

1 Pursuant to paragraph 5 of this Court's order dated October
2 5, 1988, counsel for plaintiff Maureen Jorgensen ("Jorgensen")
3 respectfully submits this memorandum setting forth Jorgensen's
4 basic contentions of fact and law.

5 I. FACTUAL CONTENTIONS

6 Due to an auto accident in the early 1970's, Jorgensen at age
7 19 became a medical quadriplegic, permanently confined to a
8 wheelchair. She sued the state of Alaska on account of her
9 injuries. Meanwhile, after receiving medical treatment at several
10 facilities, and while living on public assistance in a small
11 apartment, she met Donald Barnett, paster of the Community Chapel
12 and Bible Training Center ("CCBTC") and his wife, Barbara Barnett.
13 The Barnetts at once exploited Jorgensen's vulnerability, and
14 began manipulating, pressuring, coercing and influencing her in
15 all aspects of her life, including dictating her 1975 marriage to
16 Dennis Pangburn. Jorgensen attended both the CCBTC services and
17 the Community Chapel Bible College, which taught submission to
18 church authority and complete obedience to church teachings.

19 Donald Barnett was aware of and interested in Jorgensen's
20 lawsuit against Alaska. When she obtained a net settlement in
21 early 1975 of approximately \$730,000.00, he counseled and
22 admonished her during a long series of private meetings that she
23 should give her money to CCBTC and that it was morally and
24 spiritually wrong for her to retain the money for her own care.
25 He told her she would be healed if she gave CCBTC the money.
26

1 CCBTC, through the Barnetts, promised to meet all her future
2 financial needs if she gave the money to CCBTC. Defendants
3 successfully estranged Jorgensen from her father when he opposed
4 these plans.

5 By approximately April 1975, defendants had persuaded
6 Jorgensen to transfer \$580,000.00 to CCBTC, of which \$480,000.00
7 was a loan to CCBTC and \$100,000.00 was an outright gift.
8 Although defendants promised Jorgensen that the CCBTC note
9 evidencing the loan would bear interest at the rate of 5 percent
10 (5%) per annum, the executed note, dated December 1, 1975, bore
11 no interest. Although the note provided that CCBTC would furnish
12 a mortgage on real property to secure loan payments, CCBTC never
13 provided any security.

14 The promise of continuing support for expenses was a material
15 factor inducing Jorgensen's agreement to the loan and gift
16 transactions. But despite these promises and their knowledge that
17 Jorgensen was financially, emotionally and physically dependent
18 on the church, defendants rebuked her when she requested financial
19 assistance to complete construction of a wheelchair-accessible
20 home. (That home was particularly expensive because Jorgensen
21 relied on Donald Barnett's design decisions.) Defendants
22 continually advised her that God did not sanction seeking medical
23 treatment, and that doing so showed lack of faith, although they
24 knew she suffered from insomnia, lack of appetite, dizziness,
25

26

JORGENSEN CONTENTIONS OF
FACTS AND LAW

3

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JORGENSEN CONTENTIONS OF
FACTS AND LAW

1 cramping, headaches, diarrhea, depression, and kidney and urinary
2 tract infections.

3 When Jorgensen finally obtained medical treatment in 1985 for
4 acute conditions, including belated gall bladder surgery related
5 to her quadriplegia, CCBTC refused her request for payment of her
6 medical expenses of approximately \$10,000.00. Meanwhile,
7 defendants' new doctrine of "spiritual connections" caused the
8 destruction of plaintiff's marriage when her husband fell in love
9 with his "connection". Jorgensen was unable to establish a
10 "spiritual connection" and suffered feelings of guilt, inadequacy,
11 isolation, and fear she would be condemned to hell because of her
12 "failure".

13 Jorgensen asked defendants repeatedly to help her cope with
14 the extreme distress caused by her ruined marriage and serious
15 difficulties paying basic expenses such as medical and utility
16 bills. Defendants did nothing, and in October, 1985, Donald
17 Barnett publicly disparaged and rebuked Jorgensen at a crowded
18 church meeting, shouting at her as she lay in a church pew
19 suffering stomach convulsions that she was selfish and evil, beset
20 by demons, and lacking faith in God and the church. Soon after,
21 in December, 1985, Jorgensen severed her ties with the church.

22 II. LEGAL CONTENTIONS

23 A. Defendants had an ongoing confidential relationship with
24 Jorgensen, enjoyed much greater bargaining power, were aware of
25 her physical and emotional vulnerability and actively participated
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JORGENSEN CONTENTIONS OF
FACTS AND LAW

1 in arranging the unnaturally large \$580,000.00 transfer. They
2 have been unjustly enriched due to their ongoing undue influence
3 over Jorgensen from 1975 to 1985. Jorgensen is therefore entitled
4 to restitution of the remaining loan principal balance, fair
5 interest, and prejudgment interest from 1975, through a
6 constructive trust on CCBTC property.

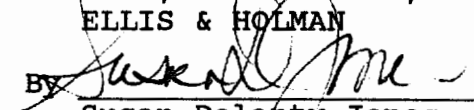
7 B. Defendants' refusal to pay Jorgensen's medical and other
8 expenses materially breached the parties' agreement, caused a
9 failure of consideration, and constituted a knowing infliction of
10 emotional distress, so that Jorgensen is entitled to rescind the
11 agreement, recover funds still held by defendants, and recover
12 damages.

13 C. Defendants' public and harsh rebuke of Jorgensen in 1985,
14 and other acts and conduct, intentionally, recklessly and/or
15 negligently inflicted severe emotional distress and injury on
16 Jorgensen, so that she is entitled to actual damages, damages for
17 continuing pain and suffering, and attorneys' fees and costs.

18 DATED this 7th day of November, 1988.

19 Respectfully submitted,

20 PRESTON, THORGRIMSON,
21 ELLIS & HOLMAN

22 By 
23 Susan Delanty Jones
24 Catherine D. Shaffer
25 Attorneys for Plaintiff,
26 Maureen P. Jorgensen

JORGENSEN CONTENTIONS OF
FACTS AND LAW

The Honorable John W. Riley
CIVIL TRACK I

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EVANS CRAVER & LACKIE, P.S. SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

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

Plaintiffs,)

vs.)

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

Defendants.)

NO. 86-2-18176-8

MEMORANDUM OF MAUREEN JORGENSEN
JOINING OPPOSITION
TO DEFENDANTS' MOTIONS FOR
SEPARATE TRIAL

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

Plaintiffs,)

vs.)

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

Defendants.)

-----)
MAUREEN P. JORGENSEN,)

Plaintiff,)

vs.)

COMMUNITY CHAPEL AND BIBLE)
TRAINING CENTER, et al.)

Defendants.)

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Margolis, Austin & Erickson

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KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

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FILED

JORGENSEN MEMORANDUM JOINING
OPPOSITION TO SEVERANCE

150

I. INTRODUCTION

1 Plaintiff Maureen P. Jorgensen ("Jorgensen") joins
2 plaintiffs' opposition to defendants' motions for separate trials.
3

4 II. FACTS

5 As Jorgensen stated in her April, 1988 motion to consolidate
6 her case with those of the other plaintiffs in this case, her
7 claims, like theirs, arise out of defendants' course of conduct
8 in operating the Community Chapel Bible and Training Center
9 ("CCBTC") so as to cause grave financial, emotional, and family
10 damage to those who trustingly devoted their lives to its
11 activities and practices.

12 All the plaintiffs, like Jorgensen, are former members of
13 CCBTC. Other plaintiffs, like Jorgensen, allege damage to family
14 relationships as a result of defendants' "spiritual connection"
15 practices. Some plaintiffs, like Jorgensen, allege that
16 defendants Donald Lee and Barbara Barnett, particularly Donald
17 Barnett, engaged in undue influence to promote such activities.
18 Jorgensen's allegations as to the destruction of her marriage are
19 virtually identical with those of plaintiffs Dee Chabot and Ronald
20 Kitchell. Several plaintiffs, like Jorgensen, allege that they
21 tithed a substantial portion of their income to CCBTC. All
22 plaintiffs allege infliction of severe emotional distress caused
23 by defendants' "spiritual connection" practices and publication
24 of disparaging, damaging remarks about plaintiffs to the CCBTC
25 congregation. See Jorgensen's moving papers in support of her
26

1 April 1, 1988 motion to consolidate. The Court granted
2 consolidation on April 8, 1988.

3 All the plaintiffs' cases require an understanding of CCBTC's
4 authoritarian structure, aims and practices. Jorgensen
5 anticipates common use of expert witnesses, and overlapping use
6 of witnesses and documents, to explain the unique, controlled
7 world which defendants created and operated, to which all
8 plaintiffs belonged and from which all plaintiffs felt powerless
9 to escape for many years.

10 All the plaintiffs' cases raise common issues of law and
11 fact. Jorgensen anticipates common factual issues of trial will
12 include, but will not be limited to, defendants' conduct of
13 "spiritual connection" practices so as to cause severe emotional
14 distress to all plaintiffs; the use of authoritarian, mind-
15 controlling techniques to discourage personal autonomy; and
16 probable defenses of constitutional and common-law privilege.

17 III. ARGUMENT

18 A. Defendants' motions to sever should be denied to avoid
19 duplicative separate trials and prejudice to plaintiffs.

20 The Civil Rules are to be "construed to secure the just,
21 speedy, and inexpensive determination of every action." CR 1. As
22 the other plaintiffs have pointed out in their memorandum in
23 opposition to defendants' severance motions, separate trials will
24 be duplicative, and will therefore waste time and money.

25 For Jorgensen, defendants' extraction in 1975 of most of
26 Jorgensen's tort settlement for her grievous injuries could only

1 have succeeded in the bottled, concentrated atmosphere created by
2 their authoritarian teachings, the absolute submission required
3 of members, and the constant pronouncements that demons afflicted,
4 and hell awaited, any dissenter. That atmosphere continued
5 throughout the next 10 years, stifling Jorgensen's attempts to
6 find financial and emotional stability. Similarly, Jorgensen's
7 desperation and emotional vulnerability in 1985, and the
8 shattering effect of defendants' abandonment and Barnett's abusive
9 public rebuke of her must be understood in the context of the
10 "spiritual connections" doctrine and defendants' insistence on
11 each CCBTC member's total dependence on and submission to pastoral
12 authority.

13 Separate trials would require that Jorgensen and each other
14 plaintiff group produce the same proof of CCBTC's structure,
15 defendants' teachings, and the "spiritual connections" practice,
16 call the same experts on mind control and cult characteristics,
17 and subpoena many of the same lay witnesses. Requiring a separate
18 trial would not only waste valuable court time and resources on
19 duplicative evidence, but would seriously prejudice Jorgensen by
20 escalating the money and effort required to prove her case. Cf
21 CR 20(a) (separate trials may be ordered to prevent delay or
22 prejudice).

23 B. Defendant's motions to sever should be denied because the
grounds set forth are meritless

24 Defendants seek separate trials on the grounds that each
25 plaintiff alleges a "separate occurrence." In fact joinder is
26

JORGENSEN MEMORANDUM JOINING
OPPOSITION TO SEVERANCE

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1 proper where there are rights to relief "in respect of or arising
2 out of the same transaction, occurrence, or series of transactions
3 or occurrences, and if any question of law or fact common to all
4 defendants will arise." CR 20(a)(emphasis added). Here,
5 plaintiffs' claims all arise out of and in the context of such
6 identical series of transactions and occurrences as defendants'
7 authoritarian teachings and practices, use of undue influence,
8 administration of rebukes before CCBTC members, "spiritual
9 connections" doctrine, and constant threats of
10 "disfellowshipping". Defendants further contend that they will
11 be prejudiced because the jury will find it impossible to
12 compartmentalize the evidence in assessing plaintiffs' claims.
13 But this is not, as defendants argue, a case where each plaintiff
14 alleges discrete, unrelated acts. The wrongs done to plaintiffs
15 by defendants are linked by the same mind control and
16 authoritarian tactics, identical teachings and practices, and the
17 similar injuries inflicted on each plaintiff.

18 Defendants Barnetts claim prejudice under ER 404. However,
19 ER 404(b) expressly provides that evidence of other acts is
20 admissible for such purposes as proof of "motive . . . intent,
21 preparation, [and] plan." Defendants' acts fit into a striking
22 pattern of tortious infliction of emotional distress and use of
23 undue influence.

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JORGENSEN MEMORANDUM JOINING
OPPOSITION TO SEVERANCE

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1 C. Defendant's motions to sever should be denied because they are
2 premature.

3 Discovery to date in this case has been limited. To date no
4 party has identified anticipated expert witnesses. Until
5 discovery is concluded, it is impossible to be certain how much
6 each plaintiff's expert witness and other evidence will overlap.
7 Defendants' motions for separate trial are therefore premature.

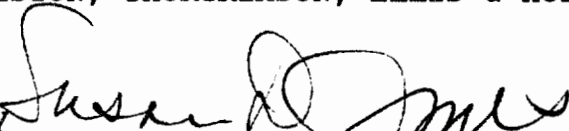
8 IV. CONCLUSION

9 For the reasons set forth above, Jorgensen requests that the
10 Court deny defendants' motions for separate trial, or, in the
11 alternative, postpone the hearing on the motions until discovery
12 has been substantially completed.

13 DATED this 7 day of November, 1988.

14 Respectfully submitted,

15 PRESTON, THORGRIMSON, ELLIS & HOLMAN

16 BY 

17 Susan Delanty Jones
18 Catherine D. Shaffer
19 Attorneys for Plaintiff,
20 Maureen P. Jorgensen

NOV - 1 PM 4:30
KING COUNTY
SUPERIOR COURT

CIVIL TRACK ONE
THE HONORABLE JOHN W. RILEY

FILED
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SUPERIOR COURT CLERK
MELISSA R. KEATING
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
KING COUNTY, WASHINGTON

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

Plaintiffs,)

v.)

