

IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

JANE DOE)

Plaintiff,)

Case No.)

Div.)

v.)

DEMAND FOR JURY TRIAL

KANAKUK HERITAGE, INC.)

1353 Lake Shore Drive)

Branson, Missouri 65616)

Please Serve Registered Agent:)

Joe White)

1353 Lake Shore Drive)

Branson, Missouri 65616)

and)

KANAKUK MINISTRIES)

1353 Lake Shore Drive)

Branson, Missouri 65616)

Please Serve Registered Agent:)

John Jensen)

1353 Lake Shore Drive)

Branson, Missouri 65616)

and)

KUKORP, LLC)

1353 Lake Shore Drive)

Branson, Missouri 65616)

Please Serve Registered Agent:)

Debbie-Jo White)

1353 Lake Shore Drive)

Branson, Missouri 65616)

and)

JOE WHITE, Individually,)

1353 Lake Shore Drive)

Branson, Missouri, 65616)

Defendants.)

PETITION FOR DAMAGES

COMES NOW Plaintiff, Jane Doe, by and through counsel, for her Petition for Damages against Defendants Kanakuk Heritage, Inc., Kanakuk Ministries, KUKORP, LLC, and Joe White (hereinafter the “Kanakuk Defendants”) states and alleges as follows:

PARTIES

1. Plaintiff Jane Doe (hereinafter “Plaintiff”) resides in Dallas, Texas. Plaintiff is identified by pseudonym because of the sensitive nature of the allegations in this lawsuit. Defendants will not be prejudiced by Plaintiff’s anonymous filing as Defendants know the identity of Plaintiff. Further, the need for anonymity outweighs any public interest in favor of openness as Plaintiff is in active trauma from the events alleged herein. As such, Plaintiff fears further psychological and emotional injury if her real name were publicly disclosed due to the personal and sensitive nature of the allegations in this case.

2. Defendant Kanakuk Heritage, Inc. (hereinafter “Kanakuk Heritage”) is a Missouri corporation and is the surviving corporation and/or owner of all predecessor Kanakuk entities, including K-Kamps, Inc., Kanakuk Kamps, Inc., and/or Christian Children’s Charity. On information and belief, Defendant Kanakuk Heritage transacted business in Missouri, owned, used, and possessed real estate situated in Missouri, and committed tortious acts in Missouri. At all times relevant to this Petition, Kanakuk Heritage was not a church or a religious organization. Kanakuk Heritage can be served through its registered agent at the address listed above.

3. Defendant Kanakuk Ministries is a Missouri non-profit corporation and is the surviving corporation and/or owner of all predecessor Kanakuk entities, including K-

Kamps, Inc., Kanakuk Kamps, Inc., and/or Christian Children's Charity. Defendant Kanakuk Ministries transacted business in Missouri, owned, used, and possessed real estate situated in Missouri, and committed tortious acts in Missouri. At all times relevant to this Petition, Kanakuk Ministries was not a church or a religious organization. Kanakuk Ministries can be served through its registered agent at the address listed above.

4. Defendant KUKORP, LLC (hereinafter "KUKORP") is a Missouri limited liability company, active and in good standing, authorized to do business in Missouri. Defendant KUKORP transacted business in Missouri, owned, used, and possessed real estate situated in Missouri, and committed tortious acts in Missouri. Defendant KUKORP is comprised of a single member, Debbie Jo White, who resides in Missouri. At all times relevant to this Petition, KUKORP was not a church or a religious organization. KUKORP can be served through its registered agent at the address listed above.

5. Defendant Joe White is an individual resident and citizen of the State of Missouri. At all times relevant to this Petition, Joe White served as President of Defendants Kanakuk Heritage and Kanakuk Ministries. Joe White can be served at the address listed above.

6. All defendants may be collectively referred to herein as "Defendants."

JURISDICTION AND VENUE

7. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Missouri common law. This Court has jurisdiction because the Kanakuk Defendants are Missouri corporations, registered and transacting business in this State. Defendant Joe White is a citizen of the State of Missouri.

