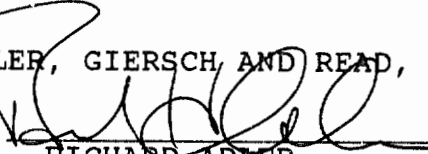
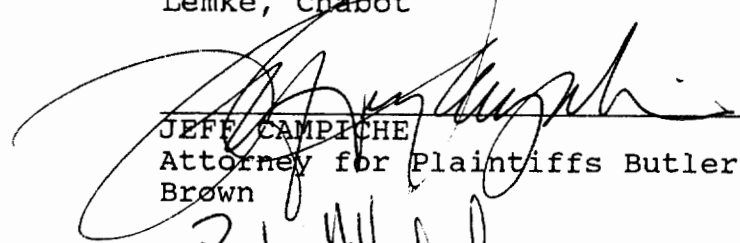
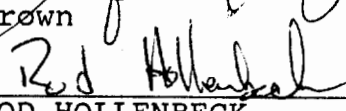


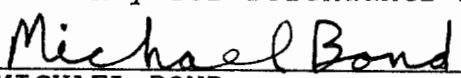
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ADLER, GIERSCH AND READ, P.S.

By 
RICHARD ADLER
Attorneys for Plaintiffs Ehrlich,
Lemke, Chabot


JEFF CAMPICHE
Attorney for Plaintiffs Butler, Hall,
Brown

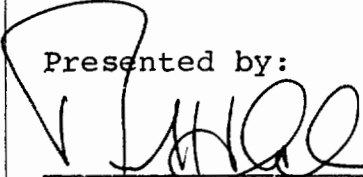

ROD HOLLENBECK
Attorney for Defendants Barnett


MICHAEL BOND
Attorney for Defendant Community
Chapel Bible Training Center

Upon the stipulation of counsel for the parties hereto,
the Court hereby orders that the parties comply with the above-
stated discovery schedule, except upon further order of the
Court for good cause shown.

DATED this 16th day of February, 1988.


J U D G E

Presented by:

Richard Adler
ADLER, GIERSCH & READ, P.S.
Attorneys for Plaintiffs
Ehrlich, Lemke, Chabot

SUPERIOR COURT OF WASHINGTON KING COUNTY

KATHY LEE BUTLER, et vir., et al.)

Plaintiffs,)

v.)

DONALD LEE BARNETT, et ux, et al)

Defendants.)

NO. 86-2-18176-8
(Consolidated)

DEFENDANTS BARNETT
JOINDER IN DEFENDANTS
ALSKOG'S MOTION FOR
FOR SEPARATE TRIAL

SANDY EHRLICH, et vir, et al)

Plaintiffs,)

v.)

RALPH ALSKOG, et ux, et al.)

Defendants.)

COME NOW, Defendants Barnett, by and through undersigned counsel, and hereby adopt and incorporate the memorandum and affidavit submitted by Defendants Alskog and join in their motion for a separate trial as to Defendants Alskog and Barnett by Plaintiff Ehrlich for the reasons set forth in said memorandum and to be set forth in oral argument.

DATED this 24th day of February, 1988.

EVANS CRAVEN & LACKIE, P.S.

By Rodney D. Hollenbeck
Rodney D. Hollenbeck
Attorneys for Defendants Barnett

DEFENDANTS BARNETT JOINDER
IN MOTION FOR SEPARATE TRIAL

4625
Evans, Craven & Lackie, P.S.
LAWYERS
400 COLUMBIA CENTER, 300 5th AVENUE
SEATTLE, WASHINGTON 98104
(206) 386-5555

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CIVIL TRACK 1

CIVIL TRACK 1
JUDGE GARY LITTLE

FILED
KING COUNTY, WASHINGTON
FEB 26 1988
SUPERIOR COURT CLERK
BY ROBIN COOK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER et vir.,
et. al.,

Plaintiffs,

vs.

DONALD LEE BARNETT et ux,
et al.,

Defendants.

NO. 86 2 18176 8

BRIEF IN OPPOSITION TO
DEFENDANT ALSKOG'S
MOTION FOR SEPARATE TRIAL

SANDY EHRLICH and MICHAEL
EHRLICH, wife and husband,
et al.,

Plaintiffs,

vs.

RALPH ALSKOG and ROSEMARY
ALSKOG, husband and wife,
et al.,

Defendants.

BRIEF IN OPPOSITION-1

LAW OFFICES OF
ADLER, GIERSCH AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267

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ISSUE

Whether this Court should sever the action brought by the plaintiff Sandy Ehrlich against defendant Ralph Alskog, an elder of the Community Chapel and Bible Training Center, from other claims arising out of a series of occurrences involving Ralph Alskog, the Community Chapel and Bible Training Center and its pastor.

FACTS

The lawsuits in question all involve the sexual exploitation and abuse of members of the congregation of the Community Chapel and Bible Training Center by either the pastor or agents of the church. The underlying basis of the joint claims is that the defendants were acting to further church purposes and that the plaintiffs were injured because they were deceived due to the defendants' position within the Community Chapel and Bible Training Center.

It will be essential to plaintiff's claims at trial that a jury be told of the atmosphere in which these events occurred. The joint actions are similar in nature and involve common questions of law and fact. The basis of the lawsuits involves Pastor Donald Barnett and agents of the Community Chapel and Bible Training Center who have encouraged members of its congregation to form intimate attachment with members of the opposite sex as part of regular services at the church. These intimate attachments are encouraged with persons other than the

1 spouses of the members. These intimate attachments have been
2 dubbed a revelation known as "spiritual connections." The
3 currently joined claims all seek to have official agents of the
4 Community Chapel and Bible Training Center held accountable for
5 their behavior and conduct. There will be expert testimony
6 regarding common questions of fact concerning cults, mind
7 control, and the "spiritual connection" teachings. Thus, if
8 these claims are severed, many witnesses, experts, parties,
9 resources, and court time and money will be unnecessarily
10 duplicated to readdress essentially identical questions of law
11 and fact which arose out of a series of occurrences surrounding
12 the Community Chapel and Bible Training Center and directly
13 affecting each plaintiff.

14
15 LAW

16 The purpose of joinder of causes of action is to avoid
17 multiplicity in suits and to avoid waste of judicial resources
18 through unnecessary duplications of effort. Longenecker v.
19 Brommer, 59 Wn.2d 552 (1962); Department of Labor & Industries v.
20 City of Kennewick, 31 Wn.App. 777 (1982), rev'd on other grounds
21 99 Wn.2d 225 (1983); Roberts v. Port of Seattle, 46 Wn.2d 509
22 (1955); Cooper v. Runnels, 48 Wn.2d 108 (1955). For some reason,
23 defense counsel has failed to address this issue in its brief.
24 Moreover, in quoting a hypothetical in Williams v. Maslan, 192
25 Wash. 616 (1937) (see motion of defendant Alskog for separate
26 trial, at p. 5), defense counsel inexplicably left out the first
27

28 BRIEF IN OPPOSITION-3

1 sentence of the paragraph quoted, which reads: "The purpose of
2 the rule is to avoid multiplicity of actions." Williams, at 620.
3 Additionally, in citing CR 42, defense counsel only quotes from
4 CR 42(b), leaving out the related CR 42(a) language, which reads:

5 (a) Consolidation. When actions involving a common
6 question of law or fact are pending before the court,
7 it may order a joint hearing or trial of any or all of
8 the matters in issue in the action; it may order all
9 the actions consolidated; and it may make such orders
10 concerning the proceedings therein as may tend to avoid
11 unnecessary costs or delay. (Emphasis added.)

12 Similarly, when quoting from Brown v. General Motors Corp.,
13 67 Wn.2d 278 (1965), defense counsel selectively quotes language
14 from page 282 of the case (see motion of defendant Alskog for
15 separate trial, at p. 8), but omits the policy language on this
16 same page, which reads, "piecemeal litigation is not to be
17 encouraged". Brown, at 282. Thus, despite defense counsel's
18 representations and omissions otherwise, there is a strong public
19 policy in this state not to try actions separately where such
20 would waste time, efforts, and judicial resources. An analogous
21 case arose in Mangham v. Gold Seal Chinchillas, Inc., 69 Wn.2d 37
22 (1966), where the Washington Supreme Court affirmed a defendant's
23 denial of severance of claims. In Mangham, defendants claimed,
24 as here, that there were no common questions of fact or law and
25 that there were no "series of transactions" present to support
26 the denial of severance.

27 Mangham involved a series of claims of fraud surrounding a
28 "sales pitch." The Washington Supreme Court stated:

1 The connection between these sales which make them
2 potentially a series of related transactions is that
3 the sales representation which was allegedly made by
4 the several salesmen involved in these six claims is
5 essentially the same.

6 Id., at 40.

7 The Washington Supreme Court then added:

8 The fact that the transactions were separated in some
9 instances by substantial periods of time or that the
10 salesmen were different men (who were averred to be
11 "independent contractors") is immaterial, in view of
12 the pleadings and averments of the respondents that
13 each of these men made essentially the same sales
14 presentation to each of the six families who purchased
15 the chinchillas. The allegations that the defendant
16 corporation was a source of authority for the
17 representations of essentially identical character made
18 to these six purchasers of chinchillas is sufficient to
19 show a series of transactions for the purpose of
20 passing upon a pretrial motion for severance under Rule
21 20. (Emphasis added.)

22 Id., at 41.

23 Finally, the Washington Supreme Court concluded in Mangham:

24 Petitioners have also claimed that there are no common
25 questions of fact or law in this case. We disagree.
26 The detailed evidence and the facts relating to each
27 transaction must be separately proven at the trial.
28 However, in view of the answers to the interrogatories
now in the record, we are of the opinion that common
questions of fact are involved, such as, were the
essentially similar representations and warranties made
by the salesmen authorized by the defendants? With
regard to the common question of law, it is clear to us
that the question of whether these essentially similar
representations and warranties were fraudulently made
is a common question of law.

29 Id., at 41.

30 Here, essentially the same occurrences resulted from the
31 negligence, misrepresentations and malpractice of the Community
32 Chapel and Bible Training Center and its agents. Each
33 plaintiff's claim involves similar torts, such as outrage,

34 BRIEF IN OPPOSITION-5

1 ministerial and pastoral malpractice, counselor malpractice,
2 negligent counseling, wrongful disfellowship, loss of consortium,
3 destruction of parent/child relationship, and defamation.
4 Therefore, to sever would be asking Plaintiff Ehrlich to try her
5 case in a vacuum, and force unnecessarily duplicative testimony
6 and expense at a separate trial.

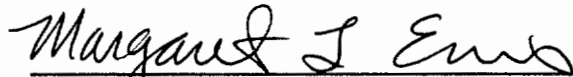
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8 CONCLUSION

9
10 Plaintiff Ehrlich respectfully requests that the defendant
11 Alskog's motion to sever be denied and the trials proceed as
12 consolidated by this court.

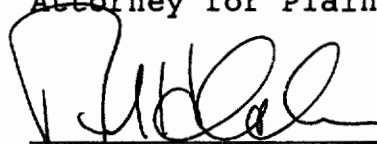
13 DATED this 26th day of February, 1988.

14 Respectfully submitted,

15 ADLER, GIERSCH AND READ, P.S.

16 

17 Margaret L. Ennis
18 Attorney for Plaintiffs

19 

20 Richard H. Adler
21 Attorney for Plaintiffs

CERTIFICATE

On this day I delivered a true and accurate copy of the document to which this certificate is affixed to LEGAL MESSENGERS, INC. for delivery to the attorneys of record of plaintiff/defendant.

ORIGINAL

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
DATED this 29th day of February, 1988 at Tacoma, Washington.

CIVIL TRACK I
HONORABLE GARY M. LITTLE

Mary Ann Irvine CIVIL TRACK 1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

FILED
KING COUNTY, WASHINGTON
MAR 01 1988
SUPERIOR COURT CLERK
BIN COOK
DUTY

KATHY LEE BUTLER, et vir., et al.,)
Plaintiffs,)
vs.)
DONALD LEE BARNETT, et ux., et al.,)
Defendants.)

NO. 86-2-18176-8
(Consolidated) COOK
86-2-18176-8
NOTICE OF CHANGE OF
HEARING FOR SEPARATE
TRIAL

SANDY EHRLICH, et vir., et al.,)
Plaintiffs,)
vs.)
RALPH ALSKOG, et ux., et al.,)
Defendants.)

TO: ALL COUNSEL OF RECORD

YOU AND EACH of you are hereby notified that Defendants Alskog's Motion for Separate Trial in the above-entitled matter has been rescheduled per the request of the Court for Friday, March 25, 1988 at 3:00 p.m., before the Honorable Gary M. Little.

DATED this 29th day of February, 1988.

ROSENOW, HALE & JOHNSON

By: [Signature]
JACK G. ROSENOW
Attorney for Defendants, ALSKOG

Notice of Change of Hearing
for Separate Trials -1-
mat(JGR:14, N.1)

ROSENOW, HALE & JOHNSON
LAWYERS
SUITE 301 TACOMA MALL OFFICE BUILDING
TACOMA, WASHINGTON 98409
(206) 473-0725

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CIVIL TRACK 1

CIVIL TRACK 1
JUDGE GARY LITTLE

FILED
KING COUNTY SUPERIOR COURT
MON 08 1988
BY SHANN CAR

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER et vir.,
et. al.,

Plaintiffs,

vs.

DONALD LEE BARNETT et ux,
et al.,

Defendants.

NO. 86 2 18176 8

PLAINTIFF'S MOTION
TO JOIN ADDITIONAL
PLAINTIFFS AND AMEND
COMPLAINT

SANDY EHRLICH and MICHAEL EHRLICH,
wife and husband; LARRY LEMKE,
parent; LARRY LEMKE, Guardian ad
Litem on behalf of SYBIL N. LEMKE,
a minor; DEE CHABOT, parent;
Guardian ad Litem on behalf of
SHAWNA MICHELLE CHABOT, MICHAEL
GRANT CHABOT, NICHOLAS STERLING
CHABOT, minors; CATHERINE KITCHELL
and RONALD KITCHELL, wife and husband;
CATHERINE KITCHELL, Guardian ad Litem
on behalf of WENDY KITCHELL, a minor,

Plaintiffs,

vs.

RALPH ALSKOG and ROSEMARY ALSKOG,
husband and wife; ROBERT HOWERTON and
JANE DOE HOWERTON, husband and wife;
DONALD LEE BARNETT and BARBARA
BARNETT, husband and wife; COMMUNITY
CHAPEL AND BIBLE TRAINING CENTER, a
Washington Corporation; "JOHN DOES"
1-4 and "JANE DOES" 1-4, husbands and
wives; FIRST DOE CORPORATION; and
FIRST DOE PARTNERSHIP,

Defendants.

PLAINTIFFS MOTION TO
JOIN ADDITIONAL PLAINTIFFS
AND AMEND COMPLAINT
(ccbtc:ccbtcla/jao)

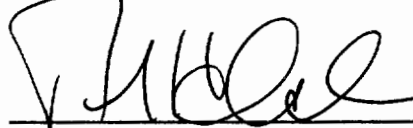
1 COMES NOW the Plaintiffs, by and through their attorney of
2 record, ADLER, GIERSCH AND READ, P.S. and MESSINA DUFFY, and
3 respectfully moves the court for an order permitting the joinder
4 of Plaintiffs, Catherine and Ronald Kitchell, wife and husband
5 and their minor child, Wendy Kitchell, into the above-entitled
6 action.

7 This motion is based upon the files and records herein,
8 Civil Rule 20, the Agreed Order for Pretrial Discovery, the
9 attached Declaration of Counsel and Plaintiff's First Amended
10 Complaint for Personal Injuries and Damages.

11 DATED this 8th day of March, 1988.

12 Respectfully submitted,

13 ADLER, GIERSCH AND READ, P.S.

14 

15 _____
16 Richard H. Adler
17 Attorney for Plaintiffs
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28 PLAINTIFFS MOTION TO
JOIN ADDITIONAL PLAINTIFFS
AND AMEND COMPLAINT
(ccbtc:ccbtcla/jao)

CIVIL TRACK 1
GARY M. LITTLE

FILED
KING COUNTY, WASHINGTON

MAR 08 1988

BY **NOAH COOK**
DEPUTY



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING**

KATHY LEE BUTLER et vir., et al.,
Plaintiffs,
v.
DONALD LEE BARNETT et ux, et al.,
Defendants,
v.
SANDY EHRLICH et al.,
Plaintiffs
v.
RALPH ALSKOG et al.,
Defendants.

NO. 86-2-18176-8

**NOTE FOR MOTION CALENDAR
(Clerk's Action Required)**

TO: THE CLERK OF THE COURT; and to all other parties per list on reverse side:

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the appropriate calendar.

Calendar Date: March 25, 1988 Day of Week Friday

Nature of Motion: Joining Plaintiffs and Amending Complaint

DESIGNATED CALENDAR

- Civil Motion (LR 0.7) (9:30)
 - Summary Judgment (LR 56) (9:30)
 - Supplemental Proceeding (LR 69) (1:30)
 - Presiding Judge (Trial Date Motions Only) (11:15 or 1:30 Daily)
- Time of Hearing: _____

FAMILY LAW MOTION ILR 0.5(b) LR 94.04
(W291)

- Domestic Motion (9:30)
- Sealed File Motion (1:30)
- Support Motion (1:30)
- Modification (1:30)

EX PARTE MOTION ILR 0.9(b) (W623)

The following motions are heard 9:00-12:00 and 1:30-4:15:

- Adoption Time of Hearing: _____
- Dissolution Time of Hearing: _____
- Ex Parte Motion Time of Hearing: _____
- Probate Time of Hearing: _____

- Receivership (LR 66) (2:00)
- Sealed File Motion (9:30)

DEPARTMENTAL HEARINGS ILR 40(b)1

Special Setting Before Judge/Commissioner:
Time of Hearing: 3:00 p.m.

JUDGE GARY LITTLE
Room W864

Typed Name: Richard H. Adler

OF: ADLER, GIERSCH & READ, P.S.

DATED: 3-8-88

Attorney for: Plaintiffs

Telephone: 682-4267

LIST NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ALL PARTIES REQUIRING NOTICE ON REVERSE SIDE.