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

Defendants,)
Third Party Plaintiffs,)

v.)

GARY LIEN,)

Third Party Defendant.)

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

Plaintiffs,)

v.)

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

Defendants.)

_____)
MAUREEN P. JORGENSEN,)

Plaintiff,)

v.)

COMMUNITY CHAPEL AND BIBLE)
TRAINING CENTER, et. al.,)

MEMO IN OPP TO HALL'S)
MOTION TO AMEND/JOIN : 1)
15004789.81)

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

MEMORANDUM IN
OPPOSITION TO PLAINTIFF
HALL'S MOTION TO AMEND AND
JOIN ADDITIONAL PARTIES

151
Evans, Crawford & Lick, P.S.
ATTORNEYS

CIVIL TRACK 1

1 Defendants.)
2)
3

4 COME NOW defendants Don and Barbara Barnett, through
5 counsel, and in opposition to plaintiff Hall's motion to amend
6 complaint and join additional defendants (minor children of
7 plaintiff Hall), submit the following affidavit and memorandum of
8 points and authorities.

9 **FACTS**

10 On January 26, 1988, an Agreed Order for pretrial discovery
11 was received, indicating the cut-off date for joinder of
12 additional parties was May 8, 1988. The cut-off date for
13 amendment of pleadings was May 8, 1988.

14 Due to the death of Judge Little, the various lawyers'
15 scheduling resulted in an agreement of extension of cut-off date
16 for disclosure and completion of lay witness and expert witness
17 depositions has been reached by the parties involved.

18 No such agreement has been discussed or entered regarding a
19 cut-off date for amendment or additional parties.

20 Plaintiff Hall brings this motion pursuant to CR 15 and CR
21 20. CR 15 (a) allows amendment of pleadings at the discretion of
22 the court. CR 20 allows permissive joinder of plaintiffs in
23 actions where defendants have asserted against them an action
24 arising out of the same transaction, occurrence or series of
25 transactions or occurrences.

26 The original pleading in this action named the children of
27 Kathy Butler and Sandi Brown as plaintiffs through duly appointed
28 guardian ad litem.

29 All facts known to plaintiff and counsel as of the date of
30 the Agreed Order referenced above were known on January 19, 1988,

31 MEMO IN OPP TO HALL'S
32 MOTION TO AMEND/JOIN : 2
15004789.81

James Edward Little, P. J.

1 and known upon the initial filing of the complaint in July of
2 1986.

3 Interrogatories and requests for production regarding school
4 records as to children already parties to the suit have been
5 served and answered.

6 Plaintiffs now wish to now join the children in light of
7 potential statute of limitations problems as to Christine Bradley
8 Hall.

9 In Morgan Bros., Inc., v. Haskell Corp., Inc., 24 Wn. App.
10 773, 604 P.2d 1294 (Div. One, 1979) the court of appeals held
11 that it was proper to deny leave to amend when there is no
12 indication of a reason for failure to timely amend. There has
13 been no affirmative showing that right to amend should be granted
14 in that there has been no showing of a loss of consortium on the
15 part of Christine Bradley Hall's children, nor any injuries that
16 have come to light since the Agreed Order and filing of the
17 initial action in this matter.

18 **CONCLUSION**

19 Plaintiff's motion to joining the children of Christine
20 Bradley Hall as additional parties should be denied.

21 DATED November 1, 1988.

22 EVANS CRAVEN & LACKIE, P.S.

23
24 By Rodney D. Hollenbeck
25 RODNEY D. HOLLENBECK

26 Attorneys for Defendants Barnett
27
28
29
30

31 MEMO IN OPP TO HALL'S
32 MOTION TO AMEND/JOIN : 3
15004789.81

Evans, Craven & Lackie, P.S.

ATTORNEYS

11/1/88

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KING COUNTY
SUPERIOR COURT

CIVIL TRACK ONE
THE HONORABLE JOHN W. RILEY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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SUPERIOR COURT CLERK
MELISSA R. KEATING
DEPUTY

1 KATHY LEE BUTLER, et. ux.,)
2 et. al.,)
3)
4 Plaintiffs,)
5 v.)
6 DONALD LEE BARNETT, et. ux.,)
7 et. al.,)
8)
9 Defendants,)
10 Third Party Plaintiffs,)
11 v.)
12 GARY LIEN,)
13)
14 Third Party Defendant.)

17 SANDY EHRLICH, et. ux., et. al.,)
18 Plaintiffs,)
19 v.)
20 RALPH ALSKOG, et. ux., et. al.,)
21 Defendants.)
22)
23)

24 MAUREEN P. JORGENSEN,)
25 Plaintiff,)
26 v.)
27 COMMUNITY CHAPEL AND BIBLE)
28 TRAINING CENTER, et. al.,)
29)
30)

31 AFF IN OPP TO HALL'S MOTION
32 TO AMEND/JOIN : 1
15004789.60

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

AFFIDAVIT IN OPPOSITION TO
PLAINTIFF HALL'S MOTION TO
AMEND AND TO JOIN ADDITIONAL
PARTIES

152
Evans, Owen & Lichte, P.S.
LAWYERS

CIVIL TRACK 2

(700) 336-5550

1 Defendants.)
2)

3 STATE OF WASHINGTON)

4 : ss.
5 County of King

6 RODNEY D. HOLLENBECK,, being first duly sworn on oath,
7 deposes and says:

8 I am over the age of 18, competent to be a witness and have
9 personal knowledge of the facts contained herein;

10 I am one of the attorneys representing Don and Barbara
11 Barnett in the above-captioned matter;

12 Since my involvement in the case in December of 1987, no
13 discovery has indicated new evidence regarding the joinder of
14 children of Christine Bradley Hall;

15 Discussions and a tentative agreement has been reached
16 between plaintiff's counsel and defendants' counsel to extend
17 discovery cut-offs for expert and lay witnesses based upon
18 scheduling problems with regard to various counsel, Judge
19 Little's death, and a collateral case tried in Pierce County,
20 Gabrielson v. Barnett, Cause No. 86-2-02792-6, September 12
21 through October 29, 1988.

22 DATED November 1, 1988.

23 Rodney D. Hollenbeck
24 RODNEY D. HOLLENBECK

25 STATE OF WASHINGTON
26 County of King

27 SIGNED OR AFFIRMED before me this 1st day of November,
28 1988 by Rodney D. Hollenbeck

29 (SEAL)

30 Barbara E. Eui
31 NOTARY PUBLIC
32 My Appointment Expires 7/1/89

AFF IN OPP TO HALL'S MOTION
TO AMEND/JOIN : 2
15004789.60

Christine Bradley Hall D.D.

FILED

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CIVIL TRACK I
THE HONORABLE JOHN RILEY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY OF KING
SEATTLE, WA

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

3 Plaintiffs,)

4 v.)

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

7 Defendants.)

No. 86-2-18176-8

8 SANDY EHRLICH and MICHAEL)
9 EHRLICH, Wife and Husband;)
10 LARRY LEMKE, Parent, LARRY)
11 LEMKE, Guardian ad litem on)
12 behalf of SYBIL N. LEMKE, a)
13 Minor; DEE CHABOT, Parent;)
14 DEE CHABOT, Guardian ad litem)
15 on behalf of SHAWNA MICHELLE)
16 CHABOT, MICHAEL GRANT CHABOT,)
17 and NICHOLAS STERLING CHABOT,)
18 Minors; CATHERINE KITCHELL)
19 and RONALD KITCHELL, Wife and)
20 Husband; CATHERINE KITCHELL,)
21 Guardian ad litem on behalf)
22 of WENDY KITCHELL, a Minor,)

23 Plaintiffs,)

24 v.)

25 RALPH ALSKOG and ROSEMARY)
26 ALSKOG, Husband and Wife;)
27 ROBERT HOWERTON and JANE DOE)
28 HOWERTON, Husband and Wife;)
DONALD LEE BARNETT and)
BARBARA BARNETT, Husband and)
Wife; COMMUNITY CHAPEL AND)
BIBLE TRAINING CENTER, a)
Washington Corporation;)
"JOHN DOES" 1-4 and "JANE)
DOES" 1-4, Husbands and)
Wives; FIRST DOE CORPORATION;)
and FIRST DOE PARTNERSHIP,)

Defendants.)

PLAINTIFFS EHRLICH'S, ET AL.,
SUPPLEMENTAL BRIEF IN OPPOSITION
TO DEFENDANTS ALSKOG'S AND
BARNETT'S MOTION FOR SEPARATE
TRIAL AND EXHIBITS

Handwritten initials: JH, eu

PLAINTIFFS' SUPPLEMENTAL BRIEF - ORIGINAL

LAW OFFICES OF
ADLER GIERSCH, P.S.
SUITE 600
401 SECOND AVE. S.
SEATTLE, WA 98104
(206) 682-0300

1 COME NOW Plaintiffs Sandy Ehrlich and Michael Ehrlich; Larry
2 Lemke and Sybil Lemke; Dee Chabot, Shawna Michelle Chabot, Michael
3 Grant Chabot and Nicholas Sterling Chabot; and Ronald Kitchell,
4 Catherine Kitchell and Wendy Kitchell, by and through their
5 attorneys of record, and submit the following Supplemental Brief
6 in Opposition to Defendants Alskog's and Barnett's Motion for a
7 Separate Trial.

8 I. LEGAL ARGUMENT

9 Neither Defendants Alskog nor Barnett have cited cases which
10 consider the purpose and public policy in the enactment of CR
11 20(a). Longnecker v. Brommer, 59 Wn. 2d 552 (1962), and
12 Department of Labor & Industries v. Kennewick, 31 Wn. App. 777
13 (1982), rev'd on other grounds 99 Wn. 2d 225 (1983), are
14 representative of case law in this state which finds the purpose
15 of joinder is to avoid multiplicity of suits and waste of judicial
16 resources. Rather, Defendants Alskog and Barnett have attempted
17 to mislead the court by implying that joinder is only appropriate
18 when suits involve the same plaintiffs and exactly the same
19 transaction. Obviously, this analysis ignores the purpose and
20 policy of CR 20(a) and contravenes the very language of the rule,
21 which provides for joinder in cases where actions arise out of the
22 same occurrence or series of occurrences or transactions and in
23 cases that involve common questions of fact or law.

24 Similarly, Defendant Barnett's Rebuttal Brief erroneously
25 characterizes the summary of the causes of action alleged by
26 Plaintiffs' Ehrlich, et al.

27 Plaintiffs' claims clearly arise out of the same occurrences
28

1 or set of circumstances. These common occurrences or
2 circumstances are the history and development of Community Chapel
3 and Bible Training Center (hereinafter, "CCBTC") institutions and
4 practices as dictated by and enforced by the official agents of
5 CCBTC. Teachings and practices, including "spiritual connections"
6 and "demonology", were presented to CCBTC membership, including
7 plaintiffs, as revelations from God and as the "only truth".
8 CCBTC's officials created a structure for the practice of
9 "spiritual connections" and "demonology" which reinforced this
10 theology. See Attachment A. CCBTC members, including plaintiffs,
11 were taught not to trust any information or value that did not
12 originate with CCBTC or its official agents. CCBTC trained its
13 own pastors, elders, teachers, and counselors, then gave them
14 positions of power over other church members, including
15 plaintiffs. Strict adherence to CCBTC's teachings and practices
16 was achieved through intimidation and fear of being publicly
17 humiliated, disfellowshipped from CCBTC, and estranged from one's
18 own family and friends. See Attachment A.

19 This "series of occurrences" or circumstances created the
20 "window of opportunity" for Ralph Alskog and other named
21 defendants to use their position and power and the teachings and
22 practices of CCBTC to sexually exploit and abuse the plaintiffs
23 in this action. It is also this "series of occurrences" or
24 circumstances which led to the destruction of plaintiffs' marital
25 harmony and parent/child relationships, and loss of consortium
26 claimed by plaintiffs.

27 Furthermore, Plaintiffs Ehrlich, Lemke, Chabot and Kitchell
28

1 have made identical claims against Defendants Barnett and CCBTC.
2 These claims include negligent counseling, counselor and pastor
3 malpractice, negligent supervision, loss of consortium and/or
4 child consortium, wrongful disfellowship, defamation and outrage.
5 Obviously, the evidence for these causes of action involves
6 overlapping of witnesses and questions of law.

7 On Page 4 of defendants' reply brief, defense counsel
8 incorrectly states the holding of Maki v. Aluminum Products, 73
9 Wn. 2d 23, 436 P. 2d 186 (1986). Rather than ruling on the
10 substantive facts of the case, as purported by defense counsel,
11 the Court holds only that, "The right to order separate trials is
12 a matter of discretion vested in the trial court by the rules."
13 Maki, at 25.

14 Plaintiffs agree that the trial court has the discretion to
15 order separate trials. However, plaintiffs would direct the court
16 to Mangham v. Gold Seal Chinchillas, Inc., 69 Wn. 2d 37 (1960),
17 which holds that a motion to sever should be denied even though
18 the cases involved different plaintiffs and a series of
19 transactions involving different agents of the defendant over an
20 extended period of time. A review of Mangham reveals that the
21 facts are analogous to the present case and, hence, the court's
22 holding is controlling. As in Mangham, "sales pitches",
23 "representations" and "warranties" were, in fact, made by all of
24 the defendants named in this case. All of their statements and
25 actions were based on the theological teachings, rhetoric and
26 practices of CCBTC. All defendants used the teachings and
27 practices associated with "spiritual connections" and
28

1 "disfellowshipping" to cloak their actions. That these common
2 teachings and practices were the touchstone for Defendants
3 Alskog's, et al., injurious actions is clearly analogous to the
4 "sales pitch", "representations" and "warranties" made in Mangham.
5 Further, as in Mangham, the fact that CCBTC was the source of
6 authority for these representations and practices is sufficient
7 to show a "series of transactions" and satisfy the first prong of
8 CR 20(a).

