

Lawsuits Against Kanakuk Kamps

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Kanakuk Alumni Foundation), Kanakuk Heritage, Inc. (a/k/a and/or d/b/a Kanakuk Missouri, Inc., Kanakuk Kamps, Inc., Kanakuk Kamps, K-Kamps, Inc., Kanakuk-Kanakomo Kamp, Kanakuk-Kanakomo Kamps, Kanakuk-Kanakomo Kamp, Inc.), and Peter (“Pete”) D. Newman, Defendants, and would respectfully show the Court as follows:

1. PARTIES

1.1. Plaintiff John Doe III is a permanent resident of the State of Texas within the Northern District of Texas, Dallas Division; however, on the date of filing, he is residing in Massachusetts.

1.2. Defendant Kanakuk Ministries (a/k/a and/or d/b/a Kanakuk Kamp, Kanakuk Kamps, Kanakuk, Kanakuk-Kanakomo Kamps, Christian Children’s Charity, Kanakuk Alumni Foundation) is incorporated under the laws of the State of Missouri and has its principal place of business in Branson, Missouri. At all times material to this case, Kanakuk Ministries has been doing business in Texas, including those acts defined under §17.042 of the Texas Civil Practice and Remedies Code. This Defendant may be served by serving its agent for service of process, Corporate Creations Network, Inc., 4265 San Felipe, No. 1100, Houston, Texas 77027.

1.3. Kanakuk Heritage, Inc. (a/k/a and/or d/b/a Kanakuk Missouri, Inc., Kanakuk Kamps, Inc., Kanakuk Kamps, K-Kamps, Inc., Kanakuk-Kanakomo Kamp, Kanakuk-Kanakomo Kamps, Kanakuk-Kanakomo Kamp, Inc.) is incorporated under

the laws of the State of Missouri and has its principal place of business in Branson, Missouri (registered agent, Joe T. White, 1353 Lake Shore Drive, Branson, Missouri 65616). At all times material to this case, Kanakuk Heritage, Inc. has been doing business in Texas, including those acts defined under §17.042 of the Texas Civil Practice and Remedies Code.

1.4. This Defendant does not maintain a registered agent for service of process in Texas. Service of process may be had, according to the laws of Texas, on the Texas Secretary of State, who will then forward the summons and complaint to the Defendant's registered agent, Joe T. White, 1353 Lake Shore Drive, Branson, Missouri 65616, by certified mail, return receipt requested.

1.5. Defendant Peter ("Pete") D. Newman is an individual who is a citizen of the State of Missouri. This Defendant may be served at Jefferson City Correctional Center, 8200 No More Victims, Jefferson City, Missouri 65101.

2. JURISDICTION

2.1. This Court's jurisdiction is based upon diversity of citizenship of the Plaintiff and Defendants pursuant to 28 U.S.C. § 1332.

2.2. The amount in controversy, exclusive of interest and costs, exceeds SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

3. VENUE

3.1. Venue is proper pursuant to 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to Plaintiff's claims, as outlined in Sections 4 and 5, occurred within the Northern District of Texas.

3.2. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. solicited Texas residents to permit their minor children to attend Kanakuk Kamps in Missouri. These solicitations occurred by in-person appeals and informational sessions attended by employees, agents, and/or representatives of Kanakuk Ministries and/or Kanakuk Heritage, Inc. Further solicitation of Texas campers, including John Doe III, occurred by U.S. mail directed to Texas residents and by electronic format, including the internet, directed to Texas residents. The purpose of these activities was to have Texas parents, like those of John Doe III, pay to send their minor children to Defendants' residential camps in Missouri. Use of these tools built a relationship between Defendants and John Doe III and his parents. The result was John Doe III attending Kanakuk Kamp from the time he was 7 until he was 16.

3.3. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. arranged to transport Texas children bound for Kanakuk Kamps, including John Doe III, by buses that departed from the Northpark Center parking lot in Dallas, Texas and traveled to Kanakuk camps in Missouri. As a result, John Doe III's camp experience began in Dallas, Texas, when he boarded a bus with other children and the Kanakuk

staff for a day-long bus ride.

3.4 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. Defendant Newman, through Kanakuk sponsored and encouraged communications, developed a deeper and more trusting relationship with John Doe III by phoning him directly at his home in Texas, by emailing him at his home in Texas, and by sending cards and letters to John Doe III at his home in Texas. That the Kamp director, Defendant Newman, not just a camp counselor, took an interest in John Doe III and sought him out at his home in Texas by phone, email, and cards and letters delivered to John Doe III by U.S. mail, was part of Defendant Newman's "grooming" process. These actions were intended to and did make John Doe III believe that he had a special relationship with Defendant Newman and led John Doe III to more completely trust and believe Defendant Newman. These acts continued throughout the abuse.

3.5. Defendants Kanakuk Ministries and Kanakuk Heritage in the regular course of business sent Kanakuk staff, including Defendant Newman, on trips to other states, including Texas, to conduct their business. During these trips, Defendant Newman and other staff stayed in homes of "Kanakuk families" – those who sent their children to Kanakuk Kamps. Defendant Newman took many trips to the

Northern District of Texas, Dallas Division, and stayed in John Doe III's home many times. During these stays, Newman molested John Doe III in his home.

3.6. Defendant Newman, as a director of Kanakuk Kamps, was responsible for religious teaching. Kanakuk Ministries and/or Kanakuk Heritage sponsored and endorsed Defendant Newman as a religious mentor, increasing his authority in John Doe III's eyes. Oftentimes Newman molested John Doe III following devotions with John Doe III, within the Northern District of Texas, Dallas Division.

3.7. Defendant Newman also molested John Doe III on Kanakuk promotional trips within the Northern District of Texas.

4. STATEMENT OF THE FACTS

4.1. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. operated residence camps for children known as Kanakuk Kamps. John Doe III attended the camps and resided on Kanakuk Kamp property, making him a "kamper" at these camps from ages 7 to 16.

4.2. Defendant Newman worked as Kamp staff and/or Director at all times when John Doe III was in contact with Defendant Newman.

4.3. John Doe III first met Defendant Newman at Kanakuk Kamp even before he was a Kamper himself. From that first meeting, Defendant Newman began "grooming" John Doe III by seeking him out, touching him, finding him for meals and having one-on-one talks with him.

4.4. Defendant Newman molested John Doe III from the time he was 10. Defendant Newman continued to molest John Doe III until he was 16. The molestation included all types of sexual activity except kissing. The molestation occurred in 2001, 2002, 2003, 2004, 2005, 2006, and 2007.