LAW OFFICES OF
ADLER, GIERSCH AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267

30

List Of Names, Addresses And Telephone Numbers Of All Parties Requiring Notice:

NAME: Jack Rosenow
Rosenow, Hale & Johnson
Address: Suite 301, Tacoma Mall Office Bldg.
Tacoma, Washington 98409

Telephone: 473-0725

Attorney For: Defendants.

NAME: Jeff Campiche
Kargianis & Austin
Address: 47th Floor Columbia Center
Seattle, Washington

Telephone:

Attorney For: Plaintiffs.

NAME: Rod Hollenbeck
34th Floor, Columbia Center
Address: Seattle, Washington

Telephone: 386-5555

Attorney for: Defendants.

NAME: Michael Bond
Attorney at Law
Address: 1325 - 4th Avenue
Seattle, Washington 98101

Telephone: 624-7990

Attorney For: Defendants.

NAME: John Messina
Messina Duffy
Address: 4002 Tacoma Mall Blvd.
Tacoma, Washington 98409

Telephone:

Attorney For: Plaintiffs

CIVIL TRACK 1

CIVIL TRACK 1
JUDGE GARY LITTLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MAR 08 1988
BY COURT CLERK

KATHY LEE BUTLER et vir.,
et. al.,

NO. 86 2 15176 8

Plaintiffs,

PLAINTIFF'S FIRST
AMENDED COMPLAINT FOR
PERSONAL INJURIES AND
DAMAGES

vs.

DONALD LEE BARNETT et ux,
et al.,

Defendants.

SANDY EHRLICH and MICHAEL EHRLICH,
wife and husband; LARRY LEMKE,
parent; LARRY LEMKE, Guardian ad
Litem on behalf of SYBIL N. LEMKE,
a minor; DEE CHABOT, parent;
Guardian ad Litem on behalf of
SHAWNA MICHELLE CHABOT, MICHAEL
GRANT CHABOT, NICHOLAS STERLING
CHABOT, minors; CATHERINE KITCHELL
and RONALD KITCHELL, wife and husband;
CATHERINE KITCHELL, Guardian ad Litem
on behalf of WENDY KITCHELL, a minor,

Plaintiffs,

vs.

RALPH ALSKOG and ROSEMARY ALSKOG,
husband and wife; ROBERT HOWERTON and
JANE DOE HOWERTON, husband and wife;
DONALD LEE BARNETT and BARBARA
BARNETT, husband and wife; COMMUNITY
CHAPEL AND BIBLE TRAINING CENTER, a
Washington Corporation; "JOHN DOES"
1-4 and "JANE DOES" 1-4, husbands and
wives; FIRST DOE CORPORATION; and
FIRST DOE PARTNERSHIP,

Defendants.

PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR PERSONAL
INJURIES & DAMAGES
(c:CCBTC/jao)

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~~51~~
RB

1 COMES NOW the Plaintiffs, by and through their attorneys of
2 record, Richard H. Adler of ADLER, GIERSCH AND READ, P.S., and
3 JOHN MESSINA of MESSINA DUFFY, for cause of action against the
4 Defendants, state and allege as follows:

5 I. PLAINTIFFS

6 1.1 The Plaintiffs Sandy Ehrlich and Michael Ehrlich, are
7 wife and husband, and at all times material hereto Plaintiffs
8 were residents of the County of King, State of Washington.

9 1.2 Plaintiff Larry Lemke, father of Sybil N. Lemke, at all
10 times material hereto was a resident of the County of King, State
11 of Washington.

12 1.3 Plaintiff Sybil N. Lemke is a minor child, fourteen
13 years of age, who resides with her father, Larry Lemke, in the
14 County of King, State of Washington. Larry Lemke has been duly
15 appointed the Guardian ad Litem of Plaintiff, Sybil N. Lemke, for
16 purposes of this litigation. At all times material hereto,
17 Plaintiff Sybil N. Lemke was a resident of the County of King,
18 State of Washington.

19 1.4 Plaintiff, Dee Chabot, mother of Shawna Michelle
20 Chabot, Michael Grant Chabot and Nicholas Sterling Chabot, at all
21 times material hereto was a resident of the County of King, State
22 of Washington.

23 1.5 Plaintiffs, Shawna Michelle Chabot is a minor, eleven
24 years of age; Michael Grant Chabot is a minor, ten years of age;
25 and Nicholas Sterling Chabot is a minor, five years of age;
26 Plaintiffs reside with their mother, Dee Chabot, in the County of
27

28 PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR PERSONAL
INJURIES & DAMAGES
(c:CCBTC/jao)

1 King, State of Washington. Dee Chabot has been duly appointed
2 the Guardian ad Litem of Plaintiff, Shawna Michelle Chabot,
3 Michael Grant Chabot, and Nicholas Sterling Chabot for purposes
4 of this litigation.

5 1.6 Plaintiff, Catherine Kitchell and Ronald Kitchell, are
6 wife and husband, and parents of Wendy Kitchell, and at all times
7 material hereto were residents of the County of King, State of
8 Washington.

9 1.7 Plaintiff, Wendy Kitchell is a minor, 11 years of age,
10 residing with her mother, Catherine Kitchell, and father, Ronald
11 Kitchell, in the County of King, State of Washington.

12 II. DEFENDANTS: RALPH AND ROSEMARY ALSKOG

13 2.1 The Defendants, Ralph Alskog and Rosemary Alskog, are
14 husband and wife, and at all times material hereto were residents
15 of the County of King, State of Washington.

16 2.2 Defendant Ralph Alskog is and at all times material
17 hereto was the Assistant to the Vice President of the Defendant,
18 Community Chapel and Bible Training Center.

19 2.3 Defendant Ralph Alskog is and at all times, material
20 hereto was one of the deacons of the Defendant, Community Chapel
21 and Bible Training Center.

22 2.4 Defendant Ralph Alskog served as a counselor for the
23 Defendant, Community Chapel and Bible Training Center.

24 2.5 All actions described of Defendants Alskog or either of
25 them were performed on behalf of the marital community.
26
27

1 III. DEFENDANTS: ROBERT AND JANE DOE HOWERTON

2 3.1 The Defendants, Robert Howerton and Jane Doe Howerton,
3 are husband and wife, and at all times material hereto were
4 residents of the County of King, State of Washington. Plaintiffs
5 do not know if Defendant Howerton is married, and if married,
6 does not know his spouse's name, but alleges that if he is
7 married, this constitutes a marital community under the laws of
8 the State of Washington. Each of the acts complained of were
9 done for and on behalf of the community as well as for and on
10 behalf of the individuals.

11 3.2 Defendant Robert Howerton is a member of the
12 congregation of the Defendant, Community Chapel and Bible
13 Training Center.

14 3.3 Defendant Robert Howerton has taught Sunday School for
15 the Defendant, Community Chapel and Bible Training Center.

16 3.4 Defendant Robert Howerton has held himself out as a
17 counselor and served as a counselor for the Defendant, Community
18 Chapel and Bible Training Center.

19 IV. DEFENDANTS: DONALD LEE AND BARBARA BARNETT

20 4.1 The Defendants, Donald Lee Barnett and Barbara Barnett,
21 are husband and wife, and at all times material hereto were
22 residents of the County of King, State of Washington.

23 4.2 Defendant Donald Lee Barnett is the head pastor of the
24 Defendant, Community Chapel and Bible Training Center and as such
25 is responsible for the administration and direction of the entire
26 congregation.

27
28 PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR PERSONAL
INJURIES & DAMAGES
(c:CCBTC/jao)

1 4.3 Defendant Donald Lee Barnett is also the president of
2 the Defendant, Community Chapel and Bible Training Center.

3 4.4 Defendant Barbara Barnett, at all times material
4 hereto, served as a counselor for the Community Chapel and Bible
5 Training Center.

6 4.5 All actions described of these defendants or either of
7 them were performed on behalf of the marital community.

8 V. DEFENDANT: COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

9 5.1 Defendant Community Chapel and Bible Training Center is
10 a corporation licensed to do business and doing business in the
11 State of Washington, having its principle place of business at
12 18635 Eighth Avenue South, Seattle, Washington.

13 VI. DEFENDANTS: JOHN AND JANE DOES

14 6.1 John and Jane Does 1-4 are residents of the State of
15 Washington. All actions described of these defendants or either
16 of them were performed on behalf of the marital community.

17 VII. DEFENDANTS: FIRST DOE CORPORATION AND PARTNERSHIP

18 7.1 The Defendants First Doe Corporation and First Doe
19 Partnership are business entities doing business or controlled by
20 the Defendant, Community Chapel and Bible Training Center.
21 Plaintiffs pray leave to amend this complaint for personal
22 injuries and damages and to insert herein their true names when
23 they become known.

24 VIII. JURISDICTION

25 8.1 All acts hereinafter alleged occurred within the County
26 of King, State of Washington, and this court has jurisdiction
27

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1 over the subject matter herein and the parties hereto.

2 IX. AGENTS, AGENCY AND RESPONDENT SUPERIOR

3 9.1 At all times material hereto, the Defendants, Ralph
4 Alskog, Rosemary Alskog, Robert Howerton, Jane Doe Howerton,
5 Donald Lee Barnett, Barbara Barnett, "John Does" 1-4 and "Jane
6 Does" 1-4, were principles, agents, employees and representatives
7 of the Community Chapel and Bible Training Center and all actions
8 complained of herein were performed in the scope of their
9 representation, employment and/or agency for the Defendant,
10 Community Chapel and Bible Training Center.

11 9.2 At all times material hereto, the Defendants, First Doe
12 Corporation and First Doe Partnership, were agents, employees
13 and/or representatives of the Defendant, Community Chapel and
14 Bible Training Center and all actions complained of herein were
15 performed in the course of their representation, employment
16 and/or agency for the Defendant, Community Chapel and Bible
17 Training Center.

18 X. BASIS

19 10.1 Sometime during the year of 1967, the Defendant,
20 Community Chapel and Bible Training Center was organized under
21 the laws of the State of Washington as a corporation, practicing
22 fundamentalist pentecostal beliefs. Beginning in 1984 or 1985,
23 Defendant, Community Chapel and Bible Training Center, by and
24 through its pastor and president, Defendant Donald Lee Barnett,
25 encouraged and/or required members of the congregation to form
26 intimate attachments with members of the opposite sex without
27

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1 regard to the member's spouse as part of the regular services at
2 the Community Chapel and Bible Training Center. Said intimate
3 attachments were called "spiritual connections." "Spiritual
4 connections" involve dancing together, embracing, holding hands,
5 hypnotically gazing into each other's eyes, kissing, and/or
6 sexual contact.

7 10.2 Plaintiffs were members of the Defendant the Community
8 Chapel and Bible Training Center religious organization.

9 10.3 Defendant the Community Chapel and Bible Training
10 Center, by and through its pastor, Defendant Donald Lee Barnett,
11 knew or should have known that these intimate attachments and
12 "spiritual connections" would result in seductions, family
13 disharmony, marital instability, separation and/or dissolution of
14 marriages, sexual involvement and advances of adults with
15 children, loss of consortium, destruction of the parent-child
16 relationship, loss of guidance, support, love and companionship
17 for children.

18 10.4 Defendant, Community Chapel and Bible Training Center,
19 by and through its pastor and president, Defendant Donald Lee
20 Barnett, knew or should have known that is officers, agents,
21 employees, representatives, counselors, and members of the
22 congregation would follow his direction and/or example.

23 XI.

24 11.1 Plaintiffs, Sandy Ehrlich and Michael Ehrlich,
25 regularly attended services at the Defendant, Community Chapel
26 and Bible Training Center for over ten years. As members of the
27

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1 congregation, Plaintiffs attended numerous functions, and were
2 active participants in the congregation. Plaintiff Michael
3 Ehrlich was a Bible school teacher employed by the Defendant,
4 Community Chapel and Bible Training Center. Plaintiff Michael
5 Ehrlich held a position as one of the ministerial elders of the
6 Defendant, Community Chapel and Bible Training Center. The
7 Plaintiffs, Sandy Ehrlich and Michael Ehrlich, tithed a portion
8 of their income to the Defendant, Community Chapel and Bible
9 Training Center. The Plaintiffs' entire life revolved around the
10 activities of the Defendant, Community Chapel and Bible Training
11 Center.

12 11.2 On several occasions, Defendant Ralph Alskog, under the
13 guise of providing ministerial services and counseling as well as
14 serving as Plaintiff Sandy Ehrlich's "spiritual connection,"
15 manipulated, exploited, coerced, influenced and pressured her
16 into having sexual contact with him. Defendant Ralph Alskog
17 professed to be driven by God and represented to Plaintiff Sandy
18 Ehrlich that his conduct was sanctioned by God.

19 11.3 For a period of approximately one year, Defendant Ralph
20 Alskog continued to seek out Plaintiff Sandy Ehrlich, under the
21 guise of being her "spiritual connection," and providing her with
22 ministerial counsel and guidance, continued to sexually assault
23 her, by fondling her private parts, undressing her, kissing her
24 with his tongue, masturbating on her stomach, touching and
25 embracing her against her will.

26 11.4 On numerous occasions Defendant Ralph Alskog, under the
27

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1 guise of providing ministerial services and counseling and
2 serving as the spiritual connection for Sandy Ehrlich, became
3 aware of her vulnerability. As a result of manipulation,
4 exploitation, domination, use of authority and position, and
5 acting under the guise of providing ministerial counseling and
6 servicing as a spiritual connection, Plaintiff Sandy Ehrlich was
7 coerced and pressured and unduly influenced into having a
8 spiritual connection and sexual contact with Defendant Ralph
9 Alskog.

10 11.5 Defendant, Community Chapel and Bible Training Center,
11 by and through its pastor and president, Defendant Donald Lee
12 Barnett, and his wife, Barbara Barnett, knew or should have known
13 that Defendant Ralph Alskog was involved in the assault, sexual
14 contact, seduction and exploitation of Plaintiff Sandy Ehrlich.
15 Defendant, Community Chapel and Bible Training Center, by and
16 through its pastor and president, Defendant Donald Lee Barnett,
17 negligently supervised Defendant Ralph Alskog by not terminating
18 the relationship between Ralph Alskog and Sandy Ehrlich.
19 Defendant, Community Chapel and Bible Training Center, by and
20 through its pastor and president, Donald Lee Barnett, and his
21 wife, Barbara Barnett, knew or should have known that the
22 Defendant Ralph Alskog was causing marital difficulties, family
23 disharmony, marital separation, loss of consortium, between
24 Plaintiffs Sandy Ehrlich and Michael Ehrlich. Defendant,
25 Community Chapel and Bible Training Center, by and through its
26 pastor and president, Defendant Donald Lee Barnett, acted
27

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1 negligently in not supervising Defendant, Ralph Alskog, and in
2 not taking corrective actions, sanctions, preventative measures
3 in ending the relationship between Ralph Alskog and Sandy
4 Ehrlich.

5 11.6 After a period of time, Plaintiffs Sandy Ehrlich and
6 Michael Ehrlich, separately and together, realized that Defendant
7 Ralph Alskog's conduct was not sanctioned by God and was a ruse
8 concocted by Defendants in order to satisfy deviate sexual needs.

9 11.7 On or about May 11, 1986, both Plaintiffs Sandy Ehrlich
10 and Michael Ehrlich were "disfellowshipped" from the Defendant,
11 Community Chapel and Bible Training Center as a consequence of
12 Sandy Ehrlich's refusal to participate in further sexual
13 activities with Defendant Ralph Alskog and/or questioning the
14 "spiritual connection" doctrine and practices of Defendants.

15 11.8 Each and all Defendants have made disparaging and false
16 statements publicly regarding Sandy Ehrlich and Michael Ehrlich
17 to members of the congregation which tended to injure Plaintiffs'
18 reputation in the community.

19 XII.

20 12.1 The minor child, Sybil N. Lemke, was a member of the
21 Defendant Community Chapel and Bible Training Center at all times
22 material hereto.

23 12.2 As a result of problems Sybil N. Lemke was having
24 stemming from the marital difficulties of her parents, she was
25 directed to begin counseling with Defendant Robert Howerton.

26 12.3 Defendant Robert Howerton counseled Sybil Lemke when
27

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1 she was thirteen and fourteen years old and used to be one of her
2 Sunday school teachers at the Defendant, Community Chapel and
3 Bible Training Center. Defendant Robert Howerton requested
4 Plaintiff Sybil Lemke to be his "spiritual connection."

5 12.4 On several occasions, Defendant Robert Howerton, under
6 the guise of providing ministerial services and counseling,
7 touched and/or rubbed Plaintiff Sybil Lemke on her thighs and
8 legs.

9 12.5 Sometime between September and Christmas Day of 1986,
10 Defendant Robert Howerton took Plaintiff Lemke to Redondo Beach
11 in his car. As the sun set, Defendant Howerton moved his car and
12 parked it in the rear of the parking lot. Defendant Robert
13 Howerton told Plaintiff Sybil Lemke that he loved her and pulled
14 her very close to him and started kissing her. Defendant
15 Howerton put one hand around her and started caressing her with
16 his hand. With the other hand Defendant Howerton rubbed
17 Plaintiff Sybil Lemke's thigh. Defendant Robert Howerton was
18 breathing heavily and forcefully kissing Plaintiff Sybil Lemke on
19 her body. Defendant Robert Howerton professed to be driven by
20 God and represented to Plaintiff Sybil Lemke that his conduct was
21 sanctioned by God and was spiritual.

22 12.6 On numerous occasions, Defendant Robert Howerton, under
23 the guise of providing ministerial services and counseling and
24 serving as Plaintiff Sybil Lemke's spiritual connection, became
25 aware of the vulnerability of Plaintiff Sybil Lemke. Defendant
26 Robert Howerton took advantage of her weakness and need for
27

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1 support and manipulated Plaintiff Sybil Lemke.

2 12.7 As a result of manipulation, exploitation, domination,
3 use of authority and position by Defendants, Plaintiff Sybil
4 Lemke was coerced, pressured and unduly influenced into having a
5 spiritual connection and sexual contact with Defendant Robert
6 Howerton.

