966.

- d. The main concern of church officials was avoiding any potential liability for the SBC.
- e. Mr. Guenther advised that EC staff should not undertake to elicit further information or details about reports of abuse, so that the EC not assume a legal duty to take further action.
- f. EC staff member working for Mr. Boto was maintaining a list of accused ministers in Baptist churches, including the minister’s name, year reported, relevant news articles, state, and denomination.
- g. In a May 2019 email to Dr. Ronnie Floyd, the then-EC President, EC Vice President Dr. Roger “Sing” Oldham acknowledged that “[f]or the past decade, I have been regularly sending Augie news reports of Baptist ministers who are arrested for sexual abuse, for his awareness. It hasn’t slowed down since the [Houston] Chronicle articles started on February 10.” Mr. Boto responded that: “Yes. We are collecting them, and may even post them in some way, but we’d have to really examine the potential liabilities that would stem therefrom.”
- h. Despite collecting these reports for more than 10 years, there is no indication that Dr. Oldham, Mr. Boto, or anyone else, took any action to ensure that the accused ministers were no longer in positions of power at SBC churches. The most recent list prepared by the EC staff member contained the names of 703 abusers, with 409 believed to be SBC-affiliated at some point in time.
- i. The SBCEC engaged in a systematic pattern of intimidation of victims or advocates.
- j. The survivors – those persons who actually suffered at the hands of SBC clergy or SBC church staff or volunteers – who spoke out the most, and who criticized the SBC’s inaction, were denigrated as “opportunistic,” having a “hidden agenda of lawsuits,” wanting to “burn things to the ground,” and acting as a “professional victim.”
- k. In an internal email, Mr. Boto even equated the focus on sexual abuse with the work of the devil.
- l. Baptist Press (“BP”), the SBCEC’s communications arm, was also used to portray survivors in an unflattering light and mischaracterize allegations of abuse.
- m. While stories of abuse were minimized, and survivors were ignored or even vilified, revelations came to light in recent years that some senior SBC leaders had protected or even supported abusers.

- n. Former SBC President Steve Gaines admitted that, as senior pastor at Bellevue Baptist Church, he had delayed reporting a staff minister's prior sexual abuse of a child of "heartfelt concern and compassion for th[e] minister," while acknowledging that he should have "brought it to the attention of our church leadership immediately."
 - o. Former SBC President Jack Graham, when he was pastor at Prestonwood Baptist Church, allegedly allowed an accused abuser of young boys to be dismissed quietly in 1989 without reporting the abuse to police. The accused abuser, John Langworthy, later was charged with abusing young boys in Mississippi in 2011;
 - p. Former SBC President Paige Patterson was terminated from his position at Southwestern Baptist Theological Seminary in 2018 after it was revealed that he told a student not to report a rape in 2003 and, in 2015, emailed his intention to meet with another student who had reported an assault, with no other officials present, so he could "break her down."
 - q. The SBCEC exhibited a strong resistance to any sexual abuse reform initiatives.
 - r. Over the past twenty years, various reform proposals have been brought to the EC were met with resistance, typically due to concerns over incurring legal liability.
34. It was not until the 2021 Nashville Convention, amid calls for an investigation of the SBCEC's handling of sexual abuse claims, that the SBCEC announced that an outside firm would be conducting a limited review. Over 15,000 representatives were present from 5,570 churches and approved the motion.

Case-Specific Factual Background

35. Plaintiff CANDENCE FINCH was sexually abused between the ages of thirteen to eighteen by Pastor Charles Griffen at Fountain Valley Baptist Church located in Fountain, Colorado. The abuse involved non-consensual touching and/or fondling, masturbation, and forced oral sex. Due to the sexual abuse Plaintiff CANDENCE FINCH has incurred damages, including but not limited to, bipolar disorder, schizophrenia, anxiety disorder, post-traumatic stress reactions, an inability to form close personal relationships with men, and an inability to maintain gainful employment.