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

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

19 Piecemeal litigation is not to be encouraged, particularly
20 in the field of personal injury litigation where issues
21 and evidence of liability and damages are generally
interwoven. [emphasis added]

22 The court also points out that other jurisdictions have
23 eliminated and/or severely limited the application of the
24 severance rule in all personal injury litigation. Id., at 282.
25 Accordingly, the court holds that separation of litigation may
26 (not "shall") be proper,

1 . . .where issues of liability and damages are singularly
2 distinct and there is the possibility of substantial
3 savings in trial time, expense, convenience, with no
prejudice to the other party being shown.

4 Id., at 282.

5 Thus, applying this test to the present case, defense
6 counsel's motion should be denied because they have failed to show
7 that the issues in these cases are: (1) "singularly distinct";
8 (2) that time would be saved by severing the claims; and (3) that
9 there would be no prejudice to the plaintiffs.

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

18 II. EXHIBIT B

19 Accompanying this supplemental brief is a video tape of a
20 segment from the television show "West 57th Street" which aired
21 on Saturday, November 5, 1988. This is provided as an aid to the
22 court to show how plaintiffs' claims, like those in the show, are
23 common occurrences arising out of the development of CCBTC's
24 teaching and practice of "spiritual connections". Plaintiffs will
25 arrange for equipment to be available for viewing this exhibit at
26 the time of argument.

27
28 PLAINTIFFS' SUPPLEMENTAL BRIEF - 6

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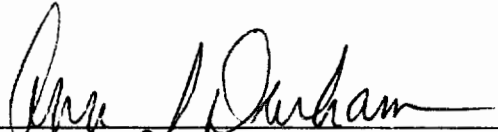
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III. CONCLUSION

Plaintiffs Ehrlich, Lemke, Chabot and Kitchell respectfully request that Defendants Alskog's and Barnett's motions to sever be denied and the trials proceed as previously consolidated by this court.

RESPECTFULLY SUBMITTED this 10th day of November, 1988.

ADLER GIERSCH, P.S.

BY: 
Ann J. Durham
Attorney for Plaintiffs Ehrlich,
Lemke, Chabot and Kitchell



Community Chapel & Bible Training Center

18635 8th Avenue South, Seattle, Washington 98148

Phone (206) 431-3100

Pastor Donald Lee Barnett

Sanctuary located at First Avenue South and South 192nd

March 4, 1988

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

EXHIBIT A

ORIGINAL

Dear Don,

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

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

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

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

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

Donald Barnett

(2)

March 4, 1988

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

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

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

I will always love you.

David Motherwell

David Motherwell



Community Chapel & Bible Training Center

186-15 8th Avenue South, Seattle, Washington 98148
Pastor Donald Lee Barnett

Phone (206) 431-3100

Sanctuary located at First Avenue South and South 192nd

March 4, 1988

Dear Pastor Don,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

not his sexual conduct.

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

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

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

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

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

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

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

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

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

Several members of the congregation have gone to Don about his

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

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

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

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

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

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

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

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

happen to you in the future.

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

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

Sincerely,

W. L. Lewis Sr. elder

E. Scott Hartley Sr. elder

Jack A. Hicks Sr. elder

AR MacKenzie elder

Donald C. Jackson elder

George S. Erickson elder

John S. Harold elder

Larry J. elder

Gerald J. Slawinski elder

Bob Clark elder

Gregory R. Thiel elder

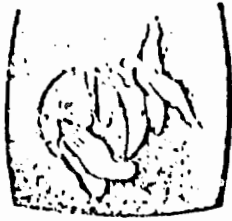
Ronald W. Myrick elder

Mark A. York elder

John Bergin minister

Ching-Ho Hsu minister

David McNameel minister



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CME-01

March 4, 1988

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

Dear Don,

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

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

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

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

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

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

(continued)

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

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

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

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

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

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

(continued)

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

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

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

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

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

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

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

(continued)

Donald Barnett

(4)

March 4, 1988

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

In our Master's service,

Jack DuBois
Jack DuBois

Jack Hicks
Jack Hicks

Scott Hartley
Scott Hartley.

RECEIVED
 In King County Superior Court Clerk's Office
 NOV 9 1988
 Superior Court Clerk

CIVIL TRACK ONE
 THE HONORABLE JOHN RILEY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

Plaintiffs,)

v.)

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

Defendants,)
 Third Party Plaintiffs,)

v.)

GARY LIEN,)

Third Party Defendant.)

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

Plaintiffs,)

v.)

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

Defendants.)

 MAUREEN P. JORGENSEN,)

Plaintiff,)

v.)

COMMUNITY CHAPEL AND BIBLE)
 TRAINING CENTER, et. al.,)

NO. 86-2-18176-8

DEFENDANT BARNETTS'
 IDENTIFICATION OF PARTIES
 AND SUMMARY AND MEMORANDUM
 TO JUDGE JOHN RILEY

FILED
 1988 NOV -9 PM 4:29
 KING COUNTY
 SUPERIOR COURT CLERK
 SUPERIOR COURT CLERK

SUMMARY MEMORANDUM : 1

Erans, Conrad Laska, P. J.

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1 Defendants.)
2)

3 PARTIES

4 Name

Attorneys

6 Plaintiffs Named

8 Maureen Jorgenson	Former member of CCBTC	Susan Delaney Jones PRESTON THORGRIMSON
10 Kathy Butler & 11 Stephan Lynn Butler, 12 Kathy Lee Butler as 13 guardian ad litem for 14 Scott William Lien and 15 Randy William Lien	Former member of CCBTC, husband and wife; children of Kathy Butler by Gary Lien	Jeff Campiche KARGIANIS & AUSTIN
16 Sandi Lee Brown & 17 Lyle David Brown, 18 Dora Fellhauer as 19 guardian ad litem for 20 Tara Lynn Brown and 21 Troy Steven Brown	Former members of CCBTC, husband and wife; children thereof	Jeff Campiche KARGIANIS & AUSTIN
22 Chris Bradley Hall & 23 Donald T. Hall	Wife former member of CCBTC	Jeff Campiche KARGIANIS & AUSTIN
24 Sandi Ehrlich & 25 Michael Ehrlich	Members of CCBTC, husband and wife	Richard Adler & Ann Durham ADLER, GIERSCHE & READ
26 Larry Lemke, Larry 27 Lemke guardian ad 28 litem on behalf of 29 Sybil Lemke	Former member of CCBTC, father of Sybil Lemke	Richard Adler & Ann Durham ADLER, GIERSCHE & READ
30 Dee Chabot, Dee Chabot 31 guardian ad litem on 32 behalf of Shawna	Former member of CCBTC, mother of listed children	Richard Adler & Ann Durham ADLER, GIERSCHE &

SUMMARY MEMORANDUM : 2

Trans. Grand Juror, P. J.

1 Michelle Chabot,
2 Michael Grant Chabot,
3 and Nicholas S. Chabot

READ

4 Catherine Kitchell &
5 Ronald Kitchell,
6 Catherine Kitchell
7 guardian ad litem
8 on behalf of Wendy
9 Kitchell

Former members of
CCBTC, husband and
wife.

Richard Adler &
Ann Durham
ADLER, GIERSCHE &
READ

10 Defendants Named

11 Ralph Alskog &
12 Rosemary Alskog

Elder & Assist. to
Vice Pres. of
CCBTC; husband and
wife

Jack G. Rosenow
ROSENOW, HALE &
JOHNSON

14 Donald Lee Barnett &
15 Barbara Barnett

Pastor of CCBTC;
and his wife

Rodney D. Hollenbeck
EVANS, CRAVEN &
LACKIE, P.S.

17 Robert Howerton & Jane
18 Doe Howerton

Former members of
CCBTC; Robert
Howerton, Counselor
at CCBTC

Unknown

20 Community Chapel &
21 Bible Training Center

Michael Bond
LEE, SMART,
COOK, MARTIN &
PATTERSON

23 Gary Lien

Skip Mayhew

26 BASIS

27 MAUREEN JORGENSEN

28 Plaintiff Jorgenson was an active member in defendant CCBTC
29 for over ten years. Plaintiff Maureen Jorgenson, then Maureen

30 *SUMMARY MEMORANDUM : 3*

31 *Craven, Craven & Lackie, P.S.*

32

1 I'Anson, received substantial sums (\$750,000.00) from a
2 settlement in a personal injury case arising out of an accident
3 in Alaska.

4 Her father, Thomas I'Anson, challenged her competency to
5 handle funds received thereby in the Superior Court in King
6 County, Cause No. G4419.

7 Petitioner Thomas I'Anson's case being dismissed in the fall
8 of 1975, Maureen I'Anson married Dennis Pangburn and subsequently
9 loaned \$480,000.00, as reflected by a promissory note executed
10 December 1, 1975, to Community Chapel and Bible Training Center

11 Plaintiff Jorgenson had consulted Charles Morin, attorney at
12 law, and William Ellis, attorney at law, prior to this
13 transaction.

14 The loan was being repaid pursuant to the note with offsets
15 for advances utilized in the construction of a home for Dennis
16 and Maureen Pangburn.

17 During the calendar year of 1985, Dennis Pangburn and
18 Maureen Pangburn became estranged, and eventually divorced, with
19 Maureen remarrying and assuming her husband's last name of
20 Jorgenson. Mr. Jorgenson is not a member of CCBTC.

21
22 LEGAL ISSUES

23 I. PLAINTIFF MAUREEN P. JORGENSON

24 CAUSES OF ACTION:

- 25 1. Constructive trust
26 2. Breach of contract
27 3. Infliction of emotional distress

28 DEFENDANTS: Community Chapel and Bible Training Center,
29 Donald Lee Barnett and Barbara Barnett

30
31 *SUMMARY MEMORANDUM : 4*

32 *Evans, Crawford & Luckie, P.C.*

1 DEFENDANTS' DEFENSES:

- 2 1. Gift
3 2. Failure to state a claim upon which relief can be granted
4 3. Contributory fault
5 4. Failure to mitigate
6 5. Constitutional privilege of religious belief
7 6. Assumption of risk
8 7. Immunity from liability through corporate entities
9 8. Damages caused by third parties over which this defendant had
10 no control
11 9. Payment
12 10. Failure of consideration
13 11. Laches
14 12. Statute of limitations
15 13. Collateral estoppel
16 14. Failure to join necessary parties under CR 19

17 DEFENDANT BARNETT'S POSITION IN RELATION TO ALLEGATIONS

18 Defendants' position is that Maureen Jorgenson voluntarily
19 entered into a loan with CCBTC upon her own volition and free
20 will subsequent to a competency hearing in King County, and
21 consultation with attorneys.

22 Defendants Barnett deny manipulating, pressuring, coercing,
23 and influencing plaintiff. These activities deny allegations of
24 intentional or negligent infliction of emotional stress and/or
25 undue influence.

26 The concept of "spiritual connections" was introduced by
27 others at CCBTC. The defendants exercised their constitutionally
28 protected freedom of religious belief by adopting the concept.
29 Gary Pangburn was disfellowshipped for his activities and lack of
30 repentance.

31 II. PLAINTIFFS STEPHEN LYN BUTLER, KATHY BUTLER AS GUARDIAN AD
32 LITEM FOR SCOTT WILLIAM LIEN AND RANDY WILLIAM LIEN

SUMMARY MEMORANDUM : 5

James C. ...

1 Plaintiff Kathy Butler was a member of CCBTC beginning in
2 the early 1970's.

3 She was at that time married to Gary Lien, father of
4 plaintiffs Scott and Randy Lien. She had a voluntary, consensual
5 physical relationship with defendant Donald Lee Barnett, which
6 did not include sexual intercourse.

7 Kathy Butler obtained a divorce from her husband and married
8 Stephan Butler.

9 She withdrew from CCBTC and claims to have returned
10 sporadically during the late '70s and early '80s. Allegations of
11 additional encounters with defendant Barnett during that time
12 period have been made. Kathy Butler left the church in the
13 spring of 1986.

14 CAUSES OF ACTION:

- 15 1. Ministerial malpractice
16 2. Outrage
17 3. Sexual battery
18 4. Negligent counseling
19 5. Wrongful disfellowship
20 6. Loss of consortium
21 7. Defamation
22 8. Loss of parental consortium

23 DEFENDANTS: Community Chapel and Bible Training Center,
24 Donald Lee Barnett and Barbara Barnett

25 DEFENDANT BARNETTS' DEFENSES:

- 26 1. Failure to state a claim upon which relief can be granted
27 2. Contributory fault
28 3. Failure to mitigate
29 4. Constitutional privilege
30 5. Assumption of risk
31 6. Immunity from liability through corporate entities over which
32 this defendant had no control
7. Damages caused by third parties over which these defendant

SUMMARY MEMORANDUM : 6

Community Chapel, Bible, N.Y.

- 1 had no control
2 8. Statute of limitations
3 9. Laches
4 10. Estoppel and/or waiver
5 11. Privilege as to statements and truth

6 COUNTERCLAIM AGAINST KATHY LEE BUTLER

7 At all times material hereto, Kathy Butler was mother of
8 Scott Lien and Randy Lien.

9 Damages to Scott Lien and Randy Lien, if any, were caused by
10 the fault of Kathy Lee Butler.

11 Kathy Butler is liable for contribution and/or indemnity to
12 defendants in an amount to be proven at trial.

13 Plaintiff Butler's causes of action against these defendants
14 are frivolous and advanced without reasonable cause and
15 defendants are therefore entitled to reasonable expenses,
16 including attorneys' fees incurred in defending this action
17 pursuant to RCW 4.84.185.