7 12.8 Defendant, Community Chapel and Bible Training Center,
8 by and through its pastor and president, Defendant Donald Lee
9 Barnett, knew or should have known that Defendant Robert Howerton
10 was involved in the seduction, sexual contact and spiritual
11 connection with Plaintiff Sybil Lemke, a minor. Defendant, the
12 Community Chapel and Bible Training Center, by and through its
13 pastor and president, acted negligently in not supervising
14 Defendant Robert Howerton and in not taking corrective actions,
15 sanctions, preventative measures in ending the relationship
16 between Robert Howerton and Sybil Lemke.

17 12.9 Defendant, Community Chapel and Bible Training Center,
18 by and through its pastor and president, Defendant Donald Lee
19 Barnett, knew or should have known that Defendant Robert Howerton
20 was causing the destruction of Larry and Sybil Lemke's parent-
21 child relationship, as well as Sybil Lemke's loss of guidance,
22 support, love and companionship for her father.

23 12.10 After a period of time, Plaintiff Sybil Lemke and
24 Plaintiff Larry Lemke, individually and together, realized that
25 Defendants' conduct was not sanctioned by God and was a ruse
26 concocted by Defendants in order to satisfy deviate sexual needs.
27

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1 Chabot volunteered her time to Defendant, Community Chapel and
2 Bible Training Center. Plaintiff Chabot's life and her
3 children's lives revolved around the activities of the Defendant,
4 Community Chapel and Bible Training Center.

5 13.3 Plaintiff Chabot's husband, Grant Brian Chabot,
6 has entered into more than one "spiritual connection" with women
7 members of the church congregation. Plaintiff Chabot, on more
8 than one occasion, sought counsel from members of the Defendant,
9 Community Chapel and Bible Training Center, seeking help to
10 restore her marriage, prevent the break-up of her marriage, and,
11 to put an end to the family disharmony caused by "spiritual
12 connections," to end the loss of consortium she was suffering, to
13 prevent and end the destruction of the parent-child
14 relationships, to prevent and end the loss of companionship,
15 love, support and guidance suffered by her children, and to
16 prevent and end the pressures and threats made to her children to
17 enter into "dancing" and/or "spiritual connections" with other
18 children while attending Christian school at Defendant, Community
19 Chapel and Bible Training Center. Plaintiff Chabot was counseled
20 that she had to "release" her husband to other female members of
21 the congregation and allow him to experience "spiritual
22 connections" with said female members of the congregation.
23 Plaintiff Chabot was told by Defendants that her failure to
24 accept the "spiritual connections," the "move of God" and to
25 release her husband meant she was possessed by demons and demonic
26 spirits.

27
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1 13.4 As a result of manipulation, exploitation,
2 domination, use of authority and position by Defendants,
3 Plaintiff Chabot and her children were coerced, pressured and
4 unduly influenced into "dancing" and seeking "spiritual
5 connections."

6 13.5 Defendant, community Chapel and Bible Training
7 Center, by and through its pastor and president, Defendant Donald
8 Lee Barnett, knew or should have known that Plaintiff's husband
9 was involved in spiritual connections and having sexual contact
10 with other spouses of the congregation, causing family
11 disharmony, marital instability and destruction of the parent-
12 child relationships, and loss of companionship, love, guidance
13 and support for the children.

14 13.6 Defendant, the Community Chapel and Bible Training
15 Center, by and through its pastor and president, Defendant Donald
16 Lee Barnett, acted negligently in not intervening and ending
17 Grant Brian Chabot's spiritual connections with other women and
18 attempting to restore the parent-child relationship of guidance,
19 support and love.

20 13.7 Plaintiff Dee Chabot was "disfellowshipped" from
21 the Community Chapel and Bible Training Center, as a consequence
22 of her refusal to participate further in "spiritual connections"
23 doctrines and practices of Defendants.

24 13.8 Defendants have made disparaging and false
25 statements to the public regarding Plaintiff Dee Chabot and her
26 children to members of the congregation which tended to injure
27

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1 Plaintiffs' reputation in the community and further erode the
2 parent-child relationship.

3 XIV.

4 14.1 Catherine Kitchell, Ron Kitchell and her minor
5 children, including, Wendy Kitchell, regularly attended services
6 at the Defendant Community Chapel and Bible Training Center.
7 Catherine Kitchell has attended such services for approximately
8 18 years. Ronald Kitchell has attended such services for
9 approximately 17 years. Plaintiffs Kitchell were active members
10 of the congregation and attended numerous church functions.
11 Plaintiffs Kitchell attended the Bible College on a part-time
12 basis. Plaintiff, Wendy Kitchell, minor, attended school at
13 Defendant, Community Chapel and Bible Training Center.
14 Plaintiffs' Kitchell tithed a portion of their income to
15 Defendant, Community Chapel and Bible Training Center, to help
16 sustain it. Plaintiffs' Kitchell volunteered their time to
17 Defendant, Community Chapel and Bible Training Center. The lives
18 of Plaintiffs Kitchell, revolved around the activities of
19 Defendant, Community Chapel and Bible Training Center and
20 association with its members.

21 14.2 Plaintiff Catherine Kitchell entered into
22 "spiritual connection" with male members of the church
23 congregation. Plaintiff Ronald Kitchell, on more than one
24 occasion, sought counsel from members and agents of the
25 Defendant, Community Chapel and Bible Training Center, seeking
26 help to restore his marriage, prevent the break-up of his
27

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1 marriage, to put an end to the family disharmony caused by
2 "spiritual connections," to end the loss of consortium he was
3 suffering, to prevent and end the destruction of the parent-child
4 relationships, to prevent and end the loss of companionship,
5 love, support and guidance suffered by their children, and to
6 prevent and end the pressures and threats made to him regarding
7 acceptance of the "spiritual connections".

8 14.3 Ronald Kitchell was counseled that he had to
9 "release his wife to other male members of the congregation and
10 allow her to experience "spiritual connections" with said male
11 members of the congregation. Plaintiff Ronald Kitchell was told
12 by agents of Defendant Community Chapel and Bible Training Center
13 that his failure to accept the "spiritual connections," the "Move
14 of God" and "release" his wife meant he was possessed by demons
15 and demonic spirits.

16 14.4 As a result of manipulation, exploitation,
17 domination, negligent counseling, use of authority and position
18 by agents of Defendant Community Chapel and Bible Training
19 Center, Catherine Kitchell was coerced, pressured and unduly
20 influenced into "dancing" and seeking "spiritual connections."

21 14.5 As a result of the continued pressures by
22 Defendant, Community Chapel and Bible Training Center, on
23 Catherine Kitchell to maintain her "spiritual connections" and on
24 Ronald Kitchell to "release" his wife to pursue her "spiritual
25 connections," Ron Kitchell attempted suicide by pulling out a gun
26 and threatening to kill himself. This was seen by Catherine
27

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1 Kitchell and Wendy Kitchell, a minor.

2 14.5 Defendant, Community Chapel and Bible Training
3 Center, by and through its pastor and president, Defendant Donald
4 Lee Barnett, knew or should have known that Plaintiff Catherine
5 Kitchell was involved in spiritual connections and having
6 intimate contact with other spouses of the congregation, causing
7 family disharmony, attempted suicide, marital instability and
8 destruction of the parent-child relationships, and loss of
9 companionship, love, guidance and support for the child.

10 14.6 Defendant, the Community Chapel and Bible Training
11 Center, by and through its pastor and present, Defendant Donald
12 Lee Barnett, acted negligently in not intervening and ending
13 Catherine Kitchell's spiritual connections with other men and
14 attempting to restore the parent-child relationship of guidance,
15 support and love.

16 14.7 Plaintiffs' Kitchell were "disfellowshipped" from
17 the Community Chapel and Bible Training Center as a consequence
18 of their refusal to participate further in "spiritual
19 connections" and/or challenging the "spiritual connections"
20 doctrines and practices of Defendants.

21 14.8 Defendants have made disparaging and false
22 statements to the public regarding Plaintiffs Kitchell to
23 members of the congregation which tended to injure Plaintiffs'
24 reputation in the community and further erode the parent-child
25 relationship.

26 XV. DAMAGES

27
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1 15.1 Plaintiffs incorporate by reference as if set
2 forth in full each and every allegation as set forth in
3 paragraphs I through XV.

4 15.2 As a direct and proximate result of the
5 intentional, reckless, and/or negligent wrongful acts and
6 omissions of the Defendants, and each of them, Plaintiffs have
7 suffered serious and painful injuries to their person, as well as
8 psychological and mental pain and suffering. By reason of the
9 foregoing, Plaintiffs sustained general damages according to
10 proof.

11 15.3 As a direct and proximate result of the
12 intentional, reckless, and/or negligent wrongful acts and
13 omissions of the Defendants, and each of them, Plaintiffs were
14 required to and did incur reasonable and necessary expenses in
15 connection with the treatment of said personal injuries. By
16 reason of the foregoing, Plaintiffs sustained special damages
17 according to proof.

18 15.4 As a direct and proximate result of the
19 intentional, reckless, and/or negligent wrongful acts and
20 omissions of the Defendants, and each of them, Plaintiffs will be
21 required to and incur in the future reasonable and necessary
22 expenses in connection with the treatment of said personal
23 injuries. By reason of the foregoing, Plaintiffs will sustain
24 additional special damages according to proof.

25 15.5 As a direct and proximate result of the
26 intentional, reckless, and/or negligent wrongful acts and
27

1 omissions of the Defendants, and each of them, Plaintiffs have
2 suffered a loss of earnings to date in an amount which is
3 presently unknown but which will be proven at the time of trial.

4 15.6 As a direct and proximate result of the
5 intentional, reckless, and/or negligent wrongful acts and
6 omissions of the Defendants, and each of the, Plaintiffs are
7 entitled to actual damages, damages for continuing pain and
8 suffering, and attorney fees and costs under the laws of the
9 United States of American and the State of Washington.

10 XVI. CAUSE OF ACTION: OUTRAGE

11 16.1 Plaintiffs hereby incorporate by reference each
12 and every allegation as set forth in paragraphs I through XV.

13 16.2 The conduct of each of the above-named Defendants
14 was so extreme and outrageous and go beyond all bounds of
15 decency.

16 16.3 The conduct of each of the above-named Defendants
17 was so extreme and outrageous that it caused the Plaintiffs to
18 suffer severe emotional distress.

19 16.4 The conduct of Defendants was perpetrated so as to
20 intentionally inflict severe emotional distress upon Plaintiffs,
21 with knowledge that such distress was certain or substantially
22 certain to result from such outrageous conduct.

23 16.5 Defendants' conduct was perpetrated with reckless
24 and deliberate disregard of a high degree of probability that
25 severe emotional distress would result to Plaintiffs.

26 16.6 The conduct of Defendants was deliberate, willful,
27

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1 malicious, and calculated to inflict severe emotional distress on
2 Plaintiffs.

3 16.7 As a direct and proximate result of Defendants'
4 outrageous conduct, Plaintiff suffered severe emotional distress,
5 were greatly humiliated, shamed, embarrassed, defamed, and
6 endured great pain and suffering.

7 XVII. SECOND CAUSE OF ACTION: COUNSELOR MALPRACTICE

8 17.1 Plaintiffs incorporate by reference each and every
9 allegation as set forth in paragraphs I through XVI.

10 17.2 Defendant, Community Chapel and Bible Training
11 Center, by and through its pastor and president, Defendant Donald
12 Lee Barnett, and other Defendants, did not exercise the degree of
13 care, skill, diligence and knowledge commonly possessed and
14 exercised by a reasonable, careful and prudent counselor in this
15 jurisdiction by manipulating Plaintiffs into having a spiritual
16 connection and/or sexual contact with Defendants. Defendant, the
17 Community Chapel and Bible Training Center, by and through its
18 pastor and president, Defendant Donald Lee Barnett, and other
19 Defendants, acted intentionally, recklessly, and/or negligently
20 in its conduct and/or omissions and this constituted the tort of
21 counselor malpractice.

22 17.3 Defendant Ralph Alskog did not exercise the degree
23 of care, skill, diligence and knowledge commonly possessed and
24 exercised by a reasonable, careful and prudent counselor in this
25 jurisdiction by manipulating Plaintiff Sandy Ehrlich into having
26 a "spiritual connection" and/or sexual contact. Defendant Ralph
27

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1 Alskog acted intentionally, recklessly, and/or negligently in his
2 acts and/or omissions and this constituted the tort of counselor
3 malpractice.

4 17.4 Defendant Robert Howerton did not exercise the
5 degree of care, skill, diligence and knowledge commonly possessed
6 and exercised by a reasonable, careful and prudent counselor in
7 this jurisdiction by manipulating a minor, Plaintiff Sybil Lemke,
8 into a "spiritual connection" and/or sexual contact. Defendant
9 Robert Howerton did intentionally, recklessly, and/or negligently
10 commit acts and/or omissions which constituted the tort of
11 counselor malpractice.

12 17.5 Defendants, the Community Chapel and Bible
13 Training Center, and its agents, by and through its pastor and
14 president, Defendant Donald Lee Barnett, along with all other
15 Defendants, did not exercise the degree of care, skill, diligence
16 and knowledge commonly possessed and exercised by a reasonable,
17 careful and prudent counselor in this jurisdiction by telling
18 Plaintiffs, Michael Ehrlich, Dee Chabot, and Ronald Kitchell that
19 they should "release" their spouse to other member(s) of the
20 congregation; by telling Plaintiffs Michael Ehrlich, Dee Chabot,
21 and Ronald Kitchell that their failure to "release" their spouse
22 to spiritual connections with other members of the congregation
23 meant they were possessed by demonic spirits, and by failing to
24 intervene and help restore marital harmony, parent-child
25 relationships and the loss of love, guidance, and companionship.
26 These Defendants did intentionally, recklessly, and/or
27

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1 negligently commit acts and/or omissions which constituted the
2 tort of counselor malpractice.

3 17.6 As a direct and proximate result of Defendant's
4 malpractice, each Plaintiff has sustained severe pain and
5 suffering.

6 XVIII. THIRD CAUSE OF ACTION: NEGLIGENT COUNSELING

7 18.1 Plaintiff incorporates by reference each and every
8 allegation as set forth in paragraphs I through XVII.

9 18.2 Defendants held themselves out to Plaintiffs as
10 being capable of performing family counseling, marital counseling
11 and spiritual counseling, which requires the skill of a person
12 competent to counsel the Plaintiffs in their respective needs.

13 18.3 Defendants were negligent in counseling Plaintiffs
14 in that Defendants failed to exercise or possess that degree of
15 skill, care, and learning ordinarily exercised or possessed by
16 the average qualified counselor, taking into account the existing
17 state of knowledge and practice in the field of clergy, marital
18 counseling, and other counseling professions. Defendants
19 negligently violated the duty of care as a counselor by either
20 having sexual contact with Plaintiffs or entering into "spiritual
21 connections" with Plaintiffs or failing to assist Plaintiffs in
22 restoring marital harmony, family harmony, preventing loss of
23 consortium between spouses, putting an end to the destruction of
24 the parent-child relationship and ending the loss of guidance,
25 love, support and companionship suffered by minor-Plaintiffs.

26 18.4 As a direct and proximate result of Defendants'
27

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1 negligent counseling, each Plaintiff sustained severe pain and
2 suffering.

3 XIX. FOURTH CAUSE OF ACTION:

4 PASTORAL AND MINISTERIAL MALPRACTICE

5 19.1 Plaintiffs incorporate by reference each and every
6 allegation as set forth in paragraphs I through XVIII.

7 19.2 Defendant, Community Chapel and Bible Training
8 Center, and its agents by and through its pastor and president,
9 Defendant Donald Lee Barnett, intentionally, recklessly, and/or
10 negligently failed to exercise that degree of care, skill,
11 diligence and knowledge commonly possessed and exercised by a
12 reasonable, careful and prudent pastor/minister in this
13 jurisdiction. This intentional, reckless, negligent act and/or
14 omission constitutes the tort of pastoral/ministerial
15 malpractice.

16 19.3 Defendants intentionally, recklessly, and/or
17 negligently failed to exercise that degree of care, skill,
18 diligence and knowledge commonly possessed and exercised by a
19 reasonable, careful and prudent minister in this jurisdiction.
20 This intentional, reckless, negligent act and/or omission
21 constitutes the tort of pastoral/ministerial malpractice.

22 19.4 As a direct and proximate result of Defendants'
23 negligent counseling, each Plaintiff sustained severe pain and
24 suffering.

25 XX. FIFTH CAUSE OF ACTION: SEXUAL ASSAULT AND BATTERY

26 20.1 Plaintiff Sandy Ehrlich incorporates by reference
27

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1 each and every allegation as set forth in paragraphs I through
2 XIX. The offensive sexual contact and touching by Defendant,
3 Ralph Alskog, against the will and body of Plaintiff, Sandy
4 Ehrlich, resulted in personal injuries to her and constitutes the
5 torts of assault, battery and false imprisonment.

6 20.2 Plaintiff, Sybil Lemke, incorporates by reference
7 each and every allegation as set forth in paragraphs I through
8 XIX. The offensive sexual contact and touching by Defendant,
9 Robert Howerton, against the will and body of Plaintiff, Sybil
10 Lemke, resulted in personal injuries to her and constituted the
11 torts of assault, battery and false imprisonment.

12 XXI. SIXTH CAUSE OF ACTION: DEFAMATION

13 21.1 Plaintiffs incorporate by reference each and every
14 allegation set forth in paragraphs I through XX.

15 21.2 As a direct and proximate result of acts and/or
16 omissions of Defendants in making disparaging and false
17 statements publicly regarding respective Plaintiffs, each and
18 every Plaintiffs' reputation was damaged and constitutes the tort
19 of defamation.

20 XXII. SEVENTH CAUSE OF ACTION: LOSS OF CONSORTIUM

21 22.1 Plaintiffs Sandy and Michael Ehrlich and
22 Plaintiffs, Catherine and Ronald Kitchell, incorporate by
23 reference each and every allegation as set forth in paragraphs I
24 through XXI.