Together, Defendants committed tortious acts in the State of Missouri.

8. Venue is proper in this court under RSMo. § 508.010, because Plaintiff was first injured in Branson, Taney County, Missouri.

GENERAL ALLEGATIONS

9. At all times relevant to this Petition, the Kanakuk Defendants owned and operated residence camps for children known as “Kanakuk Kamps” where children would come sleep and attend camp activities for periods of time ranging from one to three weeks.

10. Kanakuk Kamps include, but are not limited to, K-1, K-2, and K-Kountry.

11. In 1995, the Kanakuk Defendants hired and retained Peter Newman (hereinafter referred to as Newman”) in the position of counselor.

12. At all times relevant to this Petition, Newman was an employee of Defendants.

13. From 1997 to 2005, William Cunningham (hereinafter “Cunningham”) was Director of K-Kountry.

14. During the same time period, Cunningham was the direct supervisor of Newman. *Id.*

15. During the time Newman was a Kanakuk employee, he was a serial abuser and used his position at Kanakuk to sexually abuse numerous children.

16. In 1999, a camper's parent notified Kanakuk leadership, including president, Doug Goodwin, and director of personnel, Kris Cooper, that Newman had engaged in inappropriate conduct with several young boys while nude, including swimming in the lake and four-wheeling.

17. Kanakuk leadership admits that it recognized as early as 1999 that the conduct by Newman was inappropriate.

18. At that time, or just after, Cunningham, in his capacity as supervisor and employee, was told of the 1999 complaints of inappropriate conduct against Newman.

19. The Kanakuk Defendants told Cunningham that Kanakuk leadership reported Newman's inappropriate conduct to the Taney County District Attorney's office.

20. On July 6, 2001, Cunningham sent Newman a letter warning him to stop sleeping alone with children.

21. In 2003, the Kanakuk Defendants received additional reports of Newman engaging in inappropriate conduct with children, including swimming and playing basketball nude with children at Defendants' K-2 property.

22. That same year, a concerned parent suspected and reported Newman of exhibiting unusual/sexual behavior towards her son at a father-son retreat after witnessing her son throw away his jeans after the retreat and proclaiming, "I never want to see Pete again."

23. At that time, the Kanakuk Defendants knew that Newman's actions constituted clear violations of the policies and standards of behavior in place at Kanakuk Kamps.

24. At that time, the Kanakuk Defendants knew, or should have known, that Newman was committing crimes of sexual misconduct and engaging in illegal behavior with children.

25. Due to the number of complaints regarding Newman's inappropriate conduct with children, Cunningham reprimanded Newman and dismissed him from participating in the 2003 Summer Leadership Weekend.

26. In October 2003, Kanakuk Kamps implemented, and had Newman

acknowledge, “Boundaries for Ministry” with the objective to “help Pete understand what healthy ministry is, and to make sure Pete never places himself in a compromising position that his integrity would be in question.”

27. The Boundaries for Ministry explicitly prohibited Newman from spending the night alone with children, being involved with sexual humor, suggesting, or being involved with any sexual or nude behavior, touching children in any way that might be perceived as sexual in nature, and having any contact with kids in private without permission.

28. Additionally, sometime between 2003 and 2006, Cunningham recommended to Kanakuk leadership that Newman's employment be terminated.

29. The Kanakuk Defendants also reached out to the Smalley Center to discuss Newman's inappropriate conduct with children and to set up a potential evaluation of Newman.

30. The Kanakuk Defendants, and specifically Defendant White, were the only ones with the authority to terminate Newman’s position.

31. Rather than terminating Newman, however, the Kanakuk Defendants allowed Newman to serve as Assistant Director at K-Kountry in 2003.

32. In 2005, the Kanakuk Defendants promoted Newman to Director of K-Kountry.

33. Then in 2006, an alarmed father contacted the Kanakuk Defendants, claiming Newman kept making late night calls and texts to his son.

