

I
DISCOVERY CONTROL PLAN

1.01 As required by TEX. R. CIV. P. 190.1, Plaintiffs file this lawsuit under a Level 3 Discovery Control Plan (TEX. R. CIV. P. 190.4) and hereby request the Court to enter an appropriate Level 3 Scheduling Order.

II
PARTIES

2.01 Plaintiffs, Mother of John Doe 123 (hereinafter “Mother of Doe”) and her son, John Doe 123 (hereinafter “Doe”), reside in Young County, Texas. Plaintiffs’ identities are known to Defendants.

2.02 Defendant, First Assembly of God of Olney (hereinafter “First AOG of Olney”), is a purported religious not-for-profit corporation organized under the laws of the State of Texas located in Olney, Texas. First AOG of Olney was the employer or ostensible employer of Ryan Anthony Winner (hereinafter “Winner”) at the time of the sexual abuse and sexual exploitation of Plaintiff John Doe. Defendant, First AOG of Olney, may be served with process by serving its registered agent, Gregg L. Headley, 5241 FM 66, Waxahachie, Ellis County, Texas 75167, or wherever he may be found.

2.03 Defendant, North Texas District Council Assemblies of God West Region (hereinafter “North Texas District”), a Texas not-for-profit corporation organized under the laws of the State of Texas with its principal place of business in Wichita County, Wichita Falls, Texas. North Texas District may be served with process by serving its registered agent, Gregg L. Headley, 5241 FM 66, Waxahachie, Ellis County, Texas 75167, or wherever he may be found.

2.04 All Defendants herein are sued in their common and assumed names pursuant to Texas Rules of Civil Procedure 28.

III **JURISDICTION AND VENUE**

3.01 Pursuant to Texas Rules of Civil Procedure 47, relief is sought for damages within the jurisdictional limits of this Court. Plaintiffs further plead that the monetary relief they seek is more than \$1,000,000.00.

3.02 Venue is proper in Wichita County, Texas, pursuant to Texas Civil Practice and Remedies Code Section 15.002(a)(2) because Defendant North Texas District Council Assemblies of God West Region, which, upon information and belief, controls and/or supervises Defendant First Assembly of God of Olney, maintains its headquarters in Wichita County, Wichita Falls, Texas. *See* Tex. Prac. & Rem. Code Ann. § 15.002.

3.03 At all material times herein, Defendant North Texas District controlled, supervised and operated Defendant First AOG of Olney. All Defendants herein invited members of the public to participate in activities, programs, and religious services offered at the Defendant First AOG of Olney, including Plaintiff and her minor son, John Doe 123. These activities were organized and chaperoned by paid staff and/or volunteers who were selected, approved, and maintained by Defendants' leaders and operational agents in the church community. Defendants accepted these paid staff and/or volunteers as agents, including Ryan Anthony Winner.

3.04 At all material times, Defendants further jointly supervised, controlled and locally operated the "Royal Rangers," a youth program at Defendant First AOG of Olney, endorsed by Defendant North Texas District. Royal Rangers was a religious, educational, and instructional program for boys, similar to Boy Scouts. It was open to both members of Defendant First AOG of

Olney and non-church members. Defendants invited boys, including Doe, to participate in the Royal Rangers. John Doe joined the Royal Rangers when he was approximately 6-8 years old at the behest of First AOG of Olney and its agent/youth minister, Ryan Anthony Winner, and Winners' father, Stephen Roy Winner, the lead minister there.

3.05 Defendants herein selected, approved, trained, supervised, and maintained the right of control, actual control, and apparent control over adult volunteer leaders at in the Royal Ranger program. Winner was Doe's adult Royal Ranger leader and the First AOG of Olney's youth minister.

3.06 Defendants authorized and empowered Winner to perform all the duties of Royal Ranger leaders, including but not limited to, providing instruction, counseling, and physical supervision of the Rangers; educating the boys in morality, patriotism, character-building, obedience, and various other life skills. He was involved in mentoring and befriending the boy Rangers; leading their weekly meetings, and enforcing rules governing their participation in the group. Defendants knew that, as part of his duties and expectations as a Royal Ranger leader, Winner would be in a position of trust, confidence, respect and authority over the boys, including Doe.