25 22.2 As a direct and proximate result of the acts
26 and/or omissions of Defendants, Plaintiffs Michael Ehrlich and
27

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1 Ronald Kitchell have suffered a loss of consortium, including
2 without limitation thereto, the loss of love, affections, care,
3 services, companionship and society of their wife, Sandy Ehrlich
4 and Catherine Kitchell, respectively.

5 22.3 As a direct and proximate result of the acts
6 and/or omissions of Defendants, Plaintiffs Sandy Ehrlich and
7 Catherine Kitchell, have suffered a loss of consortium, including
8 without limitation thereto, the loss of love, affections, care,
9 services, companionship and society of their husband, Michael
10 Ehrlich and Ronald Kitchell, respectively.

11 XXIII. EIGHTH CAUSE OF ACTION:

12 DESTRUCTION OF PARENT-CHILD RELATIONSHIP

13 23.1 Plaintiffs Larry Lemke, Dee Chabot, Catherine and
14 Ronald Kitchell, incorporate by reference each and every
15 allegation as set forth in paragraphs I through XXII.

16 23.2 As a direct and proximate result of the acts
17 and/or omissions of Defendants, Plaintiffs, Larry Lemke, Dee
18 Chabot, and Catherine and Ronald Kitchell, suffered the loss of
19 love and companionship and injury to and destruction of the
20 parent-child relationship.

21 XXIV. NINTH CAUSE OF ACTION:

22 CHILDREN'S LOSS OF CONSORTIUM

23 24.1 Plaintiffs Sybil Lemke, Shawna Michelle Cabot,
24 Michael Grant Chabot, Nicholas Sterling Chabot, and Wendy
25 Kitchell, minors, incorporate by reference each and every
26 allegation contained in paragraphs I through XXIII.

27
28 PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR PERSONAL
INJURIES & DAMAGES
(c:CCBTC/jao)

1 24.2 As a direct and proximate result of the acts
2 and/or omissions of Defendants, Plaintiffs Sybil Lemke, Shawna
3 Michelle Chabot, Michael Grant Chabot, Nicholas Sterling Chabot,
4 and Wendy Kitchell, minors, suffered the loss of love, care,
5 companionship, and guidance of their respective Plaintiff-parent.

6 XXV. TENTH CAUSE OF ACTION: WRONGFUL DISFELLOWSHIP

7 25.1 Plaintiffs incorporate by reference each and every
8 allegation contained in paragraphs I through XXIV.

9 25.2 Defendant, Community Chapel and Bible Training
10 Center, by and through its pastor and president, Donald Lee
11 Barnett, had knowledge of Defendant's conduct towards Plaintiffs
12 and failed to take corrective actions, sanctions, preventative
13 measures, or in any way to prevent Plaintiffs from being
14 disfellowshipped.

15 25.3 Plaintiffs' questioning and/or challenging the
16 "spiritual connections" doctrine and practices of Defendant,
17 Community Chapel and Bible Training Center, by and through its
18 pastor and president, Defendant Donald Lee Barnett, led to their
19 disfellowshippment from Defendant, Community Chapel and Bible
20 Training Center.

21 25.4 As a direct and proximate result of being
22 "disfellowshipped" from Defendant, Community Chapel and Bible
23 Training Center, Plaintiffs were ostracized from their peers,
24 barred from attending church services, members of the
25 congregation were directed not to have further contact with
26 respective Plaintiffs, and endured severe pain and suffering.

27
28 PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR PERSONAL
INJURIES & DAMAGES
(c:CCBTC/jao)

1 25.5 As a further direct and proximate result of
2 Plaintiff's wrongful disfellowshipment, each of the Plaintiffs
3 have been shunned by members of the Community Chapel and Bible
4 Training Center, lost their jobs, have been greatly humiliated,
5 lost their friends, shamed, embarrassed and/or endured great
6 suffering.

7 XXVI. ELEVENTH CAUSE OF ACTION: SEDUCTION OF CHILD

8 26.1 Plaintiffs, Larry Lemke and Sybil Lemke, minor,
9 incorporate by reference each and every allegation contained in
10 paragraphs I through XXV.

11 26.2 As a direct and proximate result of the offensive
12 sexual contact and touching by Defendant, Robert Howerton,
13 against the will and body of Plaintiff, Sybil Lemke, minor, she
14 suffered personal injuries and this constitutes the tort of
15 seduction of a child.

16 WHEREFORE each and every Plaintiff and together pray for
17 judgment against the Defendants as follows:

- 18 1. For general damages already incurred and
19 future general damages in an amount unknown
20 but which will be proved at the time of
21 trial;
- 22 2. For medical expenses incurred and for future
23 medical expenses and other costs, in an
24 amount unknown which will be proved at the
25 time of trial.

- 1 3. For loss of wages and earnings which will be
2 proved at the time of trial;
3 4. For costs and disbursements;
4 5. For prejudgment interest;
5 6. For reasonable attorney fees;
6 7. For injunctive relief;
7 8. For such other relief as this court may deem
8 just and proper in this cause.

9 WHEREFORE Plaintiffs, Michael and Sandy Ehrlich, and
10 Plaintiffs Ronald and Catherine Kitchell, further pray for
11 judgment against Defendants as follows:

- 12 10. For loss of consortium;


13 WHEREFORE Plaintiffs, Larry Lemke, Dee Chabot and Ronald and
14 Catherine Kitchell, further pray for judgment against the
15 Defendants as follows:

- 16 11. For loss of parent-child relationship;

17 WHEREFORE Plaintiffs Sybil Lemke, Shawna Michelle Chabot,
18 Michael Grant Chabot, Nicholas Sterling Chabot, and Wendy
19 Kitchell, minors, further pray for judgment against the
20 Defendants as follows:

- 21 12. For loss of parental consortium, love,
22 support, guidance and companionship.

23 DATED THIS 8th day of March, 1988.

24 ADLER, GIERSCH AND READ, P.S.
25 

26 Richard H. Adler
27 Attorney for Plaintiffs

28 PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR PERSONAL
INJURIES & DAMAGES
(c:CCBTC/jao)

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CIVIL TRACK 1

CIVIL TRACK 1
JUDGE GARY LITTLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

FILED
KING COUNTY, WASHINGTON

MAR 08 1988

NO. 86-2-18176-8
SUPERIOR COURT CLERK
BY ROBIN COOK
DECLARATION AND
MEMORANDUM IN SUPPORT
OF MOTION TO JOIN
PLAINTIFFS

KATHY LEE BUTLER et vir.,
et. al.,

Plaintiffs,

vs.

DONALD LEE BARNETT et ux,
et al.,

Defendants.

SANDY EHRLICH and MICHAEL EHRLICH,
wife and husband; LARRY LEMKE,
parent; LARRY LEMKE, Guardian ad
Litem on behalf of SYBIL N. LEMKE,
a minor; DEE CHABOT, parent;
Guardian ad Litem on behalf of
SHAWNA MICHELLE CHABOT, MICHAEL
GRANT CHABOT, NICHOLAS STERLING
CHABOT, minors; CATHERINE KITCHELL
and RONALD KITCHELL, wife and husband;
CATHERINE KITCHELL, Guardian ad Litem
on behalf of WENDY KITCHELL, a minor,

Plaintiffs,

vs.

RALPH ALSKOG and ROSEMARY ALSKOG,
husband and wife; ROBERT HOWERTON and
JANE DOE HOWERTON, husband and wife;
DONALD LEE BARNETT and BARBARA
BARNETT, husband and wife; COMMUNITY
CHAPEL AND BIBLE TRAINING CENTER, a
Washington Corporation; "JOHN DOES"
1-4 and "JANE DOES" 1-4, husbands and
wives; FIRST DOE CORPORATION; and
FIRST DOE PARTNERSHIP,

Defendants.

DECLARATION AND MEMORANDUM
IN SUPPORT OF MOTION TO
JOIN PLAINTIFFS
(c:ccbtclb/jao)

ke

1 RICHARD H. ADLER declares and says:

2 I am the counsel of record for Plaintiffs.

3 I am seeking an order joining Catherine and Ronald Kitchell,
4 wife and husband, and their minor child, Wendy Kitchell, as
5 additional Plaintiffs to the above-entitled action.

6 All counsel contemplated the issue of adding parties to this
7 cause. In fact, an Agreed Order for Pretrial Discovery was
8 entered with this court on February 16, 1988, and provided a cut
9 off date of March 8, 1988 for "joinder of additional parties."

10 Civil Rule 20(a) provides:

11 All persons may join in one action as Plaintiffs if
12 they assert any right to relief jointly, severally, or
13 in the alternative in respect of or arising out of the
14 same transaction occurrence, or series of transactions
or occurrences and if any question of law or fact
common to all of these persons will arise in the
action.

15 Plaintiffs, Catherine and Ronald Kitchell and their child,
16 Wendy Kitchell, seek permission to join as Plaintiffs because
17 they have endured enormous emotional pain and suffering caused by
18 the actions of Defendants Community Chapel and Bible Training
19 Center and its pastor and president, Donald Lee Barnett.

20 The basis of the Kitchells' lawsuit mirrors that of
21 Plaintiffs Michael and Sandra Ehrlich, Larry Lemke, Sybil Lemke,
22 minor, Dee Chabot and her three children, Shawna, Michael and
23 Nicholas Chabot, i.e., all claims involve Pastor Donald Barnett
24 and agents of the Community Chapel and Bible Training Center who
25 have encouraged members of its congregation to form intimate
26 attachment with members of the opposite sex as part of regular
27

28 DECLARATION AND MEMORANDUM
IN SUPPORT OF MOTION TO
JOIN PLAINTIFFS
(c:ccbtclb/jao)

-2-

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1 ervices at the Defendant church. These intimate attachments are
2 encouraged with persons other than the spouse of the members.
3 These intimate attachments have been dubbed a revelation known as
4 "spiritual connections."

5 These "spiritual connections" have led to Plaintiffs claim
6 of family disharmony, marital instability, dissolution of
7 marriages, sexual involvement, attempted suicides, loss of
8 consortium, destruction of the parent-child relationship, loss of
9 guidance, support, love and companionship for children.

10 Joining Plaintiffs-Kitchells to this lawsuit will avoid
11 unnecessary duplication of lay and expert testimony. Also,
12 joinder of Plaintiffs will save the Court time and money i.e., so
13 that similar questions of law and fact arising from a series of
14 occurrences surrounding the Community Chapel and Bible Training
15 Center and directly affecting each Plaintiff can be tried
16 together.

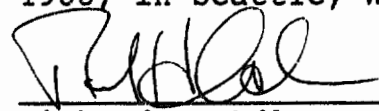
17 There is no prejudice to the Defendants because (1) a
18 structured discovery timetable has been set; (2) the new
19 Plaintiffs can comply with all Defendant requests without
20 modifying said discovery timetable; (3) no new Defendants are
21 named; (4) The allegations by the new Plaintiffs involve similar
22 questions of law and fact of the other named Plaintiffs.

23 I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE
24 STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE
25 BEST OF MY KNOWLEDGE AND ABILITY.
26
27

28 DECLARATION AND MEMORANDUM
IN SUPPORT OF MOTION TO
JOIN PLAINTIFFS
(c:ccbtclb/jao)

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DATED this 8th day of March, 1988, in Seattle, Washington.



Richard H. Adler

DECLARATION AND MEMORANDUM
IN SUPPORT OF MOTION TO
JOIN PLAINTIFFS
(c:ccbtclb/jao)

CERTIFICATE

On this day delivered a true and accurate copy of the document to which this certificate is affixed to LEGAL MESSENGERS, INC. for delivery to the attorneys of record of plaintiff/defendant.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 16th day of March, 1988 at Tacoma, Washington.

Maureen Lorenne

CIVIL TRACK 1

CIVIL TRACK I
HONORABLE GARY M. LITTLE

FILED
COUNTY WASHINGTON

MAR 16 1988

SUPERIOR COURT CLERK
BY RUBIN COOK
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et vir., et al.,)

Plaintiffs,)

vs.)

DONALD LEE BARNETT, et ux., et al.,)

Defendants.)

NO. 86-2-18176-8
(Consolidated)

DEFENDANTS ALSKOG'S REPLY
BRIEF IN SUPPORT OF MOTION
TO SEVER

SANDY EHRLICH, et vir., et al.,)

Plaintiffs,)

vs.)

RALPH ALSKOG, et ux., et al.,)

Defendants.)

COME NOW the Defendants, RALPH and ROSEMARY ALSKOG, by and through their attorneys of record, and submit the following Reply Brief in support of their Motion to Sever.

I. ARGUMENT

Cases cited by Plaintiffs in support of joinder of the actions in this case state that joinder is appropriate to avoid multiplicity of suits in litigation between the same parties arising out of the same transaction. (Emphasis added). See, e.g., Longenecker v. Brommer, 59 Wn.2d 552, 564, 368 P.2d 900

Defendants' Reply Brief -1-
mat(MWS:20, A.1/.5)

ORIGINAL

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LAWYERS
SUITE 301 TACOMA MALL OFFICE BUILDING
TACOMA, WASHINGTON 98409
(206) 473-0725

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1 (1962); Labor & Industries v. Kennewick, 31 Wn. App. 777, 781, 644
2 P.2d 1196 (1982). This is not the situation here. The present
3 lawsuit involves neither the same parties nor the same transaction.
4 Only one Plaintiff and her husband have sued Defendants ALSKOG in
5 this multiple claim lawsuit. Further, the allegations against
6 Defendants ALSKOG do not arise out of the same transaction or
7 occurrence as the claims against any of the other Defendants. It
8 is apparent from the Complaint filed in the Ehrlich v. Alskog case
9 that all the allegations against the Defendants involve entirely
10 separate occurrences, each consisting of its own unique facts.

11 According to the longstanding case law of Williams v.
12 Maslan, 92 Wn. 616, 620-21 (1937), even if joinder would avoid
13 multiplicity of actions, joinder is not proper where the plaintiffs
14 are attempting to try wholly independent actions. As explained by
15 the court in Williams, supra, similarity between claims is insuf-
16 ficient for joinder; joinder is proper only where the alleged right
17 to recover arises from the same set of facts.

18 The alleged right to recover against Defendants ALSKOG
19 does not arise from the same set of facts as those facts set forth
20 in the claims against the other Defendants. The facts alleged do
21 not describe events that could be considered arising from a single
22 event or set of circumstances. Rather, the Complaint describes
23 alleged events that occurred between different Defendants and dif-
24 ferent Plaintiffs, at different times, and under different
25 circumstances.

26 Defendants' Reply Brief -2-
mat(MWS:20, A.1/.5)

1 Plaintiffs cite Mangham v. Gold Seal Chinchillas, Inc., 69
2 Wn.2d 37, 416 P.2d 680 (1966) for the position that the actions
3 should be joined. That case, however, is not on point. Mangham,
4 supra, was a case involving fraud in the sale of chinchillas. The
5 facts in each case were essentially the same. All the sales were
6 made by salesmen who used the same brochure and sales presentation
7 in each case to obtain the sales. The alleged representations and
8 warranties regarding the chinchillas were the same, and the same
9 contract was signed in each case.

10 In sharp contrast, in the present case the alleged inci-
11 dences are vastly different. The Complaint clearly illustrates
12 that the different claims involve alleged incidences that differ
13 greatly from each other. A review of the facts set forth in the
14 Complaint confirms the conclusion that the factual issues unique to
15 each claim strongly predominate over any facts alleged by
16 Plaintiffs to be in common.

17 Plaintiffs argue that there will be similar witnesses and,
18 therefore, judicial economy would be served by consolidation.
19 Judicial economy, however, does not justify substantive prejudice
20 to the Defendants. For instance, in the vast asbestos litigation,
21 the experts and fact witnesses on each side are frequently the same
22 in case after case, but the medical evidence as to the nature and
23 cause of each plaintiff's medical problem is necessarily always
24 unique. For this reason, the cases are universally tried separa-
25 tely for each plaintiff. Here, the same result should occur for

26 Defendants' Reply Brief -3-
mat(MWS:20, A.1/.5)

1 even better reasons. Not only would each witness's testimony as to
2 the nature and cause of each Plaintiff's alleged injury be dif-
3 ferent in each case but, unlike the asbestos litigation, the testi-
4 mony and evidence as to alleged liability will also be different.
5 Furthermore, very little judicial economy will be realized by con-
6 solidation here. While the Plaintiffs may consult the same experts
7 on the cases, they will not be giving repetitious testimony in the
8 cases, but very different testimony based upon different facts,
9 unique to each claim. Thus, if the case against Defendants ALSKOG
10 is separated, the testimony of the witnesses should be considerably
11 shorter. Separate trials would be much less confusing to the jury
12 and would not be contaminated by prejudicial evidence regarding
13 separate incidences. It would be most appropriate, therefore, for
14 the Court to sever the cases under CR 20(b), CR 21, and CR 42(b) to
15 avoid substantial prejudice to Defendants ALSKOG.

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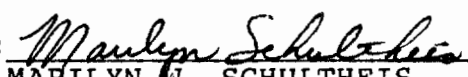
II. CONCLUSION

The claim against Defendants ALSKOG should be severed from this action because the cases involve separate and distinct incidences, and because any effort to try them together would result in substantial prejudice to said Defendants.

DATED this 14th day of March, 1988.

ROSENOW, HALE & JOHNSON

By: 
JACK G. ROSENOW

By: 
MARILYN W. SCHULTHEIS

Of Attorneys for Defendants, ALSKOG

CIVIL TRACK 1

CIVIL TRACK 1
JUDGE GARY LITTLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

FILED
KING COUNTY
MAR 2 1985
BY [unclear]

KATHY LEE BUTLER, et vir., et al.,)

Plaintiffs,)

v.)

DONALD LEE BARNETT, et ux.,)

et al.,)

Defendants.)

No. 86-2-18176-8
(Consolidated)

DEFENDANT BARNETTS' RESPONSE
BRIEF IN SUPPORT OF DEFENDANT
ALSKOGS' MOTION FOR SEPARATE
TRIAL AND IN OPPOSITION TO
PLAINTIFFS MOTION FOR JOINDER

SANDY EHRLICH, et vir., et al.,)

Plaintiffs,)

v.)

RALPH ALSKOG, et ux., et al.,)

Defendants.)