18
19 SUMMARY OF DEFENDANT BARNETTS' DEFENSE

20 Defendant Donald Barnett admits a consensual encounter
21 occurred between plaintiff Kathy Butler and Donald Barnett in the
22 calendar year 1975. Defendants Barnett deny this was the cause
23 of the dissolution of the marriage of Gary Lien and Kathy Butler.
24 Defendant Barnett denies additional allegations. A counterclaim
25 as to damages to Scott Lien and Randy Lien has been filed against
26 Kathy Butler.

27
28 III. PLAINTIFFS SANDI LEE BROWN, LYLE DAVID BROWN, DORA FELLHAUER
29 AS GUARDIAN AD LITEM FOR TARA LYNN BROWN AND TROY STEVEN
30 BROWN

31 SUMMARY MEMORANDUM : 7
32

James C. ...

1 The Brown family were members of CCBTC. During the summer
2 of 1979, Donald Barnett and Sandi Brown engaged in kissing and it
3 is alleged that on one occasion Donald Barnett touched Sandi
4 Brown's breast.

5 An investigation ensued, involving Scott Hartley and George
6 Albert of the CCBTC, upon request by the Browns.

7 Sandi Brown signed a document exonerating Pastor Barnett
8 and left the church in the fall of 1979. The Browns were
9 disfellowshipped in early 1980. The Brown children were removed
10 from CCBTC's Christian school and attended public schools
11 thereafter.

12 CAUSES OF ACTION:

- 13 1. Ministerial malpractice
14 2. Outrage
15 3. Sexual battery
16 4. Negligent counseling
17 5. Wrongful disfellowship
18 6. Loss of consortium
19 7. Defamation
20 8. Loss of parental consortium

21 DEFENDANTS: Donald Barnett and Barbara Barnett, husband and
22 wife; CCBTC of Burien.

23 DEFENDANT BARNETTS' DEFENSES:

- 24 1. Acts by consenting adults where no sexual intercourse occurs
25 2. Statute of limitations
26 3. Plaintiffs seek relief which defendants Barnett cannot grant
27 4. Failure to state a cause of action upon which relief can be
28 granted
29 5. Comparative negligence
30 6. Acts by third parties over which these defendants have no
31 control
32 7. Contributory fault
8. Laches
9. Estoppel and/or waiver
10. Privilege as to statements and truth
11. Constitutional privilege

SUMMARY MEMORANDUM : 8

Carroll, Curran & Laska, P.C.

1
2 COUNTERCLAIM AGAINST SANDI LEE BROWN AND LYLE DAVID BROWN:

3 At all times material hereto, Sandi Lee Brown and Lyle David
4 Brown were parents of Tara Lynn and Troy Steven Brown.

5 Damages to Tara Lynn and Troy Steven Brown, if any, were
6 caused by the fault of Sandi Lee Brown and Lyle David Brown.

7 Sandi Lee Brown and Lyle David Brown are liable for
8 contribution and/or indemnity to defendants in an amount to be
9 proven at trial.

10 COUNTERCLAIM AGAINST SANDI LEE BROWN:

11 At all times material hereto, Sandi Lee Brown was the wife
12 of Lyle David Brown.

13 Damages to Lyle David Brown, if any, were caused by the
14 fault of Sandi Lee Brown.

15 Sandi Lee Brown is liable for contribution and/or
16 indemnification to defendants in an amount to be proven at trial.

17 A counterclaim has been filed against Sandi Brown and Lyle
18 David Brown for any damages to Tara Lynn and Troy Steven Brown
19 for contribution indemnity.

20 Plaintiff Brown's causes of action against these defendants
21 are frivolous and advanced without reasonable cause and
22 defendants are therefore entitled to reasonable expenses,
23 including attorneys' fees incurred in defending this action
24 pursuant to RCW 4.84.185.

25 BRIEF SUMMARY OF DEFENDANT BARNETTS' POSITION

26 The Browns have been and continue to be married and in
27 custody of both children.

28 Sandi Brown and Lyle Brown voluntarily left CCBTC and were
29 disfellowshipped thereafter.

Ernest Crawford Luckie, D. J.
ERNEST CRAWFORD LUCKIE, D. J.
CLERK OF SUPERIOR COURT
COUNTY OF KING
1000 4TH AVENUE, S.W.
SEATTLE, WASHINGTON 98101
PHONE: 425-373-2200
FAX: 425-373-2201
WWW.KINGCOUNTYWA.GOV

1 IV. PLAINTIFFS CHRISTINE BRADLEY HALL AND DONALD HALL

2 Chris Bradley Hall began attending CCBTC in July of 1972.

3 Chris Bradley Hall was then married to Robert George
4 Bradley. In 1979, she had a series of conversations with Sandi
5 Brown concerning Brown's allegations of a relationship with Don
6 Barnett.

7 In 1981, plaintiff had an encounter with Don Barnett in
8 which there was kissing and petting, but no sexual intercourse.

9 Defendant Chris Bradley Hall left the church in late 1981 or
10 early 1982. Defendant Chris Bradley Hall later married Donald T.
11 Hall and moved to Klamath, Oregon.

12 PLAINTIFF HALL'S CAUSES OF ACTION:

- 13 1. Ministerial malpractice
14 2. Outrage
15 3. Sexual battery
16 4. Negligent counseling
17 5. Loss of consortium
18 6. Defamation

19 DEFENDANTS: Donald and Barbara Barnett and CCBTC of Burien.

20 DEFENDANT BARNETTS' DEFENSES:

- 21 1. Acts by consenting adults where no sexual intercourse
22 occurred
23 2. Plaintiffs seek relief which defendants Barnett cannot grant
24 3. Comparative negligence
25 4. Acts of third parties over which this defendant had no
26 control
27 5. Statute of limitations
28 6. Failure to state of claim upon which relief can be granted
29 7. Laches
30 8. Estoppel and/or waiver
31 9. Privilege as to statements and truth
32 10. Constitutional privilege
 11. Failure to mitigate

SUMMARY MEMORANDUM : 10

Evans, Cecelia Luckie, P. J.

CLERK

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1 COUNTERCLAIM AGAINST CHRISTINE BRADLEY HALL:

2 At all times material hereto, Christine Bradley Hall was the
3 wife of Donald T. Hall.

4 Damages to Donald T. Hall, if any, were caused by the fault
5 of Christine Bradley Hall.

6 Christine Bradley Hall is liable for contribution and/or
7 indemnification to defendants in an amount to be proven at trial.

8 Plaintiff's causes of action against these defendants are
9 frivolous and advanced without reasonable cause and defendants
10 are therefore entitled to reasonable expenses, including
11 attorneys' fees incurred in defending this action pursuant to RCW
12 4.84.185.

13 DEFENDANT BARNETTS' POSITION (Hall)

14 Consensual encounter which did not involve sexual
15 intercourse occurred between Donald Barnett and Chris Bradley
16 Hall sometime during the calendar year 1981.

17 Chris Bradley Hall later left the church of her own volition
18 and was never disfellowshipped.

19 Chris Bradley Hall knew of allegations surrounding Don
20 Barnett and Sandi Brown actively sought the relationship which
21 ensued.

22
23 V. PLAINTIFFS SANDI EHRLICH AND MICHAEL EHRLICH

24 Michael Ehrlich served as a bible school teacher and was
25 employed by defendant CCBTC and was a ministerial elder of same.

26 Plaintiff Sandi Ehrlich alleges that defendant Ralph Alskog,
27 Vice President of CCBTC, coerced plaintiff Sandi Ehrlich into
28 having sexual contact which did not involved sexual intercourse
29 with him.

30 CAUSES OF ACTION (Plaintiffs Ehrlich):

31 SUMMARY MEMORANDUM : 11

32
Carroll, Crawford Luckie, P. J.

1. Outrage
2. Counselor malpractice
3. Negligent counseling
4. Sexual assault and battery
5. Defamation
6. Loss of consortium

DEFENDANTS: Ralph Alskog and Rosemary Alskog, husband and wife; Donald Lee Barnett and Barbara Barnett, husband and wife; CCBTC.

DEFENDANT BARNETTS' DEFENSES:

1. Court lacks subject matter jurisdiction
2. Failure to state a claim upon which relief can be granted
3. Contributory fault
4. Failure to mitigate
5. Constitutional privilege as to religious belief
6. Immunity from liability through corporate entities
7. Assumption of risk
8. Plaintiffs' damages, if any, were caused by third parties over which these defendants had no control
9. Statute of limitations
10. Laches
11. Estoppel and/or waiver
12. Statements made if any were true and privileged
13. Failure to join indispensable parties

COUNTERCLAIM AGAINST SANDY EHRLICH:

At all times material hereto, Sandy Ehrlich was the wife of Michael Ehrlich.

Damages to Michael Ehrlich, if any, were caused by the fault of Sandy Ehrlich.

Sandy Ehrlich is liable for contribution and/or indemnity to defendants in an amount to be proven at trial.

Plaintiff's causes of action against these defendants are frivolous and advanced without reasonable cause and defendants are therefore entitled to reasonable expenses, including

SUMMARY MEMORANDUM : 12

Evans, Crawford Luckie, P.A.

1 attorneys' fees incurred in defending this action pursuant to RCW
2 4.84.185.

3 BRIEF SUMMARY OF FACTS

4 Defendants Barnett maintain that Ralph and Sandi Ehrlich's
5 actions were in contravention of their direction and advice, and
6 represented a voluntary election to practice their individual
7 constitutional rights of freedom of religion and to act as
8 consenting adults.

9
10 VI. PLAINTIFFS LARRY LEMKE, PARENT, AND SYBIL LEMKE, MINOR

11 Sybil Lemke alleges that Robert Howerton sexually assaulted
12 her by kissing and touching her thighs.

13 CAUSES OF ACTION (Plaintiffs Lemke):

- 14 1. Outrage
15 2. Counselor malpractice
16 3. Negligent counseling
17 4. Sexual assault and battery
18 5. Defamation
19 6. Loss of child consortium
20 7. Seduction of a child
21 8. Destruction of parent/child relationship

22 DEFENDANTS: Robert Howerton and Jane Doe Howerton, husband
23 and wife; Donald and Barbara Barnett, husband
24 and wife; CCBTC.

25 DEFENDANT BARNETTS' DEFENSES:

- 26 1. Failure to state a claim upon which relief can be granted
27 2. Contributory negligence
28 3. Acts of third parties over which this defendant has no
29 control
30 4. Constitutional guarantee of the exercise of religious freedom

31 COUNTERCLAIM AGAINST LARRY LEMKE:

32 At all times material hereto, Larry Lemke was father of
SUMMARY MEMORANDUM : 13

James C. ...

1 Sybil N. Lemke.

2 Damages to Sybil N. Lemke, if any, were caused by the fault
3 of Larry Lemke.

4 Larry Lemke is liable for contribution and/or
5 indemnification to defendants in an amount to be proven at trial.

6 Plaintiff's causes of action against these defendants are
7 frivolous and advanced without reasonable cause and defendants
8 are therefore entitled to reasonable expenses, including
9 attorneys' fees incurred in defending this action pursuant to RCW
10 4.84.185.

11
12 VII. PLAINTIFFS DEE CHABOT, SHAWNA MICHELLE CHABOT, MICHAEL GRANT
13 CHABOT, NICHOLAS STERLING CHABOT

14 Plaintiffs Chabot were members of CCBTC. Grant Brian
15 Chabot, of his own volition, entered into a "spiritual
16 connection" with women members of defendant CCBTC's congregation.

17 Plaintiff Dee Chabot sought counsel from unidentified
18 members of defendant CCBTC, but not including defendants Donald
19 and Barbara Barnett.

20 Dee Chabot later divorced her husband.

21 CAUSES OF ACTION (Chabot):

- 22
23 1. Outrage
24 2. Counselor malpractice
25 3. Negligent counseling
26 4. Pastoral malpractice
27 5. Defamation
28 6. Loss of consortium
29 7. Loss of child consortium
30 8. Destruction of parent/child relationship
31 9. Wrongful disfellowship

32 DEFENDANTS: Donald and Barbara Barnett, husband and wife;
unnamed CCBTC.

SUMMARY MEMORANDUM : 14

Evans, Conrad Lashie, P.J.

1998-01-15

1998-01-15

1
2 DEFENDANT BARNETTS' DEFENSES:

- 3 1. Constitutional guarantee of religious freedom
4 2. Contributory negligence
5 3. Failure to state a claim upon which relief can be granted
6 4. Plaintiffs' damages, if any, were caused by third parties
over which this defendant had no control

7 COUNTERCLAIM AGAINST DEE CHABOT:

8 At all times material hereto, Dee Chabot was the parent of
9 Shawna Michelle Chabot, Michael Grant Chabot and Nicholas
10 Sterling Chabot.

11 Damages to Shawna Michelle, Michael Grant, and Nicholas
12 Sterling Chabot, if any, were caused by the fault of Dee Chabot.

13 Dee Chabot is liable for contribution and/or indemnity to
14 defendants in an amount to be proven at trial.

15 Plaintiff's causes of action against these defendants are
16 frivolous and advanced without reasonable cause and defendants
17 are therefore entitled to reasonable expenses, including
18 attorneys' fees incurred in defending this action pursuant to RCW
19 4.84.185.

20 SUMMARY OF DEFENDANT BARNETTS' POSITION

21 The concept of spiritual connections was introduced by
22 members of CCBTC other than Donald and Barbara Barnett.

23 Donald Barnett embraced the concept of spiritual connections
24 in the summer of 1985. Defendants Barbara Barnett and Donald
25 Barnett did not have a spiritual connection with the Chabot
26 family. Neither did Don or Barbara Barnett have any personal
27 interaction or counseling with Dee Chabot.