4.5. Defendants Kanakuk Ministries and/or Kanakuk Heritage gave Defendant Newman, their employee, agent, and/or authorized representative, access to John Doe III. This enabled Newman to molest John Doe III:

- ! on the Kanakuk Kamp grounds in Kamp cabins;
- ! on the Kanakuk Kamp grounds in the gym;
- ! on the Kanakuk Kamp grounds in the pool;
- ! on the Kanakuk Kamp grounds in the showers;
- ! on Kanakuk Kamp promotional trips within the Northern District of Texas and in other states; and
- ! on father-son retreats.

4.6. Kanakuk Kamps purported to offer a Christian faith-based outdoor experience for children. “Kamp” activities were to include athletics and outdoor experiences as well as Christian guidance and ministry provided and facilitated by the employees, agents, and representatives of Kanakuk Ministries and/or Kanakuk Heritage, Inc. As a director of Kanakuk Kamps, Defendant Newman’s duties included encouraging and instructing “kampers” in Bible study and encouraging the

children in his custody and control to develop a deeper Christian faith and relationship with God.

4.7. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. had every reason to know that Defendant Newman, a sexual predator, was operating freely in the Kanakuk Kamps and placing young boys at risk for sexual abuse and molestation and the lifelong burdens that childhood sexual abuse creates.

4.8. At least as early as 1999, Defendant Kanakuk Ministries and/or Kanakuk Heritage, Inc. knew that Defendant Newman, in the nude, was riding four-wheelers at the “kamp” with nude boys, and swimming nude with minor boys. In response, Defendant Newman continued as an employee, agent, and/or representative of Defendants.

4.9. Defendants Kanakuk Ministries and/or Kanakuk Heritage knew that Defendant Newman had private one-on-one sleep-overs with boys at Kanakuk Kamp. Although Newman was cautioned that this could destroy his ministry, he was retained as an employee and promoted to director.

4.10. Defendant Kanakuk Ministries and/or Kanakuk Heritage learned that Newman was running nude through the camp with minor boys, was playing nude basketball with minor boys, and swimming nude with minor boys. In response, Defendants Kanakuk Ministries and/or Kanakuk Heritage sent Newman to a lawyer in Oklahoma and continued Newman’s employment.

4.11. Defendant Newman's abuse of John Doe III occurred under the mantle and with the cloak of trust and authority placed upon him by Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. At all times material to this case, Defendant Newman acted in the course and scope of his employment with Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc.

4.12. Defendant Newman was employed as staff and ultimately as a director with Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. and was subject to Defendants' supervision and control when he sexually abused minor kampers, including John Doe III, a minor. Defendant Newman came to know minors, including John Doe III, and their families, and gained access to minor boys because of his position at Kananuk Kamps. Defendant Newman engaged in this wrongful conduct while in the course and scope of his employment with Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc.; therefore, Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. are liable for the wrongful conduct of Defendant Newman. Plaintiffs, therefore, plead vicarious liability, respondeat superior, agency, apparent agency, and agency by estoppel.

4.13. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. placed Defendant Newman in a position of trust around minor children. They held Defendant Newman out as a safe, Christian director, counselor, and representative of Kanakuk Kamps. Defendant Newman was working in this capacity when he sexually

abused and molested minor children, including John Doe III.

4.14. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. are also liable to John Doe III under a theory of ratification due to their knowledge of Defendant Newman's prior sexual misconduct and acts with minors, and their failure to act upon their knowledge to protect minors, including John Doe III, from Defendant Newman. By taking no action, Defendants ratified and approved Defendant Newman's conduct.

4.15. As a result of Defendants' negligent acts and omissions, John Doe III suffered injuries that have required and will continue to require medical, psychiatric, and psychological care. The childhood sexual abuse of John Doe III in his family home and in the context of what was purported to be Christian ministry further complicates his injuries and treatment.

5. CAUSES OF ACTION

Fraud, Misrepresentation, and Unfair and Deceptive Practices

5.1. Plaintiffs incorporate by reference, as if set forth at length herein, all factual allegations set forth in the prior paragraphs of this Complaint.

5.2. Defendants solicited and recruited minor "kampers" and their families and represented to them that Kanakuk Kamps was a safe and loving Christian place, and that the Kamps' staff, including Defendant Newman, would help minors further their Christian faith and relationship with God.

5.3. These representations were material to John Doe III's parents' decision to enroll him at Kanakuk Kamps, from 1998 through 2007, and to entrust him to Kanakuk Kamps and its staff, including Defendant Newman.

5.4. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. knew or should have known that these representations were false before 2001. They knew that Defendant Newman engaged in sexually inappropriate behavior with minor boys and nevertheless promoted Kanakuk Kamps and its staff as safe, without disclosing what they knew about Defendant Newman's inappropriate behavior with minor boys.

5.5. Not knowing that these representations were false, and not knowing that Defendant Newman's conduct was contrary to these representations, John Doe III's parents developed trust and confidence in Kanakuk Kamps and its staff and allowed John Doe III to attend and to spend time alone with Defendant Newman in a variety of places, including their home.

5.6. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. breached their duty to disclose all material facts relating to Defendant Newman's past sexual misconduct with minor boys. John Doe III's parents relied on Defendants' representations that Kanakuk Kamps was a safe Christian place and on Defendants' non-disclosure of material facts relating to Defendant Newman's past in deciding to send John Doe III to Kanakuk Kamps and to have alone time with John Doe III. John Doe III was injured and harmed as a result of Defendants' false representations and

failure to disclose material facts because these actions resulted in Defendant Newman's access to John Doe III for molestation.

5.7. The actions and omissions of Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc., as set forth in the prior paragraphs of this Complaint, which allowed the sexual abuse of John Doe III to occur, constitute fraud, deception, false promises, misrepresentation, concealment, and a breach of trust and contract, as these terms are defined and understood under the common law and statutes of Missouri and Texas as well as Chapter 407.020 of the Missouri Merchandising Practices Act and Section 17.14 *et seq.* of the Texas Deceptive Trade Practices and Consumer Protection Act.

Negligence

5.8. Defendant Newman was employed by Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. as a director, counselor, and representative of Kanakuk Kamps at the time of his sexual abuse and molestation of John Doe III. Defendant Newman's access to John Doe III was incident to Newman's employment and, therefore, Defendant Newman's conduct is imputed to Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc.

5.9. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. were negligent in hiring, supervising, retaining, and/or continuing the employment of Defendant Newman when they knew, as early as 1999, that Defendant Newman was

acting out sexually and inappropriately with minor boys.

5.10. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. failed to warn John Doe III or his parents of Defendant Newman's inappropriate behavior with minors, including his nudity and one-on-one sleep-overs with minor boys.

5.11. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. failed to report, investigate, and/or otherwise take appropriate action, including contacting authorities and/or law enforcement personnel or agencies and removing Defendant Newman from Kanakuk Kamps after learning, as early as 1999, and then in 2003, that Defendant Newman was acting inappropriately with minors. These actions were negligent and negligent *per se* under Missouri law.