COMES NOW DEFENDANTS', Don and Barbara Barnett, through their undersigned counsel to join and in support of defendants Alskogs' motion for separate trial and submit the following memorandum of points and authorities.

I. FACT AND PROCEDURE

The above entitled cause of action consists of various claims made by each of the plaintiffs against different defendants. Plaintiffs Ehrlich have made claims for the alleged sexual relationship between Sandy Ehrlich and defendant, Ralph Alskog. Plaintiffs Lemke have made claims for the alleged activity of defendant, Robert Howerton. Plaintiff Reynolds has

BARNETTS' RESPONSE BRIEF
AND BRIEF IN OPPOSITION : 1

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Evans, Craven & Luckie
[Signature]

1 made claims for the alleged sexual relationship between Kathryn
2 Reynolds and defendant, Scott Hartley. Plaintiffs Chabot have
3 made claims based upon the breakup of the marriage between Dee
4 Chabot and Michael Chabot. Plaintiffs Butler have made claims
5 based upon the alleged activity of Don Barnett, Brown and Hall.

6 In addition, plaintiffs have alleged causes of action
7 against Community Chapel and Bible Training Center, and Don and
8 Barbara Barnett claiming that spiritual teachings and practices
9 led to the aforementioned claims.

10 Plaintiffs have now moved this court to allow them to amend
11 to add additional plaintiffs. Catherine and Ron Kitchell and
12 their children wish to join adding claims based upon marital
13 disharmony.

14 Defendants Barnett now join defendant Alskog's request for a
15 separate trial and oppose plaintiffs motion to add plaintiffs on
16 the basis that a joinder and consolidated trial would prejudice
17 defendant Barnetts' ability to effectively defend against each
18 independent claim.

19 II. LAW AND ARGUMENT

20 A. Separate Trials

21 Separate trials are proper to prevent delay or prejudice.
22 CR 20 (b). "The right to order separate trials is a matter of
23 discretion vested in the trial court by the rules." Maki v.
24 Aluminum Bldg. Products, 73 Wn. 2d 23, 25, 436 P.2d 186 (1968).

25 Claims have been made against defendants Barnett based upon
26 the spiritual teachings of Don Barnett and upon their alleged
27 responsibility for the acts of the various defendants. Each of
28 the alleged claims arise out of separate occurrences. Plaintiffs
29 have urged this court that the claims based upon the spiritual
30 teachings of Don Barnett link the other alleged claims. At best,

31 BARNETTS' RESPONSE BRIEF
32 AND BRIEF IN OPPOSITION : 2

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SEATTLE, WASHINGTON 98104

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1 this indicates similarity. It does not lead to the conclusion
2 that the occurrences were the same. Williams v. Maslan, 192 Wn
3 616, 74 P.2d 217 (1937).

4 Defendants Barnett have defenses arising from the religious
5 teachings claims which are similar. However, the Barnetts must
6 also defend upon claims that they are vicariously responsible for
7 each of the independent occurrences. Each of these defenses is
8 separate and specific to the claims against each other defendant.
9 Separate trials are necessary to allow defendants Barnett an
10 opportunity to fairly present each of these defenses.

11 A consolidated trial subjects the Barnetts to self-apparent
12 prejudice. The Barnetts have a right to defend each claim
13 against the other defendants as well as the claims against them.
14 The multiplicity of claims would complicate the presentation of
15 the Barnetts' defense before a jury. There is a risk that
16 independent defenses against each isolated occurrence would be
17 disregarded.

18 **B. JOINDER**

19 Joinder is proper only if the parties wishing to join assert
20 claims arising out of the same transaction, occurrence, or series
21 of transactions or occurrences and there are material questions
22 of law or fact in common. CR 20 (a). The Kitchells do not
23 allege claims arising out of the same transaction, occurrence, or
24 series of occurrences alleged by any of the other defendants.
25 They allege generally that the spiritual teachings of Don Barnett
26 adversely affected them. However, the alleged problems which
27 they experienced are separate from the alleged problems of the
28 other parties to this action. The Kitchells do not state
29 allegations against many of the other defendants nor do they
30 allege specific activities which relate to the activities alleged

31 **BARNETTS' RESPONSE BRIEF**
32 **AND BRIEF IN OPPOSITION : 3**

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LAWYERS

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SEATTLE, WASHINGTON 98101

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1 in the claims of other plaintiffs. Consequently, the Kitchells
2 have failed to meet the first requirement for joinder. They have
3 failed to allege claims arising out of the same transaction,
4 occurrence, or series of occurrences. See, Williams v. Maslan,
5 192 Wn. 616, 74 P.2d 217 (1937).

6 Further, parties may be added only upon such terms as are
7 just. CR 21. As stated herein, the multiplicity of claims in
8 this action prejudices the Barnetts ability to fairly present
9 defenses which apply separately to each claim. The joinder of
10 additional parties at this stage would cause further prejudice to
11 the Barnetts defense.

12 III. CONCLUSION

13 The Barnetts are forced to defend alleged claims based upon
14 the spiritual teachings of Don Barnett. Additionally, the
15 Barnetts must defend against the separate acts of the other
16 defendants. These defenses could not be fairly presented should
17 the Barnetts be forced to defend additional claims which do not
18 arise out of the claims made by present parties to the above
19 entitled cause of action or defend a multiplicity of distinct
20 claims in a single trial.

21 DATED this 24th day of March, 1988.

22
23 EVANS CRAVEN & LACKIE

24
25 By Tim Donaldson
26 TIM DONALDSON
27 Attorney for defendants'
28 Barnett

29
30
31 BARNETTS' RESPONSE BRIEF
32 AND BRIEF IN OPPOSITION : 4

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CIVIL TRACK 1

CIVIL TRACK 1
HONORABLE GARY M. LITTLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

FILED
COUNTY OF KING, WASHINGTON
MAR 21 1988
SUPERIOR COURT CLERK
BY ROBIN COOK, DEPUTY

KATHY LEE BUTLER, et vir.,)
)
Plaintiffs,)
)
vs.)
)
DONALD LEE BARNETT et ux.,)
et al.,)
)
Defendants.)

NO. 86-2-18176
(Consolidated)

PLAINTIFF'S SUPPLEMENTAL
BRIEF IN OPPOSITION TO
DEFENDANT ALSKOG'S MOTION
FOR SEPARATE TRIAL

SANDY EHRLICH, et vir., et al.,)
)
Plaintiffs,)
)
vs.)
)
RALPH ALSKOG, et ux., et al.,)
)
Defendants.)

COMES NOW the Plaintiffs, Sandy and Michael Ehrlich, by and through their attorneys of record, and submit the following Supplemental Brief in Opposition to Defendant Alskog's Motion for a Separate Trial.

I.

Defense counsel mischaracterizes case law cited in Plaintiffs' Brief in Opposition to Separate Trials. Plaintiffs cited cases which considered the purpose and public policy in the enactment of CR 20(a). Longnecker v. Brommer, 59 Wn.2d 552 (1962) and Department of Labor & Industries v. Kennewick, 31

PLAINTIFFS SUPPLEMENTAL BRIEF
IN OPPOSITION TO DEFENDANT ALSKOG'S
MOTION FOR SEPARATE TRIAL - Page 1
(ccbtc:ccbtcle/jao)

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SEATTLE, WA 98104
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1 Wn.App.777 (1982), rev'd on other grounds 99 Wn.2d 225 (1983),
2 are representative of case law in this state which finds the
3 purpose of joinder is to avoid multiplicity of suits and waste of
4 judicial resources. Despite defense counsel's assertion, neither
5 of these cases hold that joinder is only appropriate when suits
6 involve the same Plaintiffs, with claims for relief arising out
7 of the same transaction. Such an analysis would clearly be in
8 contravention of the more liberal criteria provided for in CR
9 20(a), which includes actions that arise out of the same
10 occurrence or series of occurrences or transactions, and that
11 involve common questions of fact or law. Plaintiffs'
12 consolidated claims easily satisfy these requirements.

13 Plaintiffs' claims clearly arise out of the same occurrences
14 or set of circumstances. These common occurrences or
15 circumstances are the history and development of CCBTC's
16 institutions and practices as dictated by and enforced by the
17 official agents of the Church. Teachings and practices,
18 including "spiritual connections" and "demonology", were
19 presented to the Church membership, including Plaintiffs, as
20 revelations from God and the "only truth". The Church's
21 officials created a structure for the practice of "spiritual
22 connections" and "demonology" which reinforced this theology.
23 See Attachment A. Church members, including the Plaintiffs, were
24 taught not to trust any information or value that did not
25 originate with CCBTC or its official agents. The Church trained
26 its own pastors, elders, teachers, and counselors and then gave
27

28 PLAINTIFFS SUPPLEMENTAL BRIEF
IN OPPOSITION TO DEFENDANT ALSKOG'S
MOTION FOR SEPARATE TRIAL - Page 2
(ccbtc:ccbtcle/jao)

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1 them positions of power over other church members, including the
2 Plaintiffs. Strict adherence to the Church's teachings and
3 practices was achieved through intimidation and fear of being
4 publicly humiliated, disfellowshipped from the Church, and cut
5 off from one's own family and friends. See Attachment A.

6 It is these "series of occurrences" or circumstances which
7 created the "window of opportunity" for Ralph Alskog and the
8 other named Defendants to use their position and power and the
9 teachings and practices of the Church to sexually exploit and
10 abuse the Plaintiffs in this action. It is clear that the
11 teachings and practices of CCBTC and its officials are key and
12 integral to all of Plaintiffs' claims for relief. This fact
13 pattern common to all of Plaintiffs' claims negates defense
14 counsel's characterization that Plaintiffs' claims are "wholly
15 independent actions."

16 In their reply brief, defense counsel attempts to refute
17 Plaintiffs' assertion that Mangham v. Gold Seal Chinchillas, Inc.
18 69 Wn. 2d 37 (1960) is on point. Defense counsel distinguishes
19 Mangham from the present case, in that the salesmen in Mangham
20 all use the same brochure, sales presentation and warranties in
21 each instance to obtain a sale, and that the same contract was
22 signed in each case. Despite defense counsel's assertion,
23 Mangham is analogous to the present case. "Sales pitches",
24 "representations", and "warranties" were in fact made by all of
25 the named Defendants in this case. All of their statement and
26 actions were based on the theological teachings, rhetoric and
27

28 PLAINTIFFS SUPPLEMENTAL BRIEF
IN OPPOSITION TO DEFENDANT ALSKOG'S
MOTION FOR SEPARATE TRIAL - Page 3
(ccbtc:ccbtcle/jao)

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1 practices of the Church. They all used the teachings and
2 practices associated with "spiritual connections" and
3 disfellowment to cloak their actions. The fact that these common
4 teachings and practices were the touch stone for Alskog's and the
5 other Defendants' injurious actions is clearly analogous to the
6 sales pitch, representations and warranties made in Mangham.
7 Furthermore, as in Mangham, the fact that CCBTC was the source of
8 authority for these representations and practices, is sufficient
9 to show a "series of transactions" and satisfy the first prong of
10 CR 20(a).

11 Plaintiffs acknowledge that detailed evidence as to facts
12 relating to each alleged incident must be proven separately at
13 trial; but it is also clear that the spiritual teachings and
14 practices of CCBTC and its official agents sets the stage for
15 each abusive act alleged by Plaintiffs.

16 Liability and damages experts and lay witnesses will address
17 these common issues of fact and law. To require separate trials
18 will definitely result in duplicitas testimony and waste of
19 judicial resources. In Brown v. General Motors Corp. 67 Wn.2d
20 278, 282 (1965), the court stated that:

21 Piecemeal litigation is not to be encouraged,
22 particularly in field of personal injury
23 litigation where issues and evidence of
24 liability and damages are generally
25 interwoven, separation of these may be deemed
26 proper where issues of liability and damages
27

28 PLAINTIFFS SUPPLEMENTAL BRIEF
IN OPPOSITION TO DEFENDANT ALSKOG'S
MOTION FOR SEPARATE TRIAL - Page 4
(ccbtc:ccbtcle/jao)

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1 are singularly distinct and these is
2 possibility of substantial saving in trial
3 time, expense, convenience, with no prejudice
4 to other party being shown.

5 Defense counsel appears to be in agreement that all of the
6 Plaintiffs assert claims which involve common questions of fact
7 and law, thus satisfying the second requirement of CR 20 (a) for
8 joinder of actions.

9 Lastly, Defense counsel urges separate trials to avoid
10 prejudice to their client. Given the multitude of common
11 questions of fact and law in this case, ordering a separate trial
12 is a draconian response to defense counsels concern. CR 20 (a)
13 provides the court with an adequate mechanism for avoiding any
14 potential prejudice to Defendant Alskog, such as reviewing
15 motions in limine and limiting instructions to the jury as the
16 case proceeds.

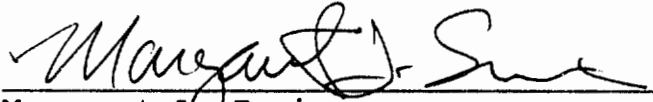
17 II.

18 Plaintiff Ehrlich respectfully requests that the Defendant
19 Alskog's Motion to Sever be denied and the trials proceed as
20 previously consolidated by the court.
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1 DATED this ___ day of March, 1988.

2 Respectfully submitted,

3 ADLER, GIERSCH AND READ, P.S.

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5 

6 Margaret L. Ennis
7 Attorney for Plaintiffs

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9 Richard H. Adler
10 Attorney for Plaintiffs

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PLAINTIFFS SUPPLEMENTAL BRIEF
IN OPPOSITION TO DEFENDANT ALSKOG'S
MOTION FOR SEPARATE TRIAL - Page 6
(ccbtc:ccbtcle/jao)

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ATTACHMENT A



Community Chapel & Bible Training Center

18635 8th Avenue South, Seattle, Washington 98148

Phone (206) 431-3100

Pastor Donald Lee Barnett

Sanctuary located at First Avenue South and South 192nd

March 4, 1988

Donald Barnett
416 S.W. 192nd
Seattle, WA 98166

Dear Don,

I'm writing to you as your counselor and brother in the Lord who totally loves you and whose heart's desire is to see the will of God come to pass in your life.

In the past six months I have written many letters to you regarding your deep fears--fears of inadequacy, fears of disapproval, fears of rejection--all the deep fears and dreads that you have, and the intricate webs of self-protection and self-justifications that cover these fears. I am grateful you have read these letters and I hope you still have them to read in the future. I have explained to you the many varied manifestations of these self-protective ways that you have used, and how they operate in your life, such as your preaching in your self-interest against your wife and elders and others, the blame, the control, the self pity, and so on.

You also agreed with me that the defensiveness and self-justifying and controlling was sin. You have preached and taught this to this church for many years. I have asked you not to defend and justify yourself to the board of elders during the meetings over the past several weeks. You have told me that you could not stop the self-defense in any way, and the reason you gave to me many times was that "you are too afraid." I could cite the specific letters and dates as well as the counseling sessions that I have spoken with you about these things. It has been the main thrust of my counseling to you.

You have admitted to me at our January 28, 1988, meeting at your house that you know you should release these self-protections but that you could not because the fear and terror was too great. You also agreed with me that the defensiveness and self-justifying and controlling was sin. You have preached and taught this to this church for many years.

The last six months have represented a window of opportunity for you due to the heavy presence of fear in your life. The pending court cases, the situation with your wife and the state of the church have been instrumental in inciting the fear that has haunted you. But I feel that the Sunday, February 28, 1988, sermon has caused that window to shut tightly. Your public defiance of a lawful and Scripturally reasonable request by the Senior Elders regarding your fellowshiping with women other than your wife has caused a revitalization of control of self in your life as never before. As a consequence the avenues remaining for the Spirit of the Lord to speak truth to your heart at this point and time in your life; have, I'm sorry to say, disappeared. You have adamantly and publicly stated that the control of self will reign in your life which by principle totally displaces the role of God in your life.

Donald Barnett

(2)

March 4, 1988

As a consequence, the road ahead of you will be treacherous beyond measure. Your ability to find the strength of God to overcome sin in your life has vanished as God has no access to control. I am now absolutely certain that you must be separated from your ministry to save your soul. I wrote this to you in a letter in August, 1987, that you tearfully agreed with. I also reiterated this in my letter of February 2, 1988, in which I stated that God would not allow you to use your office as pastor as a personal covering and that at some point and time that office must go so the only true covering (that is Jesus Christ) could be yours.

It is now also imperative that you be removed from fellowship from this church as well as all churches that fear God. The lies and distortions that were raised in your Sunday, February 28, 1988, sermon were painfully evident to many and beg for reasonable refutation in the minds of those that were so confused by it. The result is that you have publicly exceeded the Scriptural and traditional grounds for disfellowship. I have personally recommended this action to the Senior Elders and the entire board of Elders as an act of mercy for your own soul and as an act of responsibility to God and His people. It was pointless for me to warn you of such after your Sunday sermon and given the former construction of the church bylaws. I know at this point in time, there is no turning back for you. Your repeated public declaration that "self" will reign in control has set you up that the Rock must now fall on you since you have refused to fall on Him.

I plan to remain prepared to help counsel you in the future to find true redemption by way of the Blood of Christ and the truth of the crucified life. I truly long for the day of your true deliverance and restoration by His grace. No individual has ever impacted my life for God and the truth more than you.

I will always love you.

David Motherwell

David Motherwell



Community Chapel & Bible Training Center

18635 8th Avenue South, Seattle, Washington 98148
Pastor Donald Lee Barnett

Phone (206) 431-3100
Sanctuary located at East Avenue South and South 192nd

March 4, 1988

Dear Pastor Don,

It is with deep sorrow in our hearts that we send you this letter. No other man has brought more benefit to us in God than you have. We all commend you and will forever be grateful to you for your many years of excellent and sacrificial Christian ministry to each of us.

