

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI

JOHN DOE IX,

Plaintiff,

vs.

Case No. 15AF-CC00882-01

KANAKUK HERITAGE, INC.,
KANAKUK MINISTRIES
JOE T. WHITE, and
PETER "PETE" D. NEWMAN

Defendants.

FIRST AMENDED PETITION

COMES NOW, Plaintiff, through counsel, Craig R. Heidemann and the law firm of Douglas, Haun & Heidemann PC and for his first amended petition states:

Table of Contents

GENERAL ALLEGATIONS..... 2

STATEMENT OF FACTS APPLICABLE TO ALL COUNTS 3

1999 - 2000 4

2001 6

2003 7

2006 11

PATTERN OF CHILD SEX ABUSE 13

KANAKUK'S CONTINUED EMPLOYMENT OF NEWMAN 14

LACK OF BACKGROUND CHECK, REFERENCES AND EVALUATIONS 16

NEWMAN – THE TEXTBOOK PEDOPHILE 19

FAILURE TO WARN CHILDREN, PUBLIC AND PARENTS 20

KANAKUK MAKES NEWMAN THE FACE OF KAMP 21

JOHN DOE IX 22

NEWMAN'S ARREST AND THE VICTIMS 26

COUNT I – NEGLIGENCE – WHITE AND KANAKUK..... 26

COUNT II - INTENTIONAL FAILURE TO SUPERVISE 34

COUNT III -- INVASION OF PRIVACY 37

COUNT IV -- CHILDHOOD SEXUAL ABUSE: DEFENDANT NEWMAN 39

COUNT V --PREMISES LIABILITY: DEFENDANTS WHITE AND KANAKUK..... 40

COUNT VI -- CONSTRUCTIVE FRAUD 42
COUNT VII - NEGLIGENCE -- DEFENDANT PETE NEWMAN 45

General Allegations

1. Venue is proper in Taney County, Missouri under R. S. Mo. § 508.010, as this is the location where Plaintiff first was damaged.
2. Plaintiff is an adult man proceeding by pseudonym and his true name will be provided to Defendants.
3. At all times pertinent herein, Plaintiff was a citizen and resident of Taney County, Missouri.
4. Defendant Kanakuk Heritage, Inc. is a Missouri corporation and is the surviving corporation and/or owner of the entities set forth behind it in the caption above.
5. At all times pertinent hereto, Kanakuk Heritage, Inc. was not a church or a religious organization.
6. Defendant Kanakuk Ministries is a Missouri non-profit corporation and is the surviving corporation and/or owner of the entities set forth behind it in the caption above.
7. At all times pertinent hereto, Kanakuk Ministries was not a church or a religious organization.
8. At no time prior to the dates Plaintiff was abused did Kanakuk Ministries designate itself as a church with the Internal Revenue Service.
9. At all times while Plaintiff was being abused, Defendant Kanakuk Ministries made unemployment contributions to the Missouri Division of Employment Security.
10. Kanakuk Ministries has never claimed an exemption as a church from unemployment contributions with the Missouri Division of Employment Security.
11. Defendant Joe T. White is an individual who is a citizen of the State of Missouri.

12. Defendants Kanakuk Heritage, Inc., and Kanakuk Ministries, Inc. employed Defendant White as President.

13. Defendant Peter ("Pete") D. Newman is an individual who resides in Missouri at the Jefferson City Correctional Center in Cole County, Missouri.

14. This action is brought within five years of Plaintiff's 18th birthday.

Statement of Facts Applicable to All Counts

15. At all times pertinent hereto, Kanakuk owned and operated residence camps for children known as Kanakuk camps where children would come sleep and attend camp activities for periods of time ranging from one to three weeks.

16. During the camps, children would have no phone or computer access to their family.

17. Kanakuk camps include but are not limited to K-1, K-2 and K-Kountry.

18. Defendants hired and retained Newman in the position of counselor, then assistant Kamp Director as well as Kamp Director.

19. Newman remained in the position of Kamp Director until he received a double life sentence plus 30 years for sexually abusing Kanakuk attendees.

20. During the time he was a Kanakuk employee, he was a serial abuser and sexually abused over 50 children.

21. Defendants Kanakuk Ministries and Kanakuk Heritage structured Kanakuk Kamps so that Kamp staff, including Defendant Newman, would continue Kamp-sponsored and sanctioned communications with "kampers" after the "kampers" returned home from summer residential camp in Missouri.

22. During Newman's employment, Kanakuk encouraged, allowed and controlled Newman's "Extra Kamp Ministry" which consisted of Newman interacting with children and recruit them to attend Kanakuk Kamps during (1) small group Bible studies; (2) lunch at children's

schools; (3) club activities; (4) leadership activities; (5) small group activities; (6) para Kamp activities; and (7) Winter Trail.

23. Kanakuk encouraged, allowed and controlled Newman's "extra kamp" and "para kamp" activities, which consisted of off campus high school activities; off campus junior high activities; and showing up at campers homes.

1999 - 2000

24. A parent called Joe White in 1999 or 2000 to tell him that Newman and at least one child jumped in the lake naked and rode a 4 wheeler naked by the lake and talked to Mr. Cooper and Will Cunningham about it. (KKM4248).¹

25. Kanakuk knew or should have known in 1999 or 2000 that Newman was committing the crime of sexual misconduct and engaging in illegal behavior with children in that he was exhibiting his genitalia for sexual gratification and under circumstances where said exhibition would cause affront or alarm to a child and was also having children exhibit their genitalia for purposes of his own sexual gratification.

26. At least one child returned home and threw his jeans away after an incident of sexual misconduct involving Newman.

27. Specifically, an Incident Report (KKM4530) details that in the winter of 2000, Pete Newman, while in the role of youth mentor for the victim, initiated and participated in naked four-wheeling with at least one child after a Bible study which Kanakuk authorized. Newman and the child rode across the K-Kountry fields totally unclothed.

28. After this parent complaint, Kris Cooper and Will Cunningham were made aware of the allegations. (KKM4530).

¹ Kanakuk has not identified the author of KKM4248 in this litigation who claims to have provided information to Joe White about Newman's behavior and nudity with children.

29. At the time of the 2000 sexual misconduct, Kanakuk maintained a “playbook” which was the employee handbook / camper handbook and which provided that the naked behavior mandated immediate dismissal of Newman. (KKM2338).

30. Prohibited behavior included but was by no means limited to:

- a. Any evidence of homosexual behavior required instant dismissal from staff. (KKM2338).
- b. Any degree of sexual contact between staff and camper required instant dismissal. (KKM2338).
- c. Any behavior causing a negative reflection on Kamp could result in instant dismissal from staff. (KKM2338).
- d. Kanakuk maintained a policy prohibiting physical contact with Kampers and “any infraction of the above policy involving even the slightest form of sexual connotation will result in immediate dismissal for the staff with no chance of rehire.” (KKM2338).
- e. “No short dropping” was a policy in 2000 and continuing until 2009. (KKM2338).
- f. “No nudity” was a policy in 2000 and continuing until 2009. (KKM2338).
- g. “No nudity in the swimming pool” was a policy in 2000 and continuing until 2009. (KKM2338).
- h. “No devotionals in the nude (bodies should be clothed at all times) was a policy in 2000 and continuing until 2009. (KKM2338).
- i. “No games of any kind in the nude” was a policy in 2000 and continuing until 2009. (KKM2338).

j. “Nothing to injure any person physically or emotionally” was a policy in 2000 and continuing until 2009. (KKM2338).