36. Plaintiff TEREASA FLANAGAN was sexually abused at age thirteen by the deacon's son, Kevin Lindsay Tilton at a church located in Holy Hill, Florida. The abuse involved non-consensual touching and/or fondling, and penetration. Due to the sexual abuse Plaintiff TEREASA FLANAGAN has incurred damages, including but not limited to, depression, anxiety, feeling numb, difficulty managing or feeling emotions including anger, post-traumatic stress reactions, difficulty maintaining intimate relationships, difficulty maintaining social relationships, and an inability to maintain gainful education and employment.

37. Plaintiff SALLY GEORGE was sexually abused at age seventeen by a church staff member at the Faith Baptist Church, located in Danville, Illinois. The abuse involved non-consensual touching and/or fondling, oral sex, and penetration. Due to the sexual abuse Plaintiff SALLY GEORGE has incurred damages, including but not limited to, depression, anxiety, feeling numb, difficulty managing or feeling emotions including anger, post-traumatic stress reactions, an inability to maintain gainful education and employment, difficulty maintaining intimate relationships, difficulty maintaining social relationships, and/or substance abuse.

38. Plaintiff CHRISTOPHER JUAREZ was sexually abused at age eleven to sixteen by Pastor Kincaid at a Southern Baptist church in Auroa, Colorado. The abuse involved non-consensual touching and/or fondling, masturbation, oral sex, and penetration. Due to the sexual abuse Plaintiff CHRISTOPHER JUAREZ has incurred damages, including but not limited to, depression, anxiety, feeling numb, difficulty managing or feeling emotions including anger, post-traumatic stress reactions, an inability to maintain gainful education and employment, difficulty maintaining intimate relationships, difficulty maintaining social relationships, and/or substance abuse.

39. Plaintiff KELLI MIMS was sexually abused between age fourteen to eighteen by Assistant Pastor & Youth Director James Hoover and Minister of Music Roger Merritt at the AIRLINE BAPTIST CHURCH located in Bossier City, Louisiana. The abuse involved non-consensual touching and/or fondling, masturbation, oral sex, and penetration. Due to the sexual abuse Plaintiff KELLI MIMS has incurred damages, including but not limited to, depression, anxiety, feeling numb, difficulty managing or feeling emotions including anger, post-traumatic stress reactions, an inability to maintain gainful education and employment, difficulty maintaining intimate relationships, difficulty maintaining social relationships, substance abuse, and self-mutilation.

40. Plaintiff JAMES SHANNON was sexually abused between ages eight through ten by church employee John David Cornelius at the Southern Baptist Convention Royal Ambassador Camp through his involvement with the First Baptist Church located in Talladega, Alabama. The abuse involved non-consensual touching and/or fondling, and/or masturbation. Due to the sexual abuse Plaintiff JAMES SHANNON has incurred damages, including but not limited to, depression, anxiety, feeling numb, difficulty managing or feeling emotions including anger, post-traumatic stress reactions, an inability to maintain gainful education and employment, difficulty maintaining intimate relationships, and/or difficulty maintaining social relationships.

VIOLATION OF THE LAW

COUNT I
NEGLIGENCE

41. Plaintiffs incorporate each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

42. Officials and church administrators on the EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION and Local Churches knew or should have known of the attraction the church setting has to those who will do serious harm to minors.

43. Defendant(s) knew, or were negligent in not knowing, that Defendant pastors/volunteers/members posed a threat of sexual abuse and harm to the Plaintiff(s).

44. Such persons who will do serious harm to minors seek employment and volunteer positions at churches like those that Plaintiffs were members to obtain privacy with minors and control over them.

45. As pastors, volunteers and lay leaders, agents of EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION and Local Churches knew or should have known that these individuals wield enormous influence, control and power and misuse their positions of authority to take advantage of minors. Further, agents of Defendant knew or should have known that individuals like the perpetrators identified misuse their influence, control and power over minors for their own personal gain and desires.

46. When these authority figures commit unspeakable, perverted sexual acts with minors, it has long-lasting, extraordinarily traumatic effect on the victims, psychologically, physically and emotionally.

47. At the time of these occurrences, instead of exercising due care and diligence to protect minors under these circumstances from the serious harm described above, EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION and Local Churches gave pastors, lay leaders, employees and volunteers complete discretion and freedom to have personal and private encounters with volunteers and minors. At the same time, Defendants had done nothing to screen abusers or protect minors if a sexual predator infiltrated its ranks.

