

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
SHIELAGH CLARK

Plaintiff,

- against -

HYDE PARK BAPTIST CHURCH

Defendant.
-----X

To the above named Defendant:

YOU ARE HEREBY SUMMONED to answer the Verified Complaint in this action and to serve a copy of your Verified Answer on the undersigned attorneys, Hach Rose Schirripa & Cheverie LLP, representing Plaintiff, within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York).

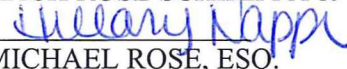
Please take notice that this action is based on a tort cause of action, that plaintiff seeks money damages for personal injuries and that incase of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Verified Complaint.

Defendant's Address: 10 Romans Road, Hyde Park, New York 12538

Dated: New York, New York
May 25, 2020

Respectfully Submitted,

HACH ROSE SCHIRIPPA & CHEVERIE, LLP


MICHAEL ROSE, ESQ.

HILLARY M. NAPPI, ESQ.

112 Madison Avenue, 10th Floor

New York, New York 10016

212-213-8311

Attorneys for Plaintiff Shielagh Clark

Index No.

Plaintiff designates
DUTCHESS COUNTY as
place of trial.

The basis of venue is
Defendant's place of
business.

Summons

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
SHIELAGH CLARK

Index No.

Plaintiff,

-against-

VERIFIED COMPLAINT

JURY TRIAL DEMANDED

HYDE PARK BAPTIST CHURCH,

Defendant.
-----X

Plaintiff, Shielagh Clark, by her attorneys Hach Rose Schirripa & Cheverie, LLP, complaining of the respective Defendant Hyde Park Baptist Church respectfully alleges, upon information and belief and states as follows:

INTRODUCTION

1. This is a revival action brought pursuant to C.P.L.R. §214-g, the New York Child Victims Act (the “CVA”). The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each of Plaintiff’s claims were time barred.

2. Shielagh Clark was a member of and attended Hyde Park Baptist Church since 1995, where she was an active parishioner and participated in many of the youth ministry programs offered by Hyde Park Baptist Church.

3. When she was a minor, Plaintiff was sexually abused by Jonathan Weaver. Jonathan Weaver was a Senior Pastor at the Hyde Park Baptist Church and part of the staff at the church. Jonathan Weaver committed his heinous acts while in the course of his duties as a Senior Pastor under the guidance and control of Hyde Park Baptist Church. Plaintiff’s life was forever changed as a result of the negligent conduct described herein.

4. As a result of the passage of the CVA, Plaintiff can now pursue restorative justice. Plaintiff brings suit to vindicate her rights.

PARTIES

5. Shielagh Clark ("Plaintiff"), whose name at the time of the abuse was Shielagh Thompson, is an individual residing in South Carolina.

6. Upon information and belief, and at all times relevant, and to the present day, the Hyde Park Baptist Church ("Church") was and is a not-for-profit religious corporation organized under New York law with its principal place of business in Dutchess County, New York.

7. At all times relevant, the Church was and is located at 10 Romans Road, Hyde Park, New York 12538, hereinafter referred to as the "Premises."

8. Upon information and belief, since 1986 the congregation of believers who attended services on the Premises has been known as the Hyde Park Baptist Church. It is an Independent Baptist Church and is subject to the control of no other ecclesiastical body.

9. According to the Church's Constitution and By-Laws, the Church believes "that God has commanded that no intimate sexual activity be engaged in outside of a marriage between a man and a woman."

10. Upon information and belief, according to the Church's Constitution and By-Laws, the Church believes "that men and women are spiritually equal in position before God, but that God has ordained distinct and separate spiritual functions for men and women in the home and the church. The husband is to be the leader of the home, and men are to be the leaders (pastors and deacons) of the Church."

11. Upon information and belief, according to the Church's Constitution and By-Laws, the Church believes "the husband is to love his wife as Christ loves the Church. The wife is to

submit herself to the leadership of her husband.”

12. Upon information and belief, and at all times relevant, the Church employed a Senior Pastor and others to serve and lead the parishioners of the Church, and thus the Plaintiff.

13. Upon information and belief, and at all times relevant, the Church provided an office for the Senior Pastor on the Premises.

14. Upon information and belief, the duties of the Senior Pastor are to preach the gospel regularly and to “oversee the administration of the ordinances of the church, supervise the teaching ministries of the church, and tenderly watch over the spiritual interests of the membership.”

Relevant Non-Parties

15. Jonathan Weaver (“Weaver”) is not a party to this action. However, Weaver is the individual who committed the acts described herein which give rise to Plaintiff’s allegations.