5.12. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc.'s failure to properly monitor and supervise Defendant Newman, and their failure to discontinue his employment, allowed Defendant Newman's inappropriate sexual behavior with minors to occur and continue for approximately ten years.

5.13. Defendants' actions and omissions were a substantial cause and/or proximate cause of the sexual abuse of John Doe III and his resulting harm and damages.

Negligent Infliction of Emotional Distress

5.14. Plaintiffs allege that the actions and omissions of these Defendants have negligently inflicted emotional distress upon John Doe III.

5.15. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. owed a duty to all “kampers” attending Kanakuk Kamps, including John Doe III, to protect them from harm, including sexual misconduct of Defendants’ staff.

5.16. These Defendants were negligent in permitting Defendant Newman’s access to John Doe III and his molestation of John Doe III.

5.17. These Defendants should have realized that their conduct involved an unreasonable risk of harm to John Doe III with resulting severe emotional and mental distress and injury to John Doe III.

5.18. Defendants’ conduct was a substantial cause and/or proximate cause of John Doe III’s past and continuing injuries, including severe emotional and mental distress or harm.

Defendant Pete Newman

5.19. Defendant Newman was as a director, counselor, and representative of Kanakuk Kamps when he molested John Doe III in satisfaction of Newman’s sexual desires.

5.20. Defendant Newman had a duty to exercise ordinary care as a director, counselor, and representative of Kanakuk Kamps. Defendant Newman breached this duty for the same reasons set forth in the prior paragraphs of this Complaint. This includes Defendant Newman allowing himself to be alone and nude with minor boys, having sexual contact with boys such as John Doe III, including masturbation, oral

sex, and sodomy.

5.21. Defendant Newman's conduct was a substantial cause and/or proximate cause of the severe emotional and mental distress, harm, and injury John Doe III experienced in the past and in all likelihood will continue to experience in the future.

6. DAMAGES

6.1. John Doe III has experienced severe injuries requiring medical, psychiatric, and psychological care in the past and that in all reasonable probability will continue in the future as a result of his injuries.

6.2. John Doe III has sustained mental anguish and emotional distress in the past and in all reasonable probability will sustain mental anguish and emotional distress in the future.

6.3. John Doe III sustained pain and suffering and/or bodily harm from the sexual abuses in question.

6.4. John Doe III has suffered physical injuries as a result of the molestation described above, that in reasonable medical probability will continue in the future.

6.5. John Doe III has lost earnings and/or earning capacity in the past, and in all reasonable likelihood will continue to suffer a loss of earning capacity in the future.

6.6. John Doe III has suffered a past loss of capacity and in all reasonable likelihood will continue to suffer future incapacity.

7. EXEMPLARY DAMAGES

____7.1. The injuries and damages sustained by John Doe III resulted from Defendants' fraud, malice, gross negligence, and/or reckless and outrageous conduct as those terms are defined and understood under the common law and statutes of Missouri and Texas. Plaintiff seeks punitive and exemplary damages to punish and deter the outrageous conduct taken in heedless and reckless disregard to the rights and safety of Plaintiff and as a result of Defendants' conscious indifference to the rights, safety, and welfare of others, including Plaintiff. Plaintiff seeks recovery of punitive and exemplary damages in an amount sufficient to deter such unconscionable and irresponsible conduct in the future.

8. ATTORNEY'S FEES

8.1. Plaintiff has been required to retain the undersigned attorneys to prosecute this civil action. Pursuant to Chapter 407 of the Missouri Merchandising Practices Act as well as Section 17.14 *et seq.* of the Texas Deceptive Trade Practices and Consumer Protection Act, Plaintiff seeks an award for reasonable and necessary attorney's fees.

9. JURY TRIAL

9.1. Plaintiff requests a trial by jury.

10. PRAYER FOR JUDGMENT

10.1. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for judgment against Defendants for the following relief:

10.2. Fair, just, and adequate compensation, well in excess of this Honorable Court's minimum jurisdictional requirement of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), for past and future general and special damages including all actual damages;

10.3. Recovery of pre-judgment and post-judgment interest;

10.4. Reimbursement of taxable costs;

10.5. Attorney's fees;

10.6. Punitive or exemplary damages; and

10.7. Such other and further relief, general and special, legal and equitable, to which Plaintiff may be justly entitled.

Respectfully submitted,

TURLEY LAW FIRM

/s/ Linda Turley

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ATTORNEYS FOR PLAINTIFF

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:

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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 kamper 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).

- 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.

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

131. Kris Cooper acknowledged under oath that he visited Kamp directors, including Defendant Newman, for evaluation no more than three times per summer and sometimes one time during the entire summer.
132. Cooper also acknowledged that the visits were pre-scheduled with Kamp directors.
133. Effectively, Newman was unsupervised.
134. Newman's personnel file is filled with evaluations that would have or should have placed a reasonably prudent residential camp on notice that Newman was suspect and should not continue to work around children.
135. All of the comments are not included, but these are representative over the years of Newman's employment at Kanakuk Kamps:
- a. he is so focused on the kids he doesn't have time for counselors
 - b. he is not always thinking of the consequences.
 - c. he doesn't have much contact with the girls side as far as counselors.
 - d. he always hangs with the kids.
 - e. always with kids.
 - f. writes every boy.
 - g. visits old kids at other Kamps every term.
136. A reasonably prudent residential camp would have or should have been concerned about Newman spending a disproportionate amount of his time with boys instead of adults or his wife.
137. This continued to be an issue with Newman throughout his employment with Defendant Kanakuk Ministries and/or Kanakuk Heritage, Inc.

The Hot Tub Ministry and Road Signs of Sex Abuse

138. A reasonable and prudent residential camp would have or should have been concerned that Newman was holding Bible study for boys every night in his hot tub.
139. Newman's personnel file establishes that Kanakuk Ministries and/or Kanakuk Heritage, Inc. could have and should have investigated this prior to Newman's arrest.
140. Had they performed a meaningful investigation, they would have learned that this "Bible study" consisted of group and mutual masturbation.
141. From 1988 to 1990 over 10,000 copies of the Camp Director's Guide: Preventing Sexual Exploitation of Children, were distributed free of charge to camps in the U.S. and Canada.
142. In spite of the ready availability of this information, Kris Cooper, a Kanakuk Kamp Manager, and Joe White, the Owner and President of Kanakuk Kamps, testified that they didn't consider sexual abuse as a possible issue at Kanakuk.
143. Any reasonably prudent residential camp would have considered the need to prevent sexual abuse of children as early as 1988, 7 years before Newman was hired as a summer counselor at Kanakuk Kamp.
144. As early as 1992, videos were available to residential camps like Kanakuk that could be played during staff training including Counselor-Camper Contact.
145. These videos were designed to be shown to staff during training with the purpose of educating all staff about the parameters for safe physical and non-camp contact with campers by phone, text and email outside the camp sessions.
146. Although materials of this type were available as early as 1992, Kanakuk Kamps chose not to use them.
147. In fact, Kanakuk failed to have even a written policy on sexual abuse until 2011; 19 years after materials to educate staff were readily available in the market place and more than 23

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.