The elders (not including the senior elders) voted unanimously to put you out of the church, and made that recommendation to the senior elders who will themselves vote and act on it. The facts requiring this action are so overwhelming that we had no other option. Every man on the committee diligently analyzed the facts of your case in light of the Scriptures on excommunication, and the reasons for disfellowshipping stated in our by-laws, and the January 16, 1987, Counseling Center memo on the subject. We found at least eight reasons stated plainly in the Bible that require us to put you out of the church. Our church by-laws state three typical reasons for disfellowshipping, each one sufficient by itself to put an individual out, and you qualify to be disfellowshipped under all three reasons. The January 16, 1987, Counseling Center memo on the subject shows that you qualify to be disfellowshipped on a dozen different grounds. Don, we sincerely searched our hearts to see if there was any less severe action that we could reasonably take. We are very sorry, but to a man we found no alternative.

This letter is to inform you of the main reasons why we took this action. We believe these reasons are consistent with the Scriptures and the disfellowshipping policies used by our church for years. Regarding elders who sin, the Bible teaches that we must show no partiality and no favoritism (1 Timothy 5:21). Therefore, we are forced to disfellowship you because we have put others out for far less than what you are being put out for.

Following is a list of charges against you which you have admitted to be true, or have been proved to be true. We have factual examples of each of these errors (in some cases very long lists of them), but we will not include the specifications under each charge. Suffice it to say that it has been proved to us that you are guilty of all these things and more.

1. Refusal to hear heartfelt appeals and loving reproof from the lowest to the highest levels.

Matthew 18:15-17 "Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. If he neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as an heathen man and a publican."

2. Misuse of pastoral authority in many ways.
3. Rebellion against Scriptural authority.
1 Peter 5:5 "likewise ye younger, submit yourselves unto the elder. Yea, all of you be subject to another, and be clothed with humility for God resisteth the proud and giveth grace to the humble."
4. Lying and dishonesty.
Colossians 3:9 "lie not to one another, seeing that you have put off the the old man with his deeds."
5. Continually displaying an unrepentant, defiant, uncooperative attitude.
6. Breaking the special status you were required to follow by the senior elders.
7. A large number of incidents of sexual misconduct of various types involving many women (including numerous adulteries with several women).
1 Corinthians 5:11,13 "But now I have written unto you not to keep company, if any man that is called a brother be a fornicator, or covetous, or an idolater, or a railer, or a drunkard, or an extortioner; with such an one no not to eat. 13 But them that are without God judgeth. Therefore put away from among you yourselves that wicked person."
8. Diminishing the seriousness of your sins and their damaging affects upon other people.
9. Mental abuse of your wife.
10. Causing division, contrary to sound doctrine.
Romans 16:17,18 "Now I beseech you brethren, mark them which cause divisions and offences contrary to the doctrine which ye have learned; and avoid them. For they that are such serve not our Lord Jesus Christ, but their own belly; and by good words and fair speeches deceive the hearts of the simple."
11. Teaching false doctrines and heresies to the church.
Titus 3:10,11 "A man that is an heretick after the first and second admonition reject; knowing that he that is such is subverted, and sinneth, being condemned of himself."
12. Offending others and stumbling them by your sinful behavior.
1 Corinthians 8:13 "Wherefore, if meal make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend."
13. Refusal to follow church standards.
2 Thessalonians 3:6,14 "Now we command you brethren, in the name of the Lord Jesus, that ye withdraw yourselves from every brother that walketh disorderly, and not after the tradition which he received of us. 14 And if any man obey not our word by this epistle, note that man, and have no company with him that he may be ashamed."

Many members of the congregation will feel that disfellowshipping the pastor is an extreme action. They will wonder why we did this, and whether we had proper grounds. You have told the congregation that the elders are acting out of personal hurt, that they are enacting a power play, and that they are demonically deceived and motivated. None of these are the real reasons we did this. The real reasons are the thirteen reasons listed above. The elders were not motivated to do this because of personal hurts. We did not take this action as a power play. We did not do this because of demonic influence. We did it to obey the Word of God, to treat you without partiality, and to hopefully cause you to recognize the seriousness of your problems.

Because you misrepresented our true position to the congregation, we are providing this to them.

The following is a brief synopsis of the history of events that led to this action. This account reveals some of Don's sins, attitudes, lies, etc.

1. After learning that Don had been in adultery for six months, Jerry Zwack reproved Don many times between the fall of 1986 and the spring of 1987. Don refused to hear Jerry's reproofs and continued in adultery during these months and afterward.
2. Lanny Peterson went to Don in February of 1987, and warned him for two hours as a brother and a friend, that any sexual misconduct he committed would become public information. Women had been coming to the Counseling Center for help after being stumbled by Don's sexual conduct with them. Therefore, Lanny warned him that what he was doing in private would continue to become known. That very evening in the Friday night service, Don gave a pastoral order forbidding people who had been wronged from going to any counselor or elder about these matters. Instead they were forced to go only to the one who had wronged them. This was a cover-up attempt to prevent his own sins from being exposed and to stop those stumbled and hurt by his own excesses from obtaining the help they needed.
3. Russell MacKenzie went to Don one time in June of 1987, regarding Don's improper conduct toward women. Russell wept for twenty minutes as Don justified himself and blamed others for his sexual sins. Don continued to commit adultery after this reproof.
4. Scott Hartley and Lanny Peterson went to Don several times between May and August of 1987, attempting to counsel him about his marriage and personal sexual sins. Don adamantly refused to listen to them about his sexual problems, and insisted they deal exclusively with the marriage only. However, Barbara had moved out because of Don's adulteries, so it was impossible to counsel the marriage without dealing with his sexual sins. Don refused to hear reproof, and continually blamed Barbara for his problems.

In Don's sermon of February 28, 1988, he attempted to explain away his many lies with the statement that he did not owe Lanny and Scott that information and that he was only talking to them about his marriage not his personal life. The truth is that the major reason for this counseling at all was Don's ongoing adultery. Lanny and Scott's first meeting was with Don alone on May 27, 1987. Don had already been in adultery for six months from April of 1986 until November of 1986 before they counseled him. That adultery was broken off by Jerry Zwack. Don had also been in adultery with another woman. He did not admit to either of these adulterous relationships until the women came to the Counseling Center for help.

Don's adultery with the second woman had broken off, but in April of 1987, Don went to Hawaii with her alone. This was especially hurtful to Barbara because Don had said that he was going to Hawaii with a group. The woman later confessed to repeated adultery with Don.

In a letter dated June 25, 1987, in his own handwriting Don promised, "... if I still fail, I will cut off all alone time with connections." Another affair began in late June or early July of 1987, and Don did not place himself on any form of restriction like he said he would. This new affair began during the the counseling period when Don's marriage alone was supposed to be discussed, and

not his sexual conduct.

On June 19, 1987, Barbara left a letter for Don at the parsonage stating her reasons why she was moving out. His counselors did not publicly state the real reason to the church. Rather, they referred to "certain deliverances the pastor needed." Don has complained that Barbara's moving out while he was gone on vacation was a violation of Scripture, and that her counselors were wrong to allow it. In reality, when Barbara moved out, Don was committing adultery that very week while on vacation. Barbara's letter states as a reason for moving out, "... to eliminate the continual devastation I experience by being aware of your actions."

During a counseling session on July 9, 1987, Don said that he did not see any reason for Barbara to stay out there because, "I'm holding the line." On July 13, 1987, he informed his counselors that everything was OK and that he had done nothing sexual in a long time. Later, the truth came out that he had committed adultery earlier that very day.

On July 27, 1987, he said that he was in the best place regarding sexual areas that he had been in for a year and a half. But, Don continued in adultery with the woman he was involved with when Barbara moved out. On August 2, 1987, Don wrote concerning Barbara that, "I feel like I've been ready the whole time (i.e., to repair his marriage)." On August 3, 1987, the last woman said, "I can still feel the demon between us."

On August 6, 1987, Lanny told Don that Barbara had Scriptural grounds to divorce him. Don gave him six objections. Lanny told Don that he knew Don was practicing adultery. Don got angry and accused Lanny of being insensitive, etc. Don then argued for twenty minutes that Barbara had no grounds for moving out of the house.

On August 8, 1987, the last woman refused further adultery with Don and broke off the affair with David Motherwell's help. Don accused this woman of ruining his marriage and said that eventually she would have to be put out of the church.

Don's last counseling session with Scott and Lanny was on August 17, 1987. In the meeting, Scott read a transcription of a statement about Barbara from Don's sermon of August 2, 1987. Don erupted, called both his counselors names, accused them and walked out. Later that day he called the last woman saying "I really miss you, you know what I mean."

After a staff meeting in which Don felt attacked, he wrote in a letter to George Bowker, "In our last staff meeting two accusations against me were launched - both blatantly false and very misleading. One gave the impression that I sleep with connections on vacations - I never have. Just setting the record straight with my music director and friend." Knowing all that had occurred up to this time, the eldership committee is convinced that this letter reveals an intent to deceive.

In a letter dated October 28, 1987, Don threatened Barbara, "If you do not come back in some reasonable period... I would be forced... to file for divorce on the grounds of desertion." In reality, Barbara has more than sufficient grounds to divorce Don because of his mass of adulteries, while Don has no Scriptural grounds for divorcing her.

Between September of 1987 and February of 1988, David Motherwell went to Don many times as his counselor, but Don could not follow David's directives.

Several members of the congregation have gone to Don about his

sexual problems and have not been heard. In some cases they were rebuffed by Don.

7. The senior elders wrote Don a letter on February 15, 1988, placing him on special status, an action which was based solely on Don's own confessions to the committee of elders, not based on accusations. Don refused to hear the senior elders and openly defied them calling the restrictions legalistic. He told his counselor the day he received the letter, "I am not going to comply."
8. The elders, not including the senior elders, wrote Don a letter on February 23, 1988, unanimously supporting the senior elders special status letter and imploring Don to follow it for the safety of the sheep and himself. Don refused to hear all twelve of the elders.
9. The entire eldership committee of sixteen men composed a theological letter for Don. Although the letter was written specifically to answer questions Don had asked the committee on February 3, 1988, one intent of the letter was to give him reasons why he should submit to the special status and the findings of the committee. But he misconstrued this to be an unscriptural act of rebellion to elevate our Scriptural interpretations over the by-laws. Don refused to hear this appeal also.
10. Finally, on February 29, 1988, Greg Iheil, on behalf of the entire eldership committee, offered Don an open invitation to meet us anytime, anywhere, and told him that we really wanted to do this. Don refused to hear this final appeal and told Greg that unless each elder submitted an individual letter to him repenting of the wickedness they committed in the Friday night service February 26, 1988, there was no basis to talk with us.

Our purpose in writing this history is not to throw mud on you, Don. It is to set the record straight. You stated in your Sunday, February 28, 1988, sermon, that your sermon was entirely true and that our Friday, February 26, 1988, presentation was entirely false. Practically the exact opposite is true. After your best attempt to refute our presentation, it still stands intact. Your claim that our presentation was "totally full of misquotes, twisted information, exaggeration, lies, forcing of Scripture and faulty logic," forces us to reveal enough details to prove that you are wrong. The proof that we are not mudslinging at all is that we have omitted the most embarrassing details we know about your sins.

All of this history proves that you were lovingly reproved one on one several times by different people, then two on one (Lanny and Scott), then three on one (by the senior elders), then twelve on one (by the elders), and finally sixteen on one by the entire eldership committee. You refused to hear our warnings, even when they have been proved true.

For example, Lanny and Scott wrote you a letter on June 8, 1987, which predicted the following:

"If things are left as they are the following appears obvious to us. Difficulties will continue and get worse. Excesses on your part will continue. Your wife will move out of the house. This will help some things and hurt others. Exposure and/or physical collapse will occur with a good chance you will be out of the ministry for a time."

We believe these predictions were accurate. With this in mind, we are compelled to issue the following warning:

If you refuse to humbly submit to this act of disfellowshipping and refuse to seek treatment, we believe that the following things could

happen to you in the future.

1. You will fall into further spiritual deception.
2. You will lose your marriage and wife.
3. Your personal sexual problems will continue and be exposed periodically. You may face lawsuits and prison because of your sexual conduct.
4. You will claim to receive special revelation from God to defend your sexual errors as true doctrines.
5. Your dependence upon drugs may increase.
6. Your problems of fear and unreality will grow worse, and you will become less and less in touch with reality.
7. You will lead a religious group characterized by heavy fear and overcontrol, be regarded idolatrously by followers, refuse to be accountable to anyone, and function contrary to the Christian Church.
8. Your followers may have sexual problems that they cannot overcome. Your followers will be greatly hurt, eventually disillusioned, and may lose their souls.
9. After having preached to others, you may become a castaway and lose your own soul.

Don, this letter constitutes a warning from God about the seriousness of your problems. You are a sick man who needs help from God and man. We hope you will avail yourself of both. Once again, we affirm our great love and eternal gratitude to God for you. We are sorry that your heart has become hardened through the deceitfulness of sin we pray to God that this is not the final chapter of our relationship with you.

Sincerely,

W. Russell Sr. elder

E. Scott Hartley Sr. elder

Jack A. Hicks Sr. elder

Al MacKenzie elder

Donald Lockman elder

George S. Smith elder

John S. Harold elder

Lang elder

Gerald J. Slomski elder

Robert elder

Gregory R. Thiel elder

Ronald D. Myrick elder

Mark A. Yokers elder

John Bergie minister

Christine minister

David Motnewell minister



Community Chapel & Bible Training Center

10635 8th Avenue South, Seattle, Washington 98148
Pastor Donald Lee Barnett

Phone (206) 431-3100
Sanctuary located at First Avenue South and South 192nd

March 4, 1988

Donald Barnett
416 S.W. 192nd
Seattle, WA 98166

Dear Don,

We three Senior Elders, each individually, wish to again express our personal love, our compassion, and deepest concern for you, our brother and friend. We are grief stricken at the personal situation you are in. We are diligently praying for you that our Lord and Savior Jesus Christ whom we all serve will do a restoring work in you. We want to again assure you that we have no ill will toward you, nor do we have any motive or desire to hurt you. You are beloved of us. We are, so to speak, your children in the faith of the Gospel of our Lord Jesus. We love you fervently and will continue to do so.

We are also mindful of our responsibility and stewardship to the Word of God, to you our pastor, and to the flock over which God has ordained us as overseers. We are committed to the fact that the Holy Scriptures are the highest authority which we are responsible to follow. We have searched our hearts and consciences before God and are fully assured we are acting in accordance with our proper stewardship of this holy trust. We can do no less.

We have sought to extend as much love and personal consideration to you as possible in our former letters read before the congregation. In those we intentionally avoided being specific about your misconduct in the hope that you would cooperate with our action and to minimize personal embarrassment for you. Instead, last Sunday you escalated the issue, and you gave specific revelations of your sins yourself, which we had hoped for your sake would not be told publicly.

The special status we placed you on was not intended to be the final judgment of the elders or this board. As of the date of the special status letter, we had much more than sufficient, substantial information, plus your own admissions to us, to take that action. Since that date the eldership has continued in lengthy, very careful, investigative meetings, and extensive further misconduct, present and past, has been substantiated.

Sad to say, your attempted rebuttals last Sunday to the congregation escalated the issue and now puts us in the position of having to reveal more facts to show that you are trying to perpetrate dishonest views of your actions.

The statements you made to the entire eldership, the congregation, and others have positively established that you refuse to abide by the special status imposed upon you February 15 by us for the protection of the flock. On February 16, one day later, you went on vacation with another woman and others in violation of that

(continued)

special status and you have continued to violate it in other respects since. You refuse even minimal and appropriate accountability to the government of this church and the Word of God. By your own clear statements you have placed yourself above accountability to anyone for anything. We affirm that this is contrary to Scripture and that it is an exceedingly dangerous precept, both for you and our flock. Before God, we cannot submit to such an unholy, self-serving, and frightening demand. In the full eldership letter of February 24 to you, which was read to the congregation last Friday, we demonstrated by the clear text of many Scriptures that the eldership does have the authority and responsibility to take such action. In your rebuttals to the eldership last Thursday and to the congregation last Sunday, you made virtually no appeal to Scriptures, and instead offered arguments that are dogmatic and self-serving. You did not try to see if our statements were true, you only attempted to justify yourself.

For well over two years now, you have steadfastly rebuffed and refused to cooperate with the many who have sought to work with you to help solve your habitual sexual immorality problems. Your continuing sinful attitude toward this whole issue is, in fact, worse yet than your sexual sins. It is obvious that you have never confessed or repented of your continued self-serving justification, lying, dishonesty, defensiveness, misuse of pastoral authority, making light of sin, and defiance of Holy Scripture. These sins are deep seated, adamant, and continuing. We agree that this is ungodly, anti-scriptural, sinful, and dishonoring to Christ and the Christian testimony of our church.

You have consistently lied in the past and are currently lying about your sexual misconduct to counselors, the entire eldership, and the congregation. You have sworn on oath before God to the entire eldership that you have not committed any sexual immorality in the last six months. You stated the same before the entire congregation last Sunday when this was manifestly false. You recently admitted privately to your failure in the last six months but added that the elders do not know it.

You are currently lying about the number of women you have been involved in immorality with and the extent of it. There are numerous other ongoing lies which we know about, many from your defenses given last Sunday. We believe your word is in no wise to be trusted in respect to your sins.

There have been many repeated and flagrant abuses of pastoral authority. You have coerced women and even threatened to disfellowship unless they lied about your sexual misconduct to counselors, elders, and the courts. For over a year you have used your pulpit to blame and accuse your wife and others.

You have used your position of trust to enact policies which help shield you and prevent the discovery of your habitual sexual problems and you have preached these from the pulpit multiplied times. Further, you have for some time been preaching the defense of these tactics to the congregation. Your eldership, including all the theology teachers, are unanimous in this judgment. You have intertwined these teachings with correct theology and undiscerning people have doubtless accepted the full teaching as Scriptural. But we know that a large portion of the congregation sees this grievous error and are deeply concerned. We, the Senior Elders, are grieved and sorely distressed, as well as all of the eldership, to a man. Further, you have publicly attempted to split the church asking the congregation to take sides against the entire eldership. This is condemned in Scripture.

March 4, 1988

Whereas the eldership last Friday evening admonished everyone to stay together, pray, forgive, love, and accept the pastor and all those involved. In addition to the above, the eldership has evidence of much additional sinful conduct which is shocking. We, the Board of Senior Elders, and every member of the entire eldership have the deepest of conviction before God that we cannot allow our pastorship and pulpit to be used this way.