34. Also in 2006, Defendant White learned that Newman was “ministering” to children in his hot tub on a nightly basis. Newman's wife also expressed concerns to Defendant White about this practice. Defendant White felt this was enough of a problem to issue a corrective action. The correction, however, was not to prohibit hot tub encounters, but merely an

encouragement to Newman to assess the amount of time he was spending with his family.

35. That same year, a female camper reported to her mother, after her K-Kountry term, that she witnessed Newman's inappropriate behavior with a boy camper. The mother reported this to the Kanakuk Defendants, who said they would investigate the matter. The Kanakuk Defendants later responded that they had looked into the incident and that the female camper who reported this incident wasn't athletic nor godly enough to be a fit for Kanakuk, and she should not return to camp.

36. Newman remained in the position of Director of K-Kountry until 2009, when he confessed to crimes against children. In 2010, Newman received a double life sentence plus thirty years for sexually abusing Kanakuk attendees, which is believed to be in the hundreds.

37. In June 2010, following Newman's arrest, the Kanakuk Defendants crafted a message to be sent out to approximately 8,000 Kanakuk families admitting that "several years ago" they became aware of Newman's inappropriate conduct and failed to take necessary actions.

38. In the proposed June 17, 2010, letter, the Kanakuk Defendants specifically identify several prior incidents of inappropriate conduct involving Newman that were previously reported, including "skinny dipping and playing basketball in the buff." While acknowledging that Newman's misconduct "were clear violation of the policies and standards of behavior in place at Kanakuk," the Kanakuk Defendants wrote off the sexual abuse as "immature and inappropriate behavior" and "behavior driven by immaturity and incredibly bad judgment, nothing else."

39. Despite the reports of inappropriate conduct against Newman made in 1999, 2003, and 2006, which the Kanakuk Defendants admit to receiving in its proposed June 17, 2010, letter, the Kanakuk Defendants continued to retain Newman as an employee, ignored Cunningham's recommendation to terminate Newman's employment, and shortly thereafter, promoted Newman to director of K-Kountry, where he used his position of power, trust, and dominance to continue to sexually abuse minor children over the next several years.

40. The Kanakuk Defendants had a duty to supervise Newman during his employment with Kanakuk.

41. At all times relevant to this Petition, Newman was empowered by Kanakuk Defendants to work with minors attending the camp. Newman was empowered to interact with, mentor, supervise, and provide religious education to youths attending the program. Newman did so during the time and space limitations of his employment and was motivated, at least in part, to serve Kanakuk Defendants in doing so.

42. Newman used his position, and the authority and power vested in him by the Kanakuk Defendants, to groom and sexually abuse many youths attending Kanakuk, including Plaintiff.

43. Plaintiff attended K-Kountry in 2008 when she was 9 years old.

44. Upon arrival at K-Kountry, Plaintiff was mistakenly placed and left in a cabin with older girls rather than girls her age.

45. Plaintiff immediately felt scared and became homesick. Plaintiff was bullied by the older girls and taunted when she cried.

46. During this time, Plaintiff was introduced to Newman, who used his position to gain Plaintiff's trust and isolate her away from other campers.

47. On multiple occasions, Newman inappropriately touched Plaintiff and forced Plaintiff to perform oral sex on him. Plaintiff recalls being scared, choking and feeling like she was suffocating when Newman forced her to perform oral sex.

48. Newman told Plaintiff that if she didn't do such acts or said anything to anyone she would not get to go home.

49. Despite having explicit knowledge of the particular sexual danger Newman posed to Plaintiff prior to the onset of his abuse, Kanakuk Defendants did nothing to supervise Newman's interactions with Plaintiff, nothing to control Newman, and nothing to protect Plaintiff. Defendants authorized and empowered Newman to perform all duties as a youth pastor and mentor. Defendants knew, that as part of his duties as youth pastor, Newman would be in a position of trust, confidence, and authority over Plaintiff and other children in the program.

50. Defendants allowed Newman to do so and willingly vested this authority in him despite having known, or having should have known, that he was a continuing sexual danger to children.