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.

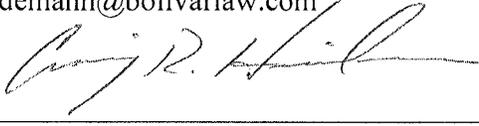
296. Defendants actively developed a plan and a strategy for keeping Newman's abusive tendencies away from public light, a plan which included:

- 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.

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By 

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Missouri Bar No. 42778
Attorney for Plaintiffs

MISSOURI BAR NO. 42778 - MISSOURI BAR NO. 42778 - MISSOURI BAR NO. 42778

IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

JOHN DOE X,

Plaintiff,

vs.

Case No.

PETER "PETE" D. NEWMAN,

Serve: Jefferson City Correctional Center
8200 No More Victims Road
Jefferson City, Missouri 65101

Defendant.

ORIGINAL PETITION

COMES NOW, Plaintiff, through the undersigned counsel, and for his original petition

states:

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 Defendant.
3. At all times pertinent herein, Plaintiff was a citizen and resident of Texas. Plaintiff John Doe X is currently a resident and citizen of Texas.
4. Defendant Peter ("Pete") D. Newman is an individual who resides in Missouri at the Jefferson City Correctional Center in Cole County, Missouri.
5. This action is brought within the Missouri statute of limitations.

Statement of Facts Applicable to All Counts

6. 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.
7. During the camps, children would have no phone or computer access to their family.
8. Kanakuk camps include but are not limited to K-1, K-2, K-West and K-Kountry.
9. Defendant Newman was a counselor, then assistant Kamp Director as well as Kamp Director.
10. Newman remained in the position of Kamp Director until he received a double life sentence plus 30 years for sexually abusing Kanakuk attendees.
11. During the time he was a Kanakuk employee, he was a serial abuser and sexually abused at least 60 children.
12. Defendant Newman continued to engage in communications with “kampers” after the “kampers” returned home from summer residential camp in Missouri.
13. Newman’s activities as counselor and director included interacting with children and recruiting 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; (7) “hot tub” ministry at a house Kanakuk gave to Newman; (8) father-son retreats at K-Colorado, at which Newman acted as father to Plaintiff; and (9) Winter Trail marketing visits to Plaintiff’s home.
14. After Plaintiff’s first year at Kanakuk kamps, Newman had a preexisting relationship with Plaintiff.
15. Sexual abusers spend an unusual amount of time with children.
16. Newman spent an unusual amount of time with Plaintiff.

17. Child molesters seek jobs that put them in proximity to and allow for continuous access to children.
18. Newman sought a job at Kanakuk that put him in proximity to and allowed him continuous access to children.
19. Child molesters find ways to isolate themselves with children when no adults or parents are present.
20. Pete Newman isolated himself with Plaintiff when no adults or parents were present.
21. Grooming, like sexual assault, progresses through various phases becoming more outrageous and this tactic is used on the victim and his parents.
22. 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.
23. Newman groomed Plaintiff and used Plaintiff's parents' blessing to minimize the wrongfulness of Newman's behavior.

Newman – The Textbook Pedophile

24. 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.

John Doe X

- 25. John Doe X attended the K Kountry Kanakuk camp and resided on Kanakuk Kamp property, making him a "kamper" at these camps from ages 9 to 11 during the summers of 2003, 2004, and 2005. At the request of Kanakuk Director Pete Newman, John Doe X also participated in other Kanakuk activities including a father-son K Colorado retreat during his 6th Grade year and a visit to Pete Newman's house in early March, 2009.
- 26. Acting as a Kanakuk employee, Defendant Newman took an interest in John Doe X and sought them out as part of Defendant Newman's "grooming" process.
- 27. These actions were intended to and did make John Doe X believe that he had a special relationship with Defendant Newman and led John Doe X to more completely trust and believe Defendant Newman.
- 28. During the period from 2003-2009, Defendant Newman continued the grooming process of John Doe X with phone calls, visits to his home in Texas as part of marketing Kanakuk to Texans, inviting John Doe X to be Newman's "son" on father-son events, taking John Doe X to sporting events, bringing John Doe X to the Kanakuk kamps in the winter for athletic activities and mentoring, and hosting John Doe X for multi-day sleepovers at Newman's house by Kanakuk kamps.
- 29. 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.

30. Plaintiff was involved in Newman's "para-Kamp" and "extra-Kamp" ministry.
31. Defendant Newman abused the Plaintiff at Newman's home.
32. Newman continued contact with campers such as Plaintiff and his family during the non-camp months in extra Kamp and para Kamp activities such as Bible study, winter trail, father son events, sports and small groups.
33. Newman talked about his hot tub ministry in a speech, wherein Newman stated not a night of the week went by that there wasn't someone to minister to in the hot tub.
34. When John Doe X began attending Kanakuk kamps in 2003 and continuing thereafter, Defendant Newman had private visits with John Doe X after lights out, and took John Doe X out of group activities for one on one time with Defendant Newman. Defendant Newman also took every opportunity for physical interaction with John Doe X, including lying with him in the foam pit of the "upper James" (upper gymnasium) while talking about sexual metaphors in the Song of Solomon.
35. In 2004, John Doe X became uncomfortable with Defendant Newman's conduct, and repeatedly called his mother requesting her to pick him up early from camp. Defendant Newman overheard these calls and took the receiver from John Doe X and told his mother that the best thing for John Doe X was for him to stay at camp and told her that John Doe X was doing well there.
36. During John Doe X's 6th grade year, Defendant Newman took John Doe X to a Kanakuk sponsored father son retreat called K-Colorado.
37. During John Doe X's 8th grade year, Defendant Newman invited John Doe X to visit him in early March 2009. During this visit, Defendant Newman took John Doe X to a Branson High School playoff basketball game; took John Doe X to workout at the

Kanakuk K-Kauai gym, and took John Doe X on a tour of the Kanakuk kamps as Newman prepared the kamps for summer use. Also during this visit, Defendant Newman sexually abused John Doe X in a hot tub, and brutally sodomized him in the shower at Newman's home during "hot tub ministry time".