It is our judgment that your habitual sexual misconduct problem is far from solved. It is our further judgment that this, plus all of the above continuing unchristian actions and attitudes, disqualify you for the office of pastor or elder of any church of God according to Scripture. We believe that you are presently a discredit and reproach to us and to the Name of Jesus. As such, we feel compelled to remove you from your position as pastor, Senior Elder, all of your other offices, and as a member of this church. We deeply regret that we did not find out about many of these things sooner. This disfellowship is not contrary to any provision of our Articles of Incorporation or bylaws as currently amended. Previous limitations in the bylaws to your dismissal have been removed by legally adopted amendments as of today.

Effective immediately you are prohibited from entering church property, with the exception of the parsonage. We will enforce this if necessary.

Even though we must take this serious action, we still love you and desire to deal mercifully with you. We greatly appreciate the deep sacrifice you have made for the congregation for many years. We will show you fairness and be benevolent to you with regard to the parsonage, severance pay, and the automobile you use. The Senior Elders in conjunction with the Deacon Board will extend terms to you as soon as possible.

We will provide for you in order to allow time for personal repentance and prayer, personal deliverance, and counseling. It is our prayer that waiting on God with an open heart will result in a deep renewing and healing for you.

We also want you to continue spiritual counseling with David Motherwell. We believe he will be an asset of the Lord for you. After a substantial season, ample and proven witness to your restoration, your full cooperation, and recommendation of your counselors, we may consider your application for reinstatement as a member if you desire at that time. We firmly believe that removing you from your ministry is intended by Scripture and us to be a necessary part of the redemptive work of your spiritual life.

We want you to know that our action is in no way vindictive or arising out of personal hurts. We love you as a person and friend, Don, and Jesus loves you. We want the very best for your soul in eternity. We want what God wants for you. Really, this is mercy and grace for you. We also want to see your marriage restored and this will give an opportunity for that.

(continued)

Donald Barnett

(4)

March 4, 1988

We pray that you will humbly accept this action as a needed restorative and redemptive step and as God's mercy for the sake of your soul. We look to the future for what our great God and Savior is able and sufficient to do.

In our Master's service,

Jack DuBois
Jack DuBois

Jack Hicks
Jack Hicks

Scott Hartley
Scott Hartley.

CIVIL TRACK 1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER et vir.,
et. al.,

Plaintiffs,

vs.

DONALD LEE BARNETT et ux,
et al.,

Defendants.

SANDY EHRLICH and MICHAEL EHRLICH,
wife and husband; LARRY LEMKE,
parent; LARRY LEMKE, Guardian ad
Litem on behalf of SYBIL N. LEMKE,
a minor; DEE CHABOT, parent;
Guardian ad Litem on behalf of
SHAWNA MICHELLE CHABOT, MICHAEL
GRANT CHABOT, NICHOLAS STERLING
CHABOT, minors; CATHERINE KITCHELL
and RONALD KITCHELL, wife and husband;
CATHERINE KITCHELL, Guardian ad Litem
on behalf of WENDY KITCHELL, a minor,

Plaintiffs,

vs.

RALPH ALSKOG and ROSEMARY ALSKOG,
husband and wife; ROBERT HOWERTON and
JANE DOE HOWERTON, husband and wife;
DONALD LEE BARNETT and BARBARA
BARNETT, husband and wife; COMMUNITY
CHAPEL AND BIBLE TRAINING CENTER, a
Washington Corporation; "JOHN DOES"
1-4 and "JANE DOES" 1-4, husbands and
wives; FIRST DOE CORPORATION; and
FIRST DOE PARTNERSHIP,

Defendants.

ORDER PERMITTING JOINDER
OF ADDITIONAL PLAINTIFFS
(ccbtc:ccbtclc/jao)

FILED
MAR 25 1988
BY [Signature]

NO. 86 2 18176 8

ORDER PERMITTING
JOINDER OF ADDITIONAL
PLAINTIFFS

56

1 THIS MATTER having come on duly and regularly for hearing
2 before the above-entitled court on Motion of Plaintiff to Join
3 Plaintiffs and Amend Complaint; Plaintiffs represented by
4 counsel, Defendant Howerton (not) appearing, all other Defendants
5 represented by counsel; the court having heard arguments and read
6 documents filed in support of Plaintiffs' motion; now, therefore,
7 it is hereby

8 ORDERED that Catherine Kitchell, Ronald Kitchell and Wendy
9 Kitchell, minor, are joined as Plaintiffs in the above-entitled
10 action and Plaintiff's First Amended Complaint shall be approved
11 by the court.

12 DATED this 25th day of March, 1988.

13 
14 _____
15 JUDGE GARY LITTLE

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28 ORDER PERMITTING JOINDER
OF ADDITIONAL PLAINTIFFS
(ccbtc:ccbtclc/jao)

-2-

LAW OFFICES OF
ADLER, GIERSCH AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267

NON-TRIAL

SCOMIS code:

PREHRG DISPHRG HEARING
 POSTHRG MINUTE

Department No. 19
Date: Friday, March 25, 1988
Page 1 of 1

JUDGE: Hon. Gary M. Little
BAILIFF: Dean Hamilton
COURT CLERK: Robin L. Cook
REPORTER: Dave Erwin

Consolidated

King County Cause No. 86-2-18176-8 | 86-2-18429-5

Case Caption

Kathy Lee Butler, et vir, et al -vs- Donald Lee Barnett,
et ux, et al

Litigants and attorneys

Plaintiffs, Ehrlich and others, represented by Counsel, Richard Adler and
Margaret Ennis.

Defendant Barnett represented by Counsel, Tim Donaldson.

Defendant, Alskog, represented by Counsel, Jack G. Rosenow.

Defendant, Community Chapel and Bible Training Center represented by Counsel,
Michael Bond.

Minute Entry

Defendant, Alskog's motion to sever trial.

Ruling Reserved.

Plaintiff's motion to amend to join additional
parties.

Granted. Order signed.


Plaintiff's motion to appoint mother as G.A.L.

Granted. Order signed.

XX

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56.5


COPY RECEIVED
MAR 25 1988
EVANS, CRAVEN & LACKIE, P.S.

FRIDEN...
LEE, SM...
MARTIN...
CIVIL TRACK ONE
THE HONORABLE GARY LITTLE
MAR 25 11 2 50

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et ux., et al.,)
Plaintiffs,)

CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8 ✓

v.)

DONALD LEE BARNETT, et ux., et al.,)
Defendants.)

SUBPOENA DUCES TECUM
RE: ORAL EXAMINATION OF
JACK DUBOIS

SANDY ERLICH, et ux, et al.,)
Plaintiffs,)

vs.)

RALPH ALSKOG, et ux, et al.,)
Defendants.)

STATE OF WASHINGTON TO: JACK DUBOIS

YOU ARE HEREBY COMMANDED pursuant to Civil Rule 26(b) to be and appear at the Law Offices of KARGIANIS, AUSTIN & ERICKSON, 47th Floor, Columbia Center, Seattle, Washington, at 12:00 p.m. of the 4th day of April, 1988, then and there to give testimony, upon oral deposition, material to the establishment of the plaintiffs' Butler, et al., case, in the above-captioned cause of action. Said deposition is subject to continuance or adjournment from time to time, or place to place, until completed. Bring with you the following:

- 1. Copies of any and all Articles of Incorporation, Bylaws and Amendments thereto regarding the Community Chapel & Bible Training Center.

57
[Handwritten signature]

1 2. All correspondence, memoranda, and other documents**
2 regarding the above listed Articles of Incorporation, Bylaws
3 and Amendments thereto.

4 **NOTE: For the purpose of identifying requested documents:

5 "Document" or "documents" means writings of every
6 kind and character pertaining to the designated
7 subject matter, including, without limitation, the
8 original and any copy regardless of origin or
9 location, of any book, pamphlet, periodical, let-
10 ter, memorandum, diary, file, note, calendar,
11 newspaper or magazine article, statement, bill,
12 invoice, policy, telegram, correspondence, sum-
13 mary, receipt, opinion, investigation statement or
14 report, schedule, manual, financial statement,
15 audit, tax return, articles of incorporation,
16 bylaws, stock book, minute book, agreement, con-
17 tract, deed, security agreement, mortgage, deed of
18 trust, title or other insurance policy, report,
19 record, study, handwritten note, map, drawing,
20 blueprint, working paper, chart, paper, draft,
21 index, tape, microfilm, data sheet, data process-
22 ing card, computer printout, computer program,
23 check, bank statement, passbook, or any other
24 written, typed, printed, photocopied, dittoed,
25 mimeographed, multilithed, recorded, transcribed,
26 punched, taped, filmed, photographic or graphic
matter, however produced, to which you have or
have had access.

3. Originals of any and all tapes, notes, memoranda, letters,
from any of the Elders or Board of Director Members regarding
Pastor Donald Barnett's duties, and the cessation of same.

4. Originals and/or copies of all documents**, of any and
all references to the following Plaintiffs:

- a. Christine Hall f/k/a Christine Bradley,
- b. Sandra Brown,
- c. Lyle Brown,
- d. Tara Brown,
- e. Troy Brown,
- f. Kathy Butler,
- g. Stephen Butler,

- 1 h. Scott Lien, and,
2 i. Randy Lien,

3 5. Copies of any and all documents** regarding the
4 allegations of Donald Barnett's sins of substantial magnitude,
5 and proposed restrictions therefor.

6 6. Copies of any and all documents** regarding any allega-
7 tions regarding Donald Barnett's sexual propensities as they
8 involve women congregants, past or present, not his wife.

9 7. Copies of any and all documents** as authored by Barbara
10 Barnett to the Elders of the Community Chapel & Bible Center
11 regarding Donald Barnett's actions as towards other women and
12 his fitness to be pastor and lead the church.

13 8. Copies of any and all legal documents restraining Donald
14 Barnett from the premises of the Community Chapel & Bible
15 Training Center and affidavits and declarations in support
16 thereof.

17 9. Copies of any and all letters, bulletins, articles, docu-
18 ments**, etc. as disseminated or alluded to by reference to
19 the congregation of Community Chapel & Bible Training Center
20 regarding the instant cause of action, herein.

21 10. Copies of any and all notes, memoranda, documents**
22 regarding any financial or legal mal- or misfeasance with
23 accepted practices or other non-compliance by Donald Barnett.

24 11. Copies of any and all documents**, re: employment con-
25 tracts, stipends, expense accounts, gratuities, residential
26 housing assistance, salaries, sabbatical stipends, grants or
27 gifts from the Community Chapel & Bible Training Center to
28 Donald Lee Barnett.

29 ///

30 ///

31 ///

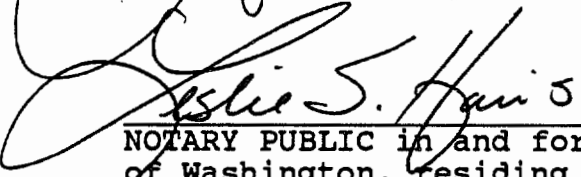
1 12. Copies of any and all correspondence, documents**, etc.
2 from the elders regarding spiritual connections.

3 HEREIN FAIL NOT AT YOUR PERIL.

4 WITNESS my hand this 23rd day of March, 1988.

5
6 
7 JEFF CIMPYCHE

8 SUBSCRIBED AND SWORN TO before me this 23rd day of March,
9 1988.

10 
11 ESTIE S. HARRIS
12 NOTARY PUBLIC in and for the State
13 of Washington, residing at Seattle
14 My commission expires: 10/90

AFFIDAVIT OF SERVICE OF

KATHY LEE BUTLER, ET UX., ET AL.,

vs.

Plaintiff

DONALD LEE BARNETT, ET UX., ET AL.,

Defendant

Garnishee Defendant

**SUBPOENA DUCES TECUM
RE: ORAL EXAMINATION OF JACK
DUBOIS, DEPO: 4/4/88 @ 12:00**

State of Washington

County of King

ss.

The writ served was accompanied by four answer forms and three postage prepaid envelopes which were pre-addressed to the Clerk of the Court, to the Plaintiff or his attorney, and to the Defendant, and cash or check payable to the garnishee, to the amount of Ten Dollars

A copy of the summons served is attached hereto

The undersigned, being first duly sworn, on oath deposes and says: That he is now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on 3/29/88 at 12:22p M., at 18635 8th Ave. So., Seattle

King County, Washington, affiant duly served the above-described documents in the above-entitled matter upon

Jack Dubois

by then and there personally delivering a true and correct copy thereof to and leaving same with

Jack Dubois

That at the time and place set forth above affiant duly served the above described documents in the above-entitled matter upon

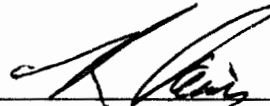
by then and there, at the residence and usual place of abode of said person(s), personally delivering true and correct copy(ies) thereof to and leaving the same with

being a person of suitable age and discretion then resident therein.

Affiant further states that he is informed and believes, and therefore alleges, that neither of said defendants is in the military service of the United States.

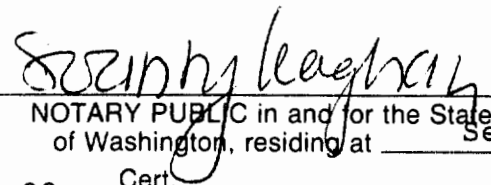
_____ TRIPS @ _____ MILES

Subscribed and Sworn to before me 3/30/88



R. Davis sk

SERVICE ATTEMPTED AT:



NOTARY PUBLIC in and for the State of Washington, residing at Seattle

Service Fees 6.00 Travel 20.00 Return Fee 5.00 Cert. Mail _____ Total \$ 31.00

58
JB

RESIDENCE SERVICE

CIVIL TRACK 1
GARY M. LITTLE

FILED
KING COUNTY, WASHINGTON
MAR 30 1988
SUPERIOR COURT CLERK
BY GUYN COOK
DEPUTY

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING
Kathy Lee Butler, et or, et al)
~~In re the Matter of the~~)
~~Guardianship of~~) NO. 86-2-18176-8
Donald Lee Barnhill, et or,)
~~Wendy Kitchell, a Minor~~ *et al*)
PETITION FOR APPOINTMENT
OF GUARDIAN AD LITEM

COMES NOW Catherine Kitchell and moves this court for an order appointing Catherine Kitchell as Guardian ad Litem for her daughter, Wendy Kitchell, pursuant to RCW 4.08.050. Wendy Kitchell is the daughter of Catherine Kitchell, and is a minor, 11 years of age (date of birth: April 19, 1976). Wendy Kitchell resides with her mother and father in King County, Washington. Said minor child has a cause of action arising out of torts of outrage, counselor malpractice, negligent counseling, pastoral and ministerial malpractice, defamation, loss of parent-child relationship, wrongful disfellowshipment; the minor's mother, Catherine Kitchell, is a fit and proper person to represent her interests in the litigation or settlement of said cause of action. Said minor is not represented by any other guardians and has never previously been named as a party or witness in any other legal proceedings.

DATED: March 7, 1988

Catherine W. Kitchell
Catherine Kitchell

58.5

PETITION FOR APPOINTMENT
OF GUARDIAN AD LITEM - 1
(c:kkitwela/jao)

LAW OFFICES OF
ADLER, GIERSCH AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267

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I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND ABILITY.

DATED at Seattle, Washington this 7 day of March, 1988.

Catherine W. Kitchell
Catherine Kitchell

FILED
KING COUNTY WASHINGTON
MAR 30 1988
SUPERIOR COURT CLERK
KIM COOK
DEPUTY

CIVIL TRACK 1

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

Kathy Lee Butler, et vir, et al
Plff.)
-VS-)
Donald Lee Barnett, et ux, et al
Def.)

NO. 86-2-18176-8
ORDER APPOINTING
GUARDIAN AD LITEM

Based upon the petition of Catherine Kitchell and the files and records in this matter, the court finds as follows:

1. Wendy Kitchell is a minor having an interest in the above-entitled cause of action and is not represented by a guardian.

2. The minor, Wendy Kitchell, resides with her mother and father, Catherine and Ron Kitchell, and the petitioner for appointment of a Guardian ad Litem, Catherine Kitchell, is qualified to represent the minor as Guardian ad Litem.

Based upon the foregoing, it is hereby ordered as follows:

1. That Catherine Kitchell is appointed as Guardian ad Litem to represent Wendy Kitchell, a minor.

2. Said Guardian ad Litem is authorized to represent Wendy Kitchell with reference to the alleged cause of action outlined in Plaintiffs' First Amended Complaint for Personal Injuries and Damages.

3. The Guardian ad Litem shall report to the court for approval to settle or receive compensation for services rendered with regard to the claim.

ORDER APPOINTING
GUARDIAN AD LITEM - 1
(rha:kiticwelb/jao)

LAW OFFICES OF
ADLER, GIERSCH AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267

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DATED: March 25, 1988

Gary Little

JUDGE GARY LITTLE

Presented by:

ADLER, GIERSCH AND READ, P.S.

[Signature]

RICHARD H. ADLER
Attorney at Law

ORDER APPOINTING
GUARDIAN AD LITEM - 2
(rha:kitewelb/jao)

LAW OFFICES OF
ADLER, GIERSCH AND READ, P.S.
1621 SMITH TOWER
SEATTLE, WA 98104
(206) 682-4267

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1988
CIVIL TRACK 1 37
JUDGE GARY LITTLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER et vir.,)
et al.,)
Plaintiffs,)
vs.)
DONALD LEE BARNETT et ux,)
et al.,)
Defendants.)

No. 86 2 18176 8
SUBPOENA DUCES TECUM
TO DEPOSITION

SANDY EHRLICH and MICHAEL)
EHRLICH, wife and husband,)
et al.,)
Plaintiffs,)
vs.)
RALPH ALSKOG and ROSEMARY)
ALSKOG, husband and wife,)
et al.,)
Defendants.)

THE STATE OF WASHINGTON, to KATHERINE FLACK, Attorney at Law,

SUBPOENA DUCES TECUM
TO DEPOSITION.