31. Faced with overwhelming evidence of illegal sexual misconduct involving a minor, Joe White and Kanakuk took no action to terminate Newman. Rather, they decided after investigation that Newman’s behavior was “the result of poor judgment”... “he was a man who still needed to grow up”...and it was decided to “allow[] Pete to continue to meet with [the victim] and we allowed Pete to remain in his position as director of K-Kountry.” (KKM4530).

32. Defendants did not place Newman on probation in 2000.

33. Defendants did fire Newman because of the 2000 incident.

34. Defendants did not fine Newman because of the 2000 incident.

35. In fact, Kanakuk had never fired or terminated any counselor, assistant director or director until the time of Pete Newman’s 2009 arrest.

36. Additionally, before July 6, 2001, Defendants Kanakuk Ministries and/or Kanakuk Heritage knew that Defendant Newman had private one-on-one sleep-overs with boys at Kanakuk Kamp.

37. Although Newman was cautioned that this could destroy his ministry, he was retained as an employee and promoted to director of K-Kountry.

38. Neither Defendant Kanakuk Ministries nor Defendant Kanakuk Heritage, Inc. took action in response to Will Cunningham, Newman’s immediate supervisor’s, evaluation that referenced Newman’s one-on-one sleepovers with boys. Instead Newman was promoted.

2001

39. A mother of a camper wrote an email to Joe White and indicated that she “came to you in 2001 and no one did anything about this at the time – had they[,] none of these children

would have to go through this nightmare . . . I blame you guys for not doing your job and sweeping this whole thing under the rug not to mention lying to myself and my husband.” (KKM4254).

40. Other parents made a complaint about Newman’s inappropriate sexual behavior to Kanakuk in 2001 and allege that Kanakuk sent two men to investigate. (KKS1136).
41. In 2001, Will Cunningham, Plaintiff’s supervisor, counseled Newman to develop judgment and restraint in the area of “kid time”. (KKM4150). Cunningham wrote that Newman was susceptible to getting caught up in the “counselor’s role”. (KKM4151).

2003

42. Kanakuk became aware in the spring of 2003 that Newman continued to engage in sexual misconduct with children. (KKM4246).
43. The 2003 sexual misconduct with children consisted of naked basketball, and running through Kamp naked. (KKM4246).
44. Newman had previously groomed some of the victims of the 2003 abuse incident in extra Kamp / para Kamp Bible studies (KKM4246).
45. Will Cunningham, Doug Goodwin and Kris Kooper confronted Newman about the 2003 sexual misconduct.
46. When confronted, Newman told them that in addition to the aforementioned sexual misconduct, Newman also swam naked with at least one child in the lake. (KKM4246).
47. The plain and ordinary meaning of “naked” or “nude” presupposes the visibility of male genitalia or female breasts.
48. Defendants failed to report the sexual misconduct to the Missouri Child Abuse Hotline although they were required to do so.
49. At all times pertinent to this petition, Defendants were mandated reporters of child abuse.

50. Despite its knowledge of Newman's sexual misconduct, Kanakuk allowed Newman to work at Kamp unrestricted during the summer of 2003.
51. Later, in October 2003 Defendants put Newman on probation including "no one on one" contact with children.
52. In October, 2003 Kanakuk claimed to exercise more control over Newman including limited access to kids; redefining his role at Kamp; regulating his para-Kamp ministry; regulating his 9-month relationships with Kampers.
53. Kanakuk scheduled an appointment for Pete to meet with Jim Priest, an attorney, to better understand the legal problems of his behavior. (KKM4247).
54. After putting Newman on probation in October 2003, Kanakuk and White failed to supervise him as to the terms and conditions of his probation restrictions and never followed up to ensure that the detailed terms of probation, which were a condition of his continued employment, were complied with.
55. In truth and fact, Newman never followed the majority of the terms of his probation.
56. Defendants consulted with the Smalley Relationship Center, a professional counseling group, to investigate whether they could evaluate Newman. (KKM4246).
57. Smalley Relationship Center clinical psychologist Dr. Sparks questioned his obligation to report the abuse to the Division of Family Services. (KKM4246).
58. After Defendants learned Sparks suggested the abuse was potentially reportable, Defendants "put a hold on Pete's evaluation with Smalley Relationship Center." (KKM4246).
59. Dr. Sparks placed Kanakuk Ministries and/or Kanakuk Heritage on notice that Newman's conduct described above was injurious to children when the psychologist disclosed his duty,

under the Missouri mandatory reporting statute, to place the Missouri authorities on notice with regard to Newman's sexual abuse of minors.

60. Thereafter, Defendants decided to send Newman to a lawyer.
61. The decision to send Newman to a lawyer instead of a psychiatrist shielded Newman's statements and Kanakuk Kamp's responses to them through Kanakuk Ministries and/or Kanakuk Heritage's assertion of the attorney-client privilege, and avoided the requirement for mandatory reporting of suspected child abuse under the Missouri law.
62. This was a calculated action on the part of Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. to preserve the reputation of Kanakuk Kamps as a wholesome environment for children despite the fact that they willingly were employing a sexual predator among their ranks.
63. Defendants Kanakuk Ministries' and/or Kanakuk Heritage, Inc.'s motivation for continuing to employ Newman was financial in that his reputation among kampers was such that it engendered return visits to kamp and more money for Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc.
64. At all times, Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. endeavored to preserve the stream of income that flowed from Kanakuk Kamps, paid the Kanakuk staff, provided for Kamp expenses, and was devoted at least in part to other programs developed by Joe White, the President of Kanakuk Kamps.
65. By this point any reasonably prudent organization would have or should have recognized that Newman's conduct was not harmless and should have been the subject of an official investigation by Missouri officials.

66. By this point any reasonably prudent organization would have or should have recognized that Newman's conduct was not harmless and should have immediately terminated his employment and contact with children.
67. Kanakuk did not limit Newman's access to boys; instead Kanakuk promoted Newman inside the camp and to the world as a good, inspiring, role model who developed deep connections to boys.
68. Joe White, Will Cunningham, Doug Goodwin and Chris Cooper discussed the 2003 incident numerous times. (KKM4247).
69. After the 2003 sex abuse report, Joe White and Kris Cooper drafted a corrective action memorandum that outlined what Kanakuk and White admittedly knew about Newman's abuse of children at the time.
70. White and Cooper believed Newman's "conduct on this night showed remarkably bad judgment." (KKM4249).
71. White / Cooper wrote that Newman was to receive one on one training on the legal implications of this type of conduct and for Newman's conduct to be above reproach.
72. White / Cooper wrote that on the day Newman received the training he was to submit himself for evaluation by a trained psychologist or psychiatrist and to execute an authorization for Kanakuk to obtain a copy of the evaluation and access any and all information from the evaluator. (KKM4249).
73. Defeandats permitted Newman to skip the psychological or psychiatric evaluation.
74. After 2003, Joe White was with Pete Newman "five days a week" and they "did life together" and "there was that accountability" between them. (KKS747).