16. At all times relevant hereto, Weaver was employed as Senior Pastor at the Premises by Defendant the Church.

17. At all times relevant hereto, Weaver was an agent of the Defendant.

18. At all times relevant hereto, Weaver had an office on the Premises.

19. During the time Weaver was employed at the Church, he used his position as a Senior Pastor to groom and sexually abuse the Plaintiff.

20. Further, Weaver used the teachings of the Church, as explained by the By-Laws to manipulate and sexually abuse the Plaintiff.

JURISDICTION AND VENUE

21. This Court has personal jurisdiction over the claims asserted herein pursuant to C.P.L.R. §§ 301 and 302, in that the Defendant transacts business within the State of New York.

22. This Court has jurisdiction over this action because the amount of damages Plaintiff

seeks exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

23. Venue for this action is proper in the County of Dutchess pursuant to C.P.L.R. §503 in that the Defendant transacts business in the County of Dutchess.

FACTS COMMON TO ALL CAUSES OF ACTION

24. At all times relevant hereto, Weaver was on the staff of, acted as an agent of, and served as an employee of, the Defendant and was assigned to the Church.

25. At all times relevant hereto, Weaver was employed as a Senior Pastor by the Defendant while he worked at the Church, thus was an agent of the Defendant.

26. Upon information and belief, the religious clergy posted to the Church had office space on the Premises.

27. Upon information and belief, and at all times relevant hereto, the Church, its agents, servants and employees managed, maintained, operated and controlled the Premises.

28. Upon information and belief, and at all times relevant hereto, the Church held itself out to the public its agents, servants, and employees as those who managed, maintained, operated and controlled the Premises.

29. Upon information and belief, and at all times relevant hereto, Defendant was, in whole or in part, responsible for the hiring and staffing and did the hiring and staffing at the Church.

30. At all relevant times, Defendant held Weaver out to the public, and to Plaintiff, as their agent and employee.

31. At all relevant times, Defendant held Weaver, out to the public, and to Plaintiff, as having been vetted, screened and approved by Defendant.

32. At all relevant times, Plaintiff reasonably relied upon the acts and representations

of Defendant, their agents, servants and employees and reasonably believed that Weaver was an agent or employee of the Defendant, who was vetted, screened and approved by that Defendant.

33. Upon information and belief, and at all times relevant hereto, Weaver was on the staff of, acted as an agent of and served as an employee of the Defendant.

34. Upon information and belief, and at all times relevant hereto, Weaver was acting in the course and scope of his employment with the Defendant.

35. Upon information and belief, and at all times relevant hereto, Weaver was employed by Defendant and assigned to the Church.

36. Upon information and belief, and at all times relevant hereto, Weaver was an agent of the Church.

37. At all relevant times, Plaintiff trusted Weaver because the Defendant maintained a façade within the larger community that the Church was safe and could be trusted with the supervision, care, custody and control of Plaintiff.

38. At all relevant times, Plaintiff believed that the Defendant would exercise such care as would a parent of ordinary prudence in comparable circumstances, when the Defendant assumed supervision, care, custody and control of Plaintiff.

Plaintiff Meets Weaver Who Grooms and Sexually Abuses Her

39. Plaintiff was born in February of 1985.

40. In or around 1995, when Plaintiff was 10 years old, her family joined the Church and Plaintiff became an active member and parishioner.

41. Plaintiff always wanted to serve God and she participated in the Youth Ministry.

42. Plaintiff was involved in missions with the Church, Youth Ministry trips, holiday shows, and daily church work. In short, Plaintiff spent a lot of time at the Church.

43. In or around the same time period, Plaintiff met Weaver. Weaver was the Senior Pastor at the Church and as such, Plaintiff had contact with him on a daily basis. Weaver had been a part of the Church since the 1990's.

44. Upon information and belief, Weaver was married and had several children of his own.

45. In or around 2000, Weaver took more notice of Plaintiff.

46. In or around October 2000, Plaintiff participated in the Church's Mission Trip to Ukraine. Plaintiff was assigned to Weaver as a "travel buddy" because her parents did not attend the trip. On the flight back from the mission, Weaver intertwined his fingers with Plaintiff's and held her hand tightly for the entire flight. Once they landed in NYC, they boarded a van that was to take them back to the Church. Plaintiff was sitting next to Weaver, he pretended to sleep as he ran his hand all the way up the inside of her thigh, startling Plaintiff.

47. After that trip, Weaver asked Plaintiff for her email so he can send her pictures from the mission trip. Weaver emailed Plaintiff nearly every day after that. At first the emails seemed innocent but then they became more personal.

