

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
CIVIL DIVISION

JOHN DOE

PLAINTIFF

v.

CASE NO.

TEDDY LEON HILL, JR.; JAMES TUCKER;
MILLCREEK BAPTIST CHURCH; DIAMOND
LAKES BAPTIST ASSOCIATION; and THE
ARKANSAS BAPTIST STATE CONVENTION

DEFENDANTS

COMPLAINT

Plaintiff JOHN DOE (“DOE”), by and through his attorneys, Green & Gillispie, and Weil Snyder & Ravindran (pro hac vice applications forthcoming), sues Defendants, TEDDY LEON HILL, JR. (“HILL”); MILLCREEK BAPTIST CHURCH (“MILLCREEK”); JAMES TUCKER (“TUCKER”); DIAMOND LAKES BAPTIST ASSOCIATION (“DIAMOND LAKES”); and THE ARKANSAS BAPTIST STATE CONVENTION (“ABSC,” and together with HILL, MILLCREEK, DIAMOND LAKES, and TUCKER, the “DEFENDANTS”) and alleges:

PARTIES AND VENUE

1. DOE is sui juris and was a resident of Garland County, Arkansas at all material times. He is identified by initials because of the extremely sensitive nature of this matter.

2. Defendant HILL was, at all times material, a resident of Garland County, Arkansas. At all times material hereto, HILL was acting within the scope of his employment as an agent or servant of MILLCREEK while serving in the capacity of Pastor. At all times material hereto, HILL was acting as an agent or representative of ABSC. DEFENDANTS are part of a hierarchical religious institution in which there exists a system of oversight and control by ABSC over

DIAMOND LAKES and MILLCREEK and HILL and by DIAMOND LAKES over MILLCREEK and HILL.

3. Defendant MILLCREEK is an Arkansas non-profit corporation. At all times material, it had its principal place of business in Garland County, Arkansas. MILLCREEK has been a member church of Defendant ABSC at all material times hereto. MILLCREEK has been a member church of DIAMOND LAKES Baptist Association, one of several geographic districts of member churches of the larger ASBC, at all material times hereto. MILLCREEK owed a duty of care to DOE. MILLCREEK is vicariously liable for all acts of HILL. MILLCREEK exercised control over HILL. HILL'S sexual abuse of DOE was foreseeable to MILLCREEK. MILLCREEK knew, or should have known, that HILL was as sexual predator prior to DOE'S abuse, but chose to do nothing to protect DOE. DEFENDANTS are part of a hierarchical religious institution in which there exists a system of oversight and control by ABSC over DIAMOND LAKES and MILLCREEK and HILL and by DIAMOND LAKES over MILLCREEK and HILL.

4. Defendant DIAMOND LAKES Baptist Association is an Arkansas non-profit corporation. At all times material, it had its principal place of business in Garland County, Arkansas. DIAMOND LAKES owed a duty of care to DOE. A special relationship existed between DIAMOND LAKES and MILLCREEK and HILL. DIAMOND LAKES is a regional association of churches who are part of the larger ASBC; it is one of several geographic districts of the larger ASBC. DIAMOND LAKES had a contractual relationship with MILLCREEK and HILL. DIAMOND LAKES received monetary benefit from MILLCREEK and HILL. MILLCREEK and HILL received benefits as a member organization of DIAMOND LAKES. DIAMOND LAKES exercised some degree of control over MILLCREEK and over HILL. This control, if properly exercised, would have prevented DOE'S injuries. HILL'S sexual abuse of DOE

was foreseeable to DIAMOND LAKES. DIAMOND LAKES knew, or should have known, that HILL was a sexual predator prior to DOE'S abuse, but chose to do nothing to protect DOE. DEFENDANTS are part of a hierarchical religious institution in which there exists a system of oversight and control by ABSC over DIAMOND LAKES and MILLCREEK and HILL and by DIAMOND LAKES over MILLCREEK and HILL.