75. By at least October 2003, if not earlier, Defendants White and Kanakuk had actual knowledge of facts which constituted sexual misconduct under Missouri law.
76. Despite this knowledge, Defendants White and Kanakuk continued to employ Defendant Newman, continued to entrust children to his supervision and custody, and failed to take any meaningful action to keep him away from children.
77. Newman used his Kanakuk position to access well over 50 child victims.
78. Rather than punishing Newman for sexual misconduct, in 2003, Kanakuk rewarded Newman by purchasing Lot 4 in Woodson Bend for his future home. (KKM4142).
79. In 2005, Joe White / Kanakuk gave Pete Newman property / real estate valued at \$47,818.50. (KKM4141).

2006

80. Parents of kampers reported more sexual misconduct regarding Newman to Kanakuk in 2006.
81. In 2006, a Kamper's mother called Kanakuk and reported Newman was a child predator and had behaved inappropriately with a male Kamper. (KKM3396; KKM3398).
82. The mother specifically told Kanakuk staff about Newman's interaction with one boy in particular where he touched his upper thigh from behind up to his genital area.
83. Kanakuk files show no record of this incident, and it was not included in Newman's personnel file.
84. Kanakuk did not investigate this incident. Instead, Kanakuk called the reporting child's faith into question.
85. A reasonable and prudent residential camp would or should train all staff to take any allegation of sexual abuse seriously. This includes taking the pertinent information from the

- person making the report, investigating the complaint, and reporting the complaint to Missouri officials for investigation and action.
86. A reasonable and prudent residential camp would or should have implemented a written policy and procedures for dealing with this type of allegation.
 87. Under no circumstances would a reasonable and prudent organization allow its staff to simply ignore or dismiss a report of sexual abuse, as occurred with the mother's complaint.
 88. In a separate 2006 report, a father of another boy complained to Kris Cooper about Newman's late night calls and texts to his son.
 89. After both of these complaints, Newman continued as the director of K-Kountry,
 90. Defendants did not include any memorandum of the complaint in Newman's personnel file.
 91. In light of Newman's violations of Kanakuk rules, Defendants should have initiated a thorough investigation; however, there was none.
 92. A reasonable and prudent residential camp would have investigated this father's complaint.
 93. Kanakuk required Newman to consent to a background check on 5/19/06.
 94. In fact, upon information and belief, Kanakuk never checked a reference of Newman prior to hiring him or during his employment.
 95. Had Kanakuk checked Newman's background by talking to his fraternity brothers that knew him at Auburn, they would have discovered that he had spent many nights with a young boy in his fraternity house.
 96. Defendants White and Kanakuk widely represented and advertised that Kanakuk camps were a safe place for children where they would be appropriately supervised, and that Defendant Newman was a safe and capable caretaker and leader of youth.

Pattern Of Child Sex Abuse

97. Kanakuk did not implement a child protection plan that defined sexual abuse to include nudity with children until 2011.
98. Joe White has testified that nudity with children, such as naked basketball, may not constitute sexual abuse, if there is a certain amount of distance or a lack of a certain amount of light.
99. Sexual abusers generally have a preexisting relationship with their victims. (KKM3447).
100. Newman had a preexisting relationship with Plaintiff.
101. Sexual abusers spend an unusual amount of time with children. (KKM3447).
102. Newman spent an unusual amount of time with Plaintiff.
103. Joe White instructed Kris Cooper to meet with Pete Newman “as soon as possible and let him know (again) how important it is that he spends the next six months with Katie . . . and need[s] to say GOODBYE to MOST of his youth work between now and Kamp.” (KKM4166).
104. Joe White personally counseled Newman to spend less time with children in Bible studies. (KKS1160)
105. Child molesters seek jobs that put them in proximity to and allow for continuous access to children. (KKM3447).
106. Newman sought a job at Kanakuk that put him in proximity to and allowed him continuous access to children.
107. Child molesters find ways to isolate themselves with children when no adults or parents are present. (KKM3447).
108. Pete Newman isolated himself with Plaintiff when no adults or parents were present.
109. Grooming, like sexual assault, progresses through various phases becoming more outrageous and this tactic is used on the victim and his parents. (KKM3447).

110. During grooming, the predator uses the parents' blessing and trust as a way to interpose himself between the child and parent and to minimize the wrongfulness of the predator's behavior. (KKM3447).

111. Newman groomed Plaintiff and used Plaintiff's parents' blessing to minimize the wrongfulness of Newman's behavior.

Kanakuk's Continued Employment of Newman

112. Kanakuk had the right to terminate a team member with or without cause, for lack of work, or for any other reason at any time. (KKM4148).

113. Despite their knowledge, Defendants White and Kanakuk continued to represent publically and advertise that the Kanakuk camps were safe places for children where they would be appropriately supervised.

114. Defendants White and Kanakuk turned a blind eye to sexual misconduct by Defendant Newman.

115. As part of his Kanakuk job duties, Kanakuk required Defendant Newman to develop personal bonds with kampers which included inviting the kampers to his home.

116. White, individually and as president of Kanakuk, had actual knowledge that Newman was using his hot tub for Bible study with children nearly every night of the week and directed Cooper to send an email to Newman regarding this fact.

117. Based on the Kanakuk playbooks, and staff manuals containing rules for Kamper and staff conduct, Defendant Newman's nudity with boys and one-on-one sleepovers with boys violated Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. rules and expectations with regard to conduct.

118. Kanakuk chose to retain Newman, chose to promote Newman to higher levels of responsibility, and chose not to place parents, including the Plaintiff's parents, on notice of Newman's violations of Kanakuk's stated policies for Kampers and staff.
119. At no point prior to Newman's arrest did Kanakuk warn any parents that Newman was engaging in behavior constituting sexual abuse or sexual misconduct, whether on Kanakuk property or off of it.
120. By so doing, Defendants Kanakuk Ministries, Kanakuk Heritage, Inc., and/or White deprived parents, including the parents of John Doe IX, of critical information necessary to make an informed decision with regard to their child's attendance at Kanakuk and contact with Newman.
121. Prior to Newman's arrest, Kanakuk, its agents and White were the only ones with knowledge that Newman was engaging in sexual misconduct with children in a position to warn other parents.
122. Newman's inappropriate nudity and private sleepovers with boys were not disclosed to the public, including John Doe IX's parents until after one of Newman's sexual abuse victims made a sex abuse claim
123. Thereafter, many victims have made legal claims against Kanakuk in which they have made specific allegations about Kanakuk's prior knowledge of Newman's sexual misconduct and abuse.
124. With knowledge of three or four separate events that would have or should have resulted in Newman's dismissal by a reasonably prudent residential camp, Kanakuk Ministries and/or Kanakuk Heritage chose to keep Newman as the director of K-Kountry with unfettered

access to kampers, the Kanakuk grounds, to extra Kamp activities, and to para Kamp activities.