28 Don Barnett preached from the pulpit of the spiritual aspect
29 of spiritual connections and preached against adultery.

30
31 **SUMMARY MEMORANDUM : 15**
32

Evans, Edward L. J.

1 VIII. PLAINTIFFS CATHERINE AND RONALD KITCHELL, HUSBAND AND
2 WIFE, PARENTS, AND WENDY KITHCELL, A MINOR

3 CAUSES OF ACTION (Kitchell):

- 4 1. Outrage
5 2. Counselor malpractice
6 3. Negligent counseling
7 4. Pastoral malpractice
8 5. Defamation
9 6. Loss of consortium
10 7. Loss of child consortium
11 8. Destruction of parent/child relationship
12 9. Wrongful disfellowship

13 DEFENDANTS: Donald and Barbara Barnett, husband and wife;
14 unnamed CCBTC.

15 DEFENDANT BARNETTS' DEFENSES:

- 16 1. Constitutional guarantee of religious freedom
17 2. Contributory negligence
18 3. Failure to state a claim upon which relief can be granted
19 4. Plaintiffs' damages, if any, were caused by third parties
20 over which this defendant had no control

21 COUNTERCLAIM AGAINST CATHERINE AND RONALD KITCHELL:

22 At all times material hereto, Catherine and Ronald Kitchell
23 were parents of Wendy Kitchell.

24 Damages to Wendy Kitchell, if any, were caused by the fault
25 of Catherine and Ronald Kitchell.

26 Catherine and Ronald Kitchell are liable for contribution
27 and/or indemnification to defendants in an amount to be proven at
28 trial.

29 Plaintiffs' causes of action against these defendants are
30 frivolous and advanced without reasonable cause and defendants
31 are therefore entitled to reasonable expenses, including
32 attorneys' fees incurred in defending this action pursuant to RCW
4.84.185.

SUMMARY MEMORANDUM : 16

Erans, Craven & Luskie, P.C.

SCOMIS code:

PREHRG DISPHRG HEARING
 POSTHRG MINUTE

Department No. 25
Date: November 10, 1988
Page 1 of 2

JUDGE: John W. Riley
BAILIFF: Beth Custer
COURT CLERK: Melissa Keating
REPORTER: Hilary Grundy

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

Case Caption

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

Litigants and attorneys

Plaintiffs appearing by counsel Ann Durham Richard Adler,
Susan Jones, and Jeff Campiche
Defendants appearing by counsel Jack Rosenow, Pauline Smetka,
Rodney Hollenbeck, Michael Bond, Michael Bugni.
Donald Gulliford and Bruce Winchell also present

Minute Entry

Respective Counsel and the Court discuss
scheduling and revised witness list.

Plaintiffs motion to amend complaint
to join additional parties. The Court
denies the motion.

Plaintiffs motion to amend complaint
regarding Negligence of Community Chapel and
Bible training Center. The Court denies
the motion.

154.5

20

K.C. Cause No. 86-2-18176-8

Date: 11-10-88

Page 2 of 2

Caption: Butler vs. Barnett

Reporter: _____

Minute Entry

Dept. 25

Defendants Alsog, Barnett and Howerton motion for separate trials. The Court reserves ruling.

Respective Counsel and the Court discuss revised scheduling order and Consolidation of St. Paul Insurance Company and American Casualty Company.

The Court orders that any party designating a witness shall make that witness available.

Agreed Order for Pre-trial discovery is signed.

The Court orders that insurance carriers shall be consolidated for pre-trial purposes pending further order of the Court.

Order is signed,

X

X

X

FILED
KING COUNTY WASHINGTON
NOV 14 1988
SUPERIOR COURT CLERK
MELISSA R. KEATING
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

2 Plaintiffs,)

3 v.)

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

6 Defendants.)

7 _____)
8 SANDY ERLICH, et ux., et al.,)

9 Plaintiffs,)

10 v.)

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

12 Defendants.)

13 _____)
14 MAUREEN PANGBORNE,)

15 Plaintiff,)

16 v.)

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

19 Defendants.)
20 _____)

CONSOLIDATED/TRACK ONE

NO. 86-2-18176-8

AFFIDAVIT OF
LESLIE S. HARRIS

RE:
PLAINTIFFS REPLY TO
DEFENDANTS REPOSE RE:
AMENDING COMPLAINT

155
9/24

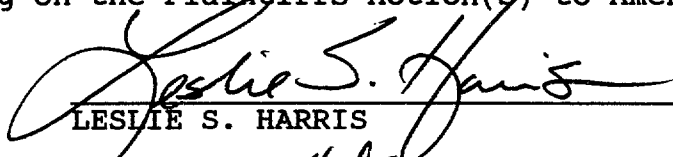
1 STATE OF WASHINGTON)
2) ss.
3 COUNTY OF KING)

4 I, Leslie S. Harris, being first duly sworn, upon oath, deposes
5 and says:

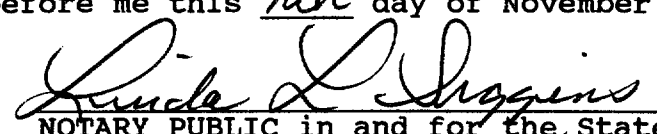
6 1. I am a Legal Assistant employed by the law firm of
7 Kargianis, Austin & Erickson, attorneys for Plaintiffs Butler, et
8 ux, in the above matter and have worked on this case for over two
9 (2) years.

10 2. I attest that the document attached and labeled as no. 1
11 is a true and correct copy of a document which was revealed to
12 Plaintiffs during the deposition of the Defendant CCBTC Speaking
13 Agent, Donald Lee Barnett. This document was written by Defendant
14 Pastor Barnett to agents and officers of the Defendant CCBTC and
15 addresses issues and allegations as referenced in the Plaintiffs
16 Complaint.

17 3. I attest that the documents attached and labeled as no. 2
18 are copies of Affidavits which have been sent to the witnesses in
19 California, few, if any changes are expected and hopefully the
20 signed originals can be made available to the court on November 10,
21 1988, the date of the hearing on the Plaintiffs Motion(s) to Amend
22 Complaint.

23 
24 _____
25 LESLIE S. HARRIS

26 SUBSCRIBED AND SWORN TO before me this 4th day of November,
1988.

27 
28 _____
29 NOTARY PUBLIC in and for the State
30 of Washington, residing at Buttell
31 My commission expires: 3-8-92

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

CONSOLIDATED/TRACK ONE
NO. 86-2-18176-8
AFFIDAVIT OF
MARLENE RICE

SANDY ERLICH, et ux., et al.,)
)
 Plaintiffs,)
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 v.)
)
 RALPH ALSKOG, et ux., et al.,)
)
 Defendants.)

MAUREEN PANGBORNE JORGENSON,)
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 Plaintiff,)
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 v.)
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 DONALD LEE BARNETT, et ux., et)
 al.,)
)
 Defendants.)

EXHIBIT 2

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STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

My name is Marlene Rice. I reside at 3857 Birch Street, Suite 474, Newport Beach, California 92660. After being first duly sworn upon oath, I depose and state as follows.

1. Affiant is over 18 years of age and is competent to testify to the matters contained herein by first-hand knowledge unless otherwise indicated.

2. I was a member of the Community Chapel & Bible Training Center during and before August 1979.

3. I reviewed the affidavit of my husband, Frank Booth Rice, and was present during the conversations with Sandy Brown and affiant's husband, Frank Booth Rice. Affiant was also present during the three separate meetings occurring in the end of August or early September 1979 at the Community Chapel described in the Affidavit of Frank Booth Rice.

FURTHER YOUR AFFIANT SAITH NAUGHT.

MARLENE RICE

SUBSCRIBED AND SWORN TO before me this ____ day of November, 1988.

NOTARY PUBLIC in and for the State
of CALIFORNIA, residing at _____
My commission expires: _____

RAA/lS
11/04/88 - 11:36 AM
T:\CLIENTS\03172\001\RICE.AFF

CIVIL TRACK ONE
THE HONORABLE JOHN RILEY

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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.)

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

Plaintiffs,)

v.)

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

Defendants.)

_____)
MAUREEN PANGBORNE JORGENSEN,)

Plaintiff,)

v.)

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

Defendants.)

CONSOLIDATED/TRACK ONE

NO. 86-2-18176-8

AFFIDAVIT OF
FRANK BOOTH RICE

EXHIBIT 2

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF _____)

4 My name is Frank Booth Rice. I reside at 3857 Birch Street,
5 Suite 474, Newport Beach, California 92660. After being first duly
6 sworn upon oath, I depose and state as follows:

7 1. I am over 18 years of age and is competent to testify to
8 the matters contained herein by first-hand knowledge unless other-
9 wise indicated.

10 2. In 1979 I was an ordained minister of the defendant Com-
11 munity Chapel & Bible Training Center located in Burien, Washington
12 (hereinafter referred to as "CCBTC").

13 3. During August 1979 I was a minister involved in an out-
14 reach program of the defendant CCBTC ministering on behalf of and
15 for the defendant in various places in California.

16 4. I was also an ordained minister authorized to conduct,
17 preach and perform services as a pastor for the defendant CCBTC in
18 the Burien or main branch of the church. Both defendant CCBTC and
19 defendant Pastor Donald Barnett authorized me to so act. I was one
20 of less than twenty (20) ordained ministers in the CCBTC during
21 this period of time.

22 5. As part of my responsibilities to the CCBTC, I returned
23 from California to Washington state in August 1979 to participate
24 in what was called a "Camp Meeting" at the CCBTC. A camp meeting
25 was a several day and night meeting of all ministers, elders,
26

1 employees, and members of the CCBTC and its various satellite churches held at the CCBTC in Burien.

2 6. Prior to the beginning of the camp meeting, I spoke with
3 plaintiffs Sandy and Lyle Brown during which period of time Sandy
4 Brown explained to me that Pastor Donald Lee Barnett (hereinafter
5 "Pastor Barnett") had made numerous sexual contacts with her which
6 involved sexual kissing, sexual comments, and occasional sexual
7 petting by Pastor Barnett upon Ms. Brown. Ms. Brown was visibly
8 and physically affected by the predicament she found herself in.
9 Ms. Brown, a loyal member of the CCBTC, felt that Pastor Barnett
10 was very much a God or God-like figure and could not believe that
11 he would use his position for his sexual gratification.

12 7. After a lengthy discussion with the Browns I became convinced
13 that Pastor Barnett had acted in a sexually inappropriate
14 manner towards Ms. Brown, as well as towards other parishioners in
15 the church.

16 8. Because of my position of authority in the CCBTC, I felt
17 a responsibility to present the information obtained from Sandy
18 Brown and that of similar sexually-related comments and contacts
19 between Pastor Barnett and other parishioners to the steering committee
20 or senior elders of the CCBTC. I did this in order to protect
21 female members or parishioners from such actions by the Pastor
22 and hopefully to cure the pastor's misbehavior.

23 During this time, the senior elders or steering committee was
24 composed of Jack Hicks, Scott Hartley and Pastor Barnett. On three
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1 (3) separate occasions in late August or early September, 1979,
2 myself and several other individuals, including elders, ministers,
3 and employees of the CCBTC, together with parishioners, met with
4 the steering committee or senior elders and George Alberts who was
5 the minister of counseling at the CCBTC.

6 Every individual with decision-making authority in the CCBTC
7 was present at one or all of the meetings in which the pastor's
8 sexual advances upon Sandy Brown and other women was discussed.
9 Defendant Barbara Barnett was present at several of these meetings
10 also.

11 9. All three (3) meetings occurred essentially within one
12 week. Defendant Pastor Don Barnett was not present at the first
13 meeting although he was present at the subsequent meetings. During
14 these meetings, Scott Hartley and George Alberts, senior elder and
15 minister of counseling, respectively, acknowledged having had prior
16 knowledge of inappropriate flirtatious or sexual comments by the
17 pastor to parishioners. The specific parishioners' names that were
18 mentioned to have been observed in sexual-like embraces or to have
19 received sexual flirtatious comments by the pastor included Kathy
20 Jesser, Kathy Beck, and plaintiff Kathy Butler.

21 10. The specifics of the allegations of sexual contact
22 between Pastor Barnett and the above-named female parishioners are
23 as follows:
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1 (a) Kathy Jesser complained numerous times that the pastor
2 was hugging her in what appeared to be a sexual way and kept refer-
ring to her as "my China doll" or "my China princess."

3 (b) Kathy Beck had told her best friend, Jane Fraser who was
4 present at the meeting, that while she was doing housework at the
5 Barnett's house, Pastor Barnett came up behind her and fondled her
6 breasts, and then told her that he was going to go into the
7 bathroom and masturbate himself which he did.

8 (c) There were other incidents of sexual advances on
9 parishioners discussed also.

10 11. Although Pastor Barnett professed that his hugging and
11 kissing and comments were limited to a manifestation of pastoral
12 love, the elders, and particularly Scott Hartley, initially clearly
13 stated that this was not true, that they were not religious
14 manifestations of love.

15 12. Unfortunately, Pastor Don Barnett was able to exercise
16 his unique control over the individuals' minds and although he
17 acknowledged much of the accusations against him - by the conclu-
18 sion of the meetings, the parishioner/victims of his sexual
19 advances became the culprits; having, in his words, "the demons of
20 lust". Consequently, CCBTC as a corporate entity had been aware of
21 the Pastor's propensity to take sexual liberties with parishioners
22 in as early as 1979. The CCBTC ignored the Pastor's misbehavior to
23 the point of making false statements and "throwing out" or dis-
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1 fellowshipping any victim who complained of being sexually
2 harassed.