38. Defendant Newman used his position at Kanakuk Kamps as a means to abuse children such as John Doe X by developing the children's trust and friendship. This, coupled with Defendant Newman's mantle of authority as a director of Kanakuk Kamps, allowed Defendant Newman to sexually abuse and molest multiple boys through masturbation, nudity, and sodomy.
39. During each of these activities Defendant Newman falsely represented to the young Plaintiff that these behaviors were okay or normal.
40. During each of these activities, Defendant Newman used his position as director of Kanakuk Kamps to sexually abuse John Doe X.

Newman's Arrest And The Victims

41. 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.
42. Prior to Newman's arrest, there were at least 60 victims of Newman.

COUNT I -- INVASION OF PRIVACY

43. Plaintiff incorporates by reference, as if set forth at length herein, all factual allegations set forth in the foregoing paragraphs.

44. 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.
45. Defendant Newman on multiple occasions convinced the minor Plaintiff to disrobe wherein Newman intentionally viewed the nude body of Plaintiff.
46. In doing so, Defendant intruded upon the seclusion of Plaintiff.
47. Plaintiff, as a minor, could not consent to these viewings or consent to the intrusion upon his seclusion.
48. Furthermore, Defendant Newman fostered in Plaintiff trust and admiration for Defendant Newman as a Kanakuk counselor.
49. 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.
50. Defendant Newman's viewing of the Plaintiff served no recognized valid purpose.
51. Defendant Newman's viewing of the Plaintiff intruded upon the Plaintiff's seclusion and reasonable expectation of privacy.
52. The manner of intrusion was objectively offensive to any reasonable third party.
53. 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.

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

55. Plaintiff pleads that Defendant's actions in this case justify the fraud exception to the American Rule requiring that Defendant 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 -- CHILDHOOD SEXUAL ABUSE: DEFENDANT NEWMAN

56. Plaintiff incorporates by reference, as if set forth at length herein, all factual allegations set forth in the foregoing paragraphs.

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

58. Defendant Newman engaged in childhood sexual abuse with Plaintiff.

59. Defendant Newman was convicted of sexual abuse.

60. 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.

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

62. Plaintiff pleads that Defendant Newman's actions in this case justify the fraud exception to the American Rule requiring that Defendant Newman 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 - NEGLIGENCE -- Defendant Pete Newman

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

64. Defendant Newman was as an employee, director, counselor, extra Kamp supervisor, para Kamp supervisor and representative of Kanakuk Kamps when he damaged Plaintiff.

65. Defendant Newman had a duty to exercise ordinary care.

66. Defendant Newman breached this duty for the same reasons set forth in the prior paragraphs of this petition.

67. Defendant Newman's conduct was a substantial cause and/or proximate cause of the severe emotional and mental distress, harm, and injury John Doe X experienced in the past and in all likelihood will continue to experience in the future.

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

WHEREFORE, Plaintiff prays that 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.

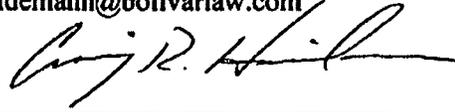
JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues.

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By



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

IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

JOHN DOE XI,

Plaintiff,

vs.

Case No.

PETER "PETE" D. NEWMAN,

Serve: Jefferson City Correctional Center
8200 No More Victims Road
Jefferson City, Missouri 65101

Defendant.

ORIGINAL PETITION

COMES NOW, Plaintiff, through the undersigned counsel, and for his original petition states:

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 Defendant.
3. At all times pertinent herein, Plaintiff was a citizen and resident of Texas. Plaintiff John Doe XI is currently a resident and citizen of Arkansas.
4. Defendant Peter ("Pete") D. Newman is an individual who resides in Missouri at the Jefferson City Correctional Center in Cole County, Missouri.
5. This action is brought within the Missouri statute of limitations.

Statement of Facts Applicable to All Counts

6. 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.
7. During the camps, children would have no phone or computer access to their family.
8. Kanakuk camps include but are not limited to K-1, K-2, K-West and K-Kountry.
9. Defendant Newman was a counselor, then assistant Kamp Director, then Kamp Director.
10. Newman remained in the position of Kamp Director until he received a double life sentence plus 30 years for sexually abusing Kanakuk attendees.
11. During the time he was a Kanakuk employee, he was a serial abuser and sexually abused at least 60 children.
12. Defendant Newman's continued to engage in communications with "kampers" after the "kampers" returned home from summer residential camp in Missouri.
13. Newman's activities as counselor and director included interacting with children and recruiting 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; (7) "hot tub" ministry at a house Kanakuk gave to Newman; (8) father-son retreats at K-Colorado, at which Newman acted as father to Plaintiff; and (9) Winter Trail visits to John Doe XI's home.
14. After Plaintiff first year at Kanakuk kamps, Newman had a preexisting relationship with Plaintiff.
15. Sexual abusers spend an unusual amount of time with children.
16. Newman spent an unusual amount of time with Plaintiff.

17. Child molesters seek jobs that put them in proximity to and allow for continuous access to children.
18. Newman sought a job at Kanakuk that put him in proximity to and allowed him continuous access to children.
19. Child molesters find ways to isolate themselves with children when no adults or parents are present.
20. Pete Newman isolated himself with Plaintiff when no adults or parents were present.
21. Grooming, like sexual assault, progresses through various phases becoming more outrageous and this tactic is used on the victim and his parents.
22. 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.
23. Newman groomed Plaintiff and used Plaintiff's parents' blessing to minimize the wrongfulness of Newman's behavior.

Newman – The Textbook Pedophile

24. 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.

John Doe XI

- 25. John Doe XI attended several Kanakuk camps as a camper: K-Kountry (2001-2002); K-1 (2003); K-West (2004-2005); K-2 (2006); and as a junior counselor at K-Kountry (2007-2008).
- 26. Acting as a Kanakuk employee, Defendant Newman took an interest in John Doe XI and sought him out as part of Defendant Newman's "grooming" process.
- 27. These actions were intended to and did make John Doe XI believe that he had a special relationship with Defendant Newman and led John Doe XI to more completely trust and believe Defendant Newman.
- 28. Defendant Newman held himself out to Plaintiff and his parents as a safe, trustworthy caretaker and mentor of children.
- 29. During the time John Doe XI was a Kamper, Defendant Newman continued the grooming process.
- 30. 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.
- 31. Plaintiff was involved in Newman's "para-Kamp" and "extra-Kamp" ministry.
- 32. Defendant Newman abused the Plaintiff at Newman's home.