125. Defendants Kanakuk Ministries and/or Kanakuk chose to continue Newman's employment in spite of the fact that his conduct violated the Kanakuk Kamps rules for campers and staff as set out in the Kanakuk Playbooks, manuals provided to camp staff each year.
126. Even though Defendant Newman's nudity and one-on-one sleepovers with boys constituted a basis for immediate dismissal, Defendant Newman remained an employee and was promoted within the Kanakuk organization and outside Kanakuk to the general public.
127. The Defendants Kanakuk Ministries, Kanakuk Heritage, Inc., and/or White never disclosed their special and superior knowledge of Defendant Newman's repeated violations of Kanakuk's stated policies regarding nudity, sexual conduct, and sleeping with boys to anyone prior to Newman's arrest.

Lack of Background Check, References and Evaluations

128. A reasonable and prudent residential camp would or should do a thorough background check before hiring any person.
129. Defendant Newman completed an application to be a summer counselor at Kanakuk when he was 19.
130. The application is conspicuously incomplete in that:
 - a. he did not provide a driver's license number.
 - b. he listed one incomplete reference with no area code even though two references are requested on the employment form

years after the Camp Directors Guide: Preventing Sexual Exploitation of Children was first available.

148. A reasonable and prudent residential camp would have or should have addressed sexual abuse at camp well before 2011, but Kanakuk Kamps did not.

149. One reason Kanakuk Kamps failed to address sexual abuse until 2011, was that Joe White, the President of Kanakuk Kamps, did not read camping industry publications that were sent to him.

150. A reasonable and prudent residential camp President would or should stay abreast of issues in the camping industry; Defendants did not.

Newman – The Textbook Pedophile

151. Had Defendants availed themselves of the materials on child sexual abuse at camp, widely available in 1999 and before, they would have been alerted to the ways in which Newman's pattern of behavior between 1999 and 2003 fits behavior that describes potential pedophiles.

152. In fact Newman fits every description of a typical pedophile in that he:

- a. Displayed keen, often excessive interest in children;
- b. Sought opportunities to be alone with children;
- c. Found legitimate access to children through employment and volunteer opportunities;
- d. Associated with and developed friendships with children;
- e. Seduced children with attention, affection and gifts;
- f. Was tuned into children's needs and was highly skilled at engendering the trust and confidence of children;
- g. Was very sensitive to children's feelings and weaknesses and had a facility for putting children at ease; and

h. Befriended a child's family and became a babysitter, went on vacation with the family, and took the child on special outings.

Failure to Warn Children, Public and Parents

153. Defendant Newman's abuse of John Doe IX occurred under the mantle and with the cloak of trust and authority placed upon him by Defendants.
154. When parents of children such as the plaintiff allowed their children to go to Newman's home on for extra Kamp and para Kamp activities, no one from Kanakuk Ministries and/or Kanakuk Heritage, Inc., including White, told parents, including John Doe IX's parents, of Defendant Newman's long history of sexual abuse, including, but not limited to nudity and one-on-one sleepovers with minor boys.
155. Parents, including those of John Doe IX, were left to believe that Defendant Newman lived by and followed the rules of conduct that their children were expected to follow while at Kanakuk when, in fact, Defendant Newman did not follow the rules for campers or camp employees.
156. Had Defendant Kanakuk Ministries, White, and/or Kanakuk Heritage, Inc. disclosed its special, superior and private knowledge of Defendant Newman's sexual abuse history, John Doe IX's parents, including Plaintiff's parents would not have permitted their child to go to Defendant Newman's home nor would they have continued to send their son to Kanakuk.
157. Defendant Kanakuk Ministries, White, and/or Kanakuk Heritage, Inc. derived pecuniary benefit from remaining silent and failing to disclose their special and superior knowledge of Newman's sexually aberrant behavior to families, including John Doe IX's family.

Kanakuk Made Newman the Face of Kamp

158. Kanakuk Ministries, White, and/or Kanakuk Heritage, Inc. employed Defendant Newman as staff and ultimately as a director with Defendants and was subject to Defendants' supervision and control when he sexually abused minor kampers, including John Doe IX.
159. A reasonable and prudent organization would have or should have anticipated and foreseen that a person with authority over boys, like Newman, who was involved in repeated incidents of nudity and one-on-one sleepovers with boys, could injure boys under his authority by engaging in sexual acts with boys, and that these acts of sexual abuse could occur not only on the camp property, but also anywhere Newman came in contact with boys with whom he had developed a strong connection during the Kanakuk Kamp experience such as during para Kamp and extra Kamp activities.
160. Kanakuk promoted Newman as the face of Kanakuk and featured Newman prominently in promotional videotapes and written materials.
161. These promotional materials were widely distributed to the public.
162. The purpose of the materials was to increase the visibility of Kanakuk Ministries and/or Kanakuk Heritage, Inc., increase interest in Kanakuk camps and other programs sponsored by Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc., such as the Father-Son Weekend program, and ultimately to encourage families to participate with Kanakuk Ministries and/or Kanakuk Heritage, Inc. by sending children to camp and fathers and sons to retreats.
163. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. promoted Defendant Newman by:
- a. including him prominently on the Kanakuk camp website;
 - b. sending him on Kanakuk Trail recruitment trips;

- c. featuring him prominently in Kanakuk camp written materials each year John Doe IX was enrolled in camp;
- d. featuring Defendant Newman prominently in camp videos shown at Kanakuk Trail events;
- e. featuring personal testimonials by Joe White, the President of Kanakuk Kamps, stating, "Pete Newman is the most thorough relationship builder with kids in Kanakuk history. This guy has a raging love for God and it spills over constantly to the kids at kamp. A weekend with Pete will build a father-son relationship that will never be the same."
- f. featuring him prominently at father-son retreats.
- g. Encouraging him to engage in extra Kamp ministry
- h. Encouraging him to engage in para Kamp ministry
- i. Encouraging him to host small groups

John Doe IX

164. Acting as a Kanakuk employee, Defendant Newman took an interest in John Doe IX and sought him out as part of Defendant Newman's "grooming" process.
165. These actions were intended to and did make John Doe IX believe that he had a special relationship with Defendant Newman and led John Doe IX to more completely trust and believe Defendant Newman.
166. John Doe IX first met Defendant Newman at Kanakuk Kamp even before he was a Kamper himself.
167. Defendant Newman made John Doe IX believe that the two of them had a special close relationship.