51. As a result of the authority Kanakuk Defendants vested in Newman to act as youth pastor of Kanakuk, Plaintiff was conditioned to trust Newman, to comply with his directions, and to respect him as a person of authority, including in religious, moral, and ethical matters. Defendants placed Plaintiff in this situation despite having known, or having should have known, that Newman was a continuing danger to children. Using the power,

authority and trust of his position at Kanakuk, and availing himself of Kanakuk's representations that he was not only safe but a moral and religious authority figure, Newman induced and directed Plaintiff to engage in various sexual acts while Plaintiff was a minor ("the sexual abuse described herein").

52. Defendants' acts and/or omissions, as alleged herein, directly caused, or directly contributed to cause, Plaintiff to suffer damages which includes medical expenses and non-economic loss (pain, suffering, mental anguish, disability, and loss of enjoyment of life) to date, and future medical expenses, economic loss, and non-economic loss (pain, suffering, mental anguish, disability, and loss of enjoyment of life).

53. Plaintiff is bringing this action to recover damages from Defendant arising from his personal injuries.

MEMORY OF WRONG REPRESSED

54. Plaintiff's memory of the sexual abuse she endured while at Kanakuk by Newman was repressed before Plaintiff turned 18 years of age, before Plaintiff noticed both that a wrong had occurred and that substantial damage had resulted, and before Plaintiff knew sufficient facts to be put on notice of the need to inquire further as to these matters.

55. In late 2024, Plaintiff regained the repressed memories of sexual abuse by Newman, and for the first time had reason to question Defendants' conduct and had information sufficient to place her on notice of a potentially actionable injury against Defendants.

56. Since recovering memory of the sexual abuse by Newman, Plaintiff has undergone, and continues to undergo, extensive mental health care treatment, including counseling and therapy.

COUNT I
NEGLIGENT RETENTION
(Against the Kanakuk Defendants)

57. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

58. The Kanakuk Defendants owed a duty of reasonable care in retaining their agents and/or employees, and to ensure that their agents and/or employees were safe, fit, and suitable for employment.

59. The Kanakuk Defendants breached their duty were therefore negligent in their retention of Newman as their agent and/or employee.

60. The Kanakuk Defendants knew, or in the exercise of reasonable care should have known, that Newman, during his tenure as a pastor, director, and/or agent of Kanakuk, subjected Plaintiff and other children attending the program, to an unreasonable risk of harm.

61. For the reasons described throughout this Petition, the Kanakuk Defendants' decision to retain Newman for as long as they did, despite their knowledge of the danger he posed to children and to Plaintiff, was negligent and a proximate cause of Plaintiff's damages.

WHEREFORE, Plaintiff prays for judgment against Defendants for such compensatory damages in an amount that is fair and reasonable as may be determined by the jury at trial, for her costs incurred, and for such further relief as the Court deems just and equitable.

COUNT II
NEGLIGENT SUPERVISION
(Against the Kanakuk Defendants)

62. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.
63. The Kanakuk Defendants owed a duty of reasonable care to supervise its agents and/or employees, including Newman.
64. The Kanakuk Defendants knew, or in the exercise of reasonable care, should have known, that Newman presented a risk of danger to Plaintiff and other children.
65. Specifically, the Kanakuk Defendants began receiving complaints of inappropriate conduct by Newman with minor children as early as 1999. By 2006, before Plaintiff arrived at Kanakuk, the Kanakuk Defendants had received numerous complaints of inappropriate conduct by Newman with youths in the program and the Kanakuk Defendants were fully aware that Newman was a danger to children.
66. The Kanakuk Defendants knew without question that Newman was a serial child molester by the time Newman first sexually abused Plaintiff in 2008 while at K-Kountry.
67. Despite this knowledge, the Kanakuk Defendants took no action to protect Plaintiff and other children attending the program. They took no action to restrict Newman's access to his victims. Their inaction is directly responsible for Plaintiff's injuries. The Kanakuk Defendants knew, or should have known, that such inaction would result in the harm suffered by Plaintiff, which it did.
68. The Kanakuk Defendants, as described herein, concealed from minor attendees and their parents their knowledge that Newman was a sexual predator who was using the position of trust they put him in to sexually abuse children. They misrepresented to parents that their children

were safe around Newman when, in fact, young children were at an unreasonably heightened risk of sexual abuse by Newman, a risk of which Kanakuk Defendants were aware, but attendees and parents were not.