3 13. I observed Pastor Barnett in front of the senior elders
4 of the church, several pastors, church employees, and parishioners
5 and state that Sandy Brown was a liar and had made up or fantasized
6 the sexual contacts between her and Pastor Barnett. The manner in
7 which he accomplished this untrue accusation was such that it held
8 Sandy Brown and her husband, Lyle, up to extreme ridicule and
9 caused their close circle of friends to hold them in ridicule and
10 disdain, together with the damage done to their children.

11 14. Immediately upon encountering Sandy Brown in Seattle in
12 August 1979, it was apparent that she was physically affected by
13 the tortious action upon her by Pastor Barnett. She was pale, very
14 fatigued, frightened, cried uncontrollably, was nervous to the
15 point of trembling, and seemed very confused. Later as these
16 events unfolded, these conditions became more and more apparent.

17 FURTHER YOUR AFFIANT SAITH NAUGHT.

18
19 _____
FRANK BOOTH RICE

20 SUBSCRIBED AND SWORN TO before me this day of September,
21 1988.

22 _____
23 NOTARY PUBLIC in and for the State
24 of Washington, residing at _____
25 My commission expires: _____
26

1
Jack Hibs, Scott, George,

277-1022

9/4/79 (?)

I am requiring that the following policy, attitudes, actions and restraints be implemented immediately in order to minimize the pressure on a number of people and their spouses and friends, and that the matter be handled Biblically, efficiently, and quickly.

My wife and I are under terrible pressure w/ physical symptoms and suffering and cannot keep up this long drawn-out "watergate" affair much longer. Both Rob & Chris Bradley are under much pressure & Rob cannot handle it and could have serious demonic attacks if this matter is not let to rest. Sandi and Lyle are under severe pressure and so are many others.

The facts are that the scriptures demand that accusations against an elder be not received w/o witnesses. There are no witnesses. I deny Sandi's charges made to Chris. Therefore, I am not on trial. I do not have to clear myself. This is not the issue. Further, past errors on my part are under the blood of Christ. No one has a right to involve themselves or others or the parties involved with past matters. I am in right conscience before the Lord.

Some are receiving that accusation — they therefore are in violation of Scripture. This seriously impacts my relationship with them and puts me under terrible pressure for I can have no confidence

in their confidence toward me.

The issue is what the pastor is alledging of a false accuser. This cannot be allowed to stand.

Sandi admitted before Scott & I, last night, to lying in all three questions that I asked her. One question concerned alleged physical actions, the others, violating promises made before God in which repeated oaths to God were being continually made to false statements. This destroys her credibility. Both Rob & Chris are witness to her unreliability in the areas of truth. My wife is a witness to my honesty over the years with her and others. Chris accuses Sandi of outright lies in this

matter. Chris wanted a confrontation between Sandi, Chris & I on the facts, before Sandi & Chris broke relationships. Sandi refused.

Sandi has agreed to a lie detector test. This is the next step. I direct George to request this of her. I suspect that she may back down because even with lying spirits involved (my guess), because she consciencely knows she is lying.

Sandi has refused to follow my pastoral lead and instead has turned to Frank to guide her.

If Sandi agrees to a lie detector test, I will write the questions and direct the matter through George.

I insist that all investigations in this matter cease except as I may direct.

For the moment, there is no point in dragging on the constant back & forth interrogations if Sandi is confronted with such a test. Everytime anyone says anything to anyone on this matter, there is a chain reaction of words and emotions to many people. This is tearing peoples emotions and sleep and peace up.

I will direct all future action, stop at a time to minimize duplications and confrontations and hurts.

On the other matter, I will forebear til I hear the tapes.

Thank you for your support.

Love,
Don

P.S. I want George to ask Frank why he talked w/ Sandi Mon. nite;

(A)

when he said he had turned the matter over to the Eldership. I asked to talk w/ Sandi. I had a hidden tape recorder I am quite sure I could have taped a completely different story than what Sandi told Frank. Frank, if he would have been faithful to his statement would have directed her to Scott or George. If Frank had any confidence and real submission to his pastor, would have directed her to obey him. Had Frank done this, the entire group would know the truth, but he still, acting independantly, prevented the truth from being known & therefore it may never be known to them, hurting our

relationship & my peace, for a long time! ⁷

I want to know what Frank told her.

I also want George to find out how what I said about Sandi in the meeting and what my wife said about Sandi on the phone, got back to Sandi. Ask Frank & Marlene & Jesser & Thurners. My wife denies that she said on the phone what Sandi told me my wife said - altho the implication could be drawn. This is a serious breach. Ron spoke for the group saying that this information will never leave this group. It did. The result: I couldn't get Sandi to talk w me, therefore I missed the tape recording! Such are the consequences because of lack of proper submission and integrity.

Also, I want George to ask Frank

what he told Sandi re other alleged past cases with me and ladies of the church and the supposed revelation of the group. Sandi knows - someone told. This is undermining the pastor and is grossly wrong!

I want this done right away & I want a report back promptly. Frank should be made to understand the seriousness and wrong of such things if he is implicated. If Frank denies it, ask Sandi, w/o revealing any details.

Also, my information is that Marlene was going to ask Keith Johnson to join them in Cal. & that Mike Waters asked Carol Leake to join them. This is improper! They should come thru

the pastor for all such requests. Please notify them.

Also check and see if Marlene admits she said that I died. See attachment. Please explain the wrongness of such action. It destroys my confidence in them as well.

Ask Frank what his submission is to the pastor at this time. Does he have to see things his way & do things his way in order to be submitted, or can he allow difference of understandings? Does he have to run the church w/o mistakes & in top form or can he submit while God is teaching me? Will he feel the same if he pastors?

FILED CIVIL TRACK ONE
THE HONORABLE JOHN RILEY
KING COUNTY, WASHINGTON
NOV 14 1988 RECEIVED
SUPERIOR COURT CLERK
MELISSA R. KEATING
DEPUTY 7, 1988

JOHN W. RILEY
SUPERIOR COURT JUDGE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

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

DECLARATION OF MAILING
RE: PLAINTIFFS' TO
DEFENDANTS' RESPONSE(S)
RE: MOTIONS(S) TO AMEND
COMPLAINT

SANDY ERLICH, et ux, et al.,)
Plaintiffs,)
v.)
RALPH ALSKOG, et ux, et al.,)
Defendants.)

MAUREEN PANGBORNE JORGENSON,)
Plaintiffs,)
v.)
DONALD LEE BARNETT, et ux, et)
al.,)
Defendants.)

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3 I, Leslie S. Harris, swear under penalty of perjury under the
4 laws of the State of Washington, that: On the 4th day of Novemver,
5 1988, I placed in the United States mail, first class, postage
6 prepaid, true and correct copies of the following documents: Reply
7 to Defendants' Response(s), Re: Motion(s) to Amend Complaint, and
8 Affidavit in Support with attachments.

9 to the following persons:

10
11 The Honorable John Riley
12 King County Courthouse
13 Third & James Streets
14 Seattle, WA 98104

15
16 Michael Bond, Esq.
17 Lee, Smart, et al.,
18 800 Washington Bldg.
19 Seattle, WA 98104

20
21 Rodney Hollenbeck, Esq.
22 Evans, Craven & Lackie, P.S.
23 31st Floor, Columbia Center
24 Seattle, WA 98104

25
26 Richard Adler
Adler & Giersch P.S.
The Court in the Square
401 2nd Avenue South
Suite 600
Seattle, WA 98104

Jim Messina
Molly McCarty, Legal Asst.
8002 Tacoma Mall Blvd.
Suite 200 Benj. Franklin Bldg.
Tacoma, WA 98409

DECLARATION OF MAILING - Page 2

1
2 Jack Rosenow
3 Rosenow, Hale & Johnson
4 205 Tacoma Mall Office Bldg.
5 Tacoma, WA 98409

6 Susan Jones, Atty
7 Preston, Thorgrimson
8 54th Floor
9 Columbia Center
10 Seattle, WA 98104

11 Robert Howerton, Pro Se
12 3507 South 40th
13 Tacoma, WA 98409

14 John C. Graffe
15 Rosenow, Hale & Johnson
16 1620 Key Tower
17 Seattle, WA 98104

18 Bruce Winchell
19 Lane, Powell, Moss & Miller
20 3800 Rainier Tower
21 Seattle, WA 98101-2647

22 Pauline Smetka
23 Hellsell, Fetterman, Todd, et al.,
24 1500 Washington Building
25 Seattle, WA 98101

26 John Glassman, Esq.
625 Commerce
Suite 420
Tacoma, Washington 98402

FURTHER YOUR DECLARANT SAYETH NAUGHT.



Leslie S. Harris

FILED

KING COUNTY, WASHINGTON

NOV 4 1988

SUPERIOR COURT CLERK
MELISSA R. KEATING
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

Plaintiffs,)

v.)

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

Defendants.)

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

PLAINTIFFS' BUTLER, ET UX,
ET AL., REPLY TO
DEFENDANTS' RESPONSE RE:

MOTION(S) TO
AMEND COMPLAINT

SANDY ERLICH, et ux, et al.,)

Plaintiffs,)

v.)

RALPH ALSKOG, et ux, et al.,)

Defendants.)

MAUREEN PANGBORNE JORGENSON,)

Plaintiffs,)

v.)

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

Defendants.)

COME NOW the plaintiffs, Butler, et ux, et al., by and through
their attorneys of record, Kargianis, Austin & Erickson and Arthur

PLAINTIFFS' REPLY TO DEFENDANTS' REPOSE
RE: MOTION(S) TO AMEND COMPLAINT - Page 1
CIVIL TRACK 1

1 R. Eggers, Of Counsel for Jeff Campiche, and reply to Defendants'
2 response(s) to our Motion(s) To Amend Complaint as follows:

3 1. Duncan K. Fobes, Esq. of Lee, Smart, et al., Attorneys for
4 Defendant Corporation/Community Chapel & Bible Training Center
5 (hereinafter referred to as "CCBTC") states in his response memo
6 that "There is no evidence in the record before the court on this
7 motion to support the filing of a direct claim of negligence. . . "
8 (Memo in Opposition to Plaintiffs Motion to Amend Complaint, page
9 2, lines 15-21).

10 Ms. Harris' Affidavit and the attachments thereto reflect
11 evidence upon which to support our suggested amended claims. The
12 attachments are exhibits taken from the Speaking Agent of CCBTC,
13 Pastor Donald Barnett's deposition which has yet to be transcribed.
14 It is strongly felt that should the deposition be transcribed
15 several other factual assertions would be readily apparent.

16 2. Mr. Fobes further states that to grant our Motion(s) to
17 Amend seven (7) months prior to trial would prejudice the
18 Defendants case; as stated previously, very little formal discovery
19 has been done to-date. The Defendant CCBTC has noted no deposi-
20 tions whatsoever and has proffered one (1) or two (2) sets of
21 interrogatories and has declined to answer three (3) sets of
22 Requests for Admissions.

23 3. This situation is distinguished from the case cited by Mr.
24 Hollenbeck of Evans, Craven & Lackie, P.S. attorneys for Defendants
25 Barnett, Morgan Bros., Inc. v. Haskell Corp., Inc., 24 Wn. App.

26 PLAINTIFFS' REPLY TO DEFENDANTS' REPOSE
RE: MOTION(S) TO AMEND COMPLAINT - Page 2

1 773, 604 P.2d 1294 (Div. One, 1979), in that the motion to amend
2 was "five weeks before trial and the court denied the motion as
3 untimely." supra at page 781. This is certainly not the case
4 herein together with the paucity of formal discovery to-date.

5 4. Further, other holdings are quite clear in allowing
6 Plaintiffs to amend their claims; the court quotes in
7 Adams v. Allstate Ins. Co., 58 Wn.2d 659, 364 P.2d 804 (1961) at
8 page 672 from Kingwood Oil Co. v. Bell, 7 Cir., 204 F.2d 8,13 "No
9 matter how likely it may seem that a plaintiff may be unable to
10 prove his case, he is entitled, upon averring a claim, to an
11 opportunity to prove it."

12 And, Caruso v. Local 690, 33 Wn.App. 201, 653 P.2d 638 (1982)
13 at page 211, cites Olson v. Roberts & Schaeffer Co., 25 Wn.App.
14 225,608 P.2d 319 (1980) for the proposition that "Amendments are
15 freely given when justice so requires and the opposing party is not
16 disadvantaged." Clearly the defendants have made no such showing
17 of disadvantage.

18 Lastly, the court in Herron v. Tribune Publishing Co. 108
19 Wn.2d 162,736 P2d 249 (1987) states:

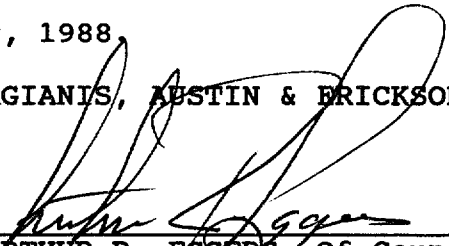
20 Although amendments pertaining to new transactions
21 are permitted, those which pertain to the original
22 claims are more likely to be granted. Appellate
23 decisions permitting amendments have emphasized
24 that the moving parties in those cases were merely
25 seeking to assert a new legal theory based upon
26 the same circumstances set forth in the original
pleading. See, eg. Foman v. Davis [cite omitted]
"[T]he amendment would have done no more than
state an alternative theory for recovery

PLAINTIFFS' REPLY TO DEFENDANTS' REPOSE
RE: MOTION(S) TO AMEND COMPLAINT - Page 3

1 5. This reply and underlying motions are further based on the
2 records and file herein, CR 15, CR 20 and the Affidavit of Leslie
3 S. Harris and the attachments thereto filed simultaneously. We
4 respectfully request our motions to Amend the Complaint of Butler,
5 et ux, et al., be granted.