168. Defendants White and Kanakuk held out Defendant Newman to Plaintiff and his parents as a safe, trustworthy caretaker and mentor of children despite knowing that Defendant Newman had engaged in sexual misconduct.
169. The grooming continued when Plaintiff was a Kamper at K-Kountry, the residential camp for younger boys.
170. During the time John Doe IX was a Kamper, Defendant Newman continued the grooming process.
171. During the time John Doe IX attended Kanakuk residential camp for boys, Defendant Newman was an assistant director, co-director, or director of K-Kamp, the portion of the camp set aside for younger boys, where John Doe IX resided when he started going to camp.
172. Defendant Newman, as a director of Kanakuk Kamps, and as part of his Kanakuk Extra Kamp Ministry, was responsible for doing the work of Kanakuk and in fact did that work and involved Plaintiff in it.
173. Plaintiff was involved in Newman's "para-Kamp" and "extra-Kamp" ministry.
174. Joe White was personally aware of, and under oath acknowledged his awareness of Newman's "para-Kamp ministry". (KKS746-747).
175. Kanakuk Ministries and/or Kanakuk Heritage and/or Joe White sponsored and endorsed Defendant Newman as an authority figure, and mentor, increasing his authority in John Doe IX's eyes.
176. Newman molested, abused and engaged in sexual misconduct with John Doe IX at extra Kamp and para Kamp Bible studies and small groups with John Doe IX at Newman's home in Taney County, Missouri as well as during various occasions on Kanakuk property and at Newman's property purchased by Kanakuk and during Kanakuk Kamps.

177. Defendant Newman abused the Plaintiff at Newman's home while performing his Kanakuk job duties to recruit children by developing personal bonds and inviting the children into his home.
178. Before Defendant Newman first sexually abused Plaintiff, Defendants Kanakuk and White had sufficient information to be placed on notice that Defendant Newman posed a risk of using Kanakuk property, Kanakuk equipment and his Kanakuk position and programs to sexually abuse children, including Plaintiff.
179. Defendants Kanakuk Ministries, White, and/or Kanakuk Heritage gave Defendant Newman, their employee, agent, and/or authorized representative, access to Plaintiff.
180. This enabled Newman to molest Plaintiff as set forth more fully above.
181. Defendants expected and encouraged Newman to continue contact with campers such as Plaintiff and their family during the non-camp months in extra Kamp and para Kamp activities such as Bible study and small groups.
182. Newman followed through on these duties by doing Kanakuk Ministries and/or Kanakuk Heritage-endorsed Bible studies with Plaintiff at Newman's home.
183. Kanakuk Ministries, White, and/or Kanakuk Heritage accepted Newman's actions, which worked to these Defendants' advantage by increasing the likelihood that Plaintiff would return to Kamp and bring his paying friends.
184. In fact, Newman talked about his hot tub ministry in a speech that was witnessed by Joe White, wherein Newman stated not a night of the week went by that there wasn't someone to minister to in the hot tub.
185. Plaintiff participated in Kanakuk programs on Kanakuk property and at locations off property approved by Kanakuk.

186. Using Kanakuk's own definition of sexual abuse, Defendant Newman sexually abused Plaintiff.
187. Newman's sexual abuse included but was not limited to: watching each other masturbate, mutual masturbation, oral sex, nudity, exposing genitals, applying paint to penises, and "jetting", and measuring the penis.
188. During each of these activities Defendant Newman falsely represented to the young Plaintiff that these behaviors were okay or normal.
189. During each of these activities, Defendant Newman acted in his capacity as an agent and/or employee of Kanakuk in Kamp, extra Kamp, or para Kamp or Bible study activities.
190. During each of these activities, Defendant Newman used his position of authority as director of Kanakuk Kamps.
191. During each of these activities, Defendant Newman acted under the direct supervision, employ and control of defendant Joe T. White, Kris Cooper, Doug Goodwin and/or Kanakuk.
192. During each of these activities, the Plaintiff was under the supervision and control of all Defendants.
193. During some of these activities, the Plaintiff was on the property owned and/or controlled by Defendants White and Kanakuk.
194. At all times, Defendant White and Kanakuk Ministries had the right to control Newman.
195. At all times that Plaintiff participated in Kamp, para Kamp and extra Kamp and Bible study activities, Defendants had a duty to supervise Plaintiff, a minor child.
196. Newman's actions continued and in fact became more intense after Plaintiff aged out of K-Kountry and was no longer under Newman's direct supervision while at Kamp, but while he continued to participate in Kanakuk sanctioned extra Kamp and para Kamp activities.

Newman's Arrest And The Victims

197. In February 2010, Defendant Newman pleaded guilty in Taney County to several counts of statutory sodomy and child enticement involving child abuse of a boy on Kanakuk property and received two life sentences plus 30 years in the Missouri Department of Corrections.
198. Prior to Newman's arrest, there were at least 57 alleged victims of Newman. (KKS397-398)

COUNT I – NEGLIGENCE – White and Kanakuk

199. Plaintiffs incorporate by reference, as if set forth at length herein, all factual allegations set forth in the foregoing paragraphs.
200. Defendants accepted responsibility for the custody, care and supervision of the minor Plaintiff while Plaintiff participated in Kanakuk programs and/or while he was on Kanakuk property and while Plaintiff participated in extra Kamp and para Kamp activities at the Newman property purchased by Kanakuk.
201. Defendants White and Kanakuk owed Plaintiff a duty to use reasonable care.
202. Defendants owed Plaintiff a duty to warn of dangerous conditions or of persons that they knew had dangerous propensities located on property that they had a right to control.
203. Defendants White and Kanakuk had knowledge that Defendant Newman possessed a propensity to engage children in dangerous situations where sexual abuse and sexual misconduct could occur.
204. Defendants White and Kanakuk knew that Defendant Newman possessed qualities that made him a threat to children.
205. Defendants White and Kanakuk knew that Defendant Newman posed a risk to children in their custody and control and under their supervision.

206. Defendants White and Kanakuk knew or should have known it was reasonably likely that Plaintiff would suffer the exact harm he suffered due to Newman's dangerous propensities.
207. Defendants Kanakuk and White owed Plaintiff a duty to appropriately supervise and control Kanakuk employees, including Newman, so as not to harm Plaintiff as they engaged in their income-generating business of running camps and programs for children.
208. As part of their business enterprise, Defendants Kanakuk and White employed Defendant Newman and possessed the ability to supervise him as little or as much as they deemed necessary.
209. Defendants Kanakuk and White actually and constructively knew Defendant Newman possessed propensities that made him a high-risk to engage in inappropriate conduct and/or childhood sexual abuse with minors.
210. Defendants had a duty to use reasonable care to supervise children who participated in Kanakuk programs including Kamp and activities connected with Newman's para kamp or extra camp ministries or Bible studies such as those mentioned in the 2003 probation memorandum.
211. Defendants had a duty to use reasonable care to supervise how much time Newman was spending with small boys.
212. At all times, Defendant White and Defendants supervised the hiring, training, discipline and retention of Pete Newman.
213. Newman had the run of the Kanakuk facilities on and off season and was featured at Bible study and devotional.
214. Defendant Newman's sexual abuse, which a reasonable and prudent camp organization would have or should have uncovered and put a stop to, continued over ten years at Kanakuk.