48. In or around November of 2000, when Plaintiff was 15 years old, Weaver began taking Plaintiff into his office on the Premises of the Church and would close the door. Weaver would sit at the edge of his desk and hug Plaintiff, tight against him, and then run his hands under her shirt to caress and massage Plaintiff's back.

49. One day, Weaver had Plaintiff in his office, and he asked her to come over to his side of the desk so he can show her something on his computer. When Plaintiff went to the other side of the desk, Weaver pulled her and made her sit on his lap. Plaintiff was very uncomfortable in that position.

50. In or around December of 2000, Weaver asked Plaintiff to volunteer for “visitations” on Tuesdays at 7 pm, this way Weaver would see Plaintiff more at the Premises. In addition to her other after school activities at the Church, on Tuesdays Plaintiff would be at the Church from 2:30pm until 10pm.

51. On December 5, 2000, Plaintiff was waiting for Weaver to return from “visitations” so that he could drive her home. Plaintiff fell asleep on the bench in his office. When Weaver returned, he laid next to her on the bench. They did not fit side by side, so he laid down on the bench and moved Plaintiff on top of him. Weaver rubbed his beard against Plaintiff’s face and then proceeded to kiss her on the lips. Plaintiff was shocked and felt awkward and afraid.

52. During this time, Weaver told Plaintiff that he wanted to be a father figure to her and that he loved her like a daughter. Weaver called Plaintiff his “special friend” and told her that their relationship had to be a secret because people would not understand. Weaver also told Plaintiff that God did not think what he was doing was wrong.

53. By 2001, when Plaintiff was 16 years old, Weaver was kissing, massaging Plaintiff’s body, hugging and making Plaintiff sit on his lap at least once to twice a week on the Premises.

54. On the week of April 16 through April 21, 2001, Plaintiff attended the “Senior High Trip to Visit Colleges” in South Carolina, accompanied by Weaver and Dale Blue, the other adult on the trip. They stayed in the dorms and Campus View Apartments at Bob Jones University, Weaver’s alma mater. Weaver showed Plaintiff around the campus and then walked her to the apartments. At the apartment, Weaver forced Plaintiff to change into his t-shirt because it was hot out. Plaintiff was sitting on the bed uncomfortable and feeling vulnerable. Weaver began to massage her back and then he unclasped her bra. He also reached down and massaged her buttocks

and then her stomach. Plaintiff put her arm across her stomach to stop it but then Weaver forced her arm off, and he then fondled her breasts. Weaver then pulled Plaintiff over on top of him and put her leg between his while he touched her all over. Plaintiff could feel his penis rubbing against her, so she bit Weaver's shoulder and he stopped.

55. Immediately after the incident, Weaver told Plaintiff that he would not touch her like that again. Weaver told Plaintiff that if she dressed more modestly that this would not happen to her. Weaver also told her that he loved Plaintiff like a daughter, but she had one thing his daughter did not have and that was "breasts." Weaver also told her that it felt good to have a woman sit on his lap.

56. The next day, Plaintiff was lured by Weaver to the apartments again. Plaintiff fell asleep on one of the beds in the room only to wake up with Weaver on top of her straddling her at the hips. Plaintiff's shirt and skirt were unbuttoned, and he was sucking on her breasts. Plaintiff froze and pretended to be sleeping. Weaver licked her body and put his face between her breasts. Weaver then sat on the other bed and told Plaintiff, "I blew it again, will you forgive me?"

57. On June 25, 2001, Plaintiff attended a trip to Hershey Park with the Church. Weaver attended as well. While on the trip, Weaver brought Plaintiff into a laundry room and locked the door. Weaver took off Plaintiff's shirt and fondled her breasts.

58. On July 19, 2001 while on the Premises, Weaver grabbed Plaintiff from behind and held onto her breasts.

59. On October 19, 2001, Plaintiff attended the "Youth Lock-In" game which was held outdoors in the woods of the Premises. Weaver took Plaintiff aside and put his hands in her pants and touched her labia. During this time Weaver continued to tell Plaintiff how what he was doing was not wrong. Plaintiff was told by Weaver that "this is what God made (her) for" and that she

was helping him serve his ministry better, and that he would abandon his family and destroy the church community if she did not comply. Weaver continued to take advantage of Plaintiff.

60. By 2002, Plaintiff was being molested every Tuesday and Saturday by Weaver.

61. In January of 2002, when Plaintiff was 16 years old, Weaver pinned her against the wall in the hallway of the Premises and forced Plaintiff to touch his penis. Weaver then led her to one of the offices and pulled Plaintiff on top of him and rocked her up and down against his body so that his penis was rubbing against her until he ejaculated on himself.