6 DATED this 4th day of November, 1988,

7 KARGIANIS, AUSTIN & ERICKSON

8 By 
9 ARTHUR R. EGERS, Of Counsel for
10 JEFF CAMPICHE,
11 Attorneys for Plaintiffs Butler,
12 et ux et al.,
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PLAINTIFFS' REPLY TO DEFENDANTS' REPOSE
RE: MOTION(S) TO AMEND COMPLAINT - Page 4

LAW OFFICES
KARGIANIS, AUSTIN & ERICKSON
47TH FLOOR COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7010
(206) 624-5370

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CIVIL TRACK I
THE HONORABLE JOHN RILEY

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

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

Plaintiffs,)

v.)

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

Defendants.)

SANDY EHRLICH and MICHAEL)
EHRLICH, Wife and Husband;)
LARRY LEMKE, Parent, LARRY)
LEMKE, Guardian ad litem on)
behalf of SYBIL N. LEMKE, a)
Minor; DEE CHABOT, Parent;)
DEE CHABOT, Guardian ad litem)
on behalf of SHAWNA MICHELLE)
CHABOT, MICHAEL GRANT CHABOT,)
and NICHOLAS STERLING CHABOT,)
Minors; CATHERINE KITCHELL)
and RONALD KITCHELL, Wife and)
Husband; CATHERINE KITCHELL,)
Guardian ad litem on behalf)
of WENDY KITCHELL, a Minor,)

Plaintiffs,)

v.)

RALPH ALSKOG and ROSEMARY)
ALSKOG, Husband and Wife;)
ROBERT HOWERTON and JANE DOE)
HOWERTON, Husband and Wife;)
DONALD LEE BARNETT and)
BARBARA BARNETT, Husband and)
Wife; COMMUNITY CHAPEL AND)
BIBLE TRAINING CENTER, a)
Washington Corporation;)
"JOHN DOES" 1-4 and "JANE)
DOES" 1-4, Husbands and)
Wives; FIRST DOE CORPORATION;)
and FIRST DOE PARTNERSHIP,)

Defendants.)

FILED
KING COUNTY WASHINGTON
NOV 14 1988
SUPERIOR COURT CLERK
MELISSA A. KING
DEPUTY

No. 86-2-18176-8

DECLARATION OF MAILING

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1
2 I, Ann J. Durham, swear under penalty of perjury under the
3 laws of the State of Washington, that on the 4th day of November,
4 I placed in the United States mail, first class, postage prepaid,
5 a true and correct copy of DEFENDANTS EHRlich'S, ET AL., SUMMARY
6 MEMORANDUM AND ATTACHED "IDENTIFICATION OF PARTIES" to the
7 following:

8 The Honorable John Riley
9 King County Courthouse
10 516 Third Street
11 Seattle, WA 98104

Michael Bond, Esquire
Lee, Smart, et al.,
800 Washington Building
Seattle, WA 98104

12 Jim Messina, Esquire
13 Molly McCarty, Legal Assistant
14 8002 Tacoma Mall Boulevard
15 200 Benjamin Franklin Building
16 Tacoma, WA 98409

Susan Jones, Esquire
Preston, Thorgrimson
54th Floor
Columbia Center
Seattle, WA 98104

17 Jack Rosenow, Esquire
18 Rosenow, Hale & Johnson
19 205 Tacoma Mall Office Building
20 Tacoma, WA 98409

Rodney Hollenbeck, Esquire
Evans, Craven & Lackie P.S.
Columbia Center 31st Floor
Seattle, WA 98104

21 John C. Graffe, Esquire
22 Rosenow, Hale & Johnson
23 1620 Key Tower
24 Seattle, WA 98104

Bruce Winchell, Esquire
Lane, Powell, Moss & Miller
3800 Rainier Tower
Seattle, WA 98104-2647

25 Pauline Smetka, Esquire
26 Hellsell, Fetterman, Todd
27 1500 Washington Building
28 Seattle, WA 98101

Robert Howerton (pro se)
3507 S. 40th
Tacoma, WA 98409

FURTHER your declarant sayeth naught.

DATED this 4th day of November, 1988.


Ann J. Durham

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CIVIL TRACK I

THE HONORABLE JOHN RILEY

7, 1988

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

FILED

KING COUNTY, WASHINGTON ON

NOV 4 1988

SUPERIOR COURT CLERK
MELISSA R. STANG
DEPUTY

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

3 Plaintiffs,)

4 v.)

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

7 Defendants.)

No. 86-2-18176-8

PLAINTIFFS EHRLICH'S, ET AL.,
SUMMARY MEMORANDUM TO JUDGE
JOHN RILEY AND ATTACHED
"IDENTIFICATION OF PARTIES"

8 SANDY EHRLICH and MICHAEL)
9 EHRLICH, Wife and Husband;)
10 LARRY LEMKE, Parent, LARRY)
11 LEMKE, Guardian ad litem on)
12 behalf of SYBIL N. LEMKE, a)
13 Minor; DEE CHABOT, Parent;)
14 DEE CHABOT, Guardian ad litem)
15 on behalf of SHAWNA MICHELLE)
16 CHABOT, MICHAEL GRANT CHABOT,)
17 and NICHOLAS STERLING CHABOT,)
18 Minors; CATHERINE KITCHELL)
19 and RONALD KITCHELL, Wife and)
20 Husband; CATHERINE KITCHELL,)
21 Guardian ad litem on behalf)
22 of WENDY KITCHELL, a Minor,)

23 Plaintiffs,)

24 v.)

25 RALPH ALSKOG and ROSEMARY)
26 ALSKOG, Husband and Wife;)
27 ROBERT HOWERTON and JANE DOE)
28 HOWERTON, Husband and Wife;)
DONALD LEE BARNETT and)
BARBARA BARNETT, Husband and)
Wife; COMMUNITY CHAPEL AND)
BIBLE TRAINING CENTER, a)
Washington Corporation;)
"JOHN DOES" 1-4 and "JANE)
DOES" 1-4, Husbands and)
Wives; FIRST DOE CORPORATION;)
and FIRST DOE PARTNERSHIP,)

Defendants.)

SUMMARY MEMORANDUM - 1

LAW OFFICES OF
ADLER GIERSCH, P.S.
SUITE 600
401 SECOND AVE. S.
SEATTLE, WA 98104
(206) 682-0300

CIVIL TRACK I

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BASIS

The causes of action for all of the above-named plaintiffs arise out of the damages caused by Defendant Community Chapel and Bible Training Center (hereinafter, "CCBTC") and its pastor, ministers, counsellors, and agents, including the other named defendants. Each and every plaintiff named above was an active member in the CCBTC. Beginning in 1984 or 1985, Defendant CCBTC, by and through its pastor and president, Defendant Donald Lee Barnett, encouraged and/or required members of the congregation to form intimate attachments with members of the opposite sex, without regard to the member's spouse, as part of Defendant CCBTC. Said intimate attachments were called "spiritual connections".

Defendant CCBTC, by and through its pastor and president, Defendant Barnett, knew or should have known that its officers, agents, employees, representatives, counsellors and members of the congregation would follow the direction and/or example of its pastor. (Hereinafter, "Defendant Barnett" shall include his role as pastor and president of Defendant CCBTC, unless otherwise noted.) In addition, Defendants CCBTC and Barnett knew or should have known that these "spiritual connections" would result in seductions, family disharmony, sexual involvement of adults to children, loss of consortium, and destruction of the parent\child relationship. In fact, the "spiritual connections" did result in substantial damages as described below for each plaintiff.

SANDY EHRLICH AND MICHAEL EHRLICH

Plaintiffs Sandy Ehrlich and Michael Ehrlich were active members in Defendant CCBTC for ten years. Specifically, in

1 addition to attending numerous functions and tithing a portion of
2 their income to Defendant CCBTC, Plaintiff Michael Ehrlich was a
3 Bible School teacher employed by Defendant CCBTC and held a
4 position as one of the ministerial elders of Defendant CCBTC.

5 For a period of approximately one year, Defendant Ralph
6 Alskog, Vice President of Defendant CCBTC, under the guise of
7 providing ministerial services and counselling, as well as serving
8 as Plaintiff Sandy Ehrlich's "spiritual connection", manipulated
9 and coerced Plaintiff Sandy Ehrlich into having sexual contact
10 with him. Defendant Ralph Alskog's sexual assault of Plaintiff
11 Sandy Ehrlich included fondling her private parts, kissing her
12 with his tongue, masturbating on her stomach, and embracing her
13 against her will. Defendant Alskog continued to sexually assault
14 Plaintiff Sandy Ehrlich despite becoming aware of her
15 vulnerability. In fact, he exploited her vulnerability by
16 representing to her that his conduct was sanctioned by God.

17 PLAINTIFFS LARRY LEMKE AND SYBIL LEMKE, FATHER AND DAUGHTER

18 Sybil Lemke, a minor child and daughter of Larry Lemke, was
19 an active member of Defendant CCBTC. As a result of problems
20 Sybil Lemke was having stemming from the marital difficulties of
21 her parents, she was directed by Defendant CCBTC and its agents
22 to begin counselling with Defendant Robert Howerton.

23 Defendant Howerton was a Sunday School teacher, minister and
24 counsellor at Defendant CCBTC. He ministered to and counselled
25 Sybil Lemke while she was 13 and 14 years old.

26 Defendant Howerton, under the guise of providing ministerial
27 services and counselling, and as a "spiritual connection",
28

1 sexually assaulted Plaintiff Sybil Lemke on several occasions.
2 Specifically, Defendant Howerton exploited Defendant Sybil Lemke's
3 vulnerability and rubbed her thighs, forcibly kissed her on her
4 body while professing to be driven by God.

5 PLAINTIFFS DEE CHABOT, SHAWNA MICHELLE CHABOT,
6 MICHAEL GRANT CHABOT, AND NICHOLAS STERLING CHABOT

7 Plaintiffs Chabot were regular members of Defendant CCBTC.
8 Plaintiff Dee Chabot tithed a portion of her income to Defendant
9 CCBTC, volunteered her time to Defendant CCBTC, and regularly
10 attending services of Defendant CCBTC for approximately 15 years.

11 Plaintiff Dee Chabot's husband, Grant Bryan Chabot, entered
12 into more than one "spiritual connection" with women members of
13 Defendant CCBTC's congregation. As a result, Plaintiff Dee Chabot
14 sought counsel from members of Defendant CCBTC, seeking help to
15 restore her marriage and to prevent the destruction of the
16 parent/child relationship. Plaintiff Dee Chabot was counselled
17 that she had to "release" her husband to other female members of
18 the congregation of Defendant CCBTC and allow him to experience
19 "spiritual connections". Plaintiff Dee Chabot was told by
20 defendants that her failure to accept the "spiritual connections"
21 and the "move of God" meant that she was possessed by demons.

22 As the result of exploitation and abuse of authority by
23 defendants, Plaintiffs Chabot were coerced into seeking "spiritual
24 connections".

25 PLAINTIFFS CATHERINE KITCHELL, RON KITCHELL, AND WENDY KITCHELL

26 The lives of Plaintiffs Kitchell revolved around the activities
27 of Defendant CCBTC and association with its members, including
28 attending church services of Defendant CCBTC for approximately 18

1 sexually assaulted Plaintiff Sybil Lemke on several occasions.
2 Specifically, Defendant Howerton exploited Defendant Sybil Lemke's
3 vulnerability and rubbed her thighs, forcibly kissed her on her
4 body while professing to be driven by God.

5 PLAINTIFFS DEE CHABOT, SHAWNA MICHELLE CHABOT,
6 MICHAEL GRANT CHABOT, AND NICHOLAS STERLING CHABOT

7 Plaintiffs Chabot were regular members of Defendant CCBTC.
8 Plaintiff Dee Chabot tithed a portion of her income to Defendant
9 CCBTC, volunteered her time to Defendant CCBTC, and regularly
10 attending services of Defendant CCBTC for approximately 15 years.

11 Plaintiff Dee Chabot's husband, Grant Bryan Chabot, entered
12 into more than one "spiritual connection" with women members of
13 Defendant CCBTC's congregation. As a result, Plaintiff Dee Chabot
14 sought counsel from members of Defendant CCBTC, seeking help to
15 restore her marriage and to prevent the destruction of the
16 parent/child relationship. Plaintiff Dee Chabot was counselled
17 that she had to "release" her husband to other female members of
18 the congregation of Defendant CCBTC and allow him to experience
19 "spiritual connections". Plaintiff Dee Chabot was told by
20 defendants that her failure to accept the "spiritual connections"
21 and the "move of God" meant that she was possessed by demons.

22 As the result of exploitation and abuse of authority by
23 defendants, Plaintiffs Chabot were coerced into seeking "spiritual
24 connections".

25 PLAINTIFFS CATHERINE KITCHELL, RON KITCHELL, AND WENDY KITCHELL

26 The lives of Plaintiffs Kitchell revolved around the activities
27 of Defendant CCBTC and association with its members, including
28 attending church services of Defendant CCBTC for approximately 18

1 years, attending the Defendant CCBTC's Bible school, volunteering
2 time, and tithing portions of their income. P l a i n t i f f
3 Catherine Kitchell entered into "spiritual connections" with male
4 members of the congregation. As a result, Plaintiff Ron Kitchell
5 sought counsel several times from agents of Defendant CCBTC,
6 seeking help to restore his marriage and to put an end to family
7 disharmony.

8 Plaintiff Ronald Kitchell was counselled that he had to
9 "release" his wife to other male members of the congregation of
10 Defendant CCBTC. He was told by agents of Defendant CCBTC that his
11 failure to accept the "spiritual connection" and "move of God"
12 meant he was possessed by demons.