3.07 Defendants authorized and empowered Winner to perform all the duties of a youth minister, including but not limited to providing them with instruction, counseling, care and supervision. Here, too, he would be in a position of trust, confidence, respect, and authority sanctioned and ratified by First AOG of Olney. Indeed, Winner's father, Steven Roy Winner, was the lead minister of the First AOG Olney Church. In this position of authority, he placed his son, Ryan Anthony Winner, as a youth minister even though he knew or should have known that he was unfit psychologically for such a position because of his propensity to sexually abuse minors.

3.08 Defendants retained the right to control, and exercised actual and apparent control of the means, methods, and physical details of Winner's performance of the duties described in Paragraphs 3.06 and 3.07 above. As part of his duties as a Royal Ranger leader and youth minister, Winner used his positions to gain the trust and confidence of Plaintiff Doe's mother to spend large periods of time alone unsupervised with her son, such as sleep-overs and camp-outs. Winner performed his duties as a youth leader in connection with his agency relationship with Defendants; within the time and space limits of his agency; initially out of a desire, at least partially, to fulfill his agency duties as a leader, his duties generally of a kind and nature that he was required to perform as a youth leader and Royal Ranger leader,

3.09 Winner's authorized duties and activities as Ranger leader and youth minister led to and resulted in his sexually abusing and sexually exploiting Doe between approximately 2014 and 2015, although the grooming of Doe had begun much earlier. During the course of those years, Winner took Plaintiff to the Royal Ranger meetings and to youth activities. After a period of time, Winner regularly invited Doe to engage in activities with him and with his own minor son and just to "hang out" at his home and/or his parents' home. As referenced above, Winner's father, Stephen Winner, was the pastor of First AOG of Olney Church. During these times, Winner variously photographed and/or videotaped the naked boy, including but not limited to, forcing him to participate in sexual contact with an unidentified adult male and sexually abusing him on Church premises. Doe did not consent, nor could he.

3.10 As a result of Defendants' wrongful acts and/or omissions, his sexual molestations and sexual exploitations by Winner, Doe's mother has incurred medical expenses and will continue to incur medical expenses for her damaged son's care and treatment.

3.11 Defendants herein acted with malice or with a reckless and outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference to the health, safety, and welfare of the boy, John Doe 123 and other children..

IV FACTUAL BACKGROUND

4.01 As more fully described herein, John Doe 123 suffered sexual assault, sexual abuse, and sexual exploitation as a child, perpetrated by Ryan Anthony Winner while he was a member of the staff and/or volunteer of Defendant First AOG of Olney and within the supervision, employment, and control of the same and all other named Defendants.

4.02 Doe first began attending First Assembly of God of Olney Church with his grandmother, a member of the church, when he was approximately 2 to 3 years of age. Upon information and belief, Winner's father, Stephen Roy Winner, was the head minister of First AOG of Olney.

4.03 Shortly after meeting Doe, Defendant Winner, the youth minister, quickly ingratiated himself with Doe's mother and/or grandmother and began "grooming" Doe. The grooming included buying him gifts, giving him rides home from school, taking him on camp-outs, and having him sit on his lap. The continual grooming and eventual sexual abuse and exploitation of Doe included giving him baths with Winner's biological son at the home of his father, the head minister, taking him skinny dipping, and making and distributing pornographic videos of Doe naked. Furthermore, Winner also photographed and videotaped Doe being forced to perform sexual acts on an unidentified adult male.

4.04 After Winner's sex trafficking, sexual assault, abuse and sexual exploitation of Doe was discovered through Homeland Securities Investigation's *Operation Predator*, he admitted to

knowingly using Doe to engage in sexually explicit conduct with and to act with the intent of producing visual depictions of such conduct. Subsequently, Winner pleaded guilty to federal charges of two counts of sexually exploiting children for the purpose of producing child pornography.

4.05 In February 2016, Winner was sentenced to 60 years in the Federal penitentiary and lifetime registration as a sexual offender.