62. The next week, Weaver took Plaintiff into his office and laid her down on the floor and forced himself on top of Plaintiff. He put a condom on his erect penis and stuck it between her legs and thrust his hips, rubbing his penis against her vaginal area, until he reached full orgasm. This continued every week. After a while, Weaver began to take Plaintiff's pants off or pull her skirt up and perform the same act, rubbing against her vaginal area. Soon it escalated to Weaver taking Plaintiff's pants and underwear off and performing the same act against her bare vagina.

63. On several occasions, Weaver would force Plaintiff to hold his penis and would tell her to squeeze it as hard as she could.

64. On the week of March 22 through March 30, 2002, was the Senior High Trip to visit colleges out West. Plaintiff did not want to attend because of the events of the previous College Tour trip. Weaver told Plaintiff that if she did not attend that he would cancel it for everyone. Plaintiff did not want to ruin it for everyone else, so she attended. Weaver acted on his desires and sexually assaulted Plaintiff while everyone was sleeping.

65. In August of 2002, Plaintiff attended the "Camp Calvary" trip as a junior counselor. Weaver took Plaintiff down to an underground storage room on the campsite and forcefully kissed her and fondled her breasts.

66. In or around October 2002, Weaver took Plaintiff to a couch in the foyer of the Church and pulled her pants down. Weaver began licking Plaintiff's vagina and she was scared and pushed him away. Weaver grabbed Plaintiff again and forcibly continued to perform oral sex on her.

67. In or around November 2002, Pastor Nargi, who also was employed by the Defendant, saw Weaver holding Plaintiff's hands while they were in the secretary's office in the dark. Weaver immediately pulled away and went to talk to Pastor Nargi. Plaintiff remained in fear of what would happen next, but Pastor Nargi never contacted Plaintiff to check on what was occurring between her and Weaver.

Plaintiff's Sexual Assault Continues Into Young Adulthood

68. In 2003, while Plaintiff was in Weaver's office and was kissing her and fondling her, Pastor Nargi walked in on them. No action was taken by Pastor Nargi.

69. In or around September of 2003, Weaver forcibly vaginally penetrated Plaintiff. Plaintiff was a virgin up until then and she tried to squirm away, but he held her down and told her it would be okay. She kept struggling to get out from under him and Weaver finally stopped and then apologized. After that, Plaintiff felt nauseous and sick over what had happened. Plaintiff vomited several times at work just thinking about what had happened in that office, feeling violated and scared.

70. Plaintiff was so naïve that she thought she felt sick because she was pregnant. Weaver told her that was not possible because it was too soon but took Plaintiff to a cemetery to take a pregnancy test.

71. In 2004, when Plaintiff was 19 years old, she had completed one year of community college and transferred to Bob Jones University in South Carolina. She wanted to get away from

Weaver and hoped the sexual abuse would end.

72. In early April of 2005, Weaver visited Plaintiff at College. Weaver had told the Church he was traveling to recruit a new associate pastor.

73. Upon information and belief, Weaver did scout potential new employees for the Church, but Weaver vaginally raped Plaintiff on April 2005 resulting in a pregnancy.

74. Shortly, thereafter, news of Plaintiff's pregnancy spread through the Church and Weaver resigned.

75. Upon information and belief, Weaver behaved in a blatant manner which should have caused other employees, clergy, or staff at the Church to question his behavior and motivation toward Plaintiff that those employees had a duty to protect.

76. Upon information and belief, the Church relied upon its agents, employees and/or staff to ensure the safety and maintenance of the Premises.

77. Upon information and belief, the Church did not have any security to protect members and/or minors, like Plaintiff, from harm.

78. Upon information and belief, Defendant was aware of Weaver's predilection to engage in sexually inappropriate behaviors with children.

79. Upon information and belief, Weaver sexually abused other children.

80. At all times, the conduct alleged herein was not only immoral but violated New York State's Penal Code.

81. As a direct result of the conduct described herein, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological

treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION NEGLIGENCE

82. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs “1” through “81” as if fully set forth herein.

83. The Church had a duty to take reasonable steps to protect Plaintiff, a child, from foreseeable harm when she was under its supervision and in its care, custody and control.

84. The Church also had a duty to take reasonable steps to prevent Weaver from using the tasks, Premises, and instrumentalities of his position as a pastor with the Defendant to target, groom and sexually abuse children, including Plaintiff.