33. Newman continued contact with campers such as Plaintiff and his family during the non-camp months in extra Kamp and para Kamp activities such as Bible study, winter trail, father son events, sports and small groups.
34. Newman talked about his hot tub ministry in a speech, wherein Newman stated not a night of the week went by that there wasn't someone to minister to in the hot tub.
35. Defendant Newman began having John Doe XI sit on his lap at camp in 2001. That same year, Newman invited John Doe XI to visit him at his home at Kanakuk. During the visit he took John Doe XI to a birthday party at a skating rink in Springfield, Missouri. On the ride back, he asked John Doe XI if he knew what oral sex was. John Doe XI said "no." Newman then insisted that John Doe XI sleep in Newman's bed.
36. Newman's special attention to John Doe XI continued in 2002, when Newman took John Doe XI to a K-Colorado father son retreat.
37. In 2003, Defendant Newman took John Doe XI on a Kanakuk sponsored father son retreat at Kanakuk camp in Lampe, Missouri, where Newman directed John Doe XI to strip naked in a cave.
38. In 2006, during staff training week, in Barn 13 at K Kountry, Defendant Newman told John Doe XI that masturbation was not a sin if you didn't think about girls while masturbating, and then sexually abused John Doe XI.
39. Defendant Newman asked John Doe XI to come live with him. John Doe XI had finished high school a semester early and moved in with Defendant Newman in Branson, Missouri in 2009. During this period Newman invited John Doe XI and a Kanakuk Institute student and former Kanakuk counselor, to get into a hot tub. Defendant

Newman jumped into the hot tub naked with an erection. He then told John Doe XI and the other boy to stick their penises into the hot tub jets.

40. Defendant Newman used his position at Kanakuk Kamps as a means to abuse children such as John Doe XI by developing the children's trust and friendship. This, coupled with Defendant Newman's mantle of authority as a director of Kanakuk Kamps, allowed Defendant Newman to sexually abuse and molest multiple boys through masturbation, nudity, and sodomy.
41. During each of these activities Defendant Newman falsely represented to the young Plaintiff that these behaviors were okay or normal.
42. During each of these activities, Defendant Newman used his position of authority as director of Kanakuk Kamps to sexually abuse John Doe XI.

Newman's Arrest And The Victims

43. 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.
44. Prior to Newman's arrest, there were at least 60 victims of Newman.

COUNT I -- INVASION OF PRIVACY

45. Plaintiff incorporates by reference, as if set forth at length herein, all factual allegations set forth in the foregoing paragraphs.
46. 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.

47. Defendant Newman on multiple occasions convinced the minor Plaintiff to disrobe wherein Newman intentionally viewed the nude bodies of Plaintiff.
48. In doing so, Newman intruded upon the seclusion of Plaintiff.
49. Plaintiff, as a minor, could not consent to these viewings or consent to the intrusion upon his seclusion.
50. Furthermore, Defendant Newman fostered in Plaintiff trust and admiration for Defendant Newman as a Kanakuk counselor.
51. 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.
52. Defendant Newman's viewing of the Plaintiff served no recognized valid purpose.
53. Defendant Newman's viewing of the Plaintiff intruded upon the Plaintiff's seclusion and reasonable expectation of privacy.
54. The manner of intrusion was objectively offensive to any reasonable third party.
55. 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.
56. Defendant Newman's actions were evil, wanton, willful, malicious and in conscious disregard of Plaintiff's rights and justify an award of punitive damages which would serve to punish Defendant Newman and deter him and others from engaging in like conduct in the future.

57. Plaintiff pleads that Defendant Newman's actions in this case justify the fraud exception to the American Rule requiring that Defendant Newman 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 – CHILDHOOD SEXUAL ABUSE

58. Plaintiff incorporates by reference, as if set forth at length herein, all factual allegations set forth in the foregoing paragraphs.

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

60. Defendant Newman engaged in childhood sexual abuse with Plaintiff.

61. Defendant Newman was convicted of sexual abuse.

62. 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 have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

63. Defendant Newman's actions were evil, wanton, willful, malicious and in conscious disregard of Plaintiff's rights and justify an award of punitive damages which would

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

64. Plaintiff pleads that Defendant Newman's actions in this case justify the fraud exception to the American Rule requiring that Defendant Newman 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 - NEGLIGENCE

65. Plaintiff incorporates the foregoing paragraphs by reference as if set forth more fully herein.
66. Defendant Newman was as an employee, director, counselor, extra Kamp supervisor, para Kamp supervisor and representative of Kanakuk Kamps when he damaged Plaintiff.
67. Defendant Newman had a duty to exercise ordinary care.
68. Defendant Newman breached this duty for the same reasons set forth in the prior paragraphs of this petition.
69. Defendant Newman's conduct was a substantial cause and/or proximate cause of the severe emotional and mental distress, harm, and injury John Doe XI experienced in the past and in all likelihood will continue to experience in the future.
70. Defendant's actions were evil, wanton, willful, malicious and in conscious disregard of Plaintiff's rights and justify an award of punitive damages which would serve to punish Defendant and deter Defendant and others from engaging in like conduct in the future.

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.

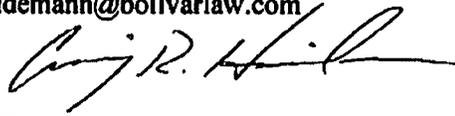
JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues.

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By



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

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI

JOHN DOE XII,

Plaintiff,

vs.

Case No. _____

PETER "PETE" D. NEWMAN

Serve at:

Jefferson City Correctional Center

8200 No More Victims Rd.

Jefferson City, MO 65101

Defendant.

VERIFIED PETITION

COMES NOW the Plaintiff, through counsel, Craig R. Heidemann and the law firm of Douglas, Haun & Heidemann PC and for this Verified Petition states:

1. Undersigned counsel verifies that the facts contained herein are true and correct to the best of his knowledge, information, and belief.
2. Plaintiff is an adult man proceeding by pseudonym and who reveal his identity as directed by the Court.
3. Defendant Peter ("Pete") D. Newman is an individual who resides in Missouri at the Jefferson City Correctional Center in Cole County, Missouri.
4. This action is brought pursuant to RSMo § 537.046.
5. During all relevant times, Plaintiff was a minor under the age of eighteen years.
6. This action is brought action is commenced within ten years of the plaintiff attaining the age of twenty-one and is timely filed under RSMo § 537.046.
7. Defendant Newman engaged in the childhood sexual abuse of Plaintiff.
8. Beginning in 2001, Newman took an interest in Plaintiff and began grooming him for sexual abuse.