48. At all times relevant to this matter, the Defendants owned and/or managed and/or operated the churches through the use of employees and agents who performed services within the scope of their employment, apparent authority, agency or contract to act for the Defendant. Therefore, the Defendant was in exclusive control of its facility and employees and agents.

49. Sexual predators are often trusted by young person's parents, the church institution, and staff. They are often well-liked individuals, volunteers, and authority figures. They are often the adults who have access to young people before and after church programs and in private situations. They work with minors who are vulnerable in some way. Defendant knew or should have known how sexual predators prey on victims and failed to protect Plaintiffs from the perpetrator's heinous acts despite having numerous opportunities to protect them.

50. Defendant EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION and Local Churches failed to investigate and prevent acts of sexual abuse of Plaintiffs.

51. Defendant EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION and Local Churches turned a "blind eye" to inappropriate conduct and sexual misconduct.

52. Defendant EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION and Local Churches failed to provide essential training and education to its pastors, volunteers, administrators, and staff to educate them on their duty to report suspected inappropriate relationships, sexual abuse and exploitation.

53. Defendant EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION and Local Churches failed to provide training and education on the prevention of sexual misconduct and abuse of members, teens, and children; failed to protect minors, and church

members from sexual abuse; failed to educate staff and employees, administrators and volunteers about identifying the signs of exploitation, grooming and sexual abuse; failed to educate staff, administrators and volunteers about identifying grooming behaviors of sexual predators; failed to investigate reports of child sexual abuse; failed to remediate sexual harassment and abuse; and failed to create policies and procedures aimed at identifying perpetrators.

54. The EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION and Local Churches had a fiduciary duty to Janet Doe and breached the duty to:

- a. Investigate, warn and protect Janet Doe from the potential for harm from the perpetrators;
- b. Disclose its awareness of facts regarding the perpetrators that created a likely potential for harm;
- c. Properly screen and vet its employees, agents and volunteers before placing them in a position where they could misuse their position to harm others;
- d. Properly supervise its agents, employees and volunteers to prevent harm to its volunteers and members;
- e. Properly train employees, agents, staff and volunteers to watch for potential risks of harm such as those posed by the perpetrators;
- f. Implement policies for employees, agents, staff and volunteers to address potential risks of harm such as those posed by the conduct of the perpetrators including inappropriate conduct by adults such as having isolated contact with a minor;
- g. Provide adequate security on the premises to prevent unauthorized use of the church facilities;
- h. Allow for the creation and maintenance of an environment that was free from abuse and behavior that encouraged and fostered abuse;

- i. Operate a program using minor volunteers with meaningful oversight that would prevent a minor from being alone and isolated with an unrelated adult on church property who abused her on church property;
- j. Operate a program for volunteers with individuals in charge who did not pose risks to others;
- k. Follow up when receiving warnings about those employees working with and who have access to youth;
- l. Monitor the children's area and its staff and volunteers from internal risks of harm;
- m. Disclose its own negligence with regard to hiring, supervision, assignment, and retention of employees;
- n. Provide a safe environment for Plaintiffs where they would be free from abuse;
- o. Implement policies for supervising pastors, volunteers, employees and agents to prevent occurrences and harm such as what occurred with Plaintiffs.

55. These breaches of the above duties caused harm to Plaintiffs which would not have occurred otherwise but for the actions of Defendant and its agents, employees and staff.

56. The sexual abuse, physical abuse, and lewd and lascivious acts, described herein have caused Plaintiffs to experience severe psychological and emotional injuries, including but not limited to anxiety, emotional disconnection in relationships, mood swings, anger, anxiety, rage and the loss of enjoyment of life.

COUNT II
NEGLIGENCE PER SE

57. Plaintiffs incorporate each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

58. The pastors and administrators of EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION were at all times relevant to this case mandatory reporters pursuant to Tenn. Code Ann. §§ 37-1-403 and 37-1-605.

59. As mandatory reporters, the pastors, staff and employees of the EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION had a statutory duty to make an immediate report any time he or she had even a mere suspicion that the Plaintiffs were abused children.