85. The Church was supervising Weaver and had care, custody, and control of Plaintiff when she was a member enrolled in the Church, during which time the Church had a duty to take reasonable steps to protect Plaintiff.

86. These circumstances created a special relationship between the Defendant the Church and the Plaintiff, which imposed on the Defendant the Church a duty to exercise the degree of care a parent of ordinary prudence in comparable circumstances.

87. Defendant the Church breached each of the foregoing duties by failing to exercise reasonable care to prevent Weaver from harming Plaintiff, including sexually abusing her.

88. In breaching these duties, including hiring, retaining, and failing to supervise Weaver, giving him access to children, entrusting their tasks, Premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from

sexual abuse and other harm, failing to warn Plaintiff, her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Plaintiff and other children who were under its supervision and in its care, custody and control, the Defendant the Church created a risk that Plaintiff would be sexually abused by Weaver. Defendant the Church through its actions and inactions created an environment that placed Plaintiff in danger of unreasonable risks of harm under the circumstances.

89. In breaching these duties, including hiring, retaining, and failing to supervise Weaver, giving him access to children, entrusting their tasks, Premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Plaintiff, her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Plaintiff and other children who were under its supervision and in its care, custody and control, Defendant the Church acted willfully and with conscious disregard for the need to protect Plaintiff. Defendant the Church through its actions and inactions created an environment that placed Plaintiff in danger of unreasonable risks of harm under the circumstances.

90. It was reasonably foreseeable that Defendant the Church's breach of these duties of care would result in the sexual abuse of Plaintiff.

91. As a direct and proximate result of the acts and omissions of Defendant the Church, Weaver groomed and sexually abused Plaintiff, which caused Plaintiff to be damaged.

92. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness and recklessness of the Defendant the Church, without any negligence on the part of the Plaintiff contributing thereto.

93. By reason of the foregoing, Defendant the Church is liable to Plaintiff for

compensatory damages and punitive damages, together with interests and costs.

94. Per C.P.L.R. § 1603, the foregoing cause of action is exempt from the operation of C.P.L.R. § 1601 by reason of one or more of the exemptions provided under C.P.L.R. § 1602, including, but not limited to, C.P.L.R. §§ 1602(2), 1602(7).

SECOND CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

95. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs “1” through “94” as if fully set forth herein.

96. The Defendant the Church engaged in extreme and outrageous conduct by providing its employee, Weaver, with access to children, including Plaintiff, despite knowing that he would likely use his position to groom and sexually abuse them, including Plaintiff.

97. Defendant the Church’s misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

98. As a result of this extreme and outrageous conduct, Weaver gained access to Plaintiff and sexually assaulted and abused her.

99. Defendant the Church knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Plaintiff did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional physical distress.

100. By reason of the foregoing, Defendant the Church is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

101. Per C.P.L.R. § 1603, the foregoing cause of action is exempt from the operation of

C.P.L.R. § 1601 by reason of one or more of the exemptions provided under C.P.L.R. § 1602, including, but not limited to, C.P.L.R. §§ 1602(2), 1602(7).

WHEREFORE, Plaintiff, demands judgment against the Defendant on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be provided at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; extent permitted by law;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;
- D. Awarding prejudgment interest to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: New York, New York
May 25, 2020

Respectfully Submitted,

HACH ROSE SCHIRIPPA & CHEVERIE, LLP



MICHAEL ROSE, ESQ.

HILLARY M. NAPPI, ESQ.

112 Madison Avenue, 10th Floor

New York, New York 10016

(212)213-8311

Attorneys for Plaintiff Shielagh Clark

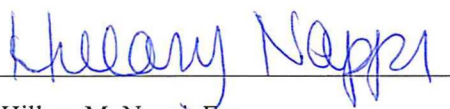
ATTORNEY VERIFICATION

HILLARY NAPPI, an attorney duly admitted and licensed to practice law in the courts of the State of New York, hereby affirms, pursuant to C.P.L.R. ¶ 2106, states under the penalty of perjury, as follows:

I am an associate at Hach Rose Schirripa & Cheverie LLP, attorneys for the Plaintiff herein, and as such, fully familiar with all the facts and circumstances heretofore stated herein by reason of a file maintained in our office located at 112 Madison Avenue, 10th floor, New York, New York 10016; I have read the foregoing Complaint, and the same is true to our own knowledge, except as to the matters therein stated to be alleged upon information and belief and, as to those matters, we believe them to be true; and that this verification is being made by us because the Plaintiff does not reside within New York County wherein our office is located.

Dated: May 25, 2020

New York, New York


_ Hillary M. Nappi, Esq.