215. Defendant Newman acknowledged that he began having sexual contact with boys when first employed by Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc.
216. Defendants White and Kanakuk employed Defendant Newman as an assistant director and director, as a Minister and as an Extra Kamp leader and as a Para Kamp leader.
217. Defendant White, as president of Kanakuk Ministries, possessed the ultimate hiring, firing, and retention authority over Defendant Newman and in fact utilized that authority in deciding to (a) promote him to Kamp Director; (b) retain him in 1999/2000/2001; (c) retain him in 2003; (d) reward him with real estate; (f) send him to Jim Priest for evaluation; (e) send him to a psychologist for evaluation; (f) and terminate Pete Newman in 2009.
218. Such knowledge made Defendant Newman's future sexual abuse of children, including the Plaintiff, foreseeable.
219. Despite this knowledge, Defendants Kanakuk and White continued to permit and encourage Defendant Newman to:
- a. Work in a position that provided him with direct, unsupervised access to children.
 - b. Work in a position that served as a mentor to children.
 - c. Work in a position in which he could teach children, including the Plaintiff, that various forms of childhood sexual abuse were "normal."
 - d. Represent himself as an adult whom children and their parents could trust.
 - e. Develop personal bonds with children, including the Plaintiff, that would extend beyond the Kanakuk setting, as form of business development.
 - f. Associate with children, including the Plaintiff, in one-on-one situations on and off Kanakuk property.

- g. Bring children to little-used, off-hours and/or closed portions of the Kanakuk property.
- h. Bring children to his personal Kanakuk quarters.
- i. Engage in a wide variety of nude and almost nude activities with children.
- j. Engage in what Joe White thought was an “every night” hot tub ministry with children.

220. Defendants breached their duty to Plaintiff in one or more of the following respects:

- a. failed to maintain and/or enforce existing policies that would protect children from predators including Defendant Newman.
- b. failed to enact policies that were “state of the art” in preventing child sex abuse
- c. failed to adequately supervise Plaintiff, including but not limited to limiting his access to Newman.
- d. failed to limit Newman’s access to one-on-one interactions with individual “kampers,”
- e. failed to protect Plaintiff from being taken to closed or remote parts of the Kanakuk property by Newman,
- f. failed to protect Plaintiff from being in Pete Newman's personal quarters alone at the Kanakuk property.
- g. failed to decline the custody and supervision of children, including the Plaintiff, knowing that Newman was likely to have contact with them and sexually abuse them
- h. failed to warn Plaintiff, a minor, by and through disclosing their special knowledge to Plaintiff’s parents, concerning Newman’s history of exposing his penis in the presence of children.

- i. failed to properly train volunteers and employees to identify activities and conditions that presented a high risk for sexual abuse.
- j. encouraged Newman to forge personal bonds with children and invite children to his home as part of the recruitment process.
- k. failed to employ a sufficient number of employees to maintain safe child-to-adult ratios.
- l. failed to ever have Newman evaluated by a psychologist or psychiatrist
- m. failed to require a complete application from Newman;
- n. failing to maintain reasonably safe premises for business and social invitees;
- o. failed to check more than one reference for Newman;
- p. failed to impose any meaningful sanction upon Newman;
- q. failed to remain apprised of information that would have allowed them to recognize that Newman exhibited all the characteristics of a classic pedophile;
- r. failed to hotline Newman
- s. failing to adequately and reasonably supervise Newman
- t. failing to evaluate Newman
- u. failing to train Newman
- v. failed to terminate Newman
- w. failed to prevent Newman from hosting children in a extra Kamp/para Kamp nightly hot tub ministry.

221. Given their duty, and given what Defendants already knew about Newman's behavior, the childhood sexual abuse suffered by the Plaintiff was foreseeable and could have been and should have been prevented.

222. The actions and omissions of these Defendants have negligently inflicted medically diagnosable emotional distress upon John Doe IX
223. Defendants should have realized that their conduct involved an unreasonable risk of harm to John Doe IX with resulting severe emotional and mental distress and injury to John Doe IX.
224. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. are liable for the wrongful conduct of Defendant Newman based on theories of vicarious liability, respondeat superior, agency, apparent agency, and agency by estoppel.
225. Furthermore, Defendants ratified Newman's wrongful conduct after learning of it.
226. Defendants' conduct was a substantial cause and/or proximate cause of John Doe IX's past and continuing injuries, including severe emotional and mental distress or harm.
227. As a direct and proximate result of Defendants' failures to properly supervise Defendant Newman, plaintiff was damaged and injured and has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress that are medically diagnosable and significant, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.
228. All or part of Newman's activities occurred in the scope and course of his employment making the Kanakuk defendants vicariously liable for Plaintiff's damages. The scope of his employment included but was not limited to:
- a. Developing personal bonds with the children.

- b. Winning the trust of the children.
- c. Modeling correct behavior for the children.
- d. Mentoring the children and teaching them.
- e. Helping the children develop physically, mentally and emotionally.
- f. Guiding the children through games and activities designed to entertain children, give them exercise, and give them the chance to develop emotionally.
- g. Directing movements of children.
- h. Hosting para Kamp and extra Kamp activities

229. Defendant Newman's sexual abuse of the Plaintiff and invasion of Plaintiffs privacy was within his scope of employment, in that Defendant Newman, while both on-duty and on and off Kanakuk property, during Kamp, para Kamp and extra Kamp activities:

- a. Developed a personal bond with the Plaintiff.
- b. Won the trust of the Plaintiff and his family.
- c. Attempted to model the "correct" form of male bonding for the Plaintiff, representing the nude activities, masturbation and mutual masturbation, jetting and other sexual abuse and misconduct as a natural and normal behavior.
- d. Mentored the Plaintiff during the abuse, representing the abuse as a form of relationship strengthening exercise.
- e. Had the Plaintiff engage in a variety of activities in which the Plaintiff was to be nude.
- f. Led the Plaintiff to various places on and off Kanakuk property which Defendants had a right to control where he could view the Plaintiff in the nude or in various stages of undress.

230. All of Defendant Newman's conduct served at least in part to advance an interest of his employer, i.e., to retain and recruit children to participate in Kanakuk programming.

231. All or part of Newman's activities were known to and ratified by the Kanakuk defendants and White making them liable for Plaintiff's damages in that:

- a. Defendants Kanakuk and White knew that Defendant Newman was engaging children in nude activities and representing those activities as Kanakuk programming.
- b. Despite this knowledge, Defendants Kanakuk and White continued to hold out Defendant Newman as an agent on their behalf.
- c. Despite this knowledge, Defendants Kanakuk and White took no steps to publically distance itself or correct the perception that Defendants White and Kanakuk condoned Defendant Newman's nude exploits.
- d. Defendants Kanakuk and White further ratified Defendant Newman's conduct by continuing to publically represent Defendant Newman as a trusted custodian of children in their pursuit of revenues, despite having actual knowledge that Defendant Newman continued to find ways to view and come into contact with nude children, including the Plaintiff.