13 As a result of continued pressures by Defendant CCBTC on
14 Plaintiff Defendant Catherine Kitchell to maintain her "spiritual
15 connections" and on Plaintiff Ronald Kitchell to "release" his wife
16 to pursue her "spiritual connections", Defendant Ronald Kitchell
17 attempted suicide by producing a gun and threatening to kill
18 himself. This was witnessed by Plaintiffs Catherine Kitchell and
19 Wendy Kitchell, a minor.

20 LIABILITY OF DEFENDANTS CCBTC AND BARNETT

21 Defendant CCBTC, by and through its pastor and president,
22 Defendant Donald Lee Barnett, knew (or should have known):

23 1. That Defendant Ralph Alskog was involved in sexual abuse of
24 Plaintiff Sandy Ehrlich and that Defendant Robert Howerton was
25 having sexual contact with Plaintiff Sybil Lemke. Defendants were
26 negligent in their supervision of Defendants Alskog and Howerton
27 by not terminating their relationships with respective plaintiffs.
28

1 2. That Plaintiff Dee Chabot's husband and Plaintiff Catherine
2 Kitchell were involved in intimate sexual contact through
3 "spiritual connections" with others in Defendant CCBTC's
4 congregation, which contact caused family disharmony, attempted
5 suicide and destruction of the parent/child relationship.

6 Defendants CCBTC and Barnett acted negligently in not
7 intervening and ending these "spiritual connections".

8 All plaintiffs realized the sexual contacts were not sanctioned
9 by God. Thereafter, plaintiffs refused to participate further
10 and/or questioned defendants doctrine of "spiritual connections".
11 Consequently, all plaintiffs were disfellowshipped from Defendant
12 CCBTC. Subsequently, all defendants made false public statements
13 regarding plaintiffs which tended to injure plaintiffs' reputations
14 in the community.

15 DAMAGES

16 Plaintiffs seek damages which were the direct and proximate
17 cause of the intentional, reckless, and/or negligent acts and
18 omissions of defendants as outlined above. These damages include,
19 but are not limited to, serious and painful injuries to plaintiffs'
20 persons, psychological and mental pain and suffering, treatment of
21 personal injuries, future treatment of personal injuries, loss of
22 earnings, continuing pain and suffering, and attorney's fees and
23 costs.

24 RESPECTFULLY SUBMITTED this 4th day of November, 1988.

25 ADLER GIERSCH, P.S.

26 BY: 
27

28 Ann J. Durham, Attorney for
Plaintiffs Ehrlich, Lemke, Chabot
and Kitchell

LAW OFFICES OF
ADLER GIERSCH, P.S.

SUITE 600
401 SECOND AVE. S.
SEATTLE, WA 98104
(206) 682-0300

IDENTIFICATION OF PARTIES

PLAINTIFFS: **Sandy Ehrlich and Michael Ehrlich**, husband and wife
Larry Lemke, parent, and **Sybil Lemke**, a minor
Dee Chabot, parent, and **Shawna Michelle Chabot**,
Michael Grant Chabot and **Nicholas Sterling Chabot**,
minors
Catherine Kitchell and Ronald Kitchell, husband and
wife, parents, and **Wendy Kitchell**, a minor

DEFENDANTS: **Ralph Alskog and Rosemary Alskog**, husband and wife

CAUSES OF ACTION (Plaintiffs Ehrlich):

1. Outrage
 2. Counsellor malpractice
 3. Negligent counselling
 4. Sexual assault and battery
 5. Defamation
 6. Loss of consortium
-

DEFENDANTS: **Robert Howerton and Jane Doe Howerton**, husband and
wife

CAUSES OF ACTION (Plaintiffs Lemke):

1. Outrage
 2. Counsellor malpractice
 3. Negligent counselling
 4. Sexual assault and battery
 5. Defamation
 6. Loss of child consortium
 7. Seduction of a child
 8. Destruction of parent/child relationship
-

DEFENDANTS: **Community Chapel and Bible Training Center**
Donald Lee Barnett, individually and as CCBTC pastor
and president, and **Barbara Barnett**, his wife

CAUSES OF ACTION (All Plaintiffs):

1. Outrage
2. Counsellor malpractice
3. Negligent counselling
4. Pastoral malpractice
5. Defamation
6. Loss of consortium
7. Loss of child consortium
8. Destruction of parent/child relationship
9. Wrongful disfellowship

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KING COUNTY, WASHINGTON

NOV 14 1988

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SUPERIOR COURT CLERK
MELISSA R. KEATING
DEPUTY COURT CLERK

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

KATHY LEE BUTLER, and STEVEN L. BUTLER, wife and husband, and the marital community composed thereof; et al.,

NO. 86-2-18176-8 ✓
86-2-18429-5
86-2-26360-8
(consolidated)

Plaintiffs,

v.

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

DEFENDANT COMMUNITY CHAPEL'S
FIRST REVISED LAY WITNESS
LIST

Defendants.

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

Plaintiffs,

v.

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

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE TRAINING CENTER, a Washington nonprofit corporation; et al.,

Defendants.

////////

DFDT COMMUNITY CHAPEL'S
1ST REVISED LAY WITNESS LIST - 1

CIVIL TRACK I

LEE, SMART, COOK, MARTIN & PATTERSON, P.S., INC.
ATTORNEYS AT LAW
800 WASHINGTON BUILDING
1325 FOURTH AVENUE
SEATTLE, WASHINGTON 98101
(206) 624-7990 • FACSIMILE (206) 624-5944

1 Pursuant to the Court's letter dated October 5, 1988,
2 defendant Community Chapel & Bible Training Center submits its
3 revised lay witness list, together with a brief summary of expected
4 testimony of each witness.

5 Jorgenson v. Barnett, et al

6 (Cause No. 86-2-26360-8, consolidated for discovery)

7 1. Donald Barnett

8 Pastor Barnett will testify about his contacts with Maureen
9 Jorgensen throughout her involvement in the Community Chapel & Bible
10 Training Center ("CCBTC") and refute plaintiff's allegations of undue
11 influence in Maureen Jorgensen's decision to loan and gift certain
12 sums to CCBTC.

13 2. Barbara Barnett

14 Wife of Donald Barnett and employee of the counseling
15 center at CCBTC. Barbara Barnett will testify as to her contacts with
16 Maureen Jorgensen and Dennis Pangburn during the time of their
17 participation as members of CCBTC.

18 3. Cal Freden

19 Former senior elder at CCBTC. Cal Freden will testify as to
20 his involvement as member of the board of senior elders, the
21 agreements reached between Maureen Jorgensen and CCBTC, and actions
22 taken in both regards. Cal Freden will testify regarding subsequent
23 events occurring between Dennis Panburn, Maureen Jorgensen, and CCBTC
24 prior to his departure from CCBTC in the early 1980's.

1 4. Jack Hicks

2 Former senior elder and business manager of CCBTC. Jack
3 Hicks will testify regarding Maureen and Dennis Pangburn's financial
4 participation in CCBTC as well as the financial payments to Maureen
5 and Dennis Pangburn during his tenure as business manager and senior
6 elder.

7 Further, Mr. Hicks will testify regarding the alleged
8 attempts by Maureen Pangburn to contact CCBTC seeking assistance with
9 medical expenses.

10 5. E. Scott Hartley

11 Current senior elder of CCBTC. Mr. Hartley will testify
12 regarding the original loan to CCBTC, grant activity involving Maureen
13 Jorgensen and Dennis Pangburn, and promissory notes executed in
14 September of 1985 between Maureen Jorgensen, Dennis Pangburn, and
15 CCBTC.

16 Further, Mr. Hartley will testify as to his knowledge of
17 the negotiations between Maureen Jorgensen, her attorneys, and CCBTC
18 prior to the loan, the execution of the loan documents, and his
19 knowledge of subsequent financial activities between the Pangburns
20 and CCBTC.

21 6. Jack DuBois

22 Senior elder of CCBTC and senior elder during the 1970's
23 and 1980's.

24 Mr. DuBois will testify as to his participation in the
25 initial loan between Maureen Jorgensen and CCBTC, the execution of

1 the Promissory note, and payments to the Pangburns during their
2 membership in the church.

3 7. Sherri Pangburn

4 Current wife of Dennis pangburn. She may be called to
5 testify regarding events involving her spiritual connection with
6 Dennis Pangburn in 1985 as well as her interaction with Maureen
7 Jorgensen at that time.

8 8. Maxine Glover

9 Sister of Dennis Pangburn and member of CCBTC. Ms. Glover
10 may be called to testify as to Dennis' initial involvement in CCBTC,
11 as well as her knowledge and observations of Maureen Jorgenson during
12 her marriage to Dennis Pangburn.

13 9. Glenn Hoag

14 Initial designer of house built by Dennis and Maureen
15 Pangburn with financial assistance of CCBTC. Mr. Hoag may be called
16 regarding the financial arrangemetns that were made on Maureen
17 Jorgensen's behalf.

18 10. Dan and Sherry O'Brien

19 Former CCBTC employee and assistant to Don Barnett. Each
20 will testify as to Don Barnett's involvement in bringing Maureen
21 Jorgensen to CCBTC. The O'Briens will testify as to Maureen's
22 involvement in bible college.

23 Each will further testify as to Don Barnett's involvement
24 with Dennis Pangburn and Maxine Jorgensen. Further, each will testify
25 as to their interaction with Dennis Pangburn and Maureen Jorgensen

1 after their marriage and their attitudes towards the church.

2 11. Alice Ricks

3 Alice Ricks worked for Dennis Pangburn and Maureen
4 Jorgensen in 1974-75. She will testify regarding her conversations
5 with Maureen Jorgensen concerning the loan and gift of portions of
6 the proceeds from her Alaska lawsuit to CCBTC. She will also testify
7 regarding the voluntary nature of the gift and loan. Further, she
8 will testify as to her observations and knowledge of the relationship
9 between Dennis Pangburn and Maureen Jorgensen as well as her
10 observations of the contract between Don and Barbara Barnett and
11 Dennis Pangburn and Maureen Jorgensen during her employment.

12 12. Peggy Manee

13 Worked as an assistant in household chores in aid to
14 Maureen Jorgensen after marriage of Maureen and Dennis. She will
15 testify as to conversations with Dennis Pangburn and Maureen
16 Jorgensen regarding their interaction with Don and Barbara Barnett
17 concerning house plans as well as marital disputes which occurred ten
18 years prior to the revelation of spiritual connections at CCBTC.

19 13. Sandra Burton

20 Worked as an in-house aid for Dennis Pangburn and Maureen
21 Jorgensen. She will testify as to her observations and knowledge
22 regarding plaintiffs' marital status and contacts with defendants
23 Barnett.

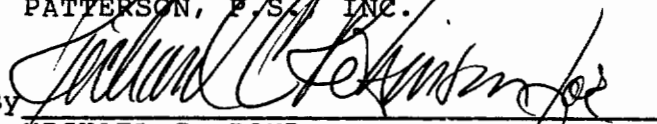
24 14. The following individuals have been listed by plaintiff's
25 counsel and may be called should plaintiff fail to do so:

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- (A) John Blackburn (No. 2).
- (B) William Ellis (No. 4).
- (C) Thomas I'Anson (No. 9).
- (D) Charles Moren (No. 11).
- (E) Dennis Pangburn (No. 13).
- (F) Roy Stebold (No. 16).

DATED this 4th day of November, 1988.

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

By 

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

KING COUNTY
SUPERIOR COURT

CIVIL TRACK I
HONORABLE JOHN RILEY

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

KATHY LEE BUTLER, and STEVEN L. BUTLER, wife and husband, and the marital community composed thereof; et al.,

NO. 86-2-18176-8
86-2-18429-5
86-2-26360-8
(consolidated)

Plaintiffs,

v.

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

DEFENDANT COMMUNITY CHAPEL'S MEMORANDUM REGARDING ALSKOG'S MOTION FOR SEPARATE TRIAL

Defendants.

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

Plaintiffs,

v.

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

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE TRAINING CENTER, a Washington nonprofit corporation; et al.,

Defendants.

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JOINDER - 1

16/2

CIVIL TRACK I

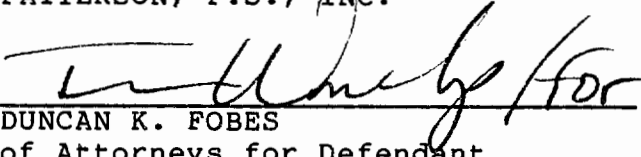
LEE, SMART, COOK, MARTIN & PATTERSON, P.S., INC.
ATTORNEYS AT LAW
800 WASHINGTON BUILDING
1325 FOURTH AVENUE
SEATTLE, WASHINGTON 98101
(206) 624-7990 • FACSIMILE (206) 624-5944

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COMES NOW defendant Community Chapel & Bible Training Center and joins defendant Alskog's Motion for Separate Trial, to the extent that the court orders that plaintiff Ehrlich's claim be severed from the other plaintiffs' claims and tried separately.

DATED this 1st day of Nov., 1988.

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

By 
DUNCAN K. FOBES
of Attorneys for Defendant
COMMUNITY CHAPEL

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

KATHY LEE BUTLER, and STEVEN L. BUTLER, wife and husband, and the marital community composed thereof; et al.,
Plaintiffs,

NO. 86-2-18176-8 ✓
86-2-18429-5
86-2-26360-8
(consolidated)

v.

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

DEFENDANT COMMUNITY CHAPEL'S
JOINER IN DEFENDANT BARNETT'S
MOTION AND AFFIDAVIT FOR SEPARATE
TRIALS

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

Plaintiffs,

v.

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

Defendants.

MAUREEN P. JORGENSEN,

Plaintiff,

v.

COMMUNITY CHAPEL AND BIBLE TRAINING CENTER, a Washington nonprofit corporation; et al.,

Defendants.

////////

JOINER - 1

162
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