V
ALTERNATIVE CLAIMS FOR RELIEF AUTHORIZED

5.01 Plaintiffs intend to exercise their right to plead multiple causes of action in *Plaintiffs' Original Petition* and to invoke the right of disparate pleadings as set forth in Texas Rule of Civil Procedure 48. Where, in this pleading or any supplemental pleadings, the statement of claims vary, they are to be construed as alternative claims for relief. No claim for relief shall be construed as waived or abandoned where it is otherwise contradicted in whole or in part in another portion of Plaintiffs' pleading.

VI
CAUSES OF ACTION AGAINST ALL DEFENDANTS

A. Negligence

6.01 Plaintiffs re-allege and incorporate by reference herein as if set forth verbatim Paragraphs 3.08 through 4.05 above.

6.02 Defendants failed to perform adequate background checks on persons hired or in positions of authority over youth.

6.03 Defendants failed to implement reasonable policies and procedures to detect and prevent the sexual abuse of children by persons who had authority over children such as Ryan Anthony Winner.

6.04 Defendants failed to formulate, adopt, and enforce adequate rules, policies, and procedures with respect to the supervision of persons who would be in contact or interact with minors.

6.05 Defendants negligently advertised and promoted Royal Rangers as a safe organization, yet failed to ensure that participants such as John Doe 123 would be safe from sexual predators such as Winner.

6.06 Defendants failed to warn Plaintiff Mother of Doe and the community, including congregants of Defendant First AOG of Olney, parents of children and potential Royal Rangers youth members, and the youth of the church of the risks of sexual abuse and exploitation by Winner.

6.07 Prior to Winner's sexual abuse of John Doe, Defendants failed to investigate reports regarding Winner's sexual misconduct or to act on knowledge that he was unsuitable for a position affording unfettered access to minors and to respond responsibly by removing him from the position affording contact with such potential victims. But for his positions as a youth minister and Royal Ranger leader with First AOG of Olney, Winner would have been unable to victimize Doe 123. Defendants are therefore liable for Winner's conduct because it promoted him as a qualified, trained, and supervised youth minister and Royal Ranger leader.

6.08 Defendants fostered an environment conducive to sexual misconduct by its volunteers and/or employees by allowing them to commit sexual misconduct without the consequence that law enforcement or child welfare agencies would be notified.

6.09 Defendants failed to warn the community, including Doe's mother, about the risk of child sexual abuse by adult volunteers of First AOG of Olney and the prevalence and conditions under which child sexual abuse could occur in the program.

6.10 Defendants failed to train the Royal Rangers parents and members of First AOG of Olney community, including Doe's mother, in how to recognize, report, and prevent or otherwise avoid having their children become victims of child sexual abuse.

6.11 Defendants failed to permanently remove Winner as a volunteer and/or employee youth minister and/or volunteer with the Royal Rangers program.

6.12 Defendants failed to implement and enforce common sense child abuse prevention policies, including but not limited to:

- 1) Policies requiring members of First AOG of Olney and Royal Rangers to report to the police allegations of child sexual abuse by adult Royal Ranger volunteers;
- 2) Policies requiring First AOG of Olney and Royal Rangers to notify the community when adult Royal Rangers volunteers had been accused of child sexual abuse, temporarily suspended for alleged child sexual abuse, or supervised due to reports of alleged child sexual abuse; and
- 3) Policies prohibiting First AOG of Olney and Royal Rangers youth from spending the night or otherwise visiting at adult Royal Rangers volunteers' homes without parental supervision.

6.13 Defendants negligently selected, hired, and retained Winner and/or allowed him to assume positions of trust, confidence, and authority, thus placing him in direct contact with minor boys. As Youth Minister and Royal Ranger leader, Winner's job was to be accessible to children in his Church community, and to counsel the youth regarding emotional relationship and attitudinal issues in the context of the teachings of First AOG of Olney. Winner was supposed to be a role

model of Christian virtue. Defendants knew or should have known that Winner was decidedly sexually dangerous and unsuited for such assignments. Defendants thus recklessly entrusted and exposed minors, including Doe, to Winner's care, counsel, and predation.