60. Tennessee Code Annotated§ 37-1-605 (1996) states:

(a) Any person, including, but not limited to, any:

* * *

8) Authority figure at a community facility, including any facility used for recreation or social assemblies, for educational, religious, social, health, or welfare purposes, including, but not limited to, facilities operated by schools, the boy or girl scouts, the YMCA or YWCA, the boys and girls club, or church or religious organizations;

(9) Neighbor, relative, friend or any other person who knows or has reasonable cause to suspect that a child has been sexually abused;

Shall report such knowledge or suspicion to the department in the manner prescribed in section (b).

(b)(1) each report of known or suspected child sexual abuse pursuant to this section shall be made immediately to the local office of the department responsible for the investigation of reports made pursuant to this section or to the judge having juvenile jurisdiction or to the office of the sheriff or the chief law enforcement official of the municipality where the child resides

61. The sexual abuse, physical abuse, and lewd and lascivious acts, described herein have caused Plaintiffs to experience severe psychological and emotional injuries, including but not limited to anxiety, emotional disconnection in relationships, mood swings, anger, anxiety, rage and the loss of enjoyment of life.

COUNT III
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

62. Plaintiffs incorporate each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

63. As articulated above, the Defendants' conduct was (1) intentional or reckless, (2) so outrageous that it is not tolerated by civilized society, and (3) resulted in serious mental injury to the plaintiff.

COUNT IV
**The Racketeers Influenced and Corrupt
Organizations Act (RICO) 18 U.S.C. Sections 1961-1968**

64. Plaintiffs incorporate each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

65. Defendant(s) are "persons" or entities within the meaning of U.S.C. Section 1961(3) who conducted the affairs of the enterprise through a pattern of racketeering activity in violation of U.S.C. 18 Section 1962.

66. The SBCEC is an association-in-fact within the meaning of 18 U.S.C. Section 1961(4) consisting of (i) Defendant(s) including their employees and agents, including but not limited to, the Local Churches; (ii) the pastors; (iii) accountants; (iv) attorneys and other co-conspirators as set forth herein. The SBCEC is an ongoing entity (enterprise) that functions as a continuing unit. The SBCEC was created to perform all the operations and functions of a Southern Baptist Convention religious organization, and was used as a tool to effectuate Defendant(s) pattern of racketeering and use its influence over the Local Churches.

67. The SBCEC falls within the meaning of 18 U.S.C. Section 1961(4) and consists of "persons" associated together for the common purpose of; (i) harassing, threatening, extorting, and misleading victims' of sexual abuse committed by priests; and misleading the pastors' victims and

the media to prevent the reporting, disclosure or prosecution of the pastors' sexual misconduct, and (ii) destroying, mutilating, or concealing records, documents or other evidence to prevent the use of such evidence to report or prosecute their sexual crimes.

68. THE SBCEC has conducted and participated in the criminal conduct through a pattern of racketeering activity within the meaning of 18 U.S.C. Section 1961(1) and 1961 (5), which includes multiple instances of tampering with a witness or victim in violation of 18 U.S.C. Section 1512, and multiple instances of obtaining victim(s) for the purpose of committing or attempting, but not limited to aggravated sexual abuse, rape and sodomy, in violation of Tennessee Law.

69. The SBCEC engaged in and affected intrastate and interstate commerce, because, *inter alia*, the SBCEC transferred, assigned, and relocated pastors and other employees to other schools, parishes, churches, rest homes, and medical facilities within the state of Tennessee and outside the borders' of Tennessee.

70. The SBCEC engaged in intrastate and interstate commerce concerning the investigation, slander, blacklisting, and blackmailing of victims, and/or employees (whistleblowers) who sought to thwart, hinder or stop the illicit activity carried out by the SBCEC, and its' employees and pastors.

71. Within the SBCEC there was a common communication network by which co-conspirators shared information on a regular basis. The SBCEC used the common communication network for the purpose of enabling the criminal sexual activities of the pastors within the Southern Baptist Convention.

72. Each participant in the SBCEC's racketeering "enterprise" has a systematic linkage to each other participant through organizational ties, organizational relationships, financial ties,

and the continuing coordination of their activities, through the Southern Baptist Convention. The Defendant(s) and their co-conspirators functioned as a continuing unit with the purpose of furthering the illegal scheme, conduct and their common purpose.