5. Defendant ABSC is an Arkansas non-profit corporation with its principal place of business in Pulaski County, Arkansas. ABSC owed a duty of care to DOE. A special relationship existed between ABSC and MILLCREEK and HILL. ABSC had a contractual relationship with MILLCREEK and HILL. ABSC received monetary benefit from MILLCREEK and HILL. MILLCREEK and HILL received benefits as a member organization of ABSC. ABSC exercised some degree of control and supervision over MILLCREEK and over HILL. This control, if properly exercised, would have prevented DOE'S injuries. HILL'S sexual abuse of DOE was foreseeable to ABSC. ABSC knew, or should have known, that HILL was a sexual predator prior to DOE'S abuse, but chose to do nothing to protect DOE. DEFENDANTS are part of a hierarchical religious institution in which there exists a system of oversight and control by ABSC over DIAMOND LAKES and MILLCREEK and HILL and by DIAMOND LAKES over MILLCREEK and HILL.

6. Defendant, TUCKER, was at all times material a resident of Saline County, Arkansas. TUCKER, as Executive Director of ABSC, owed a duty of care to DOE. TUCKER exercised some degree of control over MILLCREEK and over HILL. This control, if properly exercised, would have prevented DOE'S injuries. HILL'S sexual abuse of DOE was foreseeable to TUCKER. TUCKER knew, or should have known, that HILL was a sexual predator prior to DOE'S abuse, but chose to do nothing to protect DOE. DEFENDANTS are part of a hierarchical

religious institution in which there exists a system of oversight and control by ABSC over DIAMOND LAKES and MILLCREEK and HILL and by DIAMOND LAKES over MILLCREEK and HILL.

7. Plaintiff is a citizen of Arkansas. Defendants HILL and TUCKER are citizens of Arkansas, and Defendants MILLCREEK, DIAMOND LAKES, and ABSC are corporations organized under the laws of Arkansas. Accordingly, this Court has jurisdiction over the parties pursuant to A.C.A. § 16-4-101 and 16-13-201.

8. Venue is proper in Pulaski County pursuant to A.C.A. § 16-55-213(a)(2)(B), as one of the Defendants, ABSC, at all times material, was a resident of Pulaski County, in that its principal corporate office is in Pulaski County, at 10 Remington Drive Little Rock, AR 72204.

9. All conditions precedent to this action have been performed or waived.

ALLEGATIONS COMMON TO ALL COUNTS

10. Plaintiff re-alleges paragraphs 1 through 9 as if fully stated herein.

11. Defendant HILL, former Senior Pastor at MILLCREEK, met DOE when DOE was just thirteen years old. DOE was drawn to MILLCREEK at a time when his troubled home life led him to seek comfort in the church.

12. DOE became a church member at MILLCREEK, where HILL also urged him to volunteer his time at MILLCREEK. As a result, DOE volunteered his time providing the church with assistance with technology, lighting, cleaning, and presentations for church services.

13. In or about 2016 HILL became DOE's legal guardian.

14. Following HILL's appointment as guardian, in or about 2016, DOE moved into the MILLCREEK parsonage owned by MILLCREEK to reside with HILL.

15. Beginning in or about 2014, HILL sexually molested and abused DOE. Such abuse was perpetrated by HILL in his role as guardian, mentor, counselor and Pastor to DOE and occurred on the church property of MILLCREEK. The abuse perpetrated included multiple acts of sexual battery with DOE and involved deviate sexual activity, as defined in A.C.A. §5-14-101(1).

16. Such illicit conduct continued unabated until July of 2018, two weeks before HILL resigned as Senior Pastor of MILLCREEK.

17. In February of 2018, HILL's former wife, Carolyn Latham, contacted Defendants ABSC and TUCKER personally, a pastor and Executive Director of ABSC, and reported the sexual abuse of DOE and her suspicions and observations concerning the abuse of other minors by HILL as well. HILL's abuse of DOE was allowed to continue on multiple occasions and for months after Ms. Latham's reporting.

18. A couple of weeks after notifying ABSC and TUCKER, Ms. Latham met with TUCKER of the ABSC to again report and discuss HILL's criminal sexual assaults of DOE and other minors with whom HILL had contact. She also communicated her concerns in a number of text messages with Defendant TUCKER.

19. Based on Ms. Latham's reports to ABSC and TUCKER, ABSC and TUCKER had a reasonable basis to believe HILL had engaged in sexual conduct with a minor.