6.14 Defendants failed to provide reasonable training, monitoring, and supervising of Ryan Anthony Winner. Defendants retained overall responsibility for all aspects of religious life at the church, including the following duties: (a) to have inquired and investigated before granting permission to Winner to work as a youth leader within the church environment; (b) to have supervised, evaluated, monitored, inspected, and overseen all activities of Winner while at the church or activities involving youth groups, such as the Royal Rangers, supported by the church; (c) to have investigated, monitored, and supervised Winner when he was Youth Minister for the church; (d) to have removed Winner's access to any and all youth groups upon early notice that Winner was decidedly unsuited for the position to which he was assigned; (e) to have actually conducted an investigation of the allegations and complaints against Winner; and (f) to have informed concerned parents of their finding. Defendants were negligent in relation to each of these duties. Had the Defendants not been negligent, Winner would never have had the opportunity, means, and power to sexually molest Doe.

6.15 As a direct and foreseeable result of Defendants' negligence, John Doe suffered the injuries and incurred the damages described herein. Defendants therefore knowingly allowed, permitted, and/or encouraged child abuse.

B. Sexual Battery and Sexual Exploitation of John Doe

6.16 Plaintiff re-alleges and incorporates by reference Paragraphs 4.01 through 6.15.

6.17 While acting through his agency duties for Defendants, Winner repeatedly sexually abused and sexually exploited Doe, as described in Chapters 21 and 33 of the Texas Penal Code and 18 U.S.C. §2251(a).

6.18 As a result and consequence of Winner's sexual abuse, Plaintiff suffered injuries and incurred damages.

C. Negligence per Se.

6.19 Plaintiffs incorporate the above paragraphs 4.01 to 6.17 by reference. Defendants were responsible for the acts and/or omissions of its agents, ostensible agents, servants, employees, vice-principal and/or representatives in causing assault, sexual assault, and sexual exploitation as those terms are defined by law, including the following acts or omissions: intentionally, knowingly, or recklessly causing bodily injury to John Doe under the TEXAS PENAL CODE Chapters 21 and 33 and 18 U.S.C. §2251(a) and failure to exercise reasonable care to prevent same. These negligent acts were a proximate cause of damage to Plaintiff.

D. Negligent Undertaking under RESTATEMENT (SECOND) OF TORTS § 323.

6.20 Plaintiffs incorporate the above paragraphs 4.01 to 6.19 by reference. Defendants undertook, for consideration, to provide religious services and protection for members of its youth program, including John Doe, pursuant to the RESTATEMENT (SECOND) OF TORTS § 323. Defendants should have recognized as necessary the protection of John Doe 123's person and promulgated or should have promulgated policies and procedures to protect minors, including John Doe. Plaintiff suffered harm as a result of Defendants' failure to exercise reasonable care in providing its services. Defendants' failure to exercise reasonable care increased Plaintiff John Doe's

risk of harm, or in the alternative, Plaintiff was harmed in reliance upon Defendants representation that they provided a safe and nurturing environment for children.

E. Fraud.

6.21 Plaintiffs incorporate the above paragraphs 4.01 to 6.20 by reference. Defendants represented to Plaintiff and his mother that AOG Olney was a Christian organization, founded for the purpose of spreading Christianity and Christian principles, that it would keep safe and nurture youth in a religious environment. Based on these representations, Plaintiff's mother entrusted Doe to Defendants' guidance, safekeeping, and control, believing that the church would act consistently with its stated goals and Christian principles. Defendants' representations were made with the intent to have parents entrust their children to the AOG's youth ministry, as Plaintiff's mother did, but was either knowingly false or recklessly false because Defendants did not perform the necessary tasks to fulfill those representations, including as follows: failure to select, hire, and retain employees and volunteers competent to be trusted with the welfare and safety of minor; failure to supervise, manage, monitor, or oversee all ministers and volunteers, including Ryan Anthony Winner, to ensure that employees and volunteers were not engaged in inappropriate conduct during church hours, at church activities, or on church property; failure to supervise, manage, monitor, or oversee all employees and volunteers, including Ryan Anthony Winner to ensure that he was properly trained with respect to limitations on personal interactions with youth; failure to supervise, manage, monitor, or oversee the usage of church property by employees and volunteers, including the usage of computers, to ensure that employees and volunteers were not engaged in inappropriate, pornographic, harassing, or otherwise inappropriate or illegal usage; failure to supervise, manage, monitor, or oversee the safety of youth on church property and during church activities to prevent sexual predation or assault of

minor youth; failure to formulate, adopt, and enforce adequate rules, policies, and procedures with respect to the appropriate level of contact between pastors and students; failure to formulate, adopt, and enforce adequate rules, policies, and procedures with respect to the appropriate usage of computers, to ensure that employees and volunteers were not engaged in inappropriate, pornographic, harassing, or otherwise inappropriate or illegal usage; and failure to formulate, adopt, and enforce adequate rules, policies, and procedures with respect to the safety of youth on church property or at church activities to prevent sexual predation or assault of minor youth. As a result of Defendant's fraudulent representations, the minor Plaintiff was exposed to, and was harmed as set forth above. Plaintiffs' damages are a proximate result of her reliance of Defendants' fraudulent representations

F. Breach of Fiduciary Duty

6.22 Plaintiff's incorporate by reference paragraphs 4.01 to 6.21 above. Plaintiff Mother of Doe entrusted her minor son to the care of First AOG of Olney and its leadership. There could be no higher relationship of trust and confidence than when parents entrust their child or children to another, particularly when the entrusted person or entity elicits such trust by claiming high moral and ethical standards. Defendants' fiduciary duty or special duty is based upon a moral, social, and personal relationship of trust and confidence, which Defendants unconscionably breached. Defendants had a duty of loyalty and good faith as well as a duty to act with integrity of the strongest kind, all of which it failed to do. Defendants' breach of this duty to Doe and his mother resulted in substantial life-changing injuries and damages. Such injuries and damages were foreseeable results of the breach of this fiduciary duty. Further, such conduct was grossly negligent.

G. Vicarious Liability/Respondeat Superior/Agency/Vice-Principal

6.23 Plaintiff's incorporate by reference paragraphs 4.01 to 6.22 above. The sexual abuse and sexual exploitation in this case arose from Ryan Anthony Winner's exercise of authority and power and access to victims and their families made possible by Defendants and their staff through positions Winner was given, including Youth Minister and Royal Ranger leader. Winner was therefore an agent or ostensible agent of Defendant First AOG of Olney. Plaintiff thus pleads vicarious liability under the doctrine of Respondeat Superior and/or agency in that Defendants and their leadership knew or should have known of his misconduct and the dangerous propensities of Winner and, further, that Winner's injurious sexual actions were foreseeable.

6.24 Plaintiff further pleads Stephen Roy Winner, as head minister of AOG Olney was a legal Vice-Principal of Defendants with authority created by his employment and position. His acts of negligence in the selection, supervision, and retention of his son, Ryan Anthony Winner, can therefore be imputed to Defendants herein.

H. Misrepresentation

6.25 Plaintiff's incorporate by reference paragraphs 4.01 to 6.24 above. During the existence of the fiduciary relationship pleaded herein, Defendants and their leadership actively and constructively stated and/or represented numerous falsehoods, including representing that Winner was to be trusted by both parents and children as a man of good moral character, a man who could be entrusted by First AOG of Olney leadership with the care, counseling, teaching, and instruction of children. These representations, among others outlined in this pleading, were false and misleading and were known to be false and misleading at the time they were made, or were made with a reckless disregard as to whether they were true or false or of potential consequence to members of the

congregation. These falsehoods and non-disclosures were material facts made with the intent to deceive and to induce reliance.

6.26 Plaintiffs assert that Defendants are liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 302B, under the legal doctrine of negligent assumption of risk of intentional or criminal conduct.

An act or an omission may be negligent if the actor realizes or should realize that it involves an unreasonable risk of harm to another through the conduct of the other or a third person which is intended to cause harm, even though such conduct is criminal.

Restatement (Second) of Torts, Section 302B.

6.27 Plaintiffs assert that Defendants are liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 311, under the legal doctrine of negligent misrepresentation involving risk of physical harm.

- (1) One who negligently gives false information to another is subject to liability for physical harm caused by action taken by the other in reasonable reliance upon such information, where such harm results
 - (a) to the other, or
 - (b) to such third persons as the actor should expect to be put in peril by the action taken.
- (2) Such negligence may consist of failure to exercise reasonable care
 - (a) in ascertaining the accuracy of the information, or
 - (b) in the manner in which it is communicated.

Restatement (Second) of Torts, Section 311.

I. Premises Liability

6.28 Plaintiff's incorporate by reference paragraphs 4.01 to 6.27 above. Defendant First AOG of Olney is liable to Mother of Doe and to John Doe for premises liability. John Doe was an

invitee by the First AOG of Olney to its property in Olney, Texas. Defendant First AOG of Olney owed a duty of care to those who may be harmed by criminal acts on its premises where it conducted its business when the risk of criminal conduct is so great that it is both unreasonable and foreseeable. Ryan Anthony Winner admitted he sexually abused and exploited John Doe 123 on First AOG property, namely the Church. Defendant First AOG of Olney was aware of or should have been aware of criminal acts of sexual assault by Winner on its property. Defendant First AOG of Olney thus breached its duty of care to Doe when it allowed Winner to remain on its property, thus harming Doe.

J. Gross Negligence

6.29 Plaintiff's incorporate by reference paragraphs 4.01 to 6.28 above. Sexual molestation and exploitation of a child is utterly reprehensible and cannot be tolerated in a civilized society, particularly by one of the institutions that is granted exceptions and exemptions that even its own members may not enjoy individually. Defendants and its leadership, at the time and on the occasions in question, acted with heedless and reckless disregard for the safety of John Doe, which disregard was the result of conscious indifference to the rights, welfare, and safety of John Doe in violation of the laws of the State of Texas.

6.30 Further, Tex. Civ. Prac. & Rem. Code § 41.005(a) does not apply to bar punitive damages in this matter because the Defendants were criminally complicit. Tex. Civ. Prac. & Rem. Code § 41.005(b)(2) provides an exception when a Defendant is criminally responsible as a party to the criminal act. Under Chapter 7 of the Texas Penal Code, specifically § 7.02(a), a person is criminally responsible for an offense committed by the conduct of another if:

- (1) acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense;

or

- (2) having a legal duty to prevent commission of the offense and acting with intent to promote or assist its commission, he fails to make a reasonable effort to prevent commission of the offense.

6.31 The provisions of Texas Penal Code Ann. § 7.02(a)(2) statute are met because Defendants assisted (including Stephen Roy Winner as a corporate Vice-Principal)and aided Winner in the commission of the sexual assaults on John Doe by allowing him access to Doe.

6.32 Further, provisions of Tex. Pen. Code Ann. § 7.02(a)(3) are met because Defendants had a duty to prevent the sexual assault of John Doc. Defendants knew or should have known of Winner's sexual misconduct but, despite that knowledge, did not timely withhold him, remove him, nor report him to police but repeatedly placed him in environments where he could prey upon young boys like John Doe.

6.33 Additionally, Tex. Pcn. Code Ann. § 7.21-7.23 encompass the criminal responsibility of corporations or associations and provides that a corporation or association is criminally responsible for the conduct of its agent if it was authorized, performed or recklessly tolerated by a high managerial agent, such as Winner's father, Stephen Roy Winner. The Defendants not only tolerated it, they aided and abetted Winner in possibly acquiring more victims. Plaintiffs would show that Defendants recklessly tolerated and allowed the conduct of this predator and are therefore subject to punitive damages in this matter.

K. Intentional Infliction of Emotional Distress

6.34 Plaintiff's incorporate by reference paragraphs 4.01 to 6.33 above. Plaintiffs allege that the actions of Defendants and its leadership have inflicted emotional distress upon Plaintiff Mother of Doe and Doe.

6.35 As a direct and proximate result of the acts or omissions of Defendants set forth above, it is foreseeable to a person of ordinary prudence that a trusting, impressionable child of the church would be exposed to an unreasonable danger and actually be harmed and that the acts or omissions of Defendants had proximately caused injury to John Doe.

**VII
DAMAGES**

7.01 As a result of this occurrence, Plaintiffs have suffered and seeks the following damages:

- a. Medical Expenses: Mother of Doe has incurred medical and counseling expenses in the past and will continue to incur medical and counseling expenses in the future. These expenses were incurred for reasonable and necessary care and treatment of these injuries. The charges incurred are reasonable and were the usual and customary charges for the same or similar services at the time and place rendered. Doe, when he is an adult, also expects to incur medical and counseling expenses in the future in an amount within the jurisdictional limits of this Court;
- b. Physical Pain and Suffering: Plaintiff John Doe has endured severe physical pain and suffering in the past and will continue to endure severe physical pain and suffering in the future;
- c. Mental Anguish: Plaintiff John Doe has endured severe mental anguish in the past and will continue to endure severe mental anguish in the future;
- d. Physical Impairment: Plaintiff John Doe has suffered physical impairment in the past and will continue to suffer physical impairment in the future;
- e. Loss of Earning Capacity; Plaintiff John Doe will suffer loss of earning capacity in the future;

- f. Punitive Damages: Plaintiffs seek exemplary damages based on Defendants' gross negligence; and
- g. Any other damages, at law or in equity, to which Plaintiffs are entitled.

VIII

CLAIM FOR PREJUDGMENT AND POST-JUDGMENT INTEREST

8.01 Plaintiffs pray for prejudgment and post-judgment interest as allowable by law.

IX

NOTICE OF SELF-AUTHENTICATION OF DOCUMENTS

9.01 Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiffs hereby give written notice of the intent to self-authenticate all documents produced by any Defendant in discovery and that such documents may be used against the party producing same at any pre-trial proceedings or hearing and at the time of any trial, post-trial matter or appeal regarding this case.

X

LIFE EXPECTANCY

10.01 Plaintiffs intend to utilize the United States Life Expectancy Tables promulgated by the United States Health and Human Service to help the jury in their assessment of damages at the time of trial and respectfully request that the Court take judicial notice of the same.

XI

REQUEST FOR DISCLOSURE

11.01 Under Texas Rule of Civil Procedure 194, Plaintiffs request that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2 (a) - (l).

XII
REQUEST FOR PRODUCTION

12.01 Each Defendant is requested to produce the following materials within 50-days of service of this *Plaintiffs' Original Petition* as they relate to Ryan Anthony Winner, unless otherwise specified:

- a. The personnel and/or employment file of Ryan Anthony Winner;
- b. Reports from anyone referring or concerning Ryan Anthony Winner and sexual misconduct against minors;
- c. Statements of Ryan Anthony Winner concerning the incidents made the basis of this lawsuit;
- d. Statements of the mother of Ryan Anthony Winner concerning the incident(s) made the basis of this lawsuit;
- e. Statements of the father of Ryan Anthony Winner concerning the incidents made the basis of this lawsuit;
- f. Statements of the spouse(s) of Ryan Anthony Winner concerning the incidents made the basis of this lawsuit;
- g. Reports to or from any law enforcement concerning complaints of sexual misconduct by Ryan Anthony Winner; and
- h. Reports to or from Child Protective Services concerning complaints of sexual misconduct by Ryan Anthony Winner.

XIII
SPOILIATION OF DOCUMENTS & EVIDENCE

13.01 Defendants are hereby given notice that any document or other material, including electronically stored information, that may be relevant to any issue in this case is to be preserved in its present form until this litigation is concluded. Plaintiff alleges that to the extent Defendants have intentionally and/or negligently destroyed documents and other evidence pertinent to this case,

Plaintiffs request the court issue proper sanctions, including instruction to the jury presuming all things are against Defendants (*omnia praesumuntur contra spoliatores* — all things are presumed against a despoiler).

XIV
DEMAND FOR JURY TRIAL

14.01 Plaintiffs demand that a jury of their peers be empaneled to hear and decide the issues presented in this case.

XV
PRAYER

FOR THE REASONS STATED ABOVE, Plaintiff Mother of John Doe 123, Individually and as Next Friend for John Doe 123, a Minor, respectfully requests that Defendants, First Assembly of God of Olney and North Texas District Council Assemblies of God West Region, be cited to appear and answer, and on final trial, that Plaintiffs have judgment, jointly and severally, against Defendants for:

- a. Actual damages;
- b. Punitive damages;
- c. Prejudgment and post judgment interest in accordance with § 304.104, et seq., Texas Finance Code and any other applicable law;
- d. Costs of suit; and
- e. Any further relief, either at law or in equity, to which Plaintiff is justly entitled.

RESPECTFULLY SUBMITTED

/s/ Tahira Khan Merritt _____

Tahira Khan Merritt

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