9. These actions were intended to and did make Plaintiff believe that he had a special and close relationship with Defendant Newman and led Plaintiff to more completely trust and believe Defendant Newman.
10. Newman molested, abused, and engaged in sexual activities with Plaintiff in many locations, including but not specifically limited to Newman's home, Newman's hot tub, Newman's place of abode, and Big Cedar Lodge.
11. During each of these activities Defendant Newman falsely represented to the young Plaintiff that these behaviors were okay or normal and were not "sinful".
12. In February 2010, Defendant Newman pleaded guilty in Taney County to several counts of statutory sodomy and child enticement involving child abuse of boys and received two life sentences plus 30 years in the Missouri Department of Corrections.
13. Prior to Newman's arrest, there were at least 57 alleged victims of Newman including Plaintiff.
14. Defendant Newman committed acts against the plaintiff which would have been a violation of one or more of the statutory sections set forth in RSMo § 537.046.
15. As a direct and proximate result, Plaintiff suffered "Injury" and "illness" as defined in RSMo § 537.046 (West).
16. 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.

17. 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.

18. 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.

19. Plaintiff has special and general damages in the principal amount of \$5,000,000.00.

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.

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By /s/ Craig R. Heidemann
Craig R. Heidemann
Missouri Bar No. 42778
Attorney for Plaintiff

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI

JOHN DOE XI,)	
)	
Plaintiff,)	
)	
V.)	Case No.: 20CT-CC00187
)	
PETER "PETE" D. NEWMAN,)	
)	
Defendant.)	

PLAINTIFF'S MOTION TO FILE SUR-REPLY
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

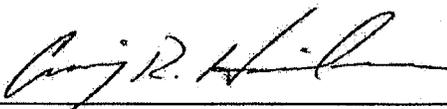
TO THE HONORABLE COURT:

Plaintiff moves the Court for leave to file a Sur-Reply in Opposition to Defendant's Motion for Summary Judgment to respond to new facts and new arguments made in Defendant's Reply brief. For the first time Defendant Newman contends that he relied on the April 2011 Settlement Agreement and Release as a third party beneficiary. Newman's reply brief also offers new briefing on the issue whether the Settlement Agreement was induced by a breach of fiduciary duty.

Plaintiff requests the Court to grant him leave to file the attached Sur-Reply in Opposition to Defendant's Motion for Summary Judgment responding to Defendant's new factual assertions and legal arguments.

Respectfully submitted,

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN DOE and JANE DOE, §
Individually and as Next Friends of §
JOHN DOE I, a Minor, §
§
Plaintiffs, §

v. §

Civil Action No. 3:11-cv-524

KANAKUK MINISTRIES (a/k/a §
and/or d/b/a, KANAKUK KAMP, §
KANAKUK KAMPS, KANAKUK, §
KANAKUK-KANAKOMO KAMPS, §
CHRISTIAN CHILDREN’S §
CHARITY, KANAKUK ALUMNI §
FOUNDATION), KANAKUK §
HERITAGE, INC. (a/k/a and/or d/b/a §
KANAKUK MISSOURI, INC., §
KANAKUK KAMPS, INC., §
KANAKUK KAMPS, K-KAMPS, §
INC., KANAKUK-KANAKOMO §
KAMP, KANAKUK-KANAKOMO §
KAMPS, KANAKUK-KANAKOMO §
KAMPS, INC.), JOE T. WHITE, and §
PETER “PETE” D. NEWMAN, §

JURY TRIAL

Defendants.

PLAINTIFFS’ FIRST AMENDED COMPLAINT

TO THIS HONORABLE COURT:

COME NOW, John Doe and Jane Doe, Individually and as Next Friends of
John Doe I, a Minor, and file Plaintiffs’ First Amended Complaint as a mater of

course pursuant to Fed. R. Civ. Procedure 15(a)(1)(B), and complain of Kanakuk Ministries (a/k/a and/or d/b/a, Kanakuk Kamp, Kanakuk Kamps, Kanakuk, Kanakuk-Kanakomo Kamps, Christian Children's Charity, Kanakuk Alumni Foundation), Kanakuk Heritage, Inc. (a/k/a and/or d/b/a Kanakuk Missouri, Inc., Kanakuk Kamps, Inc., Kanakuk Kamps, K-Kamps, Inc., Kanakuk-Kanakomo Kamp, Kanakuk-Kanakomo Kamps, Kanakuk-Kanakomo Kamp, Inc.), Joe T. White, and Peter ("Pete") D. Newman, Defendants, and would respectfully show the Court as follows:

1. PARTIES

1.1. Plaintiffs John Doe, Jane Doe, and John Doe I, a minor, are citizens of Texas and domiciled in Randall County, Texas.

1.2. Plaintiffs John Doe and Jane Doe are the parents of John Doe I, a minor, and bring this case Individually and as Next Friends of John Doe, a minor.

1.3. Defendant Kanakuk Ministries (a/k/a and/or d/b/a Kanakuk Kamp, Kanakuk Kamps, Kanakuk, Kanakuk-Kanakomo Kamps, Christian Children's Charity, Kanakuk Alumni Foundation) is incorporated under the laws of the State of Missouri and has its principal place of business in Branson, Missouri. At all times material to this case, Kanakuk Ministries has been doing business in Texas, including those acts defined under §17.042 of the Texas Civil Practice and Remedies Code. This Defendant was served and has appeared by filing a Rule 12(b)(3) motion.

1.4 Kanakuk Heritage, Inc. (a/k/a and/or d/b/a Kanakuk Missouri, Inc.,

Kanakuk Kamps, Inc., Kanakuk Kamps, K-Kamps, Inc., Kanakuk-Kanakomo Kamp, Kanakuk-Kanakomo Kamps, Kanakuk-Kanakomo Kamp, Inc.) is incorporated under the laws of the State of Missouri and has its principal place of business in Branson, Missouri (registered agent, Joe T. White, 1353 Lake Shore Drive, Branson, Missouri 65616). At all times material to this case, Kanakuk Heritage, Inc. has been doing business in Texas, including those acts defined under §17.042 of the Texas Civil Practice and Remedies Code. This Defendant was served and has appeared by filing a Rule 12(b)(3) motion.

1.5. Defendant Joe T. White is an individual who is a citizen of the State of Missouri. This Defendant was served and has appeared by filing a Rule 12(b)(3) motion.

1.6. Defendant Peter (“Pete”) D. Newman is an individual who is a citizen of the State of Missouri. This Defendant was served with process but has not appeared.

2. JURISDICTION

2.1. This Court’s jurisdiction is based upon diversity of citizenship of the Plaintiffs and Defendants pursuant to 28 U.S.C. § 1332.

2.2. The amount in controversy, exclusive of interest and costs, exceeds SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

3. VENUE

3.1. Venue is proper pursuant to 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to Plaintiffs' claims, as outlined in Sections 4 and 5, occurred within the Northern District of Texas.