MESSINA DUFFY
4002 Tacoma Mall Boulevard
Suite 200, Benj. Franklin Building
Tacoma, Washington 98409
(206) 472-6000

5916

1 Prosecuting Attorney's Office, W554, King County Courthouse,
Seattle, WA 98104, GREETINGS:

2 YOU ARE HEREBY COMMANDED to be and appear at the Prosecuting
3 Attorney's Office, W554, King County Courthouse, Seattle, WA, on
4 Wednesday, the 13th day of April, 1988, at the hour of 9:30 a.m.
5 of said day, then and there to testify at the request of
6 plaintiffs in a certain cause now pending in the Superior Court
7 of the State of Washington, for King County, and to remain in
8 attendance upon the undersigned until discharged; and to bring
9 with you the following papers and documents now in your
10 possession or under your control, viz:

- 11 1. A complete and true copy of Robert Howerton's file.
- 12 2. A complete and true copy of Ralph Alskog's file.
- 13 3. A complete and true copy of Donald Lee Barnett's file.
- 14 4. A complete and true copy of Barbara Barnett's file.

15 HEREIN FAIL NOT AT YOUR PERIL.

16 DATED this 23 day of March, 1988.

17 MESSINA DUFFY

18 By John L. Messina

19 JOHN L. MESSINA

20 Attorneys for Plaintiffs Ehrlich

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SUBPOENA DUCES TECUM
TO DEPOSITION.

MESSINA DUFFY
4002 Tacoma Mall Boulevard
Suite 200, Benj Franklin Building
Tacoma, Washington 98409
(206) 472-6000

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1988 CIVIL TRACK 1
JUDGE GARY LITTLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER et vir.,)
et al.,)
Plaintiffs,)
vs.)
DONALD LEE BARNETT et ux,)
et al.,)
Defendants.)

No. 86 2 18176 8
SUBPOENA DUCES TECUM
TO DEPOSITION

SANDY EHRLICH and MICHAEL)
EHRLICH, wife and husband,)
et al.,)
Plaintiffs,)
vs.)
RALPH ALSKOG and ROSEMARY)
ALSKOG, husband and wife,)
et al.,)
Defendants.)

THE STATE OF WASHINGTON, to Employment Record Custodian, THE
BOEING COMPANY, P. O. Box 3707, Seattle, WA 98124, GREETINGS:

SUBPOENA DUCES TECUM
TO DEPOSITION.

MESSINA DUFFY
4002 Tacoma Mall Boulevard
Suite 200, Benj Franklin Building
Tacoma, Washington 98409
(206) 472-6000
60

1 YOU ARE HEREBY COMMANDED to be and appear at The Boeing
2 Company on Wednesday, the 13th day of April, 1988, at the hour
3 of 11:30 a.m. of said day, then and there to testify at the
4 request of plaintiffs in a certain cause now pending in the
5 Superior Court of the State of Washington, for King County, and
6 to remain in attendance upon the undersigned until discharged;
7 and to bring with you the following papers and documents now in
8 your possession or under your control, viz: the entire
9 personnel file of Donald Lee Barnett including, but not limited
10 to, all employment applications, resumes, job performance
11 evaluations, wage and salary documentation, medical and health
12 reports, DLI claims, termination documentation, and job
13 descriptions;

14 HEREIN FAIL NOT AT YOUR PERIL.

15 DATED this 23 day of March, 1988.

16 MESSINA DUFFY

17 By 

18 JOHN L. MESSINA

19 Attorneys for Plaintiffs Ehrlich

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SUBPOENA DUCES TECUM
TO DEPOSITION.

MESSINA DUFFY
4002 Tacoma Mall Boulevard
Suite 200, Benj Franklin Building
Tacoma, Washington 98409
(206) 472-6000

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1988 CIVIL TRACK 71
JUDGE GARY LITTLE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER et vir.,)
et al.,)
Plaintiffs,)
vs.)
DONALD LEE BARNETT et ux,)
et al.,)
Defendants.)

SANDY EHRLICH and MICHAEL)
EHRLICH, wife and husband,)
et al.,)
Plaintiffs,)
vs.)
RALPH ALSKOG and ROSEMARY)
ALSKOG, husband and wife,)
et al.,)
Defendants.)

No. 86 2 18176 8
NOTICE OF ORAL EXAMINATION
OF KATHERINE FLACK

TO: Defendants Above Named and Their Attorneys of Record.

NOTICE OF ORAL EXAMINATION.

MESSINA DUFFY
4002 Tacoma Mall Boulevard
Suite 200, Benj. Franklin Building
Tacoma, Washington 98409
(206) 472-6000
61

1 YOU AND EACH OF YOU are hereby notified that pursuant to the
2 Civil Rules for Superior Court, testimony by oral examination of
3 KATHERINE FLACK will be taken on behalf of plaintiffs before a
4 notary public, at the King County Prosecuting Attorney's Office,
5 W554, King County Courthouse, Seattle, WA, on April 13, 1988,
6 commencing at 9:30 a.m.; the said oral examination at said time
7 and place to be subject to continuance or adjournment from time
8 to time or place to place until completed; the said oral
9 examination to be taken pursuant to the Civil Rules of the
10 Superior Court of the State of Washington.

11 DATED this 29 day of March, 1988.

12 MESSINA DUFFY

13 By John L. Messina
14 JOHN L. MESSINA
15 Attorneys for Plaintiffs Ehrlich

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NOTICE OF ORAL EXAMINATION.

MESSINA DUFFY
4002 Tacoma Mall Boulevard
Suite 200, Benj. Franklin Building
Tacoma, Washington 98409
(206) 472-6000

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CIVIL TRACK 1
JUDGE GARY LITTLE
1988

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER et vir.,)
et al.,)
Plaintiffs,)
vs.)
DONALD LEE BARNETT et ux,)
et al.,)
Defendants.)

SANDY EHRLICH and MICHAEL)
EHRLICH, wife and husband,)
et al.,)
Plaintiffs,)
vs.)
RALPH ALSKOG and ROSEMARY)
ALSKOG, husband and wife,)
et al.,)
Defendants.)

No. 86 2 18176 8

NOTICE OF ORAL EXAMINATION
OF EMPLOYMENT RECORDS CUSTODIAN,
BOEING COMPANY

TO: Defendants Above Named and Their Attorneys of Record.

NOTICE OF ORAL EXAMINATION.

MESSINA DUFFY
4002 Tacoma Mall Boulevard
Suite 200, Benj Franklin Building
Tacoma, Washington 98409
(206) 472-6000

62

1 YOU AND EACH OF YOU are hereby notified that pursuant to the
2 Civil Rules for Superior Court, testimony by oral examination of
3 the Employment Records Custodian of The Boeing Company will be
4 taken on behalf of plaintiffs before a notary public, at the
5 Boeing Company, Seattle, WA, on April 13, 1988, commencing at
6 11:30 a.m.; the said oral examination at said time and place to
7 be subject to continuance or adjournment from time to time or
8 place to place until completed; the said oral examination to be
9 taken pursuant to the Civil Rules of the Superior Court of the
10 State of Washington.

11 DATED this 29 day of March, 1988.

12 MESSINA DUFFY

13 By John L. Messina

14 JOHN L. MESSINA

15 Attorneys for Plaintiffs Ehrlich

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NOTICE OF ORAL EXAMINATION.

MESSINA DUFFY

4002 Tacoma Mall Boulevard
Suite 200, Benj. Franklin Building
Tacoma, Washington 98409
(206) 472-6000

RECEIVED
JUDGES HALLROOM

CIVIL TRACK 1

88 APR -6 AM 9:49

KING COUNTY
SUPERIOR COURT

CIVIL TRACK ONE
THE HONORABLE GARY LITTLE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER, et. ux.,)
et. al.,)

Plaintiffs,)

v.)

DONALD LEE BARNETT, et. ux.,)
et. al.,)

Defendants.)

CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8

NOTICE OF DEPOSITION UPON
ORAL EXAMINATION OF
CHRIS BRADLEY HALL

SANDY EHRLICH, et. ux., et. al.,)

Plaintiffs,)

v.)

RALPH ALSKOG, et. ux., et. al.,)

Defendants.)

FILED
KING COUNTY, WASHINGTON

APR 4 1988

SUPERIOR COURT CLERK
BY CAROLYN RHOADS
DEPUTY

TO: All parties named above; and
TO: Your counsel:

YOU ARE HEREBY NOTIFIED that the testimony of CHRIS BRADLEY HALL will be taken at the instance and request of defendants Barnett in the above action, subject to continuance or adjournment from time to time or place to place until completed and to be taken on the ground and for the reason that said witness will give evidence material to the establishment of the parties' case; said deposition to be held:

DATE: APRIL 12, 198
TIME: 4:00 P.M.
PLACE: #3410, 701 Fifth Avenue
Seattle, WA 98104

DEPOSITION NOTICE : 1
15004789.NOD

Evans, Craven & Luckie
COURT REPORTERS

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DATED April 1, 1988.

EVANS CRAVEN & LACKIE, P.S.

By Rodney D. Hollenbeck
RODNEY D. HOLLENBECK
Attorneys for Defendants Barnett

DEPOSITION NOTICE : 2
15004789.NOD

Evans, Craven & Lackie, P.S.
LAWYERS

400 FLOOR COLUMBIA CENTER 701 5th AVENUE
SEATTLE WASHINGTON 98104
(206) 386 5555

RECEIVED

APR -1 1983

Kargianis, Austin & Erickson

COPY RECEIVED

APR 0 1983

EVANS, CRAVEN & LACKIE, P.S.

FILED

KING COUNTY, WASHINGTON

APR 4 1983

SUPERIOR COURT CLERK
BY CAROLYN RHOADS
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KATHY LEE BUTLER, et ux., et al.,)
)
 Plaintiffs,)
)
 v.)
)
 LEE BARNETT, et ux., et al.,)
)
 Defendants.)

NO. 86-2-18176-8

AFFIDAVIT OF JEFFERY
CAMPICHE IN SUPPORT OF
MOTION OF MAUREEN DONALD
JORGENSEN TO CONSOLIDATE
AND FOR PREASSIGNMENT

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, Jeff Campiche, being first duly sworn upon oath,
depose and state:

1. I am one of the attorneys of record for the plain-
tiffs herein. I am competent to testify to the matters
contained herein by personal knowledge unless otherwise
indicated.

2. I have reviewed the motion filed by Susan Delanty
Jones of Preston, Thorgrimson, Ellis & Holman, attorneys for
plaintiff Maureen P. Jorgensen, and, on behalf of plaintiffs
Butler, et al., concur and join in the same.

64
no

1 3. I agree that trial of these two cases will
2 necessarily involve presentation of similar evidence,
3 including testimony by both lay and expert witnesses.
4 Incidents in both cases occurred at approximately the same
5 time, in the same place, and were committed by the same
6 defendants pursuant to the same teachings and practices.

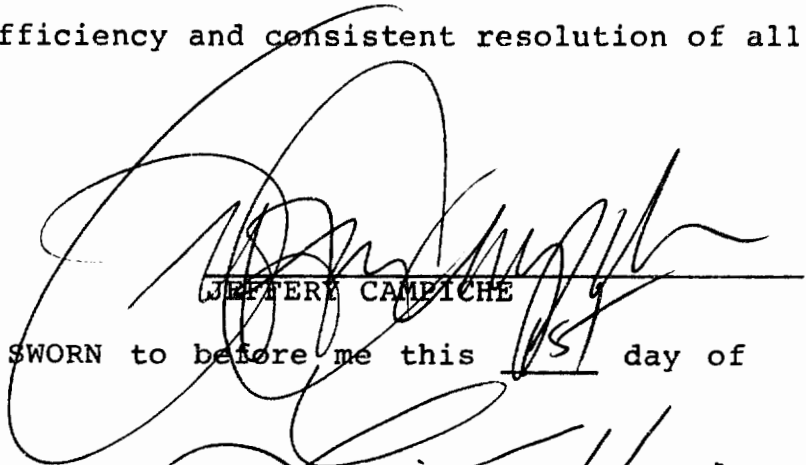
7 4. Several very important legal issues are common to
8 both cases, including constitutional defenses expected to be
9 raised by the defendants in resisting discovery. Common
10 factual issues include the structure, aims and nature of the
11 Community Chapel Bible Training Center ("CCBTC"), its conduct
12 of "spiritual connection" practices, and submission to
13 authority issues.

14 5. In view of likely numerous arguments as to defen-
15 dants' complicated, difficult and novel constitutional claims,
16 the same judge should both hear the pretrial motions and
17 preside over the trial.

18 6. For these reasons, I believe that consolidation and
19 preassignment of the Jorgensen case, No. 86-2-26360-8, with
20 the Butler Case, No. 86-2-18176-8, is appropriate and will
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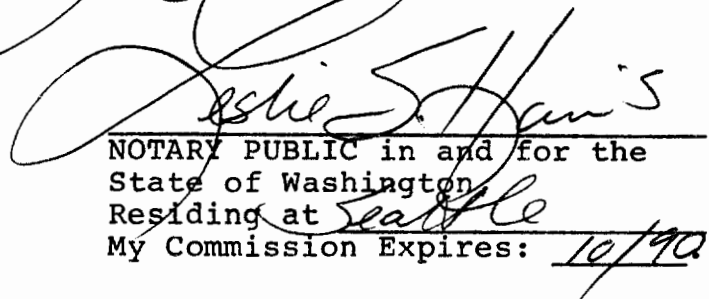
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result in judicial efficiency and consistent resolution of all
plaintiffs' claims.



JEFFERY CAMPICHE

SUBSCRIBED AND SWORN to before me this 15 day of
April, 1988.



ESTIE S. HAN'S
NOTARY PUBLIC in and for the
State of Washington,
Residing at Seattle

My Commission Expires: 10/90

In the SUPERIOR Court for KING

Court No. 36-2-18176-8
Date of Wash. No.

KATHY LEE BUTLER, ET UX.,
ET AL.,

AFFIDAVIT OF SERVICE OF

V.
DONALD LEE BARNETT, ET UX., Plaintiff
ET AL., DEFENDANTS

SANDY EHRLICH, ET UX., ET AL., Defendant
PLAINTIFFS,

V.
RALPH ALSKOG, ET UX., ET AL Garnishee Defendant

WITNESS FEE CHECK
SUBPOENA UPON DEPOSITION
OF CHRIS BRADLEY HALL
4/12/88 @ 4:00PM

State of Washington

County of King

ss.

The writ served was accompanied by four answer forms and three postage prepaid envelopes which were pre-addressed to the Clerk of the Court, to the Plaintiff or his attorney, and to the Defendant, and cash or check payable to the garnishee, to the amount of Ten Dollars.

A copy of the summons served is attached hereto

The undersigned, being first duly sworn, on oath deposes and says: That he is now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on 4/4/88 at 11:25am., at 4700 Columbia Center, Seattle,

King County, Washington, affiant duly served the above-described documents in the above-entitled matter upon Chris Bradley hall

by then and there personally delivering a true and correct copy thereof to and leaving same with Jody K. Brown, Secretary for Jeff Campiche

That at the time and place set forth above affiant duly served the above described documents in the above-entitled matter upon

by then and there, at the residence and usual place of abode of said person(s), personally delivering true and correct copy(ies) thereof to and leaving the same with

being a person of suitable age and discretion then resident therein.

Affiant further states that he is informed and believes, and therefore alleges, that neither of said defendants is in the military service of the United States.

TRIPS @ MILES

Subscribed and Sworn to before me 4/5/88

P. Nolan sk

SERVICE ATTEMPTED AT:

Sandy Leaghan
NOTARY PUBLIC in and for the State
of Washington, residing at Seattle

Service Fees 6.00 Travel 1.50 Return Fee 5.00 Cert. Mail Total \$ 12.50

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7:17

CIVIL TRACK 1



**SUPERIOR COURT OF WASHINGTON
COUNTY OF KING**

KATHY LEE BUTLER, et ux., et al.,
Plaintiffs,
v.
DONALD LEE BARNETT, et ux., et al.,
Defendants.

FILED
KING COUNTY, WASHINGTON
MAY 03 1988
SUPERIOR COURT CLERK
BY ROBIN COOK
NO. 86-2-18176-8

**NOTE FOR MOTION CALENDAR
(Clerk's Action Required)**

TO: THE CLERK OF THE COURT; and to all other parties per list on reverse side:

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the appropriate calendar.

Calendar Date: May 6, 1988 Day of Week Friday

Nature of Motion: Motion and Affidavit for Order of Default

DESIGNATED CALENDAR

- | | |
|--|--|
| <input checked="" type="checkbox"/> Civil Motion (LR 0.7) (9:30) | <u>FAMILY LAW MOTION (LR 0.5(b) LR 94.04)</u> |
| <input type="checkbox"/> Summary Judgment (LR 56) (9:30) | (W291) |
| <input type="checkbox"/> Supplemental Proceeding (LR 69) (1:30) | |
| <input type="checkbox"/> Presiding Judge (Trial Date Motions Only) | <input type="checkbox"/> Domestic Motion (9:30) |
| (11:15 or 1:30 Daily) | <input type="checkbox"/> Sealed File Motion (1:30) |
| Time of Hearing: _____ | <input type="checkbox"/> Support Motion (1:30) |
| | <input type="checkbox"/> Modification (1:30) |

EX PARTE MOTION (LR 0.9(b)) (W623)

The following motions are heard 9:00-12:00 and 1:30-4:15:

- | | | |
|--|------------------------|--|
| <input type="checkbox"/> Adoption | Time of Hearing: _____ | <input type="checkbox"/> Receivership (LR 66) (2:00) |
| <input type="checkbox"/> Dissolution | Time of Hearing: _____ | <input type="checkbox"/> Sealed File Motion (9:30) |
| <input type="checkbox"/> Ex Parte Motion | Time of Hearing: _____ | |
| <input type="checkbox"/> Probate | Time of Hearing: _____ | |

DEPARTMENTAL HEARINGS (LR 40(b))

Special Setting Before Judge/Commissioner:
Time of Hearing: 2:00 p.m.

Hon. Gary Little

Room W864

Typed Name: Susan Delanty Jones

OF: Preston, Thorgrimson, Ellis & Holman

DATED: April 26, 1988

Attorney for: Plaintiff

Telephone: (206) 623-7580

LIST NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ALL PARTIES REQUIRING NOTICE ON REVERSE SIDE.