73. The RICO Defendant(s) used the mails and wire for the transmission, delivery, and/or shipment of the following by the RICO Defendant(s) or third parties, that were foreseeably caused to be sent as a result of Defendant(s) illegal scheme:

- a. Contracts between the Diocese of Buffalo and accountants, and attorneys, who advised, counseled, and enabled the criminal RICO enterprise;
- b. Wires among the SBCEC and organizations that assisted in facilitating the RICO enterprise;
- c. Payments to the law firms and accountants to perform their roles in concealing the misconduct of the SBCEC and Southern Baptist Convention churches;
- d. Emails from the law firms and/or accountants to perform their roles in concealing the sexual misconduct inherent within the SBCEC and Southern Baptist Convention churches;
- e. Emails to members and/or employees of the SBCEC to manage the location and/or relocation of the employee (pastors/volunteers/members) or other perpetrators of the RICO organization.

74. The RICO Defendant(s) utilized the interstate mail and wires for the purpose of obtaining money or property, or concealing the transfer, assigning or hypothecating money or property, by the means of omissions, false pretenses, and misrepresentations described herein.

75. The RICO Defendant(s) also used the Internet and other electronic facilities to carry out the scheme and conceal the ongoing illicit activities.

76. The RICO Defendant(s) also communicated by U.S. mail, by interstate facsimile, and by interstate electronic mail with various other affiliates, regional offices, divisions, and other third-party entities in furtherance of the scheme.

77. The mail and wire transmissions described herein were made in furtherance of Defendant(s) scheme and common course of conduct to deceive the public about the illicit sexual conduct rampant within the Southern Baptist Convention.

78. By reason of the foregoing, the Defendant(s) are in violation of both the Tennessee and Federal RICO provisions and the Plaintiff(s) should be awarded damages forthwith.

COUNT V
PUNITIVE DAMAGES

79. Plaintiffs incorporate each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

80. Pursuant to Tennessee law, including but not limited to *Hodges v. S.C. Toof & Co.*, 833 S.W.2d 896 (Tenn. 1992), the intentional, fraudulent, malicious, and reckless conduct of the Defendant or its employees, officers or agents in question render Defendant liable for punitive damages. Pursuant to Tennessee law, including but not limited to *Metcalfe v. Waters*, 970 S.W.2d 448 (Tenn. 1998), the acts of the employees, officers or agents in attempting to conceal the culpable conduct of Defendant its agents or employees renders Defendant liable for punitive damages.

PRAYER FOR RELIEF

81. WHEREFORE, PREMISES CONSIDERED Plaintiffs sue the Defendant for the injuries described and pray for judgment and an award of compensatory damages and punitive damages against the Defendant in such amount as may appear fair and reasonable to a jury, and for all such other relief, both general and specific, to which she may be entitled under the premises.

A JURY TRIAL IS RESPECTFULLY DEMANDED.

Dated: December 31, 2023
Nashville, Tennessee

Respectfully submitted,

/s/ Michael J. Fuller, Jr.
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Attorneys for Plaintiffs

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
CANDENCE FINCH; TEREASA FLANAGAN; SALLY GEORGE; CHRISTOPHER JUAREZ; KELLI MIMS; and
(b) County of Residence of First Listed Plaintiff El Paso County, Colorado
(c) Attorneys (Firm Name, Address, and Telephone Number)
FARRELL AND FULLER, 270 Muñoz Rivera Avenue, Suite 201, San Juan, PR 00918 (939) 293-8244

DEFENDANTS
EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION; FOUNTAIN VALLEY BAPTIST CHURCH;
County of Residence of First Listed Defendant Davidson County
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1 Incorporated or Principal Place of Business In This State 4 X 4
Citizen of Another State X 2 2 Incorporated and Principal Place of Business In Another State 5 5
Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Property Damage, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332
Brief description of cause:
Sexual Abuse

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ 10,000,000.00
CHECK YES only if demanded in complaint:
JURY DEMAND: X Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE DOCKET NUMBER

DATE Dec 31, 2023
SIGNATURE OF ATTORNEY OF RECORD /s/ Michael J. Fuller, Jr.

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE