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AUG 20 1987



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

FILED

MOREN,
LAGESCHULTE & CORNELL, P.S.

1987 AUG 21 PM 3:44
No. 86-2-18176-8

KATHY BUTLER, et ux, SANDI BROWN, Plaintiff(s)
et ux, et al., vs.

DONALD LEE BARNETT, et ux, Defendant(s)
COMMUNITY CHAPEL & BIBLE TRAINING CENTER, et al.,

KING COUNTY
STATEMENT OF ARBITRABILITY
SUPERIOR COURT NOTED FOR TRIAL SETTING
SEATTLE, WA (KC-LMAR 2.1(a))

TO THE CLERK AND TO ALL OTHER LAWYERS Per List on Reverse Side.

I. STATEMENT OF ARBITRABILITY:

1.1 This case is subject to arbitration because the sole relief sought is a money judgment and it involves no claim in excess of \$25,000, exclusive of attorney fees, interest, and cost.

1.2 The undersigned contends that its claim exceeds \$25,000, but for purposes of arbitration waives any claim in excess of \$25,000.

1.3 This case is NOT subject to mandatory arbitration because:

- (a) Plaintiff's claim exceeds \$25,000;
- (b) Plaintiff seeks relief other than a money judgment;
- (c) Defendant's counter or cross claim exceeds \$25,000;
- (d) Defendant's counter or cross claim seeks relief other than a money judgment; or
- (e) Case is an appeal from a lower court.

III. INSTRUCTIONS:

3.1 **Caveat:** Case will not be set for trial unless Part I is checked.

3.2 Type names and addresses of all lawyers on reverse side.

3.3 Serve all other parties and file with CALENDAR CONTROL E609 King County Courthouse.

Dated: August 18, 1987

II. NOTE FOR CIVIL TRIAL DATE:

2.1 Nature of Case: Torts for sexual assault, libel, slander, wrongful disfellowship, etc.

2.2 Estimated trial time is _____ hours 15 + _____ days.

2.3 **Readiness:** The undersigned lawyer certifies this case to be at issue in that all pleadings are on file, and no affirmative pleadings are unanswered.
KARGIANIS, AUSTIN & ERICKSON

Sign: _____
Type Name: JEFF CAMPICHE
Lawyer for: Plaintiffs

[Name and Address for Window Envelope]

JEFF CAMPICHE
KARGIANIS, AUSTIN & ERICKSON
47th FLOOR, COLUMBIA CENTER
SEATTLE, WA 98104-7010
206-624-5370

[Name, address and telephone of Lawyer(s)]

JEFF CAMPICHE
KARGIANIS, AUSTIN & ERICKSON
47th FLOOR, COLUMBIA CENTER
SEATTLE, WA 98104-7010
206-624-5370

26

LIST OF NAMES AND ADDRESSES OF ALL LAWYERS IN THIS CASE:

NAME: MICHAEL BOND, LEE, SMART, ETAL.,
Lawyer(s) for: Defendants
Address: 800 Washington Building
Seattle, WA 98101

NAME: MICHAEL BUGNI, MOREN, LANGESHULTE & CORNELL, P.S.
Lawyer(s) for: Defendants
Address: 11320 Roosevelt Way Northeast
Seattle, WA 98125

NAME:

Lawyer(s) for:
Address:

NAME:

Lawyer(s) for:
Address:

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KARGIANIS & AUSTIN

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MOREN,
LAGESCHULTE & CORNELL, P.S.

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

KATHY LEE BUTLER and STEPHEN)
LYNN BUTLER, wife and husband,)
and the marital community)
composed thereof; CHRISTINE HALL)
and DONALD T. HALL, wife and)
husband, and the marital community)
composed thereof; et al.,)

NO. 86-2-18176-8

Plaintiffs,)

MOTION TO DISMISS

v.)

DONALD LEE BARNETT and BARBARA)
BARNETT, husband and wife, and the)
marital community composed)
thereof; et al.,)

Defendants.)

I. MOTION

Defendants move this court for an order dismissing the claims brought by plaintiffs Christine Hall and Donald T. Hall in the above-captioned matter or, in the alternative, entering a judgment of default against said plaintiffs.

II. GROUNDS

The grounds for this motion are that, by the terms of an order filed August 7, 1987, plaintiffs were required to answer the interrogatories and requests for production directed to plaintiffs by

MOTION TO DISMISS - 1

LEE, SMART, COOK, MARTIN & PATTERSON, P.S., INC.
ATTORNEYS AT LAW
600 WASHINGTON BUILDING
1325 FOURTH AVENUE
SEATTLE, WASHINGTON 98101
(206) 624-7890

1 defendants no later than August 17, 1987. Plaintiffs Christine Hall
2 and Donald T. Hall have failed and refused to comply with the order
3 and answer the interrogatories.

4 III. BASIS

5 This motion is based on Civil Rule 37(b)(2)(C), the
6 subjoined affidavit of Michael J. Bond, the Order to Compel Discovery
7 signed by Judge Robert M. Elston on August 7, 1987, and the pleadings
8 on file herein.

9 DATED this 2 day of September 1987.

10 LEE, SMART, COOK, MARTIN &
11 PATTERSON, P.S., INC.

12
13 By Michael J. Bond
14 MICHAEL J. BOND
15 of Attorneys for Defendants

16 STATE OF WASHINGTON)
17) ss.
18 COUNTY OF KING)

19 MICHAEL J. BOND, being first duly sworn, upon oath deposes
20 and says: I am one of the attorneys representing defendants Donald Lee
21 Barnett, Barbara Barnett, and the Community Chapel and Bible Training
22 Center, and I make this affidavit on personal knowledge.

23 Plaintiffs were served with interrogatories on December 11,
24 1986. On May 29, 1987, I wrote to plaintiffs' attorney requesting
25 answers. On August 7, 1987 Judge Elston entered an order to compel

1 discovery. In response to that order, I received answers to the
2 discovery propounded to plaintiffs Butler, Lien, Brown and Fellhauer.
3 However, as of the date of this affidavit, plaintiffs Christine Hall
4 and Donald T. Hall have failed and refused to comply with the order
5 and answer the interrogatories.

6 FURTHER YOUR AFFIANT SAYETH NAUGHT.

7 Michael J. Bond
8 MICHAEL J. BOND

9 SUBSCRIBED and SWORN to before me this ____ day of
10 _____, 1987.

11 _____
12 NOTARY PUBLIC in and for the
13 State of Washington.
14 My Appointment Expires:
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KARGIANIS & AUSTIN



SUPERIOR COURT
COUNTY OF KING
MORENO, WASHINGTON
SCHULTE & CORNELL, P.S.

KATHY LEE BUTLER and STEPHEN LYNN BUTLER: et al.,

Plaintiffs,

v.

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

Defendants.

NO. 86-2-18176-8

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

TO: THE CLERK OF THE COURT; and to all parties named below:

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 Civil Motion Calendar.

DATE OF HEARING: Wednesday / September 16, 1987
(Day of Week) (Calendar Date)

TIME OF HEARING: [X] 9:30 a.m. [] 1:30 p.m.
[] Summary Judgments [] Supplemental Proceedings
[X] Civil Motions

PLACE OF HEARING: King County Superior Court

NATURE OF MOTION: MOTION TO DISMISS

DATED: 9-2-87

Michael J. Bond
Typed Name: MICHAEL J. BOND

OF: Lee, Smart, Cook, Martin & Patterson

Attorney For: Defendants

Phone: (206) 624-7990

OTHER PARTIES REQUIRING NOTICE:
Fill In & Check Box If Backside Is Used []

Name: Jeff Campiche Name: Michael W. Bugni

Address: 47th Floor, Columbia Center Address: 11320 Roosevelt Way N.E.

Seattle, WA 98104 Seattle, WA 98125

Phone: 624-5370 Phone: 365-5500

Attorney For: Plaintiffs Attorney For: Defendants

LEE, SMART, COOK, MARTIN & PATTERSON, P.S., INC.
ATTORNEYS AT LAW
800 WASHINGTON BUILDING
1928 FOURTH AVENUE
SEATTLE, WASHINGTON 98101
(206) 624-7990

NOTE FOR CIVIL MOTION CALENDAR

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SEP 15 PM 12:09
SUPERIOR COURT CLERK
SEATTLE, WA

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER and STEPHEN
LYNN BUTLER, wife and husband,
and the martial community
composed thereof; CHRISTINE
HALL and DONALD T. HALL, wife
and husband, and the marital
community composed thereof;

Plaintiffs,

vs.

DONALD LEE BARNETT and BARBARA
BARNETT, husband and wife, and
the marital community composed
thereof; et al.,

Defendants.

NO. 86-2-18176-8

AFFIDAVIT OF LESLIE HARRIS

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

LESLIE HARRIS, being first duly sworn upon oath, deposes and
states as follows:

That I am the legal assistant working on the above captioned
file with Jeffery Campiche, attorneys for plaintiffs.

That I had telephone contact with Ms. Hall, her parents and
her ex-husband on several occasions during the last few weeks in

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06

1 anticipation of defendant's motion to dismiss. Ms. Hall, at on
2 point last week drove back from Kallispell, Montana to Portland,
3 Oregon to collect information and to draft the answers to the
4 interrogatories.

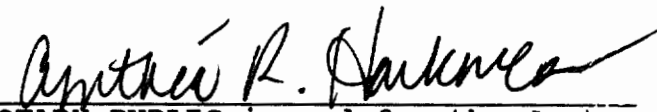
5 That the last time I spoke with Ms. Hall was on Monday, Sep-
6 tember 7, 1987 a.m. Ms. Hall indicated that she was going to drive
7 to Portland from Seattle with the necessary information needed to
8 complete the interrogatories and request for production.

9 That I have not heard from Ms. Hall subsequent to the Septem-
10 ber 7, 1987 telephone conversation.

11 Further your affiant saith naught.

12 
13 Leslie Harris

14 SUBSCRIBED AND SWORN to before me this 15th day of September,
15 1987.

16 
17 NOTARY PUBLIC in and for the State
18 of Washington, residing at Seattle.
19 My commission expires: 12-16-87.

SEP 15 PM 12:09
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KATHY LEE BUTLER and STEPHEN
LYNN BUTLER, wife and husband,
and the martial community
composed thereof; CHRISTINE
HALL and DONALD T. HALL, wife
and husband, and the marital
community composed thereof;

Plaintiffs,

vs.

DONALD LEE BARNETT and BARBARA
BARNETT, husband and wife, and
the marital community composed
thereof; et al.,

Defendants.

NO. 86-2-18176-8

AFFIDAVIT OF JEFFERY CAMPICHE
IN RESPONSE TO DEFENDANT
BARNETT, ET UX, ET AL., MOTION
TO DISMISS

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

JEFFERY CAMPICHE, being first duly sworn, upon oath deposes
and states as follows:

That I am one of the attorneys representing Kathy Lee But-
ler, et ux., Sandi Brown, et ux., Christine Hall and Donald Hall,
etc. and I make this affidavit of my own personal knowledge.

ORIGINAL

30
LJ

1 Your affiant has been unable to obtain the current address for
2 Christine Hall and as a consequence I have been able to prepare a
3 response to defendant's interrogatories.

4 Your affiant spoke with Ms. Hall several times on the tele-
5 phone in June of 1987 explaining to her the need to set up an
6 appointment to at our office to prepare the answers to the inter-
7 rogatories. Ms. Hall failed to meet several of the appointments
8 set and my attempts to locate her by telephone have been unsuccess-
9 ful. Apparently, Mr. and Mrs. Hall do not reside at the address
10 for which I was given.

11 My legal assistant Leslie Harris, has had telephone contact
12 during the last few weeks with Ms. Hall, her parents, and her ex-
13 husband on several occasions in anticipation of defendant's motion
14 to dismiss. (See Affidavit of Leslie Harris).

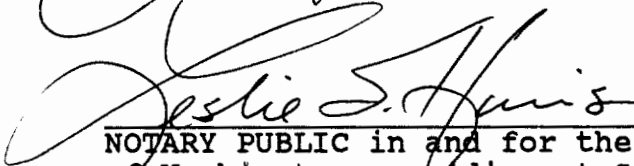
15 The nature of the injuries sustained by Ms. Hall are very dif-
16 ficult for her to discuss. The nature of the injuries alleged to
17 have been caused by the Community Chapel Church and by Pastor
18 Barnett are of a sexual assault nature and its affects appear to be
19 continuing. She is apparently drifting without an address or
20 permanent residence at this time.

21 For the above reasons your affiant has been unable to comply
22 with the order to compel answers to interrogatories issued by this
23 Court and request an extension by the Court given the above
24 information in order to re-establish contact with Ms. Hall.

1 Further your affiant saith naught.

2
3 
4 JEFFERY CAMPICHE

5 SUBSCRIBED AND SWORN to before me this 15th day of September,
6 1987.

7 
8 NOTARY PUBLIC in and for the State
9 of Washington, residing at Seattle.
10 My commission expires ~~12-16-90.~~
11 10/90.

SEP 16 11:13:09

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

KATHY LEE BUTLER and STEPHEN)
LYNN BUTLER, wife and husband,)
and the marital community)
composed thereof; CHRISTINE HALL)
and DONALD T. HALL, wife and)
husband, and the marital community)
composed thereof; et al.,)

NO. 86-2-18176-8

ORDER OF DISMISSAL

Plaintiffs,)

v.)

DONALD LEE BARNETT and BARBARA)
BARNETT, husband and wife, and the)
marital community composed)
thereof; et al.,)

Defendants.)

THIS MATTER having come on regularly for hearing before the undersigned on defendants' Motion to Dismiss;

Defendants being represented by Michael J. Bond and Lee, Smart, Cook, Martin & Patterson, P.S., Inc.; plaintiffs *being represented by Jeff Campiche*

The court having reviewed the motion and affidavit of Michael J. Bond, the Order to Compel Discovery entered August 7, 1987; *the affidavit of Jeffery Campiche dated September 15, 1987,* *the affidavit of Leslie Harris dated September 15, 1987;* Having heard argument of counsel and being otherwise duly

////////

ORDER OF DISMISSAL - 1

LEE, SMART, COOK, MARTIN & PATTERSON, P.S., INC.
ATTORNEYS AT LAW
800 WASHINGTON BUILDING
1328 FOURTH AVENUE
SEATTLE, WASHINGTON 98101
(206) 624-7990

5/1

1 informed in the premises, the court does hereby

2 ORDER, ADJUDGE AND DECREE that plaintiffs Christine Hall and
3 Donald T. Hall have disregarded the terms of the Order to Compel
4 Discovery, sanctions ^{will be as} appropriate in view of said plaintiffs'
5 failure to obey orders of this court, and ^{if the Interrogatory Answers are not served by 10-16-87} the claims brought by
6 plaintiffs Christine Hall and Donald T. Hall ^{will be automatically} are, therefore, dismissed,
7 ^{without further order of the Court.}

DONE IN OPEN COURT this 16 day of September, 1987.

8
9
Kary Ann Selman
JUDGE

10 Presented by:

11 LEE, SMART, COOK, MARTIN & PATTERSON

12 By Michael J. Bond
MICHAEL J. BOND
13 of Attorneys for Defendants

14 as to form
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16 [Signature]
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY 55 KING

KATHY LEE BUTLER, et ux.,)
et al.,) No. 86-2-18176-8
Plaintiffs,) NOTICE OF INTENT TO WITHDRAW
vs.)
DONALD LEE BARNETT, et ux.,)
et al.,)
Defendants.)

TO THE CLERK OF THE COURT, and
TO: KATHY LEE BUTLER, et ux., et al., Plaintiffs
TO: JEFFREY CAMPICHE, Attorney for Plaintiffs

PLEASE TAKE NOTICE THAT the undersigned intends to with-
draw as Attorney of Record for DONALD LEE BARNETT and
BARBARA BARNETT, COMMUNITY CHAPEL & BIBLE TRAINING CENTER,
and JOHN and DOES 1-5, above-named Defendants, as of the
16th day of November, 1987. Said date is at least 10 days
after service of this notice. This withdrawal shall be
effective without order of court unless an objection to the
withdrawal is served upon said withdrawing attorney prior to
the date set forth in this notice.

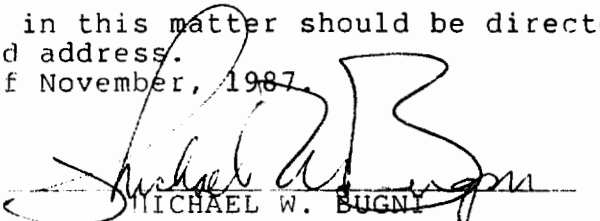
There is no scheduled trial date.

The last known address of the above-named Defendants are
as follows:

- Donald Lee & Barbara Barnett
416 S.W. 192nd
Seattle, WA 98166
- Community Chapel & Bible Training Center
18635 8th Ave. S.
Seattle, WA 98148

and all future pleadings in this matter should be directed
to each Defendant at said address.

DATED this 6th day of November, 1987.


MICHAEL W. BUGNI
OF MOREN, LAGESCHULTE & CORNELL

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KARGIANIS & AUSTIN

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LAGESCHULTE & CORNELL, P.S.

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

KATHEY LEE BUTLER and STEPHEN
LYNN BUTLER, wife and husband
and the marital community
composed thereof; et al.,

NO. 86-2-18176-8

Plaintiffs,

v.

NOTICE OF INTENT TO WITHDRAW

DONALD LEE BARNETT and BARBARA
BARNETT, husband and wife, and
the marital community composed
thereof; COMMUNITY CHAPEL AND
BIBLE TRAINING CENTER, a
Washington corporation; and JANE
AND JOHN DOES 1-5,

Defendants.

TO: CLERK OF THE COURT;

AND TO: KATHY LEE BUTLER and STEPHEN LYNN BUTLER, et al, Plaintiffs;

AND TO: JEFF CAMPICHE, their Attorney.

PLEASE TAKE NOTICE that Michael J. Bond and Lee, Smart,
Cook, Martin & Patterson, P.S., Inc., intend to withdraw as attorneys
of record for defendants Donald Lee Barnett, Barbara Barnett, and Jane
and John Does 1-5 as of the 20th day of November, 1987. This
withdrawal shall be effective without order of court unless an
objection to the withdrawal is served upon said withdrawing attorneys
prior to the date set forth in this notice.

////////

NOTICE OF INTENT
TO WITHDRAW - 1

LEE, SMART, COOK, MARTIN & PATTERSON, P.S., INC.
ATTORNEYS AT LAW
800 WASHINGTON BUILDING
1325 FOURTH AVENUE
SEATTLE, WASHINGTON 98101
(206) 624-7990

1 The last known addresses of defendants are as follows:

2 Pastor Donald Lee Barnett
3 18635 8th Ave. So.
4 Seattle, Washington 98148

5 Barbara Barnett
6 217 South 168th Street
7 Seattle, Washington 98148

8 and all future pleadings in this matter should be directed to each
9 defendant at said address.

10 DATED this 9 day of November, 1987.

11 LEE, SMART, COOK, MARTIN &
12 PATTERSON, P.S., INC.

13

14

By Michael J. Bond

15

MICHAEL J. BOND
of Attorneys for Defendant
Community Chapel & Bible
Training Center

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NOTICE OF INTENT
TO WITHDRAW - 2

LEE, SMART, COOK, MARTIN & PATTERSON, P.S., INC.
ATTORNEYS AT LAW
800 WASHINGTON BUILDING
1325 FOURTH AVENUE
SEATTLE, WASHINGTON 98101
(206) 624-7880

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IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF KING

4	KATHY BUTLER, et ux, et al.,)	NO. 8602-18176-8
)	
5	Plaintiffs,)	
)	
6	vs.	)	PLAINTIFF'S JOINDER OF
		)	MOTION TO CONSOLIDATE
7	DONALD LEE BARNETT, et ux, et al.,	)	CAUSE NO's 86-2-18176-8 and
		)	86-2-18429-5
8	Defendants,	)	AND FOR ASSIGNMENT TO CIVIL
		)	TRACK ONE - Noted for 11/16/87
			at 1:30 p.m.

COME NOW the Plaintiffs herein, by and through Jeff Campiche of Kargianis, Austin & Erickson and join in the Motion of Richard Adler of Adler, Giersch & Read, P.S. on behalf of Plaintiffs Ehrlich, et al., in Cause No: 86-2-18429-5 for consolidation of actions and for pre-assignment and early trial date (Civil Track I). This Motion is based on the records and files herein and the attached Affidavit of counsel.

DATED this 12th day of November, 1987.

KARGIANIS, AUSTIN & ERICKSON

By 

 JEFF CAMPICHE
 Attorneys for Plaintiffs

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

NO. 86-2-18176-8

AFFIDAVIT OF JEFFERY
CAMPICHE IN SUPPORT OF
MOTION TO CONSOLIDATE AND
FOR EXPEDITED TRIAL DATE
(CIVIL TRACK I)

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 plaintiffs herein.

2. I am competent to testify to the matter contained herein by personal knowledge unless otherwise indicated.

3. I have reviewed the motions filed by Richard Adler, attorney for plaintiffs Ehrlich, et al., and on behalf of plaintiffs Butler, et al., concur and join in the same.

4. That I have met with Mr. Adler on several occasions to discuss the factual basis for his client's claim against Donald Lee

1 Barnett, et al., and agree that trial of these two cases will
2 necessarily involve presentation of similar testimony and both lay
3 and expert witnesses. The incidents occurred at approximately the
4 same time, the same place and were committed by the same
5 defendants.

6 5. As Mr. Adler so aptly stated, several issues of extreme
7 importance involved in this case are similar to all the plaintiffs.
8 For example, any constitutional defenses raised by the defendants
9 will apply equally to each of the various plaintiffs. Second, the
10 discovery issues presented will be essentially the same for all the
11 various plaintiffs and this defendant.

12 6. The issue involved in plaintiffs claim necessarily
13 involve complicated legal issues that will reoccur throughout the
14 post-trial period, resulting in numerous motions. Preassignment to
15 Track 1 will result in judicial efficiency and a consistent resolu-
16 tion of these issues.

17 7. Specifically, all of the plaintiffs herein allege acts of
18 sexual assault and/or improper conduct by the individual defend-
19 ants, including the pastor and Community Chapel. See, attached
20 Complaint. Affiant's research into the handling of similar cases
21 against alleged cults convince me that pretrial litigation is
22 exhaustive on issues involving the constitutional defenses and
23 refusals to comply with discovery orders. For example, affiant has
24 learned that in a related case defendant Donald Lee Barnett refused
25
26

1 to comply with Pierce County Superior Court Judge Steiner's order
2 that he answer questions at a deposition. Further, trial in these
3 cases often involve numerous arguments over the legal implication
4 of the usual and customary defenses dealing with the First Amend-
5 ment to the United States Constitution. Consequently, it is
6 preferable to have the same judge hear the pretrial motions as
7 hears the trial.

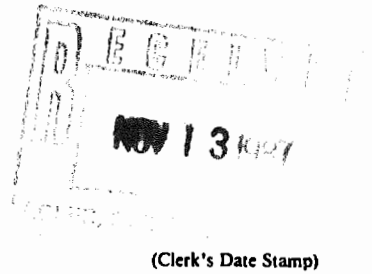
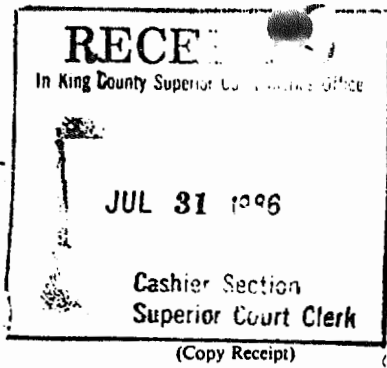
8 8. For these reasons, plaintiffs believe that consolidation
9 and preassignment to Track 1 is appropriate in this case and will
10 result in judicial efficiency and a consistent resolution of
11 plaintiffs' claims.

12 Further your affiant saith naught.

13
14 
15 JEFFERY CAMPICHE

16 19 87. SUBSCRIBED AND SWORN TO before me this 11th day of November

17 NOTARY PUBLIC in and for the State
18 of Washington, residing at Seattle
19 My commission expires: 10/90



**SUPERIOR COURT OF WASHINGTON FOR
KING COUNTY**

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

v.

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

86-2-18176 8

**SUMMONS
(20 days)**

TO: Defendants above-named:

A lawsuit has been started against you in the above entitled court by Kathy Lee Butler, et ux, et al., plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the plaintiff. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

KARGIANIS & AUSTIN

By George Kargianis

Attorneys for plaintiff.
George Kargianis

47th Floor Columbia Center
701 Fifth Avenue
Seattle, Washington 98104-7010
624-5370

Dated: July 31, 1986

JG/jd
7/31/86

RECEIVED
King County Superior Court Clerk's Office
JUL 31 1986
Cashier Section
Superior Court Clerk
SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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KATHY LEE BUTLER and STEPHEN)
LYNN BUTLER, wife and husband)
and the marital community)
composed thereof; and KATHY)
LEE BUTLER as guardian ad)
litem for SCOTT WILLIAM LIEN)
and RANDY WILLIAM LIEN, minors)
and SANDI LEE BROWN and LYLE)
DAVID BROWN, wife and husband)
and the marital community)
composed thereof; and DORA)
FELLHAUER as guardian ad litem)
for TARA LYNN BROWN and TROY)
STEVEN BROWN, minors; and)
CHRISTINE HALL, and DONALD T)
HALL, wife and husband and the)
marital community composed)
thereof,)

Plaintiffs,)

v.)

DONALD LEE BARNETT and BARBARA)
BARNETT, husband and wife, and)
the marital community composed)
thereof; COMMUNITY CHAPEL)
AND BIBLE TRAINING CENTER, a)
Washington corporation; and)
JANE AND JOHN DOES 1-5,)

Defendants.)

86-2-18176 8
NO.

COMPLAINT FOR MINISTERIAL
MALPRACTICE, OUTRAGE,
SEXUAL BATTERY, NEGLIGENT
COUNSELING, WRONGFUL DIS-
FELLOWSHIP, LOSS OF
CONSORTIUM, DEFAMATION, AND
LOSS OF PARENTAL
CONSORTIUM

COME NOW the plaintiffs, by and through their attorneys of
record, Kargianis & Austin and George Kargianis, and for cause of
action against the defendants state and allege as follows:

COMPLAINT

LAW OFFICES
KARGIANIS & AUSTIN
47TH FLOOR COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104 7010
12061 624-5370

1 1. Jurisdiction and Venue. The court has jurisdiction
2 over the subject matter herein and the parties hereto. Venue is
3 properly had in King County, Washington.

4 2. Plaintiffs.

5 A. Kathy Lee Butler and Steven Lynn Butler are wife
6 and husband, and at all times material hereto plaintiffs were
7 residents of King County, Washington.

8 B. Sandi Lee Brown and Lyle David Brown are wife and
9 husband, and at all material times hereto, plaintiffs were
10 residents of King County, Washington.

11 C. Kathy Lee Butler is the duly appointed and
12 qualified guardian ad litem for the minor children Scott William
13 Lien and Randy William Lien, who at all times material hereto,
14 resided in King County, Washington.

15 D. Dora Fellhauer is the duly appointed and qualified
16 guardian ad litem for the minor children Tara Lynn Brown and Troy
17 Steven Brown, who at all times material hereto, resided in King
18 County, Washington.

19 E. Christine Hall and Donald R. Hall are wife and
20 husband and at all times material hereto plaintiffs were
21 residents of King County, Washington.

22 3. Defendants.

23 A. Donald Lee Barnett and Barbara Barnett are husband
24 and wife and are residents of King County, Washington. Donald
25 Lee Barnett is the head pastor of Community Chapel and Bible
26

1 Training Center, and as such, is responsible for the administra-
2 tion and direction of the entire congregation. All actions
3 described of the defendants, or either of them, were performed on
4 behalf of the marital community.

5 B. At all times material hereto, the defendants
6 Donald Lee Barnett and Barbara Barnett were principals, agents
7 employees and representatives of the Community Chapel and Bible
8 Training Center. All actions complained of herein were performed
9 in the scope of their representation, employment and/or agency
10 for Community Chapel and Bible Training Center.

11 C. Community Chapel and Bible Training Center
12 (hereinafter "CC&BTC") is a corporation licensed to do business
13 and doing business in the State of Washington, having its
14 principal of business at 18635 - 8th Ave S., Seattle, WA.

15 D. Jane and John Does 1-5 are residents of the State
16 of Washington. At all times material hereto Jane and John Does
17 1-5 were agents, employees and/or representatives of CC&BTC, and
18 all actions complained of herein were performed in the scope of
19 their representation, employment and/or agency for CC&BTC.

20 E. Sometime during the year of 1967, CC&BTC was
21 organized under the laws of the State of Washington as a corp-
22 oration, practicing fundamentalist pentacostal beliefs. Defendant
23 CC&BTC, by and through its pastor, Donald Lee Barnett, has
24 required members to establish strong "spiritual connections" with
25 other people. Specifically, members of defendant CC&BTC who are
26

1 married, are encouraged to establish strong "spiritual connec-
2 tions" with members of the opposite sex, without regard to the
3 members' spouses. Said "spiritual connections" include dancing
4 with other members' mates, longing looks into each others eyes,
5 and the giving up of one's mate to another.

6 F. Plaintiffs Butler, Brown, Lien and Hall were
7 members of the defendant CC&BTC religious organization.

8 G. At all times hereinafter mentioned defendant
9 Donald L. Barnett was engaged in pastoral counseling at the
10 defendant CC&BTC's principal place of business in the city of
11 Seattle, King County, where he kept and maintained an office in
12 connection with his pastoral duties and/or pastoral advice.

13 H. At all times hereinafter mentioned plaintiffs
14 Kathy Lee Butler, Sandi Brown and Christine Hall, as members of
15 defendant CC&BTC, came into constant contact with defendant
16 Donald L. Barnett. Defendant Donald L. Barnett frequently sought
17 out plaintiffs Butler, Brown and Hall in a purported effort to
18 provide them with ministerial counseling and pastoral advice.

19 I. During the month of May, 1980, plaintiff Brown was
20 in the presence of defendant Donald L. Barnett for the alleged
21 purpose of ministerial counseling and spiritual guidance. At that
22 time, defendant Donald L. Barnett, without any encouragement or
23 inducement by plaintiff Brown, forcibly laid his hands on plain-
24 tiff Brown's breasts and forcibly kissed and embraced her against
25 her will.

1 J. On other occasions, defendant Donald L. Barnett,
2 under the guise of providing ministerial services and counseling,
3 removed his clothing and exhibited his "private parts" to plain-
4 tiffs Butler and Hall. Defendant Barnett professed to be driven
5 by God and represented to plaintiffs Butler and Hall that his
6 conduct was sanctioned by God. Defendant Barnett attempted to
7 unduly influence and coerce plaintiffs Butler and Hall into
8 having sexual intercourse with him, making physical contact with
9 plaintiffs Butler and Hall.

10 K. The minor children Tara Lynn Brown and Troy Steven
11 Brown were members of the defendant CC&BTC. Their parents are
12 Sandi Lee and Lyle David Brown.

13 L. The minor children Scott William Lien and Randy
14 William Lien were members of the defendant CC&BTC. Their mother
15 is Kathy Lee Butler.

16 M. Plaintiff Christine Hall was a member of the
17 defendant CC&BTC.

18 N. Over a period of several years, defendant Donald
19 L. Barnett continued to seek out plaintiffs Butler, Brown and
20 Hall and, under the guise of ministerial counseling and pastoral
21 guidance, continued to sexually assault plaintiffs Butler, Brown
22 and Hall by forcibly laying his hands on plaintiffs Butler, Brown
23 and Hall's breasts and forcibly kissing and embracing them
24 against their will.

25 O. On numerous occasions, defendant Donald Lee
26

1 Barnett, under the guise of providing ministerial services,
2 advice, and counseling, became aware of the vulnerability of
3 plaintiffs Hall and Butler. Defendant Donald L. Barnett took
4 advantage of their weakness, need for support, reliance on the
5 pastor's trusted position to manipulate plaintiffs Brown, Butler
6 and Hall.

7 P. As a result of the manipulation by defendant
8 Donald L. Barnett, plaintiffs Hall and Butler were coerced and
9 unduly influenced into having sexual relationships with defendant
10 Donald L. Barnett. These relationships continued for a period of
11 years.

12 Q. Defendant Donald L. Barnett encouraged the members
13 of his congregation, including plaintiffs, to form intimate
14 attachments with members of the opposite sex as part of regular
15 services at CC&BTC. Defendant Donald L. Barnett expressly
16 encouraged married members of the congregation to form intimate
17 attachments with persons other than the spouses of the members.
18 These intimate attachments are known as "connections".

19 R. Defendant Donald Barnett represented, coerced and
20 unduly influenced plaintiffs Butler and Hall that it was morally
21 spiriually proper to have and engage in intimate sexual contact
22 with him. As a result of Donald L. Barnett's coercion, undue
23 influence, and abuse of his pastoral position, plaintiffs Butler
24 and Hall engaged in intimate sexual contact with Barnett.

25 S. After a period of time, plaintiffs Butler, Brown
26

1 and Hall realized that defendant Donald L. Barnett's conduct was
2 not sanctioned by God and was a ruse concocted by defendant
3 Donald L. Barnett in order to satisfy his gross sexual needs.

4 T. Plaintiff Brown confronted defendant Donald L.
5 Barnett with her belief that his conduct was not sanctioned by
6 God and constituted negligent ministerial counseling and abuse of
7 his pastoral position.

8 U. Defendant Donald L. Barnett continued to claim
9 that his conduct was sanctioned by God and that he was performing
10 ministerial functions under the direction of God, and that if
11 plaintiff Brown revealed his conduct with her to the congrega-
12 tion, defendant Donald L. Barnett would cause plaintiff Brown to
13 be disfellowshipped.

14 V. Plaintiff Brown did reveal defendant Donald L.
15 Barnett's wrongful conduct to certain elders of the CC&BTC. These
16 elders, who may be added to this complaint at a later date upon
17 leave to amend being granted, conspired to cover-up defendant
18 Barnett's wrongful abuse of his pastoral position.

19 W. Thereafter, defendant Donald L. Barnett caused
20 plaintiff Brown to be disfellowshipped from the defendant CC&BTC
21 and shunned by its members.

22 X. As a direct and proximate result of plaintiff
23 Brown being wrongfully disfellowshipped and shunned, plaintiffs
24 Tara L. Brown and Troy S. Brown were also disfellowshipped and
25 shunned by friends and classmates.

1 Y. As a result of defendant Donald Barnett's wrongful
2 conduct and abuse of pastoral position, plaintiffs Butler and
3 Hall were forced to leave the CC&BTC in order to avoid continued
4 mental and physical abuse.

5 Z. Plaintiffs Butler and Hall suffered destruction of
6 their marital and familial relationships as a direct result of
7 defendant Barnett's wrongful and abusive conduct.

8 AA. Plaintiffs Brown suffered a severe disruption of
9 their marriage and destruction of their familial relationships as
10 a direct result of defendant Barnett's wrongful and abusive
11 conduct.

12 BB. Plaintiffs Tara L. Brown and Troy S. Brown
13 suffered a destruction of their relationships with friends and
14 family members as a direct result of defendant Barnett's wrongful
15 and abusive conduct.

16 CC. Plaintiffs Scott William Lien and Randy William
17 Lien suffered a destruction of their relationships with friends
18 and family members as a direct result of defendant Barnett's
19 wrongful and abusive conduct.

20
21 **FIRST CAUSE OF ACTION: ASSAULT AND BATTERY**

22 A. Plaintiffs Kathy Butler, Sandi Brown and Christine
23 Hall repeat and reallege each and every allegation as previously
24 set forth in complaint as if fully set forth herein.

25 B. As a direct result of said assaults and batteries
26

1 by defendant Donald L. Barnett, plaintiffs Butler, Brown and Hall
2 were greatly humiliated, shamed, and embarrassed, endured great
3 suffering of body and mind, and were, and still are, nervous and
4 distraught.

5
6 SECOND CAUSE OF ACTION: OUTRAGE

7 A. Plaintiffs repeat and reallege each and every
8 allegation as previously set forth in complaint as if fully set
9 forth herein.

10 B. The conduct of defendant Donald L. Barnett, as
11 agent and servant of defendant CC&BTC, in forcibly laying his
12 hands on plaintiffs Butler, Brown and Hall and forcibly kissing
13 them and embracing them against their will, was perpetrated so as
14 to intentionally inflict severe emotional distress upon plain-
15 tiffs, with knowledge that such distress was certain or substan-
16 tially certain to result from such outrageous conduct.

17 C. Such conduct was perpetrated by defendant Donald
18 L. Barnett with reckless and deliberate disregard of a higher
19 degree of probability that severe emotional distress would result
20 to plaintiffs, and such conduct constitutes the tort of outrage
21 in the State of Washington.

22 D. Such conduct by defendant Donald L. Barnett was
23 extreme, outrageous, and in violation of rudimentary public
24 policy.

25 E. The conduct of defendant Donald L. Barnett was
26

1 deliberate, willful, malicious, and calculated to inflict severe
2 emotional distress on plaintiffs.

3 F. As a direct and proximate result of defendant
4 Donald L. Barnett's outrageous conduct, plaintiffs suffered
5 severe emotional distress, were greatly humiliated, shamed, and
6 embarrassed, endured great suffering of body and mind, and are,
7 and still are, nervous and distraught.

8
9 **THIRD CAUSE OF ACTION: MINISTERIAL MALPRACTICE**

10 A. Plaintiffs repeat and reallege each and every
11 allegation as previously set forth in complaint as if fully set
12 forth herein.

13 B. The conduct of defendant Donald L. Barnett, as
14 hereinabove alleged, fell below the standard of care established
15 in the community for performance of pastoral and religious duties
16 of a pastor; that by his sometimes negligent, but more often
17 willful and wanton conduct, fraud-deceit-misrepresentation,
18 assaults, abandonment, low moral character, degenerate
19 tendencies, gross sexual proclivities, intentional infliction of
20 emotional distress, breach of trust, and general bad character,
21 evil tendencies, and reckless disregard exhibited against plain-
22 tiffs Butler, Brown and Hall the defendant Donald L. Barnett is
23 guilty of ministerial malpractice and abuse of pastoral position.

24 C. As a result of defendant Donald L. Barnett's
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1 ministerial malpractice and abuse of pastoral position, plain-
2 tiffs Brown, Butler and Hall suffered serious and painful
3 injuries to their person as well as psychological and marital
4 pain and suffering.

5
6 **FOURTH CAUSE OF ACTION: COUNSELOR MALPRACTICE**

7 A. Plaintiffs repeat and reallege each and every
8 allegation as previously set forth in complaint as if fully set
9 forth herein.

10 B. Defendant Donald L. Barnett did not exercise the
11 degree of care, skill, diligence and knowledge commonly possessed
12 and exercised by a reasonable, careful and prudent counselor in
13 this jurisdiction by manipulating plaintiffs Butler, Brown and
14 Hall into sexual relationships. This intentional or reckless
15 failure constitutes the tort of counselor malpractice.

16
17 **FIFTH CAUSE OF ACTION: NEGLIGENT COUNSELING**

18 A. Plaintiffs repeat and reallege each and every
19 allegation as previously set forth in complaint as if fully set
20 forth herein.

21 B. Defendant Donald L. Barnett held himself out to
22 plaintiffs Butler, Brown and Hall as being capable of performing
23 marital counseling and spiritual counseling, which required the
24 skill of a person competent to counsel the plaintiffs in their
25 respective needs.

1 C. The defendant Donald L. Barnett was negligent in
2 counseling of plaintiffs Hall and Butler in that defendant failed
3 to exercise or possess that degree of skill, care, and learning
4 ordinarily exercised or possessed by the average qualified
5 counselor, taking into account the existing state of knowledge
6 and practice in the field of clergy, marital counseling and other
7 counseling professions.

8 D. Defendant Donald L. Barnett was negligent in the
9 following particulars: defendant Donald L. Barnett counseled,
10 represented coerced and unduly influenced plaintiffs Butler,
11 Brown and Hall that by allowing defendant Barnett to fondle their
12 breasts, kiss them, and/or exposing his private parts to them and
13 engage in other sexually intimate contact, that somehow such
14 conduct would allow plaintiffs to become pure and obtain
15 spiritual love and the possibility of complete unity with God.

16 E. Such purported counseling and representations of
17 defendant Donald L. Barnett is indefensible, has no counseling or
18 spiritual value whatsoever, and failed to meet that degree of
19 care and skill ordinarily employed by counselors and clergy in
20 similar circumstances in the same locality, or in similar
21 localities.

22 F. As a direct and proximate result of defendant
23 Donald L. Barnett's negligent counseling and ministerial advice,
24 each plaintiff suffered serious psychological and mental pain and
25 suffering as well as painful physical injuries to their persons.

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SIXTH CAUSE OF ACTION: WRONGFUL DISFELLOWSHIP

A. Plaintiffs repeat and reallege each and every allegation as previously set forth in complaint as if fully set forth herein.

B. Defendant Donald L. Barnett threatened plaintiff Brown that if she disclosed defendant's conduct in allowing him to fondle her breasts and kiss her on the lips, that defendant Donald L. Barnett would cause her and her family to be disfellowshipped from the defendant CC&BTC, and further, cause them to be shunned by CC&BTC members.

C. Plaintiff Brown disclosed defendant Barnett's wrongful conduct to defendant CC&BTC elders. The defendant CC&BTC elders, however, sanctioned defendant Barnett's conduct and disfellowshipped plaintiffs Butler, Brown and Hall after being directed by defendant Barnett to do so.

D. As a result of plaintiffs wrongful disfellowship, the plaintiff Brown and her family have been shunned by members of the CC&BTC and have been greatly humiliated, shamed, and embarrassed, endured great suffering of body and mind, and are, and still are nervous and distraught.

SEVENTH CAUSE OF ACTION: RESPONDEAT SUPERIOR

A. Plaintiffs repeat and reallege each and every allegation as previously set forth in complaint as if fully set forth herein.

1 B. At all times material to the allegations set forth
2 in this complaint, defendants were the agents, employees or
3 servants of defendant CC&BTC.

4 C. The defendant CC&BTC had knowledge of defendants
5 conduct towards the plaintiffs, and failed to take corrective
6 action, sanctions, preventive measures, or in any way attempt to
7 prevent Donald L. Barnett's conduct.

8 D. Defendants were acting in the scope of their
9 employment or agency with defendant CC&BTC, and, therefore,
10 defendant CC&BTC is legally responsible for acts and conduct
11 committed by defendants upon the persons of plaintiffs.

12 E. Under the doctrine of respondeat superior,
13 defendant CC&BTC is liable in damages to the plaintiffs for the
14 wrongful acts committed by defendant Donald L. Barnett and others
15 upon plaintiffs' persons.

16
17 EIGHTH CAUSE OF ACTION:

18 INFLECTION OF EMOTIONAL DISTRESS

19 A. Plaintiffs repeat and reallege each and every
20 allegation as previously set forth in complaint as if fully set
21 forth herein.

22 B. Plaintiffs Tara Lynn Brown, Troy Steven Brown,
23 Scott William Lien and Randy William Lien, minors, were members
24 of the CC&BTC and regularly attended services, classes and other

1 functions of the CC&BTC for several years. During these plain-
2 tiffs involvement in and with the CC&BTC, plaintiffs were sub-
3 jected to numerous repetitive sermons, submission practices,
4 indoctrination, retreats, counseling sessions and psychological
5 techniques that were designed to and did diminish their cognitive
6 functions to discern truth from falsity and to make plaintiff
7 minors psychologically dependent upon the defendant CC&BTC,
8 defendant Donald L. Barnett and defendants Jane and John Does
9 1-5.

10 C. The defendants wrongful conduct in diminishing
11 plaintiff minors' cognitive functions proximately resulting in
12 the above-referenced harm was extremely atrocious, intolerable
13 and unacceptable in a civilized society.

14 D. The defendants wrongful conduct were intentional,
15 wilfull, wanton and malicious and defendants knew or should have
16 known that they would have the effects herein alleged.

17 E. The wrongful conduct of the defendants directly
18 and proximately caused the plaintiff minors to experience
19 psychological and mental disorders, severe marital distress,
20 anguish and caused them to be extremely nervous, excitable and
21 fearful. Further, defendants' conduct proximately caused plain-
22 tiff minors to experience extreme family disharmony.

23
24 NINTH CAUSE OF ACTION: LOSS OF CONSORTIUM

25 A. Plaintiffs repeat and reallege each and every
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1 allegation as previously set forth in complaint as if fully set
2 forth herein.

3 B. As a further direct and proximate result of the
4 acts of defendants, plaintiffs Butler and Brown have suffered a
5 loss of consortium, including without limitation thereto, the
6 loss of love, affection, care, services, companionship and
7 society of each of their respective spouses.

8
9 TENTH CAUSE OF ACTION: LOSS OF PARENTAL CONSORTIUM

10 A. Plaintiffs minors Brown and Lien repeat and
11 reallege each and every allegation as previously set forth in
12 complaint as if fully set forth herein.

13 B. As a further direct and proximate result of the
14 acts of defendants, plaintiff minors Brown and Lien have suffered
15 a loss of parental consortium, including without limitation
16 thereto, the loss of their parents' love, care, companionship,
17 society and guidance.

18
19 ELEVENTH CAUSE OF ACTION: DEFAMATION

20 A. Plaintiffs minors Brown and Lien repeat and
21 reallege each and every allegation as previously set forth in
22 complaint as if fully set forth herein.

23 B. Upon information and belief, defendant Donald L.
24 Barnett, John Does 1-5 and Jane Does 1-5 made disparaging and
25 untrue statements to members of the CC&BTC regarding plaintiffs.

1 C. Defendants knew, or in the exercise of reasonable
2 care, should have known that the statements were false.

3 D. As a direct result of defendants' disparaging and
4 false statements, plaintiffs suffered injury to their reputa-
5 tions, wounded feelings, humiliation, and other damages subject
6 to proof.

7
8 TWELFTH CAUSE OF ACTION: DAMAGES

9 A. As a direct and proximate result of the inten-
10 tional, reckless, and negligent wrongful acts and omissions of
11 the defendants, and each of them, plaintiffs have suffered
12 serious and painful injuries to their person, as well as psycho-
13 logical and mental pain and suffering. By reason of the fore-
14 going, plaintiffs sustained general damages according to proof.

15 B. As a direct and proximate result of the inten-
16 tional, reckless, and negligent wrongful acts and omissions of
17 the defendants, and each of them, plaintiffs were required to and
18 did incur reasonable and necessary expenses in connection with
19 the treatment of said personal injuries. By reason of the fore-
20 going, plaintiffs sustained special damages according to proof.

21 C. As a direct and proximate result of the inten-
22 tional, reckless, and negligent wrongful acts and omissions of
23 the defendants, and each of them, plaintiffs will be required to
24 incue, and incur in the future, reasonable and necessary expenses
25 in connection with the treatment of said personal injuries. By

1 reason of the foregoing, plaintiffs will sustain additional
2 special damages according to proof.

3 D. As a direct and proximate result of the inten-
4 tional, reckless, and negligent wrongful acts and omissions of
5 the defendants, and each of them, plaintiffs have suffered a loss
6 of earnings to date in an amount which is presently unknown, but
7 which will be proven at the time of trial.

8 E. As a direct and proximate result of the inten-
9 tional, reckless, and negligent wrongful acts and omissions of
10 the defendants, and each of them, plaintiffs are entitled to
11 actual damages, damages for continuing pain and suffering and
12 attorneys' fees.

13
14 WHEREFORE, plaintiffs pray for judgement against defendants
15 individually and as marital community as follows:

16 1. For general damages already incurred and future general
17 damages in an amount unknown but which will be proved at the time
18 of trial;

19 2. For medical expenses incurred and for future medical
20 expenses and other costs, in an amount unknown which will be
21 proved at the time of trial;

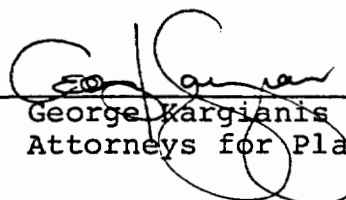
22 3. For loss of wages and earnings which will be proved at
23 the time of trial;

24 4. For damages for loss of consortium and parental con-
25 sortium;

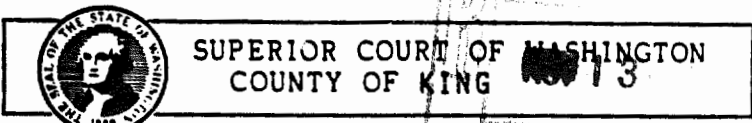
1 5. For costs and disbursements;
2 6. For prejudgment interest;
3 7. For reasonable attorneys' fees;
4 8. For such other relief as may be jsut and equitable in
5 the premises.

6 DATED this 31st day of July, 1986.

7 KARGIANIS & AUSTIN

8
9 By 
10 George Kargianis
11 Attorneys for Plaintiffs

Noted for hearing 11/16/87 at 1:30
together with Ehrlich, et al. v. Alskog,
CCBTC, et. Cause No: 86-2-18429-5



KATHY BUTLER, et ux, et al.,
Plaintiff,
vs.
DONALD LEE BARNETT, et ux, et al.,
Defendant.

37 NOV 13 P12 15

No: 86-2-18176-8

REQUEST FOR ASSIGNMENT TO
CIVIL TRACK I

The undersigned affirms that the above-captioned case is not subject to arbitration and requests that it be assigned to Civil Track I. This request is based on the attached statement (limited to three(3) pages in length) and the criteria set forth in LR 40 (b)(2).

Estimated Length of Trial 3-4 weeks Jury XXX Non-Jury (Check one)
Trial Date, if already set none set as yet
Note for Trial Filed xxx Yes No (Check one)

List the names of all parties and the names and addresses and telephone numbers of the lawyers representing them.

Kathy & Steve Butler, individually, marital community and as GALs for minor children
Sandi L. & Lyle Brown, individually, marital community and as GALs for minor children
Christie & Donald Hall, individually and marital community
All Represented by Jeff Campiche, Kargianis, Austin & Erickson
47th Floor, Columbia Center, Seattle, WA 98104-7010, 206-624-5370

Defendants Donald Lee & Barbara Barnett and the Community Bible Chapel and Training Center, are represented by Michael Bond, Lee, Smart, Cook, 800 Washington Building, Seattle, WA 98101, 206-624-7990 and Michael W. Bugni of Moren, Lageshulte & Cornell, P.S. 11320 Roosevelt Way N.E., Seattle, WA 98125, 206-365-5500

The applicant understands that if the request for preassignment is granted, any existing trial date will be stricken and a new date will be set by the Civil Track I Judge assigned to the case.

Opponents to movant's request for preassignment shall have ten(10) court days from the date of service in which to respond. Responses are limited to three(3) pages in length and will be submitted to the Presiding Judge.

Jeff Campiche
Attorney for: Plaintiffs

THIS FORM MUST BE FILED IN THE CLERK'S OFFICE, CALENDARS WINDOW #11, ROOM E-609 AND A COPY MUST BE DELIVERED TO THE PRESIDING JUDGE.

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IN THE SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

KATHY LEE BUTLER, et ux, et al.,)	NO. 86-2-18176-8
)	
Plaintiffs,)	
vs.	)	OBJECT TO WITHDRAWAL
	)	INTENTIONS OF
DONALD LEE BARNETT, et ux, et al.,	)	DEFENDANTS' ATTORNEYS
	)	per CR 71
Defendants,)	
)	

- TO: The Clerk of the Court
- TO: Michael Bond, Esq. of Lee, Smart, et al.,
- TO: Michael W. Bugni, Esq. of Moren, Lageschulte & Cornell, P.S.

PLEASE TAKE NOTICE that the Plaintiffs by and through their attorneys of record Jeff Campiche, of Kargianis, Austin & Erickson hereby OBJECT to the intended withdrawal of Michael W. Bugni of Moren, Lageschulte & Cornell, P.S. from the representation of Defendants and the intended withdrawal of Michael Bond of Lee, Smart, et al., from the representation of Defendants Barnett, et ux, and Jane & John Does 1-5.

Said objection is based on the issues of outstanding discovery, a noted consolidation motion with Cause No: 86-2-18429-5 and a noted motion for pre-assignment and expedited trial date.

Pursuant to CR 71 this objection shall stay the withdrawals until obtained by Court Order.

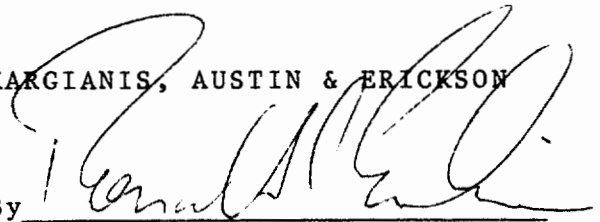
DATED & SERVED this 13th day of November, 1987.

LAW OFFICES
KARGIANIS & AUSTIN
47TH FLOOR COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE WASHINGTON 98104
(206) 624-5320

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KARGIANIS, AUSTIN & ERICKSON

for By 
JEFF CAMPICHE
Attorneys for Plaintiffs

OBJECTION TO INTENDED WITHDRAWAL OF DEFENDANTS' ATTYS

LAW OFFICES
KARGIANIS & AUSTIN
47TH FLOOR COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE WASHINGTON 98104 2010
(206) 624 5170



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

CIVIL TRACK 1

KATHY BUTLER, et ux, et al.

Plaintiff, S

vs.

DONALD LEE BARNETT, et ux, et al

Defendant.

NOV 16 PM 4:21
COUNTY
No: 86-2-18176-8

ORDER ASSIGNING CASE TO CIVIL TRACK
I (CLERK'S ACTION REQUESTED)

THIS MATTER having been determined to meet the criteria for special assignment and it appearing that said case is not subject to arbitration; NOW THEREFORE

IT IS HEREBY ORDERED that the above-captioned case is assigned to JUDGE Gary Little
Department Number 19 for management and disposition and that attorneys must confer with and contact the above judge within ten(10) court days from the date of this order to schedule the initial conference in this matter. If a trial date is currently set, and/or the case is noted for trial, it is hereby stricken.

DATED: 11/16/87, 19

[Signature]
PRESIDING JUDGE

TO: JEFF CAMPICHE
Kargman's, Austin & ERICKSON
4700 Columbia Center
Seattle 98104-7010
624 5370

TO: Richard ADLER
1621 Smith Tower
Seattle WASH 98104
682-4267

TO: Michael W. Bugni
11320 Roosevelt Way, NE
Seattle, WA 98125
365-5500

TO: Michael BOND
800 Washington Bldg.
Seattle WA 98104
624-7990

TO: John Messina
4802 Tacoma Mall Blvd
Tacoma, Washington
98409
472-6000

THIS FORM MUST BE FILED IN THE CLERK'S OFFICE, CALENDARS CONTROL Window #11, ROOM E-609

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CIVIL TRACK 1

GARY M. LITTLE

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

1
2
3 KATHY LEE BUTLER, et ux.,)
et al.,)
4 Plaintiffs,)
vs.)
5 DONALD LEE BARNETT, et ux.,)
6 et al.,)
7 Defendants.)

No. 86-2-18176-8

ORDER ALLOWING WITHDRAWAL
OF COUNSEL

FILED
NOV 17 1987
BY ROBIN COOK

8 THIS MATTER having come on regularly before the
9 above-entitled Court, the Honorable Robert Winsor presiding,
10 upon defense counsel's request for an order permitting with-
11 drawal, the Court having heard argument, and being otherwise
12 fully advised in the premises, NOW, THEREFORE, IT IS HEREBY
13 ORDERED, ADJUDGED AND DECREED that Michael W. Bugni
14 of Moren, Lageschulte & Cornell, P.S., may withdraw as
15 counsel of record for the Defendants and that Michael J.
16 Bond of Lee, Smart, et al, may withdraw as counsel of record
17 for Defendants Barnett, et ux., and Jane and John Does 1-5.
18 1987.

This order is conditioned upon compliance with the court's oral ruling of
DONE IN OPEN COURT this 17 day of November, *this date*

Gary M. Little

JUDGE WINSOR
Little

21 Presented by:
22 *[Signature]*
23 MICHAEL W. BUGNI
24 Attorney for Defendants

25 ORDER - 1

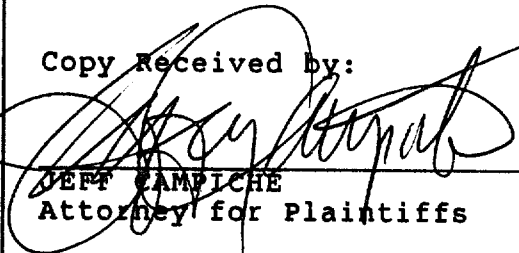
ORIGINAL

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT PINEHURST BUILDING
11320 ROOSEVELT WAY N.E.
SEATTLE WASHINGTON 98125
206/363 5500

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Copy Received by:



~~JEFF CAMPICHE~~
Attorney for Plaintiffs

ORDER - 2

NON-TRIAL

SCOMIS code: (Both #s)

PREHRG DISPHRG HEARING
POSTHRG MINUTE

Department No. 19

Date: Tuesday, NOV 17 1987

Page 1 of 2

JUDGE: Hon. Gary M. Little

BAILIFF: Dean Hamilton

COURT CLERK: Robin L. Cook

REPORTER: Beverly Guy

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

Case Caption

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

Sandy Ehrlich, et al -vs- Ralph Alskog, et ux, et al

Litigants and attorneys

Plaintiffs, Butler and others, represented by Counsel, Jeff Campiche.
Plaintiffs, Ehrlich and others, represented by Counsel, Richard Adler.
Defendants represented by Counsel, Michael Bond and Michael Bugni

Minute Entry

Pre-trial Motions.

Plaintiffs' joint motion for consolidation.

Granted, without prejudice for pre-trial only under King County Cause number 86-2-18176-8.

Order signed.

Defendant's motion for withdrawal of attorney.

Granted, as to Counsel, Michael Bugni, completely and granted as to Counsel, Michael Bond, in his capacity as Counsel for individuals, but not in his capacity as Counsel for defendant, Community Chapel and Bible Training Center.

86-2-18176-8 } consolidated

K.C. Cause No. 86-2-18429-5

Date: Tues. NOV 17 1987

Page 2 of 2

Caption: Butler, et ux et al. vs. Barnett et ux et al Reporter: _____

Minute Entry

Sept. 19

Orders signed with provision defense attorneys send letter to individual defendants alerting them of their withdrawal.

Stipulation for Order of Dismissal of Defendants Hartley signed in King County Cause Number 86-2-18429-5.

Pre-trial conference set for January 8, 1988 at 1:30 p.m. with individual defendants to appear pro se or with Counsel.

XX

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CIVIL TRACK 1

CLERK OF COURT

FILED
NOV 17 1987
CLERK OF COURT
KING COUNTY

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

SANDY EHRLICH et al.

Plaintiffs,

v.

RALPH ALSKOG et al.

Defendants.

NO. 86-2-18429-5

ORDER CONSOLIDATING
CAUSE NO. 86-2-18429-5 AND
86-2-18176-8

(Clerk's Action Required)

THIS MATTER having come on duly and regularly before
the undersigned Judge/Court Commissioner of the above-entitled
court; the court having reviewed the moving and responding
documents of counsel, having heard oral argument and having
reviewed the files and records herein, now, therefore, it is
hereby

Ordered that Cause No. 86-2-18429-5 and Cause No.
86-2-118176-8 shall hereby be joined for pre-trial ^{purposes without} and trial
^{prejudice} purposes and hereinafter referred to Cause No. ~~86-2-18429-5~~ ⁸⁶⁻²⁻¹⁸¹⁷⁶⁻⁸.

DATED this 17th day of ~~September~~ ^{November}, 1987.

[Signature]

JUDGE/COURT COMMISSIONER

Presented by:
ADLER, GIERSCH AND READ, P.S.
[Signature]

Richard H. Adler
Attorney for Plaintiff

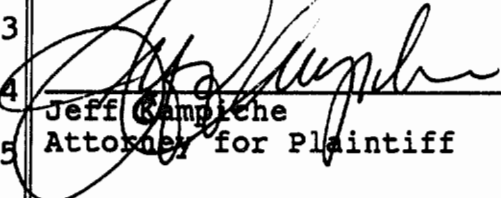
ORDER CONSOLIDATING
(ehrlsali/d:1)

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


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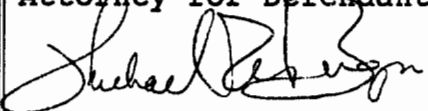
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Kargianis & Austin


Jeff Kampiche
Attorney for Plaintiff

Lee, Smart, Cook, et. al


Michael Bond
Attorney for Defendants



1997

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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KATHY LEE BUTLER and STEPHEN)
LYNN BUTLER, wife and husband)
and the marital community)
composed thereof; and KATHY)
LEE BUTLER, as guardian ad)
litem for SCOTT WILLIAM LIEN)
and RANDY WILLIAM LIEN,)
MINORS, AND SANDI LEE BROWN)
and LYLE DAVID BROWN, wife and)
husband and the marital)
community composed thereof,)
and DORA FELLHAUER as guardian)
ad litem for TARA LYNN BROWN)
and TROY STEVEN BROWN, minors;)
and CHRISTINE HALL and DONALD)
T. HALL, wife and husband and)
the marital community composed)
thereof,)

Plaintiffs,

v.

DONALD LEE BARNETT and BARBARA)
BARNETT, husband and wife, and)
the marital community composed)
thereof; COMMUNITY CHAPEL)
AND BIBLE TRAINING CENTER, a)
Washington corporation; and)
JANE AND JOHN DOES 1-5,)

Defendants.

No. 86-2-18176-8

NOTICE OF APPEARANCE

TO: Plaintiffs; and
TO: Jeff Campiche, your attorney:

PLEASE TAKE NOTICE that the defendants named above, DONALD
LEE BARNETT and BARBARA BARNETT, hereby enter their Notice of
Appearance in the above-entitled action, by and through their


NOTICE OF APPEARANCE
15004707.NOA

HO
Evans, Craven & Lachie, P.S.
LAWYERS

1 attorney of record, RODNEY D. HOLLENBECK, and request that all
2 further pleadings or papers herein, except process, be served on
3 their counsel at the address set out below.

4 DATED December 14, 1987.

5 EVANS CRAVEN & LACKIE, P.S.

6
7 By: 
8 RODNEY D. HOLLENBLECK
9 Attorneys for Defendants Barnett

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31 NOTICE OF APPEARANCE
32 15004707.NOA

Evans, Craven & Lackie, P.S.

LAWYERS

34th FLOOR COLUMBIA CENTER 701 5th AVENUE
SEATTLE WASHINGTON 98104

(206) 386-5555

NON-TRIAL

SCOMIS code:

PREHRG DISPHRG HEARING
 POSTHRG MINUTE

Department No. 19
Date: 8 January 1988
Page 1 of 1

JUDGE: Gary N. Little
BAILIFF: Dean Hamilton
COURT CLERK: Deborah Perrette - Ron Gutter
REPORTER: none

King County Cause No. 86-2-18176-8

Case Caption

Kathy Lee Butler et ux, et al vs. Donald Lee Barnett, et ux

Litigants and attorneys

Plff. Butler et ux appearing by counsel Jeff Compick
Plff. Ehrlich et ux appearing by counsel Richard Adler
Def. Barnett appearing by counsel Paul Hollenbeck
Def. Community Chapel and Bible Training Center appearing by counsel Michael Bond

Minute Entry

Pre Trial Conference

Trial date discussion

First trial setting set by Court for October 2, 1989.

Order to be presented

CERTIFICATE CIVIL TRACK 1

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.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED this 5th day of February, 1988 at Tacoma, Washington.

Mary Ann Torrone

ORIGINAL

CIVIL TRACK I HONORABLE GARY M. LITTLE

FILED KING COUNTY, WASHINGTON

FEB 08 1988

SUPERIOR COURT CLERK BY ROBIN 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)

MOTION OF DEFENDANTS ALSKOG FOR SEPARATE TRIAL

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

Plaintiffs,)

vs.)

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

Defendants.)

179 FEB 8 AM 11:08

I. RELIEF REQUESTED

Defendants, RALPH and ROSEMARY ALSKOG, by and through their attorneys of record, move this Court for an Order severing the action brought by Plaintiffs, SANDY and MICHAEL EHRLICH, against them from the other actions in this case, pursuant to Rules 21 and 42(b) of the Civil Rules for the Superior Courts of the State of Washington.

Motion of Defendants Alskog to Sever -1- mat(MWS:19, A.1/.9)

Handwritten initials

1 II. STATEMENT OF FACTS

2 As presently constituted, this lawsuit is an extraor-
3 dinarily complex one. Numerous claims have been filed in the 30
4 page complaint. Claims are alleged by more than 15 Plaintiffs
5 against the Community Chapel and Bible Training Center in Burien,
6 Washington and numerous individual members of that church in the
7 above referenced cases. The claims involve allegations of
8 inappropriate sexual contact and intimidation. However, the facts
9 pertaining to the claims against the various Defendants differ
10 greatly.

11 Only one Plaintiff, SANDY EHRLICH, and her husband,
12 MICHAEL EHRLICH, have brought an action against Defendants, RALPH
13 and ROSEMARY ALSKOG, in this multiple claim lawsuit. It is
14 apparent from the Complaint that the action against Defendant,
15 ALSKOG, is for alleged incidences that occurred separate and apart
16 from the alleged incidences involving the other Plaintiffs and
17 Defendants. The detailed facts of the claim against Defendant,
18 ALSKOG, and the claims against the various other Defendants will be
19 uniquely different, raising separate and distinct questions of
20 fact. Moreover, the witnesses involved in Defendant, ALSKOG'S,
21 case will be different from those involved in the other claims.
22 Unless the single action against Defendants, ALSKOG, is severed
23 from the other claims against the various other Defendants in this
24 lawsuit, Defendant ALSKOG'S right to a fair trial will be

25 Motion of Defendants
26 Alskog to Sever -2-
mat(MWS:19, A.1/.9)

1 seriously prejudiced.

2 III. ISSUE

3 Whether the Court should sever the action brought by
4 Plaintiffs, EHRLICH, against Defendants, ALSKOG, from the other
5 claims in this case, where the claims do not arise out of the same
6 occurrences, and where trial against Defendants, ALSKOG, together
7 with all the other claims would be extremely prejudicial to said
8 Defendants.

9 IV. EVIDENCE RELIED UPON

- 10 A. Affidavit of Jack G. Rosenow;
11 B. The Complaints filed in both actions;
12 C. The records and files herein contained.

13 V. AUTHORITY

14 A. The Claims Filed in This Action do not Arise Out of
15 the Same Occurrence and do not Involve Common Questions of Law or
Fact; Therefore, They are Misjoined.

16 CR 20 establishes the criteria for determining whether
17 Plaintiffs have properly joined their cases and CR 21 establishes
18 the remedy for misjoinder; i.e., separate trials. Here, Plain-
19 tiffs' claims do not meet the requirement for joinder; moreover, to
20 permit joinder here would be an abuse of discretion which would
21 seriously prejudice the opportunity of Defendants ALSKOG to obtain
22 a fair trial.

23 CR 20(a) sets forth the requirements for joinder of dif-
24 ferent persons in a single action as Plaintiffs:

25 Motion of Defendants
26 Alskog to Sever -3-
mat(MWS:19, A.1/.9)

1 All persons may join in one action as plain-
2 tiffs if they assert any right to relief
3 jointly, severally, or in the alternative in
4 respect of or arising out of the same transac-
5 tion, occurrence, or series of transactions or
6 occurrences and if any question of law or fact
7 common to all of these persons will arise in
8 the action.

9 CR 20(a) clearly establishes two criteria for joinder in
10 cases such as these: (1) The actions must arise out of the same
11 occurrence or series of occurrences or transactions; and (2) They
12 must involve common questions of law or fact. To be properly
13 joined, the Plaintiffs' claims must satisfy both, not just one of
14 these criteria. Here, Plaintiffs' claims meet neither test.
15 First, the allegations against Defendants, ALSKOG, and the allega-
16 tions against all the other Defendants involve entirely separate
17 occurrences, each involving unique facts. Second, the alleged
18 inappropriate sexual contact in each case must be considered based
19 upon its own individual facts, and the questions of law will be
20 different among the various Defendants because of the various dif-
21 ferent claims which have been asserted.

22 There are surprisingly few cases on misjoinder; however,
23 Williams v. Maslan, 92 Wash. 616 (1937) (recently commented on
24 favorably in P. Trautman, Joinder of Claims and Parties in
25 Washington, 14 Gonzaga L. Rev. 103, 112 N.44 [1978]), is a case
26 which should be considered here. In that case, two separate plain-
tiffs made virtually identical allegations of wrongful arrest and
wrongful imprisonment against an identical set of Defendants. The

Motion of Defendants
Alskog to Sever -4-
mat(MWS:19, A.1/.9)

1 court found that the two causes of action had been improperly join-
2 ed, and that the plaintiffs were attempting to try two wholly inde-
3 pendent actions in the same suit. Citing the applicable court
4 rule, which was virtually identical to the present CR 20(a), the
5 court stated that joinder was proper only where the alleged right
6 to recover arose from the same set of facts.

7 The court offered a hypothetical to demonstrate where
8 joinder was improper at page 620-21:

9 But suppose that C, in driving from Tacoma to
10 Olympia at an unlawful speed, has a collision in
11 South Tacoma in which he injures A, and on the
12 same trip he collides with B in the outskirts
13 of Olympia and injures him. A and B cannot
14 join as plaintiffs and sue C in the same
15 action. Their rights to relief do not arise
16 out of the same transaction, but merely out of
17 similar transactions, and are wholly indepen-
18 dent. Evidence tending to support the
19 complaint of B would in no way tend to support
20 the complaint of A and vice versa. That is
21 the condition in the case at bar. The plain-
22 tiffs are attempting to try two wholly
23 independent actions in the same suit.
24 (Emphasis added).

25 The hypothetical in Williams, supra, describes one defen-
26 dant's similar negligent conduct causing damages to separate par-
ties in separate circumstances. While the events may have been
similar, they were neither the same nor part of a "series" to sup-
port joinder. The Complaint in the present case also involves
allegations of separate injuries in separate circumstances and,
like the hypothetical, does not describe events that could be con-
sidered "arising out of the same transaction, occurrence or series

Motion of Defendants
Alskog to Sever -5-
mat(MWS:19, A.1/.9)

1 of transactions or occurrences."

2 Joinder of more than one claim is improper and severance
3 is compelled where such claims are predicated on allegations of
4 separate occurrences for alleged injuries to different individuals
5 by different defendants. The Plaintiffs in this case are attempt-
6 ing to try wholly independent actions in the same suit. Their
7 rights to relief do not arise out of the same transaction or
8 occurrence, and are wholly independent. Any right to recover by
9 Plaintiff, EHRLICH, will depend upon entirely separate facts from
10 any right to recover by the other Plaintiffs in this case. Thus,
11 Defendant, ALSKOG'S, case is improperly joined and should be
12 severed.

13 B. Joinder of the Action Against Defendant, ALSKOG, With
14 the Other Actions Would Severely Prejudice Said Defendant; There-
fore, Separate Trials Should be Ordered.

15 This Court has the express authority to sever claims
16 and/or order separate trials when it is necessary and/or ap-
17 propriate for the convenience of the parties or to avoid prejudice.
18 The authority for this Court to order a separate trial is provided
19 in Rules 20, 21 and 42 of the Civil Rules for the Superior Courts
20 of the State of Washington. CR 20(b) provides as follows:

21 The court may make such orders as will prevent
22 a party from being embarrassed, delayed, or put
23 to expense by the inclusion of a party against
24 whom he asserts no claim and who asserts no
claims against him, a court may order separate
trials or make other orders to prevent delay
or prejudice.

25 Motion of Defendants
26 Alskog to Sever -6-
mat(MWS:19, A.1/.9)

1 CR 21 states in pertinent part that "[a]ny claim against a party
2 may be severed and proceeded with separately." Additionally, CR
3 42(b) enables the Court to order separate trials of any claims to
4 avoid prejudice. CR 42(b) states:

5 Separate Trials. The court, in furtherance
6 of convenience or to avoid prejudice, or when
7 separate trials will be conducive to expedi-
8 tion and economy, may order a separate trial
9 of any claim, cross-claim, counterclaim, or
10 third-party claim, or of any separate issue or
11 of any number of claims, cross-claims, coun-
12 terclaims, third-party claims, or issues,
13 always preserving inviolate the right of trial
14 by jury.

15 It is clear that the application of CR 21 is within the
16 sound discretion of the trial court whose decision will not be
17 disturbed on appeal absent manifest abuse of discretion. Shelby v.
18 Keck, 85 Wn.2d 911, 918, 541 P.2d 365 (1975).

19 As stated by the court in Shelby, supra, at 918, citing 3
20 Orland, Wash. Prac. 412 (2d ed 1968):

21 Under the last sentence of the rule, severance
22 should mean that the severed claims become
23 independent actions in which independent
24 judgments should be had. Ordinarily relief of
25 severance should not be granted in cases of
26 properly joined claims and parties because the
whole purpose of the joinder rules would be
nullified. Rather, if inconvenience or
possible confusion or other factors dictate
separate files in cases where there is proper
joinder of claims of parties, separate trials
may be ordered.

Under CR 42(b), it is appropriate for the trial court to
order separate trials and/or to bifurcate a trial "where informed

Motion of Defendants
Alskog to Sever -7-
mat(MWS:19, A.1/.9)

1 judgment impels the court to conclude that application of the rule
2 [CR 42(b)] will manifest to promote convenience and/or actually
3 avoid prejudice." Brown v. General Motors Corp. 67 Wn.2d 278, 282,
4 407 P.2d 461 (1965).

5 In this case, trial of the claim against Defendant,
6 ALSKOG, with the other actions would promote neither economy nor
7 convenience. The claim against Defendants, ALSKOG, is so factually
8 unique that little time can be saved by trying the cases together.

9 Moreover, trying the cases together would be severely pre-
10 judicial to said Defendants. The right to a fair trial will be
11 denied unless the claim against Defendants, ALSKOG, is judged
12 separately, without the risk that the jury might be influenced by a
13 case presented by one of the Co-Plaintiffs. Considering the
14 inflammatory nature of the subject matter, allowing the same jury
15 to hear testimony regarding the claim against Defendants, ALSKOG,
16 together with the rest of the action would most certainly result in
17 harmful prejudice toward said Defendants.

18 No jury can realistically be expected to neatly compart-
19 mentalize the evidence among the multiple claims arising from the
20 vastly different sets of facts. The alleged incidences involving
21 the different Defendants occurred at different times, in different
22 places and under different circumstances. It is inconceivable that
23 the evidence in the different claims could be presented in a manner
24 comprehensible to the jury, and without prejudice to the

25 Motion of Defendants
26 Alskog to Sever -8-
mat(MWS:19, A.1/.9)

1 Defendants, ALSKOG. Defendants, ALSKOG'S, right to a fair and
2 impartial trial mandates that a separate trial be ordered of the
3 single claim against them.

4 VI. CONCLUSION

5 The action against Defendants, ALSKOG, should be tried
6 separately from the rest of the cases because the multiple claims
7 of the numerous Plaintiffs have been misjoined. Further, a separ-
8 ate trial of the claim against Defendants, ALSKOG, is critical
9 to said Defendants' ability to properly defend against the allega-
10 tions brought against them. Defendants, ALSKOG, therefore,
11 respectfully request that this Court sever the action against them
12 from the remainder of this multiple claim lawsuit.

13 VII. PROPOSED ORDER

14 A copy of the Proposed Order accompanies this Motion.

15 DATED this 5th day of February, 1988.

16 ROSENOW, HALE & JOHNSON

17 By: 

JACK G. ROSENOW

18 By: 

MARILYN W. SCHULTHEIS

19 Of Attorneys for Defendants, ALSKOG
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22
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25 Motion of Defendants
26 Alskog to Sever -9-
mat(MWS:19, A.1/.9)

ORIGINAL

CIVIL TRACK I

CIVIL TRACK I
HONORABLE GARY M. LITTLE



179 FEB 8 AM 11:08
SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

FILED
COUNTY WASHINGTON
FEB 08 1988

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

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

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 4, 1988 Day of Week Friday

Nature of Motion: Motion for Separate Trial

DESIGNATED CALENDAR

- Civil Motion (LR 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 [LR 94.04] (W291)
- Domestic Motion (9:30)
- Sealed File Motion (1:30)
- Support Motion (1:30)
- Modification (1:30)

EX PARTE MOTION [LR 0.9(b)] (W285)
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 [LR 40(b)]
 Special Setting Before Judge/Commissioner:
Time of Hearing: 11:00 a.m.

JUDGE LITTLE, Civil Track I
Room W864

Typed Name: JACK G. ROSENOW
OF: ROSENOW, HALE & JOHNSON
Attorney for: Defendants, ALSKOG
Telephone: 473-0725

DATED: 2/5/88

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

NOTE FOR MOTION CALENDAR (NTMTDK)
SC Form JO-138 5/87

ROSENOW, HALE & JOHNSON
Attorneys at Law
301 Tacoma Mall Office Bldg.
Tacoma, Washington 98409
(206) 473-0725

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

NAME: Richard H. Adler, ADLER, GIERSCH & READ

Address: 1211 Smith Tower
Seattle, Washington 98104

Telephone: 682-4267

Attorney For: Plaintiffs

NAME: John L. Messina, MESSINA DUFFY

Address: 200 Benj. Franklin Building
4002 Tacoma Mall Blvd.
Tacoma, Washington 98409

Telephone: 472-6000

Attorney For: Plaintiffs

NAME: Michael J. Bond, LEE, SMART, COOK, MARTIN & PATTERSON, P.S., INC.

Address: 800 Washington Building
1325 Fourth Avenue
Seattle, Washington 98101

Telephone: 624-7990

Attorney for: Defendant, Community Chapel & Bible Training Center

NAME: Rod D. Hollenbeck, Attorney at Law

Address: Columbia Center, 34th Floor
701 Fifth Avenue
Seattle, Washington 98104

Telephone: 386-5555

Attorney For: Defendants, Barnett

NAME: Robert P. Howerton

Address: 3507 South 40th Street
Tacoma, Washington 98409

Telephone:

Attorney For: Pro Se

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.

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

DATED this 5th day of February, 1988 at Tacoma, Washington.

Mary Ann Torrono

CERTIFICATE CIVIL TRACK 1

ORIGINAL

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.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
DATED this 5th day of February, 1988 at Tacoma, Washington.

CIVIL TRACK I
HONORABLE GARY M. LITTLE

KING COUNTY, WASH.

FEB 08 1988

BY ROBIN COOK
DEPUTY

Mary Ann Torrone

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)

AFFIDAVIT OF JACK G. ROSENOW
IN SUPPORT OF DEFENDANTS
ALSKOG'S MOTION FOR
SEPARATE TRIAL

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

Plaintiffs,)

vs.)

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

Defendants.)

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STATE OF WASHINGTON)

: ss.

County of Pierce)

JACK G. ROSENOW, being first duly sworn upon oath, deposes and says:

I am one of the attorneys of record for the Defendants, RALPH and ROSEMARY ALSKOG, and make this Affidavit in support of said Defendants' Motion for Separate Trial.

The Plaintiffs' Complaint in this case involves multiple

Affidavit of Jack G. Rosenow -1-
mat(MWS:19, J.1/.3)

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

1 separate claims filed by numerous Plaintiffs against various
2 Defendants. The action against Defendants ALSKOG in this case
3 involves only one claim filed by Plaintiff, SANDY EHRLICH, and
4 her husband. The alleged claim against Defendants, ALSKOG, is
5 separate and distinct from the claims against the other Defendants.
6 The Complaint is attached hereto as Exhibit "A."

7 A separate trial of the action against Defendants, ALSKOG,
8 is critical to said Defendants' ability to properly defend against
9 the allegations brought against him. Allowing the separate and
10 distinct claims to be tried as one would cause severe confusion in
11 the jury, and would result in prejudice to said Defendants. The
12 jury would be unable to distinguish and keep separate the complex
13 testimony regarding each claim. Also, considering the inflammatory
14 nature of this subject matter, allowing the same jury to hear
15 testimony regarding the claim against Defendants, ALSKOG, together
16 with the multiple other claims filed against different Defendants
17 in this case would most certainly result in harmful prejudice
18 toward Defendants, ALSKOG.

19 In order to allow the claim against Defendants, ALSKOG, to
20 be resolved in a manner which would be just and equitable to all

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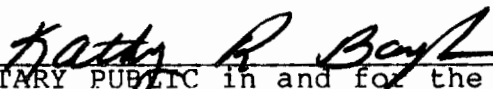
26 Affidavit of Jack G. Rosenow -2-
mat(MWS:19, J.1/.3)

1 parties concerned, this Court should sever the claim against them
2 from the claims filed against the other Defendants, pursuant to CR
3 21 and CR 42(b).

4 FURTHER YOUR AFFIANT SAYETH NAUGHT.

5 
6 JACK G. ROSENOW

7 SUBSCRIBED AND SWORN to before me this 5th day of
8 February, 1988.

9 
10 NOTARY PUBLIC in and for the State of
Washington, residing at Penallup

11 My Commission Expires: 11-23-91

86-2-18429-5

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

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

NO.

COMPLAINT FOR PERSONAL
INJURIES AND DAMAGES

Plaintiffs,

v.

RALPH ALSKOG and ROSEMARY ALSKOG,)
husband and wife; ROBERT HOWERTON)
and JANE DOE HOWERTON, husband)
and wife; E. SCOTT HARTLEY and)
JANE DOE HARTLEY; 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.

COME NOW the Plaintiffs, by and through their attorneys
of record, Richard H. Adler of ADLER, GIERSCH & READ, P.S., and
for cause of action against the Defendants state and allege as
follows:

EXHIBIT
"A"

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L. PLAINTIFFS

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

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

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

1.4 Plaintiff, Kathryn Reynolds, at all times material hereto was a resident of the County of King, State of Washington.

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

1.6 Plaintiffs, Shawna Michele Chabot is a minor, eleven years of age; Michael Grant Chabot is a minor, ten years of age; and Nicholas Sterling Chabot is a minor, five years of age; Plaintiffs reside with their mother, Dee Chabot, in the County of King, State of Washington. Dee Chabot has been duly

1 appointed the Guardian ad Litem of Plaintiff, Shawna Michele
2 Chayot, Michael Grant Chabot, and Nicholas Sterling Chabot for
3 purposes of this litigation.

4 II. DEFENDANTS: RALPH AND ROSEMARY ALSKOG

5 2.1 The Defendants, Ralph Alskog and Rosemary Alskog,
6 are husband and wife, and at all times material hereto were
7 residents of the County of King, State of Washington.

8 2.2 Defendant Ralph Alskog is and at all times
9 material hereto was the Assistant to the Vice President of the
10 Defendant, Community Chapel and Bible Training Center.

11 2.3 Defendant Ralph Alskog is and at all times
12 material hereto was one of the deacons of the Defendant,
13 Community Chapel and Bible Training Center.

14 2.4 Defendant Ralph Alskog served as a counselor for
15 the Defendant, Community Chapel and Bible Training Center.

16 2.5 All actions described of Defendants Alskog or
17 either of them were performed on behalf of the marital
18 community.

19 III. DEFENDANTS: ROBERT AND JANE DOE HOWERTON

20 3.1 The Defendants, Robert Howerton and Jane Doe
21 Howerton, are husband and wife, and at all times material hereto
22 were residents of the County of King, State of Washington.
23 Plaintiffs do not know if Defendant Howerton is married, and if
24 married, does not know his spouse's name, but alleges that if he
25 is married, this constitutes a marital community under the laws
26 of the State of Washington. Each of the acts complained of were
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1 done for and on behalf of the community as well as for and on
2 behalf of the individuals.

3 3.2 Defendant Robert Howerton is a member of the
4 congregation of the Defendant, Community Chapel and Bible
5 Training Center.

6 3.3 Defendant Robert Howerton has taught Sunday School
7 for the Defendant, Community Chapel and Bible Training Center.

8 3.4 Defendant Robert Howerton has held himself out as
9 a counselor and served as a counselor for the Defendant,
10 Community Chapel and Bible Training Center.

11 3.5 Defendant Robert Howerton acted as a counselor for
12 Plaintiff Sybil N. Lemke.

13 IV. DEFENDANTS: E. SCOTT AND JANE DOE HARTLEY

14 4.1 The Defendants, E. Scott Hartley and Jane Doe
15 Hartley, are husband and wife, and at all times material hereto
16 were residents of the County of King, State of Washington.

17 4.2 Defendant E. Scott Hartley is and at all times
18 material hereto has been the corporate secretary and senior
19 staff assistant to the vice president of the Defendant,
20 Community Chapel and Bible Training Center.

21 4.3 Defendant E. Scott Hartley is recognized as one of
22 the four individuals on the Board of Senior Elders of the
23 Defendant, Community Chapel and Bible Training Center.

24 4.4 Defendant E. Scott Hartley served as a counselor
25 for the Defendant, Community Chapel and Bible Training Center.

26 4.5 All actions described of these defendants or either
27 of them were performed on behalf of the marital community.
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V. DEFENDANTS: DONALD LEE AND BARBARA BARNETT

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

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

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

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

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

VI. DEFENDANT: COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

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

VII. DEFENDANTS: JOHN AND JANE DOES

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

1 VIII. DEFENDANTS: FIRST DOE CORPORATION AND PARTNERSHIP

2 8.1 The Defendants First Doe Corporation and First Doe
3 Partnership are business entities doing business or controlled
4 by the Defendant, Community Chapel and Bible Training Center.
5 Plaintiffs pray leave to amend this complaint for personal
6 injuries and damages and to insert herein their true names when
7 they become known.

8 IX. JURISDICTION

9 9.1 All acts hereinafter alleged occurred within the
10 County of King, State of Washington, and this court has
11 jurisdiction over the subject matter herein and the parties
12 hereto.

13 X. AGENTS, AGENCY AND RESPONDEAT SUPERIOR

14 10.1 At all times material hereto, the Defendants,
15 Ralph Alskog, Rosemary Alskog, Robert Howerton, Jane Doe
16 Howerton, E. Scott Hartley, Jane Doe Hartley, Donald Lee
17 Barnett, Barbara Barnett, "John Does" 1-4 and "Jane Does" 1-4,
18 were principles, agents, employees and representatives of the
19 Community Chapel and Bible Training Center and all actions
20 complained of herein were performed in the scope of their
21 representation, employment and/or agency for the Defendant,
22 Community Chapel and Bible Training Center.

23 10.2 At all times material hereto, the Defendants,
24 First Doe Corporation and First Doe Partnership, were agents,
25 employees and/or representatives of the Defendant, Community
26 Chapel and Bible Training Center and all actions complained of
27 herein were performed in the course of their representation,
28

1 employment and/or agency for the Defendant, Community Chapel and
2 Bible Training Center.

3 XI. BASIS

4 11.1 Sometime during the year of 1967, the Defendant,
5 Community Chapel and Bible Training Center was organized under
6 the laws of the State of Washington as a corporation, practicing
7 fundamentalist pentacostal beliefs. Beginning in 1984 or 1985,
8 Defendant, Community Chapel and Bible Training Center, by and
9 through its pastor and president, Defendant Donald Lee Barnett,
10 encouraged and/or required members of the congregation to form
11 intimate attachments with members of the opposite sex without
12 regard to the member's spouse as part of the regular services at
13 the Community Chapel and Bible Training Center. Said intimate
14 attachments were called "spiritual connections." "Spiritual
15 connections" involve dancing together, embracing, holding hands,
16 hypnotically gazing into each other's eyes, kissing, and/or
17 sexual contact.

18 11.2 Plaintiffs were members of the Defendant the
19 Community Chapel and Bible Training Center' religious
20 organization.

21 11.3 Defendant the Community Chapel and Bible Training
22 Center, by and through its pastor, Defendant Donald Lee Barnett,
23 knew or should have known that these intimate attachments and
24 "spiritual connections" would result in seductions, family
25 disharmony, marital instability, separation and/or dissolution
26 of marriages, sexual involvement and advances of adults with
27 children, loss of consortium, destruction of the parent-child
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1 relationship, loss of guidance, support, love and companionship
2 for children.

3 11.4 Defendant, Community Chapel and Bible Training
4 Center, by and through its pastor and president, Defendant
5 Donald Lee Barnett, knew or should have known that its officers,
6 agents, employees, representatives, counselors, and members of
7 the congregation would follow his direction and/or example.

8 XII.

9 12.1 Plaintiffs, Sandy Ehrlich and Michael Ehrlich,
10 regularly attended services at the Defendant, Community Chapel
11 and Bible Training Center for over ten years. As members of the
12 congregation, Plaintiffs attended numerous functions, and were
13 active participants in the congregation. Plaintiff Michael
14 Ehrlich was a bible school teacher employed by the Defendant,
15 Community Chapel and Bible Training Center. Plaintiff Michael
16 Ehrlich held a position as one of the ministerial elders of the
17 Defendant, Community Chapel and Bible Training Center. The
18 Plaintiffs, Sandy Ehrlich and Michael Ehrlich, tithed a portion
19 of their income to the Defendant, Community Chapel and Bible
20 Training Center to help sustain it. The Plaintiffs often
21 volunteered their time to the Defendant, Community Chapel and
22 Bible Training Center. The Plaintiffs' entire life revolved
23 around the activities of the Defendant, Community Chapel and
24 Bible Training Center.

25 12.2 On several occasions, Defendant Ralph Alskog,
26 under the guise of providing ministerial services and counseling
27 as well as serving as Plaintiff Sandy Ehrlich's "spiritual
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1 connection," manipulated, exploited, coerced, influenced and
2 pressured her into having sexual contact with him. Defendant
3 Ralph Alskog professed to be driven by God and represented to
4 Plaintiff Sandy Ehrlich that his conduct was sanctioned by God.

5 12.3 For a period of approximately one year, Defendant
6 Ralph Alskog continued to seek out Plaintiff Sandy Ehrlich,
7 under the guise of being her "spiritual connection," and
8 providing her with ministerial counsel and guidance, continued
9 to sexually assault her, by fondling her private parts,
10 undressing her, kissing her with his tongue, masturbating on her
11 stomach, touching and embracing her against her will.

12 12.4 On numerous occasions Defendant Ralph Alskog,
13 under the guise of providing ministerial services and counseling
14 and serving as the spiritual connection for Sandy Ehrlich,
15 became aware of her vulnerability. As a result of manipulation,
16 exploitation, domination, use of authority and position, and
17 acting under the guise of providing ministerial counseling and
18 serving as a spiritual connection, Plaintiff Sandy Ehrlich was
19 coerced and pressured and unduly influenced into having a
20 spiritual connection and sexual contact with Defendant Ralph
21 Alskog.

22 12.5 Defendant, Community Chapel and Bible Training
23 Center, by and through its pastor and president, Defendant
24 Donald Lee Barnett, and his wife, Barbara Barnett, knew or
25 should have known that Defendant Ralph Alskog was involved in
26 the assault, sexual contact, seduction and exploitation of
27 Plaintiff Sandy Ehrlich. Defendant, Community Chapel and Bible
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1 Training Center, by and through its pastor and president,
2 Defendant Donald Lee Barnett, negligently supervised Defendant
3 Ralph Alskog by not terminating the relationship between Ralph
4 Alskog and Sandy Ehrlich. Defendant, Community Chapel and Bible
5 Training Center, by and through its pastor and president, Donald
6 Lee Barnett, and his wife, Barbara Barnett, knew or should have
7 known that the Defendant Ralph Alskog was causing marital
8 difficulties, family disharmony, marital separation, loss of
9 consortium, between Plaintiffs Sandy Ehrlich and Michael
10 Ehrlich. Defendant, Community Chapel and Bible Training Center,
11 by and through its pastor and president, Defendant Donald Lee
12 Barnett, acted negligently in not supervising Defendant, Ralph
13 Alskog, and in not taking corrective actions, sanctions,
14 preventative measures in ending the relationship between Ralph
15 Alskog and Sandy Ehrlich.

16 12.6 After a period of time, Plaintiffs Sandy Ehrlich
17 and Michael Ehrlich, separately and together, realized that
18 Defendant Ralph Alskog's conduct was not sanctioned by God and
19 was a ruse concocted by Defendants in order to satisfy
20 deviate sexual needs.

21 12.7 On or about May 11, 1986, both Plaintiffs Sandy
22 Ehrlich and Michael Ehrlich were "disfellowshipped" from the
23 Defendant, Community Chapel and Bible Training Center as a
24 consequence of Sandy Ehrlich's refusal to participate in further
25 sexual activities with Defendant Ralph Alskog and/or questioning
26 the "spiritual connection" doctrine and practices of Defendants.
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1 12.8 Each and all Defendants have made disparaging and
2 false statements publicly regarding Sandy Ehrlich and Michael
3 Ehrlich to members of the congregation which tended to injure
4 Plaintiffs' reputation in the community.

5 XIII.

6 13.1 The minor child, Sybil N. Lemke, was a member of
7 the Defendant Community Chapel and Bible Training Center at
8 all times material hereto.

9 13.2 As a result of probems Sybil N. Lemke was having
10 stemming from the marital difficulties of her parents, she was
11 directed to begin counseling with Defendant Robert Howerton.

12 13.3 Defendant Robert Howerton counseled Sybil Lemke
13 when she was thirteen and fourteen years old and used to be one
14 of her Sunday school teachers at the Defendant, Community Chapel
15 and Bible Training Center. Defendant Robert Howerton requested
16 Plaintiff Sybil Lemke to be his "spiritual connection."

17 13.4 On several occasions, Defendant Robert Howerton,
18 under the guise of providing ministerial services and
19 counseling, touched and/or rubbed Plaintiff Sybil Lemke on her
20 thighs and legs.

21 13.5 Sometime between September and Christmas Day of
22 1986, Defendant Robert Howerton took Plaintiff Lemke to Redondo
23 Beach in his car. As the sun set, Defendant Howerton moved his
24 car and parked it in the rear of the parking lot. Defendant
25 Robert Howerton told Plaintiff Sybil Lemke that he loved her and
26 pulled her very close to him and started kissing her. Defendant
27 Howerton put one around her and started carressing her buttocks
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1 with his hand. With the other hand Defendant Howerton rubbed
2 Plaintiff Sybil Lemke's thigh. Defendant Robert Howerton was
3 breathing heavily and forcefully kissing Plaintiff Sybil Lemke
4 on her body. Defendant Robert Howerton professed to be driven
5 by God and represented to Plaintiff Sybil Lemke that his conduct
6 was sanctioned by God and was spiritual.

7 13.6 On numerous occasions, Defendant Robert Howerton,
8 under the guise of providing ministerial services and counseling
9 and serving as Plaintiff Sybil Lemke's spiritual connection,
10 became aware of the vulnerability of Plaintiff Sybil Lemke.
11 Defendant Robert Howerton took advantage of her weakness and
12 need for support and manipulated Plaintiff Sybil Lemke.

13 13.7 As a result of manipulation, exploitation, domina-
14 tion, use of authority and position by Defendants, Plaintiff
15 Sybil Lemke was coerced, pressured and unduly influenced into
16 having a spiritual connection and sexual contact with Defendant
17 Robert Howerton.

18 13.8 Defendant, Community Chapel and Bible Training
19 Center, by and through its pastor and president, Defendant
20 Donald Lee Barnett, knew or should have known that Defendant
21 Robert Howerton was involved in the seduction, sexual contact
22 and spiritual connection with Plaintiff Sybil Lemke, a minor.
23 Defendant, the Community Chapel and Bible Training Center, by
24 and through its pastor and president, acted negligently in not
25 supervising Defendant Robert Howerton and in not taking
26 corrective actions, sanctions, preventative measures in ending
27 the relationship between Robert Howerton and Sybil Lemke.
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1 13.9 Defendant, Community Chapel and Bible Training
 2 Center, by and through its pastor and president, Defendant
 3 Donald Lee Barnett, knew or should have known that Defendant
 4 Robert Howerton was causing the destruction of Larry and Sybil
 5 Lemke's parent-child relationship, as well as Sybil Lemke's loss
 6 of guidance, support, love and companionship for her father.

7 13.10 After a period of time, Plaintiff Sybil Lemke
 8 and Plaintiff Larry Lemke, individually and together, realized
 9 that Defendants' conduct was not sanctioned by God and was a
 10 ruse concocted by Defendants in order to satisfy deviate sexual
 11 needs.

12 13.11 Plaintiff Larry Lemke and Sybil Lemke were
 13 "disfellowshipped" from Defendant, Community Chapel and Bible
 14 Training Center, as a consequence of their refusal to partici-
 15 pate in further sexual activities with Defendants and/or chal-
 16 lenging the "spiritual connection" doctrine and practices of
 17 Defendants.

18 13.12 Defendants have made disparaging and false
 19 statements in public regarding Plaintiffs to members of the
 20 congregation which tended to injure Plaintiffs' reputation in
 21 the community.

22 XIV.

23 14.1 The Plaintiff, Kathryn Reynolds, regularly
 24 attended services at the Defendant, Community Chapel and Bible
 25 Training Center. As a member of the congregation, Plaintiff
 26 Reynolds attended numerous functions of the church, and was an
 27 active participant in the congregation. Plaintiff's life
 28

1 revolved around the activities of the Defendant, Community
2 Chapel and Bible Training Center.

3 14.2 On several occasions, Defendant E. Scott
4 Hartley, under the guise of providing ministerial services and
5 counseling as well as attempting to have a spiritual connection
6 with Plaintiff Reynolds, sexually assaulted her by placing his
7 hands on her breast, and other parts of her body, and forcibly
8 kissing her and embracing her against her will.

9 14.3 On several occasions, Defendant E. Scott
10 Hartley, under the guise of providing ministerial services and
11 counseling as well as attempting to be Plaintiff Reynolds'
12 "spiritual connection," became aware of her vulnerability.
13 Defendant E. Scott Hartley took advantage of her weakness and
14 need for support and manipulated Plaintiff Reynolds.

15 14.4 As a result of manipulation, exploitation,
16 domination, use of authority and position by Defendants,
17 Plaintiff Reynolds was coerced and/or forced into a "spiritual
18 connection" and/or sexual contact with Defendant E. Scott
19 Hartley.

20 14.5 Defendant, the Community Chapel and Bible
21 Training Center, by and through its pastor and president, Donald
22 Lee Barnett, knew or should have known that Defendant E. Scott
23 Hartley was involved in the seduction, sexual contact and
24 attempted spiritual connection with Plaintiff Reynolds.
25 Defendant, Community Chapel and Bible Training Center, by and
26 through its pastor and president, Defendant Donald Lee Barnett,
27 acted negligently in not supervising Defendant, E. Scott Hartley
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1 and in not taking corrective actions, sanctions, preventative
2 measures in ending the relationship between Defendant E. Scott
3 Hartley and Plaintiff Reynolds.

4 14.6 After a period of time, Plaintiff Reynolds
5 realized that Defendants' conduct was not sanctioned by God and
6 was a ruse concocted by Defendants in order to satisfy deviant
7 sexual needs.

8 14.7 Plaintiff Reynolds was "disfellowshipped"
9 from the Community Chapel and Bible Training Center, as a
10 consequence of her refusal to participate in further sexual
11 contact with Defendant E. Scott Hartley and/or her questioning
12 the "spiritual connection" doctrines and practices of
13 Defendants.

14 14.8 Defendants have made disparaging and false
15 statements publicly regarding Plaintiff Reynolds to members of
16 the congregation which tended to injure Plaintiff's reputation
17 in the community.

18 XV.

19 15.1 The minor children, Shawna Michelle Chabot,
20 Michael Grant Chabot, and Nicholas Sterling Chabot, were members
21 of the Defendant, Community Chapel and Bible Training Center at
22 all times material hereto.

23 15.2 Dee Chabot and her three minor children
24 regularly attended services at the Defendant Community Chapel
25 and Bible Training Center. Dee Chabot has attended such
26 services for approximately fifteen years. Dee Chabot was a
27 member of the congregation and attended numerous functions and
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1 was an active participant in church functions. Plaintiff Chabot
2 was married at Defendant, Community Chapel and Bible Training
3 Center and attended the Bible College on a part-time basis.
4 Plaintiffs, Shawna Michele Chabot and Michael Grant Chabot,
5 attended school at Defendant, Community Chapel and Bible
6 Training Center. Dee Chabot tithed a portion of her income to
7 Defendant, Community Chapel and Bible Training Center, to help
8 sustain it. Plaintiff Chabot volunteered her time to Defendant,
9 Community Chapel and Bible Training Center. Plaintiff Chabot's
10 life and her children's lives revolved around the activities of
11 the Defendant, Community Chapel and Bible Training Center.

12 15.3 Plaintiff Chabot's husband, Grant Brian
13 Chabot, has entered into more than one "spiritual connection"
14 with women members of the church congregation. Plaintiff
15 Chabot, on more than one occasion, sought counsel from members
16 of the Defendant, Community Chapel and Bible Training Center,
17 seeking help to restore her marriage, prevent the break-up of
18 her marriage, and, to put an end to the family disharmony caused
19 by "spiritual connections," to end the loss of consortium she
20 was suffering, to prevent and end the destruction of the parent-
21 child relationships, to prevent and end the loss of companion-
22 ship, love, support and guidance suffered by her children, and
23 to prevent and end the pressures and threats made to her
24 children to enter into "dancing" and/or "spiritual connections"
25 with other children while attending Christian school at
26 Defendant, Community Chapel and Bible Training Center.

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1 Plaintiff Chabot was counseled that she had to "release" her
2 husband to other female members of the congregation and allow
3 him to experience "spiritual connections" with said female
4 members of the congregation. Plaintiff Chabot was told by Defen-
5 dants that her failure to accept the "spiritual connections,"
6 the "move of God" and to release her husband meant she was
7 possessed by demons and demonic spirits.

8 15.4 As a result of manipulation, exploitation,
9 domination, use of authority and position by Defendants,
10 Plaintiff Chabot and her children were coerced, pressured and
11 unduly influenced into "dancing" and seeking "spiritual
12 connections."

13 15.5 Defendant, Community Chapel and Bible
14 Training Center, by and through its pastor and president,
15 Defendant Donald Lee Barnett, knew or should have known that
16 Plaintiff's husband was involved in spiritual connections and
17 having sexual contact with other spouses of the congregation,
18 causing family disharmony, marital instability and destruction
19 of the parent-child relationships, and loss of companionship,
20 love, guidance and support for the children.

21 15.6 Defendant, the Community Chapel and Bible
22 Training Center, by and through its pastor and president,
23 Defendant Donald Lee Barnett, acted negligently in not
24 intervening and ending Grant Brian Chabot's spiritual
25 connections with other women and attempting to restore the
26 parent-child relationship of guidance, support and love.
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1 15.7 Plaintiff Dee Chabot was "disfellowshipped"
2 from the Community Chapel and Bible Training Center, as a
3 consequence of her refusal to participate further in "spiritual
4 connections" and/or challenging the "spiritual connections"
5 doctrines and practices of Defendants.

6 15.8 Defendants have made disparaging and false
7 statements to the public regarding Plaintiff Dee Chabot and her
8 children to members of the congregation which tended to injure
9 Plaintiffs' reputation in the community and further erode the
10 parent-child relationship.

11 XVI. DAMAGES

12 16.1 Plaintiffs incorporate by reference as if set
13 forth in full each and every allegation as set forth in
14 paragraphs I through XV.

15 16.2 As a direct and proximate result of the
16 intentional, reckless, and/or negligent wrongful acts and
17 omissions of the Defendants, and each of them, Plaintiffs have
18 suffered serious and painful injuries to their person, as well
19 as psychological and mental pain and suffering. By reason of
20 the foregoing, Plaintiffs sustained general damages according to
21 proof.

22 16.3 As a direct and proximate result of the
23 intentional, reckless, and/or negligent wrongful acts and
24 omissions of the Defendants, and each of them, Plaintiff was
25 required to and did incur reasonable and necessary expenses in
26 connection with the treatment of said personal injuries. By
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1 reason of the foregoing, Plaintiff sustained special damages
2 according to proof.

3 16.4 As a direct and proximate result of the
4 intentional, reckless, and/or negligent wrongful acts and
5 omissions of the Defendants, and each of them, Plaintiff will be
6 required to and incur in the future reasonable and necessary
7 expenses in connection with the treatment of said personal
8 injuries. By reason of the foregoing, Plaintiff will sustain
9 additional special damages according to proof.

10 16.5 As a direct and proximate result of the
11 intentional, reckless, and/or negligent wrongful acts and
12 omissions of the Defendants, and each of them, Plaintiff has
13 suffered a loss of earnings to date in an amount which is
14 presently unknown but which will be proven at the time of trial.

15 16.6 As a direct and proximate result of the
16 intentional, reckless, and/or negligent wrongful acts and
17 omissions of the Defendants, and each of them, Plaintiff is
18 entitled to actual damages, damages for continuing pain and
19 suffering, and attorney fees and costs under the laws of the
20 United States of America and the State of Washington.

21 XVII.

22 FIRST CAUSE OF ACTION: OUTRAGE

23 17.1 Plaintiffs hereby incorporate by reference
24 each and every allegation as set forth in paragraphs I through
25 XVI.
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17.2 The acts of each of the Defendants as stated above are so extreme, outrageous and go beyond all bounds of decency.

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

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

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

17.6 The conduct of Defendants was deliberate, willful, malicious, and calculated to inflict severe emotional distress on Plaintiffs.

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

XVIII.

SECOND CAUSE OF ACTION: COUNSELOR MALPRACTICE

18.1 Plaintiffs incorporate by reference each and every allegation as set forth in paragraphs I through XVII.

18.2 Defendant, Community Chapel and Bible Training Center, by and through its pastor and president,

1 Defendant Donald Lee Barnett, and other Defendants, did not
2 exercise the degree of care, skill, diligence and knowledge
3 commonly possessed and exercised by a reasonable, careful and
4 prudent counselor in this jurisdiction by manipulating
5 Plaintiffs into having a spiritual connection and/or sexual
6 contact with Defendants. Defendant, the Community Chapel and
7 Bible Training Center, by and through its pastor and president,
8 Defendant Donald Lee Barnett, and other Defendants, acted
9 intentionally, recklessly, and/or negligently in its conduct
10 and/or omissions and this constituted the tort of counselor
11 malpractice.

12 18.3 Defendant Ralph Alskog did not exercise the
13 degree of care, skill, diligence and knowledge commonly
14 possessed and exercised by a reasonable, careful and prudent
15 counselor in this jurisdiction by manipulating Plaintiff Sandy
16 Ehrlich into having a "spiritual connection" and/or sexual
17 contact. Defendant Ralph Alskog acted intentionally,
18 recklessly, and/or negligently in his acts and/or omissions and
19 this constituted the tort of counselor malpractice.

20 18.4 Defendant Robert Howerton did not exercise
21 the degree of care, skill, diligence and knowledge commonly
22 possessed and exercised by a reasonable, careful and prudent
23 counselor in this jurisdiction by manipulating a minor,
24 Plaintiff Sybil Lemke, into a "spiritual connection" and/or
25 sexual contact. Defendant Robert Howerton did intentionally,
26 recklessly, and/or negligently commit acts and/or omissions
27 which constituted the tort of counselor malpractice.
28

1 18.5 Defendant E. Scott Hartley did not exercise
2 the degree of care, skill, diligence and knowledge commonly
3 possessed and exercised by a reasonable, careful and prudent
4 counselor in this jurisdiction by manipulating Plaintiff Kathryn
5 Reynolds into a spiritual connection and/or sexual contact.
6 Defendant E. Scott Hartley did intentionally, recklessly, and/or
7 negligently commit acts and/or omissions which constituted the
8 tort of counselor malpractice.

9 18.6 Defendants, the Community Chapel and Bible
10 Training Center, by and through its pastor and president,
11 Defendant Donald Lee Barnett, along with all other Defendants,
12 did not exercise the degree of care, skill, diligence and
13 knowledge commonly possessed and exercised by a reasonable,
14 careful and prudent counselor in this jurisdiction by telling
15 Plaintiff Dee Chabot that she should "release" her husband to
16 other member(s) of the congregation; by telling Plaintiff Dee
17 Chabot that her failure to "release" her husband to having
18 spiritual connection with another member of the congregation
19 meant she was possessed by demonic spirits, and by failing to
20 intervene and help restore marital harmony, parent-child
21 relationships and the loss of love, guidance, companionship and
22 support for her children. These Defendants did intentionally,
23 recklessly, and/or negligently commit acts and/or omissions
24 which constituted the tort of counselor malpractice.

25 18.7 As a direct and proximate result of
26 Defendants' malpractice, each Plaintiff has sustained severe
27 pain and suffering.
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XIX.

THIRD CAUSE OF ACTION: NEGLIGENT COUNSELING

19.1 Plaintiff incorporates by reference each and every allegation as set forth in paragraphs I through XVIII.

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

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

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

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XX.

FOURTH CAUSE OF ACTION:

PASTORAL AND MINISTERIAL MALPRACTICE

20.1 Plaintiffs incorporate by reference each and every allegation as set forth in paragraphs I through XIX.

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

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

20.4 As a direct and proximate result of Defendants' negligent counseling, each Plaintiff sustained severe pain and suffering.

XXI.

FIFTH CAUSE OF ACTION: SEXUAL ASSAULT AND BATTERY

21.1 Plaintiff Sandy Ehrlich incorporates by reference each and every allegation as set forth in paragraphs I

1 through XX. The offensive sexual contact and touching by
2 Defendant, Ralph Alskog, against the will and body of Plaintiff,
3 Sandy Ehrlich, resulted in personal injuries to her and
4 constitutes constitutes the torts of assault, battery and false
5 imprisonment.

6 21.2 Plaintiff Sybil Lemke incorporates by
7 reference each and every allegation as set forth in paragraphs I
8 through XX. The offensive sexual contact and touching by Defen-
9 dant, Robert Howerton, against the will and body of Plaintiff,
10 Sybil Lemke, resulted in personal injuries to her and consti-
11 tuted the torts of assault, battery and false imprisonment.

12 21.3 Plaintiff Kathryn Reynolds incorporates by
13 reference each and every allegation as set forth in paragraphs I
14 through XX. The offensive sexual contact and touching by Defen-
15 dant, E. Scott Hartley, against the will and body of Plaintiff,
16 Kathryn Reynolds, resulted in personal injuries to her and
17 constituted the torts of assault, battery and false
18 imprisonment.

19 XXII.

20 SIXTH CAUSE OF ACTION: DEFAMATION

21 22.1 Plaintiffs incorporate by reference each and
22 every allegation set forth in paragraphs I through XXI.

23 22.2 As a direct and proximate result of acts
24 and/or omissions of Defendants in making disparaging and false
25 statements publicly regarding respective Plaintiffs, each and
26 every Plaintiff's reputation was damaged and constitutes the
27 tort of defamation.
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XXIII.

SEVENTH CAUSE OF ACTION: LOSS OF CONSORTIUM

23.1 Plaintiffs Sandy and Michael Ehrlich incorporate by reference each and every allegation as set forth in paragraphs I through XXII.

23.2 As a direct and proximate result of the acts and/or omissions of Defendants, Plaintiff Michael Ehrlich has suffered a loss of consortium, including without limitation thereto, the loss of love, affections, care, services, companionship and society of his wife, Sandy Ehrlich.

23.3 As a direct and proximate result of the acts and/or omissions of Defendants, Plaintiff Sandy Ehrlich has suffered a loss of consortium, including without limitation thereto, the loss of love, affections, care, services, companionship and society of her husband, Michael Ehrlich.

XXIV

EIGHTH CAUSE OF ACTION:

DESTRUCTION OF PARENT-CHILD RELATIONSHIP

24.1 Plaintiffs Larry Lemke and Dee Chabot incorporate by reference each and every allegation as set forth in paragraphs I through XXIII.

24.2 As a direct and proximate result of the acts and/or omissions of Defendants, Plaintiffs, Larry Lemke and Dee Chabot, suffered the loss of love and companionship and injury to and destruction of the parent-child relationship.

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XXV.

NINTH CAUSE OF ACTION:

CHILDREN'S LOSS OF CONSORTIUM

25.1 Plaintiffs Sybil Lemke, Shawna Michele Chabot, Michael Grant Chabot, and Nicholas Sterling Chabot, minors, incorporate by reference each and every allegation contained in paragraphs I through XXIV.

25.2 As a direct and proximate result of the acts and/or omissions of Defendants, Plaintiffs Sybil Lemke, Shawna Michele Chabot, Michael Grant Chabot, and Nicholas Sterling Chabot, minors, suffered the loss of love, care, companionship, and guidance of their respective Plaintiff-parent.

XXVI.

TENTH CAUSE OF ACTION: WRONGFUL DISFELLOWSHIPMENT

26.1 Plaintiffs incorporate by reference each and every allegation contained in paragraphs I through XXV.

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

26.3 Plaintiffs' questioning and/or challenging the "spiritual connections" doctrine and practices of Defendant, Community Chapel and Bible Training Center, by and through its pastor and president, Defendant Donald Lee Barnett, led to their

1 disfellowshipment from Defendant, Community Chapel and Bible
2 Training Center.

3 26.4 As a direct and proximate result of being
4 "disfellowshipped" from Defendant, Community Chapel and Bible
5 Training Center, Plaintiffs were ostracized from their peers,
6 barred from attending church services, members of the
7 congregation were directed not to have further contact with
8 respective Plaintiffs, and endured severe pain and suffering.

9 26.5 As a further direct and proximate result of
10 Plaintiffs' wrongful disfellowshipment, each of the Plaintiffs
11 have been shunned by members of the Community Chapel and Bible
12 Training Center, lost their jobs, have been greatly humiliated,
13 lost their friends, shamed, embarrassed and endured great
14 suffering and remain nervous and distraught.

15 XXVII.

16 ELEVENTH CAUSE OF ACTION: SEDUCTION OF CHILD

17 27.1 Plaintiffs, Larry Lemke and Sybil Lemke,
18 incorporate by reference each and every allegation contained in
19 paragraphs I-XXVI.

20 27.2 As a direct and proximate result of the offensive
21 sexual contact and touching by Defendant, Ralph Alskog, against
22 the will and body of Plaintiff, Sybil Lemke, she suffered
23 personal injuries and this constitutes the tort of seduction of
24 a child.

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

- 1. For general damages already incurred and future general damages in an amount unknown but which will be proved at the time of trial;
- 2. For medical expenses incurred and for future medical expenses and other costs, in an amount unknown which will be proved at the time of trial.
- 3. For loss of wages and earnings which will be proved at the time of trial;
- 4. For costs and disbursements;
- 5. For prejudgment interest;
- 6. For reasonable attorney fees;
- 7. For injunctive relief;
- 8. For such other relief as this court may deem just and proper in this cause.

WHEREFORE Plaintiffs Michael and Sandy Ehrlich further pray for judgment against the Defendants as follows:

- 10. For loss of consortium;

WHEREFORE Plaintiffs Larry Lemke and Dee Chabot further pray for judgment against the Defendants as follows:

- 11. For loss of parent-child relationship;

WHEREFORE Plaintiffs Sybil Lemke, Shawna Michele Chabot, Michael Grant Chabot and Nicholas Sterling Chabot, minors, further pray for judgment against the Defendants as follows:

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

DATED this 31st day of July, 1986.

ADLER, GIERSCH AND READ


Richard H. Adler
Attorney for Plaintiffs

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JAN 28 1988

CIVIL TRACK 1

CIVIL TRACK 1
JUDGE GARY LITTLE

RECEIVED
JAN 28 1988
MESSINA DUFFY

COPY RECEIVED
JAN 26 1988
EVANS, CRAVEN & LACKIE, P.S.

FILED
KING COUNTY, WASHINGTON

FEB 16 1988

SUPERIOR COURT CLERK
BY ROBIN 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.,)

No. 86 2 18176 8

Plaintiffs,)

AGREED ORDER FOR PRETRIAL
DISCOVERY

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.)

1. All attorneys are familiar with Civil Track 1 System.

AGREED ORDER FOR PRETRIAL
DISCOVERY-1.

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

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AH

- 1 2. The trial is set for April 3, 1989 (second setting) with
2 a first setting on October 2, 1989. It is agreed that this
3 Pretrial Order is based on the April 3, 1989 trial date and that
4 all counsel will be prepared for a 20-day trial by jury on this
5 date.
- 6 3. Cut-off date for joinder of additional parties: March 8,
7 1988.
- 8 4. Cut-off date for amendment of pleadings: May 8, 1988.
- 9 5. Lay witnesses:
 - 10 A. Cut-off date for disclosure of all parties' lay
11 witnesses: May 8, 1988.
 - 12 B. Cut-off date for completion of all lay witness'
13 depositions: September 8, 1988.
- 14 6. Expert witnesses:
 - 15 A. Cut-off date for disclosure of expert witnesses by
16 plaintiffs: September 10, 1988.
 - 17 B. Cut-off date for disclosure of expert witnesses by
18 defendants: October 10, 1988.
 - 19 C. Cut-off date for completion of depositions of all
20 parties' expert witnesses: January 10, 1989.
- 21 7. Cut-off date for all discovery: February 3, 1989.
- 22 8. Any need to limit discovery? Not at this time.
- 23 9. Cut-off date for dispositive motions to be filed:
24 February 3, 1989.
- 25 10. Cut-off date for motions in limine to be heard: March 24,
26 1989.

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- 11. Due date for trial briefs by plaintiffs: March 27, 1989.
- 12. Due date for trial briefs by defendants: March 31, 1989.
- 13. Length of trial briefs: 15 pages. Length of joint brief: 15 pages. Length of additional briefs: 7 pages.
- 14. Date due for jury instructions: March 31, 1989.
- 15. Due date for submitting stipulated exhibits to court room clerk: March 31, 1989.
- 16. Due date for submitting other exhibits to court room clerk for marking: March 31, 1989.
- 17. Settlement conference to be scheduled for March 4, 1989 at 9:30 a.m. with Judge Gary Little.
- 18. Pretrial conference to be scheduled for March 4, 1989 at 10:30 a.m.
- 19. Any special problems regarding discovery: Discovery issues are outstanding at this time.
- 20. All special problems regarding evidence: None at this time.
- 21. Protective order: Not at this time.
- 22. Special master or referee: No.

DATED this 16th day of February, 1988.

MESSINA DUFFY
 By John L. Messina
 JOHN L. MESSINA
 Attorneys for Plaintiffs Ehrlich,
 Lemke, Chabot