20. Regardless, neither Defendant ABSC nor TUCKER reported HILL to the Child Advocacy Hotline.

COUNT I — SEXUAL ASSAULT

(Against HILL)

21. Plaintiff re-alleges paragraphs 1 through 20 as if fully stated herein.

22. HILL made an intentional, unlawful threat of harmful and offensive sexual contact upon DOE.

23. HILL's actions placed DOE in imminent fear of being subjected to HILL's unlawful sexual misconduct.

24. HILL intended to cause such fear in DOE.

25. HILL utilized his position as mentor, pastor, and spiritual guide to get close to DOE, allowing him to spend time alone with DOE, and therefore, HILL had the apparent present ability to sexually assault DOE.

26. As a proximate result, DOE has been injured and suffered substantial psychological and emotional harms including, but not limited to, shame, humiliation, loss of safety, anxiety, loss of enjoyment of life, depression, suicidal ideations and night-terrors.

27. DOE's damages include the cost of continuing medical care and compensatory damages for emotional and psychological injuries.

COUNT II – BATTERY

(Against HILL)

28. Plaintiff re-alleges paragraphs 1 through 27 as if fully stated herein.

29. HILL intentionally committed repeated acts of sexual battery upon DOE, namely intentional, harmful and offensive sexual contact as previously alleged.

COUNT III – FELONIOUS CONDUCT

(Against HILL)

30. Plaintiff re-alleges paragraphs 1 through 29 as if fully stated herein.

31. HILL committed a felony pursuant to A.C.A. § 5-14-103 (Rape).

32. HILL engaged in sexual intercourse or deviate sexual activity as defined in A.C.A. § 5-14-101(1)(A) with DOE, at the time a minor who was not HILL's spouse, while:

- a. HILL was DOE'S legal guardian; and
- b. Under forcible compulsion.

33. The crime of rape is a Class Y felony.

34. DOE has retained undersigned counsel and is obligated to pay their reasonable attorney's fees.

COUNT IV – FELONIOUS CONDUCT

(Against HILL)

35. Plaintiff re-alleges paragraphs 1 through 34 as if fully stated herein.

36. HILL committed a felony pursuant to A.C.A. § 5-14-124 (Sexual Assault in the First Degree).

37. HILL engaged in sexual intercourse or deviate sexual activity as defined in A.C.A. § 5-14-101(1)(A) with DOE, at the time a minor who was not HILL's spouse, while:

- a. HILL was a mandated reporter under A.C.A. § 12-18-402(b)(29) and was in a position of trust or authority over Plaintiff, and by using his position of trust or authority to engage in sexual intercourse or deviate sexual activity; and
- b. HILL was DOE's guardian or a person in a position of trust and authority over the minor.

38. The crime of sexual assault in the first degree is a Class A felony.

39. DOE has retained undersigned counsel and is obligated to pay their reasonable attorney's fees.

COUNT V – FELONIOUS CONDUCT

(Against HILL)

40. Plaintiff re-alleges paragraphs 1 through 39 as if fully stated herein.

41. HILL committed a felony pursuant to A.C.A. § 5-14-125 (Sexual Assault in the Second Degree).

42. HILL engaged in sexual contact with DOE, at the time a minor who was not HILL's spouse, while:

- a. HILL was a mandated reporter under A.C.A. § 12-18-402(b)(29) and was in a position of trust or authority over Plaintiff, and by using his position of trust or authority to engage in sexual intercourse or deviate sexual activity; and
- b. HILL was DOE'S legal guardian.

43. The crime of sexual assault in the second degree is a Class B felony.

44. DOE has retained undersigned counsel and is obligated to pay their reasonable attorney's fees.

**COUNT VI – TORT OF OUTRAGE/
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

(Against HILL)

45. Plaintiff re-alleges paragraphs 1 through 44 as if fully stated herein.

46. HILL intentionally inflicted emotional distress upon DOE by the conduct alleged herein which was extreme, outrageous, and utterly intolerable in a civilized community.

47. As a direct and proximate result of the acts of HILL, Plaintiff DOE suffered severe mental anguish and emotional distress. The distress was pervasive and of a type that no reasonable person should be expected to endure.

COUNT VII- NEGLIGENCE

(Against MILLCREEK and DIAMOND LAKES and ABSC)

48. Plaintiff re-alleges paragraphs 1 through 47 as if fully stated herein.

49. At all times material, DOE, as a member and volunteer at MILLCREEK, was placed under the care and supervision of Defendants MILLCREEK, DIAMOND LAKES, and ABSC,

which all owed a duty to DOE to use reasonable care to ensure his mental and physical health, safety and welfare.

50. Defendants breached their duty of care to DOE by negligently failing to provide adequate supervision for him and by failing to take reasonable precautions in such a way to protect him from the sexual misconduct committed by HILL.

51. Defendants knew or should have known through the exercise of reasonable diligence, that HILL was unsuitable to act as Pastor and was not suitable to mentor, counsel, or minister.

52. As a direct and proximate result, Plaintiff DOE suffered substantial injury.

COUNT VIII – RESPONDEAT SUPERIOR/VICARIOUS LIABILITY

(Against MILLCREEK and DIAMOND LAKES and ABSC)

53. Plaintiff re-alleges paragraphs 1 through 52 as if fully stated herein.

54. Defendant ABSC promotes Baptist churches, church formation, leadership development, and offers financial resources and support for existing churches.

55. At all material times, MILLCREEK was a member church of the ABSC and of its regional district DIAMOND LAKES.

56. At all material times, HILL was a minister ordained by the Baptist church and was an agent of MILLCREEK and ABSC.

57. Member churches, such as MILLCREEK, and districts, such as DIAMOND LAKES, provide monetary support to the ABSC, which the ABSC then doles out to support the ABSC's initiatives.

58. At all material times, MILLCREEK and ABSC were agents of the other in their efforts to support Baptist churches in the State.

59. At all material times, TUCKER was a minister ordained by the Baptist church, Executive Director of ABSC, and an agent of ABSC.

60. At all times material hereto, HILL was acting within his actual or apparent authority as a Pastor, and as agent of MILLCREEK, DIAMOND LAKES, and ABSC.

61. At all times material hereto, HILL was acting as actual or apparent agent of Defendants MILLCREEK, DIAMOND LAKES, and ABSC, as a Pastor, and in furtherance of Defendants' goal of increasing the number of Baptist churches and church members in the Garland County, Arkansas area.

62. HILL's activities with DOE were initially activated by his purpose to serve Defendants' objective of expanding the Baptist presence in Garland County, Arkansas.

63. HILL sexually assaulted DOE on church property owned by MILLCREEK and his actions were within the time and space limits of HILL's work as actually or apparently authorized by Defendants MILLCREEK, DIAMOND LAKES, and ABSC.

64. Defendants MILLCREEK, DIAMOND LAKES, and ABSC are liable for HILL's wrongful conduct under the doctrine of *respondeat superior*.

COUNT IX — BREACH OF FIDUCIARY DUTY

(Against all DEFENDANTS)

65. Plaintiff re-alleges paragraphs 1 through 64 as if fully stated herein.

66. DOE was counseled and mentored by Defendant HILL, attended his church services, volunteered his time at the church, and attended youth group meetings at MILLCREEK trusting that DOE would receive appropriate mentoring and counseling in a safe environment. Plaintiff relied upon, trusted, and reposed confidence in Defendants, all of which had a position of influence and superiority over Plaintiff.

67. Defendants accepted Plaintiff's trust and confidence.
68. Defendants had a duty to act in the best interest of Plaintiff.
69. Defendants breached their fiduciary duties to Plaintiff.
70. As a direct and proximate result, Plaintiff has suffered, and continues to suffer, damages.

COUNT X — VIOLATION OF THE ARKANSAS CHILD MALTREATMENT ACT

(Against TUCKER and ABSC pursuant to A.C.A. § 12-18-206)

71. Plaintiff re-alleges paragraphs 1 through 70 as if fully stated herein.
72. ABSC and TUCKER are mandated reporters under A.C.A. § 12-18-402(a)(1)(A) and 12-18-402(b)(29).
73. ABSC and TUCKER had reasonable cause to believe that a HILL was a sexual predator who groomed and manipulated and then sexually molested minors in his care.
74. ABSC and TUCKER purposely did not immediately notify the Child Abuse Hotline.
75. As a proximate result, HILL continued to sexually abuse DOE for months.
76. Pursuant to A.C.A. § 12-18-206, TUCKER and ABSC are liable for the proximate damages.

COUNT XI — VICARIOUS LIABILITY FOR VIOLATION OF THE ARKANSAS CHILD MALTREATMENT ACT

(Against ABSC pursuant to A.C.A. § 12-18-206)

77. Plaintiff re-alleges paragraphs 1 through 76 as if fully stated herein.
78. Arkansas law provides that certain individuals are mandatory reporters of suspected child maltreatment, which includes sexual abuse. Arkansas law provides both civil and criminal liability for a purposeful failure to report.

79. TUCKER, as a member of the clergy or a similar functionary of a religious organization, was a mandated reporter under A.C.A. § 12-18-402(a)(1)(A) and 12-18-402(b)(29).

80. TUCKER had reasonable cause to suspect that a child had been subjected to maltreatment when Ms. Latham reported to him her observations and suspicions of HILL abusing DOE and other minors on and off of church property.

81. TUCKER purposely did not immediately notify the Child Abuse Hotline.

82. At all material times, TUCKER was Executive Director and Secretary of ABSC and was an agent of ABSC.

83. At all material times, TUCKER was acting as actual or apparent agent of Defendant ABSC, and his failure to report the child maltreatment was motivated and done in furtherance of Defendants' goal of protecting ASBSC's reputation by preventing HILL's conduct coming to light.

84. As a proximate result, HILL continued to sexually abuse DOE for months.

85. Pursuant to A.C.A. § 12-18-206, ABSC is liable for the proximate damages.

86. ABSC is therefore liable for TUCKER's wrongful conduct under the doctrine of *respondeat superior*.

COUNT XII — CRIME VICTIM CIVIL ACTION

(Against HILL pursuant to A.C.A. § 16-118-107)

87. Plaintiff re-alleges paragraphs 1 through 86 as if fully stated herein.

88. HILL committed rape, a felony pursuant to A.C.A. § 5-14-103(a)(4)(A)(i) (sex with a minor by a guardian of that minor).

89. HILL committed rape, a felony pursuant to A.C.A. § 5-14-103(a)(1)(forcible compulsion).

90. The crime of rape is a Class Y felony.

91. HILL committed a felony pursuant to A.C.A. § 5-14-124 (sexual assault in the first degree).

92. The crime of sexual assault in the first degree is a Class A felony.

93. HILL committed a felony pursuant to A.C.A. § 5-14-125 (sexual assault in the second degree).

94. The crime of sexual assault in the second degree is a Class B felony.

95. DOE has retained undersigned counsel and is obligated to pay their reasonable attorney's fees.

96. Ark. Code Ann. § 16-118-107 was enacted as a result of Act 341 of 1997, with an emergency clause stating "AN ACT TO PROVIDE CIVIL RELIEF" TO VICTIMS OF CRIME." The Act provides that any person injured or damaged by reason of conduct of another person that would constitute a felony under Arkansas law may file a civil action to recover damages based on the conduct. The burden of proof for showing the conduct that constituted a felony is a preponderance of the evidence. Plaintiffs are also entitled to recover costs and attorneys' fees under the Act.

97. As a direct and proximate result of HILL's conduct as set forth above, Hill is liable under Ark. Code Ann. § 16-118-107.

98. As a direct and proximate result HILL's actionable conduct under Ark. Code Ann. § 16-118-107, Plaintiff has been damaged in excess of \$10,000,000.00.

COUNT XIII — PUNITIVE DAMAGES

(Against all DEFENDANTS)

99. Plaintiff re-alleges paragraphs 1 through 98 as if fully stated herein.

100. DEFENDANTS knew or ought to have known in light of the surrounding circumstances that their conduct would naturally and probably result in injury to Plaintiff and DEFENDANTS continued such conduct in reckless disregard of the consequences from which malice may be interred.

101. DEFENDANTS also intentionally pursued a course of conduct they knew would result in injury to Plaintiff.

DAMAGES

102. Plaintiff re-alleges paragraphs 1 through 101 as if fully stated herein.

103. As a direct result of the Defendants' conduct described herein, Plaintiff has suffered damages, including but not necessarily limited to the following:

- a. severe and permanent emotional distress, mental anguish, and psychological trauma;
- b. pain and suffering – past and future;
- c. physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, shame, and psychological injuries;
- d. medical expense for psychological treatment, therapy, and counseling that will be required throughout his life; and
- e. loss of earning capacity.

JURY DEMAND

104. Plaintiff re-alleges paragraphs 1 through 103 as if fully stated herein.

105. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff DOE demands judgment for damages against MILLCREEK, DIAMOND LAKES, ABSC, TUCKER and HILL for compensatory damages, punitive damages,

attorneys' fees, costs and any other relief to which DOE may be entitled or is deemed appropriate by the Court.

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