232. Defendants' actions were evil, wanton, willful, malicious and in conscious disregard to Plaintiff's rights justifying an award of punitive damages which would serve to punish Defendants and deter Defendants and others from engaging in like conduct in the future.

233. Plaintiff pleads that Defendants actions in this case justify the fraud exception to the American Rule requiring that Defendants be ordered to pay Plaintiff's reasonable attorney's fees and costs.

WHEREFORE, Plaintiff prays this court enter judgment in his favor in a fair and reasonable sum, for punitive damages, for his attorney's fees, costs, and expenses incurred herein and for such other relief as the court deems just and proper.

COUNT II - INTENTIONAL FAILURE TO SUPERVISE

234. Plaintiffs incorporate by reference, as if set forth at length herein, all factual allegations set forth in the foregoing paragraphs.
235. Defendants were aware of previous sexual misconduct by Newman and knew that future harm was certain or substantially certain to result without proper supervision.
236. Defendants disregarded the known risk of sexual abuse.
237. Defendants' inaction directly and proximately caused plaintiff injury during a time when the Defendants were actually supervising the Plaintiff through their agents.
238. Defendant Newman sexually abused Plaintiff on the property owned and operated by Defendants and/or abused Plaintiff on premises that he was allowed access to solely due to their status as an employee/or at Newman's house where he was authorized to conduct extra Kamp and para Kamp activities including Bible studies with Plaintiff.
239. Defendants knew or should have known that inappropriate touching of young children by their employees and/or designated agents would cause or was substantially certain to cause those children harm.
240. Despite the risk posed by Newman, defendants continued to place him in positions in which he would have daily contact with children.
241. Despite the risk posed by Defendant Newman, Defendants White and Kanakuk ratified his actions.

242. Defendants intentionally disregarded the risk posed by the Defendant Newman to children including plaintiff.
243. Defendants White and Kanakuk had actual knowledge that Defendant Newman was engaging in nude observation of children, nude exhibition to children, and in activities that presented a high-risk for the sexual abuse of children to occur.
244. Defendants White and Kanakuk privately reprimanded Newman on at least two or three occasions for engaging in this conduct, thereby recognizing the danger the conduct presented.
245. Defendants White and Kanakuk, however, deliberately chose to allow Defendant Newman to operate freely without additional adults present, and continued to allow him to bring children onto Kanakuk property during the off-hours, or to his personal Kanakuk quarters, and to engage in one-on-one activities with children throughout the camps and at his Kanakuk purchased home for extra Kamp and para Kamp activities.
246. Defendants White and Kanakuk also chose to tolerate Defendant Newman's routine use of naked activities with children on Kanakuk property and during Kanakuk programming.
247. Defendants White and Kanakuk chose to ignore Newman's public pronouncement that not a night went by without an opportunity for ministry to someone in his hot tub.
248. Defendant Newman was a popular figure among patrons of the Kanakuk programs, and he successfully recruited and helped retain numerous children in the camps.
249. Defendants White and Kanakuk deliberately chose to continue to promote Newman as a camp asset rather than risk marring Newman's attractiveness to children by encumbering him with additional supervision, public warnings, or law enforcement investigation.
250. Defendant White and Kanakuk therefore deliberately and intentionally failed to supervise Defendant Newman in an appropriate way, including by not:

- a. Ending Defendant Newman's employment.
- b. Ending Defendant Newman's interaction with children.
- c. Ending Newman's interaction with Plaintiff.
- d. Ending Newman's ability to engage children in one-on-one, unsupervised settings.
- e. Ending Defendant Newman's ability to bring children into his Kanakuk quarters or to remote or unused portions of the camp or to his home.
- f. Ending Defendant Newman's invitation to children to come to his private residence as a form of recruitment for the Kanakuk camps.
- g. Training other employees to identify warning signs and other behavior that posed a high risk of childhood sexual abuse.
- h. Employing a sufficient number of employees to maintain safe child-to-adult ratios.
- i. Ending his nightly hot tub ministry
- j. Ending his para Kamp activities
- k. Ending his extra Kamp activities

251. As a direct and proximate result of Defendants' failures to properly supervise Defendant Newman, plaintiff was injured and has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress that are medically diagnosable and significant, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

252. Defendants' actions were evil, wanton, willful, malicious and in conscious disregard to Plaintiff's right justifying an award of punitive damages which would serve to punish Defendants and deter Defendants and others from engaging in like conduct in the future.

253. Plaintiff pleads that Defendants actions in this case justify the fraud exception to the American Rule requiring that Defendants be ordered to pay Plaintiff's reasonable attorney's fees and costs.

WHEREFORE, Plaintiff prays this court enter judgment in his favor in a fair and reasonable sum, for punitive damages, for his attorney's fees, costs, and expenses incurred herein and for such other relief as the court deems just and proper.

COUNT III -- INVASION OF PRIVACY

254. Plaintiffs incorporate by reference, as if set forth at length herein, all factual allegations set forth in the foregoing paragraphs.

255. Plaintiff was and is entitled to an expectation of privacy in his body, i.e., that his naked body will not be viewed without his consent.

256. While on property which Kanakuk had a right to control, and while acting in his capacity as Defendant White's and Defendant Kanakuk's employee, and while participating in Kanakuk programming, Defendant Newman on multiple occasions convinced the minor Plaintiff to disrobe wherein Newman intentionally viewed the nude body of Plaintiff.

257. In doing so, Defendants intruded upon the seclusion of Plaintiff.

258. Plaintiff, as a minor, could not consent to these viewings or consent to the intrusion upon his seclusion.

259. Furthermore, Defendant Newman fostered in Plaintiff trust and admiration for Defendant Newman as a Kanakuk counselor.

260. Additionally, Defendant Newman taught Plaintiff that these nude observations were "normal" and not a cause for concern; therefore he did not understand the implications of the episodes.
261. Defendant Newman's viewing of the Plaintiff served no recognized valid purpose.
262. Defendant Newman's viewing of the Plaintiff intruded upon the Plaintiffs seclusion and reasonable expectation of privacy.
263. The manner of intrusion was objectively offensive to any reasonable third party.
264. Defendant Newman's viewing of the Plaintiff in conjunction with Kanakuk activities was within Newman's scope of employment; the viewings served, at least in part, as a manner to win the faith and trust of children, and therefore, promoted, as least in part, Kanakuk's interest in recruiting and retaining children to their camps; Defendants Kanakuk and White are therefore vicariously liable for Newman's privacy invasions.
265. Alternatively, Defendants White and Kanakuk ratified Defendant Newman's privacy invasions.
266. As a direct, proximate, and foreseeable result of Defendant Newman's actions, Plaintiff suffered privacy invasion that caused him emotional distress, psychological damages that will require ongoing and future treatments, decreased economic earning potential; as well as damages to his privacy and the stigma of having been exposed to a convicted child abuser.
267. Defendants' actions were evil, wanton, willful, malicious and in conscious disregard to Plaintiff's right justifying an award of punitive damages which would serve to punish Defendants and deter Defendants and others from engaging in like conduct in the future.

268. Plaintiff pleads that Defendants' actions in this case justify the fraud exception to the American Rule requiring that Defendants be ordered to pay Plaintiff's reasonable attorney's fees and costs.

WHEREFORE, Plaintiff prays this court enter judgment in his favor in a fair and reasonable sum, for punitive damages, for his attorney's fees, costs, and expenses incurred herein and for such other relief as the court deems just and proper

COUNT IV -- CHILDHOOD SEXUAL ABUSE: DEFENDANT NEWMAN

269. Plaintiffs incorporate by reference, as if set forth at length herein, all factual allegations set forth in the foregoing paragraphs.

270. During all relevant times, Plaintiff was a minor.

271. Defendant Newman engaged in the following childhood sexual abuse with Plaintiff.

272. Defendant Newman was convicted of sexual abuse.

273. Plaintiff was a designated witness in the Newman sexual abuse case.

274. As a direct and proximate result of Defendant Newman's actions, plaintiff was injured and has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress that are medically diagnosable and significant, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

275. Defendant Newman's actions were evil, wanton, willful, malicious and in conscious disregard to Plaintiff's right justifying an award of punitive damages which would serve to

punish Defendant and deter Defendant and others from engaging in like conduct in the future.

276. Plaintiff pleads that Defendants actions in this case justify the fraud exception to the American Rule requiring that Defendants be ordered to pay Plaintiff's reasonable attorney's fees and costs.

WHEREFORE, Plaintiff prays this court enter judgment in his favor in a fair and reasonable sum, for punitive damages, for his attorney's fees, costs, and expenses incurred herein and for such other relief as the court deems just and proper.

COUNT V --PREMISES LIABILITY: DEFENDANTS WHITE AND KANAKUK

277. Plaintiff incorporates the foregoing paragraphs by reference as if set forth more fully herein.

278. At all times relevant, Defendants White and Kanakuk owned and operated property used for the education and entertainment of children, referred to as Kanakuk camps.

279. In addition, Defendants White and Kanakuk took steps to exercise control or dominion over property which Newman owned and used for Kanakuk extra Kamp and para Kamp Bible studies and activities (Newman's house), said real estate having been purchased by Defendant and given to Newman.

280. Plaintiff was a minor and an invitee upon the premises owned and/or controlled by Defendant White and/or Defendant Kanakuk.

281. Defendants Kanakuk and White possessed actual knowledge that Defendant Newman presented an open risk of childhood sexual abuse, sexual misconduct, violation of rules designed to protect children, violation of the Kanakuk playbook, and invasion of privacy.

282. Defendant Kanakuk and White failed to take any steps to warn Plaintiff of this danger, or to protect him from this danger.
283. Defendant Newman sexually abused, molested, sodomized and invaded Plaintiff's privacy.
284. Defendant Newman's conduct was foreseeable given what Defendants White and Kanakuk knew about his past history at Kanakuk.
285. As a direct and proximate result of Defendants' failures to properly supervise Defendant Newman, plaintiff was injured and has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress that are medically diagnosable and significant, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.
286. Defendants' actions were evil, wanton, willful, malicious and in conscious disregard to Plaintiff's right justifying an award of punitive damages which would serve to punish Defendants and deter Defendants and others from engaging in like conduct in the future.
287. Plaintiff pleads that Defendants actions in this case justify the fraud exception to the American Rule requiring that Defendants be ordered to pay Plaintiff's reasonable attorney's fees and costs.

WHEREFORE, Plaintiff prays this court enter judgment in his favor in a fair and reasonable sum, for punitive damages, for his attorney's fees, costs, and expenses incurred herein and for such other relief as the court deems just and proper.

COUNT VI -- CONSTRUCTIVE FRAUD

288. Plaintiffs incorporate by reference, as if set forth at length herein, all factual allegations set forth in the foregoing paragraphs.
289. Defendants, by holding Newman out as counselor and leaders of Kamp Kanakuk, solicited and/or accepted a position of power, authority and confidence over the plaintiff. This position of trust prevented the Plaintiff from effectively protecting himself and Defendants thus entered into fiduciary and /or confidential relationships with plaintiff.
290. As fiduciaries and/or confidantes to plaintiff, defendants had a duty to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of Defendants' agents to Plaintiff or to those charged with his care, namely his parents.
291. Defendants had prior knowledge of past allegations of abuse and/or sexual impropriety with children involving Newman.
292. Defendants had a duty to protect plaintiff and others from a known perpetrator by warning plaintiff and others of the abuse, abusive propensities, and/or preventing Newman from accessing children in his roles with Kamp Kanakuk.
293. Defendants, however, failed to disclose information regarding Defendant Newman's abusive tendencies and history of inappropriate and sexually abusive relationships with children, or to prevent him from unfettered access to children.
294. Defendants failed to disclose their knowledge of Newman's history of using his position as leader and counselor, and the Kamp property to attract and gain access to unsupervised time with children.
295. Defendants actively represented that Defendant Newman was a capable counselor and leader, when they knew he had a propensity to sexually abuse children in the past.

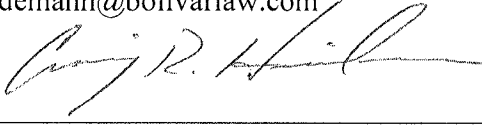
296. Defendants actively developed a plan and a strategy for keeping Newman's abusive tendencies away from public light, a plan which included:

- a. Misrepresenting the safety of leaving a child alone with Newman;
- b. Failing to warn the plaintiff or his caregivers / parents of the propensity of Newman to sexually abuse children;
- c. Failing to report any of Newman's sexual misconduct or other behaviors involving minors to law enforcement or state authorities.
- d. Aiding and abetting Newman's abuse;
- e. Failing to take any action to stop the abuse it knew was occurring;
- f. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support
- g. Violating its duties of care imposed by its status as *in loco parentis* to the children over whom it exercised dominion and control and the parents who entrusted their most precious possessions, their children;
- h. Enforcing the secrecy around the acts and/or teaching the plaintiff that the acts were normal or necessary to the relationship;
- i. Hiding the fact of the previous abuse from any individuals that might intervene, including parents, state authorities, parishes and parishioners.
- j. Failing to abide by its own internal, secular policies and procedures concerning removal, sanction, or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues.

DOUGLAS, HAUN & HEIDEMANN, P.C.
111 West Broadway, P.O. Box 117
Bolivar, Missouri 65613
Telephone: (417) 326-5261
Facsimile: (417) 326-2845
cheidemann@bolivarlaw.com

By 

Craig R. Heidemann
Missouri Bar No. 42778
Attorney for Plaintiffs

MISSOURI BAR NO. 42778 - CRAIG R. HEIDEMANN - ATTORNEY AT LAW