69. The Kanakuk Defendants systematically ignored these notices of Newman's danger to children prior to and during his sexual abuse of Plaintiff. They chose not to investigate the numerous allegations, discipline Newman, restrict Newman's duties, increase monitoring or supervision of Newman, report Newman to law enforcement, terminate Newman, or otherwise take reasonable steps to intervene and protect Newman and other children from the danger posed by Newman.

70. Given the multiple, specific reports made directly to the Kanakuk Defendants, and other information readily available to them, they knew, or should have known, about Newman's repeated inappropriate conduct and the danger of sexual abuse he posed towards children in the program. However, despite this knowledge, they continuously and systematically ignored such reports and notices. They minimized and downplayed the harm of sexual abuse to children and repeatedly downplayed their historical knowledge of the nature and extent of harm they knowingly allowed Newman to cause.

71. For all of the reasons described herein, the Kanakuk Defendants breached their duty to Plaintiff. Such conduct by the Kanakuk Defendants directly caused, or directly contributed to cause, the aforementioned harm to Plaintiff.

WHEREFORE, Plaintiff prays for judgment against Defendants for such compensatory damages in an amount that is fair and reasonable as may be determined by the jury at trial, for her costs incurred, and for such further relief as the Court deems just and

equitable.

COUNT III
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against the Kanakuk Defendants)

72. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

73. The aforementioned negligent acts and/or omissions of the Kanakuk Defendants involved an unreasonable risk of causing emotional distress to Plaintiff.

74. The Kanakuk Defendants knew, or should have known, of such unreasonable risks of causing emotional distress to Plaintiff.

75. The emotional distress and mental injury that Plaintiff suffered is medically diagnosable and medically significant and Plaintiff has and/or will need medical and psychiatric care and treatment in the future.

76. As a direct and proximate cause of the Kanakuk Defendants' breach of the duties owed to Plaintiff, she suffered severe emotional trauma from being sexually abused by Newman.

WHEREFORE, Plaintiff prays for judgment against Defendants for such compensatory damages in an amount that is fair and reasonable as may be determined by the jury at trial, for her costs incurred, and for such further relief as the Court deems just and equitable.

COUNT IV
SEXUAL BATTERY - VICARIOUS LIABILITY
(Against the Kanakuk Defendants)

77. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

78. Newman wrongfully, intentionally, and by force made harmful physical sexual

contact with Plaintiff, a minor child, without legal consent.

79. Newman was acting within the scope of his employment and authority, and for the benefit of the Kanakuk Defendants, and wielding the power they bestowed on him when he sexually abused Plaintiff.

80. In the first alternative, acts within the course and scope of Newman's employment led to or resulted in sexual abuse.

81. In the second alternative, Newman's sexual abuse of Plaintiff was aided by his agency for the Kanakuk Defendants.

82. In the third alternative, the Kanakuk Defendants ratified Newman's sexually abusive conduct towards Plaintiff and other children when it chose to retain him.

83. In the fourth alternative, Newman's tortious conduct, ostensibly, was committed in furtherance of Kanakuk Defendants' goals.

84. The battery was a proximate cause of Plaintiff's injuries.

85. As a direct result of the battery, Plaintiff has suffered injuries and damages.

WHEREFORE, Plaintiff prays for judgment against Defendants for such compensatory damages in an amount that is fair and reasonable as may be determined by the jury at trial, for her costs incurred, and for such further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues triable in this case.

Respectfully submitted,

MONSEES & MAYER, P.C.

BY /s/ Phillip R. Martens

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