3.2. Defendant Joe T. White came to Irving, Texas for the purpose of conducting business of Kanakuk Kamp that he owned individually at the time. As part of his business, he sought to solicit parents, and particularly fathers, to send their children to Kanakuk Kamp. He did this in part by appearing, lecturing, and promoting Kanakuk Kamp at a Promise Keepers event at Texas Stadium in Irving, Texas. Plaintiff John Doe attended this event and heard Defendant Joe T. White's presentation advocating Christian values and the stated mission of Kanakuk Kamps to promote Christian values to minor children. John Doe decided, based upon Defendant White's oral presentation and the printed promotional materials Defendant White distributed about Kanakuk Kamps at the Promise Keepers event in Irving, Texas, that his son John Doe I would attend Kanakuk camps when he was old enough to do so.

3.3. Further, Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc., solicited Texas residents to permit their minor children to attend Kanakuk Kamps in Missouri. These solicitations occurred by in-person appeals and informational sessions attended by employees, agents, and/or representatives of

Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. Further solicitation of Texas campers, including John Doe I, occurred by U.S. Mail directed to Texas residents and by electronic format, including the internet, directed to Texas residents. The purpose of these activities was to have Texas parents, like John and Jane Doe, pay to send their minor children to Defendants' residential camps in Missouri. Plaintiffs responded to these solicitations by entrusting John Doe I to the care of Defendants for summer residential camp in Missouri.

3.4. Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. arranged to transport Texas children bound for Kanakuk Kamps, including John Doe I, by buses that departed from the Northpark Center parking lot in Dallas, Texas and traveled to Kanakuk camps in Missouri. As a result, John Doe I's camp experience began in Dallas, Texas, when he boarded a bus with other children and the Kanakuk staff for a day-long bus ride.

3.5 Defendants Kanakuk Ministries, Kanakuk Heritage, and Joe T. White 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. Defendant Newman through Kanakuk sponsored and encouraged communications developed a deeper and more trusting relationship with John Doe I by phoning him directly at his home in Texas, by emailing him at his home in Texas, by sending cards and letters to

John Doe I at his home in Texas. That the Kamp director, Defendant Newman, not just a camp counselor, took an interest in John Doe I and sought him out at his home in Texas by phone, email, and cards and letters delivered to John Doe I by U.S. mail, was part of Defendant Newman's "grooming" process. These actions were intended to and did make John Doe I believe that he had a special relationship with Defendant Newman and led John Doe I to more completely trust and believe Defendant Newman. This "grooming" process went on for many months before actual sexual behavior commenced.

3.6 Defendant Newman followed a typical pattern in his abuse of minor boys. In the guise of preserving sexual innocence, Defendant Newman encouraged and promoted group male nudity and masturbation. This was followed by one-on-one sexual acts involving Defendant Newman and individual boys, including John Doe I. Defendant Newman called John Doe I in Texas to discuss masturbation with him. This was further "grooming" or preparation of John Doe I so he could be more easily sexually molested.

3.7 As a director of Kanakuk Kamps responsible for religious teaching, Defendant Newman called John Doe I at his home in Texas and spoke to his father, John Doe. As a religious leader, Defendant Newman offered to discuss masturbation with John Doe I. John Doe, knowing only of Defendant White, Kanakuk Ministries, and Kanakuk Heritage's sponsorship and endorsement of Defendant Newman, and

knowing nothing of Defendant Newman's past inappropriate sexual behavior, which Defendants Kanakuk Ministries, Kanakuk Heritage and Joe White were aware of, permitted his son to discuss masturbation with Defendant Newman. Defendant Newman used this contact with John Doe I in Texas as a further opportunity to groom John Doe I psychologically and emotionally for sexual abuse by Defendant Newman.

3.8 But for the venue facts outlined in the paragraphs above, John Doe I would not have been molested.

4. STATEMENT OF THE FACTS

4.1. Defendants Kanakuk Ministries and/or Kanakuk Heritage, Inc. operated residence camps for children known as Kanakuk Kamps. John Doe I attended the camps and resided on Kanakuk Kamp property, making him a "kamper" at these camps from ages 10 to 12 during the summers of 2005, 2006, and 2007.

4.2. The Kanakuk Kamps were founded, owned, and operated by Joe T. White. Defendant Joe T. White is the President of Kanakuk Ministries and Kanakuk Heritage, Inc. Currently, and at the time John Doe I attended Kanakuk Kamps, Defendant White was the President of Kanakuk Kamps.

4.3. As a function of his position with Kanakuk Ministries and/or Kanakuk Heritage, Inc., Defendant White oversaw and had ultimate authority for hiring and firing decisions at the Kanakuk Kamps. In these capacities, Defendant White chose to employ and retain Defendant Pete Newman at Kanakuk Kamps. At the time John

Doe I attended the “kamps”, Defendant Newman was a director of Kanakuk Kamps. In this capacity, Defendant Newman had supervisory authority over “kampers” and staff.

4.4. Kanakuk Kamps purported to offer a Christian faith-based outdoor experience for children. “Kamp” activities were to include athletics and outdoor experiences as well as Christian guidance and ministry provided and facilitated by the employees, agents, and representatives of Kanakuk Ministries and/or Kanakuk Heritage, Inc. As a director of Kanakuk Kamps, Defendant Newman’s duties included encouraging and instructing “kampers” in Bible study and encouraging the children in his custody and control to develop a deeper Christian faith and relationship with God.

4.5. In the course of his work as a director of Kanakuk Kamps, Defendant Newman came to know John Doe I. As a director of Kanakuk Kamps, while on Kanakuk Kamps property, Defendant Newman sexually molested John Doe I, often in the guise of religious teaching or Bible study. Defendant Newman’s sexual molestation of John Doe I included Defendant Newman appearing nude with an erection in a hot tub for Bible studies with John Doe I, as Defendant Newman masturbated himself, Defendant Newman masturbated John Doe I, and Defendant Newman had John Doe I masturbate him. Defendant Newman’s sexual abuse of John Doe I also included his pressuring John Doe I to play games like truth-or-dare, while

naked, that involved the mutual touching of the genital and pubic areas.

4.6. Defendant Newman's sexual abuse of John Doe I also included John Doe I spending the night alone with Defendant Newman in Newman's living quarters on the Kanakuk Kamp property. While only Defendant Newman and John Doe I were present in Defendant Newman's living quarters, Defendant Newman sexually abused John Doe I in order to satisfy Defendant Newman's sexual desires.

4.7. At other times Defendant Newman's inappropriate behavior and sexual abuse of John Doe I occurred in the presence of other Kanakuk Kamp personnel.

4.8. Defendant Newman used his position at Kanakuk Kamps as a means to abuse children such as John Doe I by developing the children's trust and friendship. This, coupled with Defendant Newman's mantle of authority as a director of Kanakuk Kamps, allowed Defendant Newman to sexually abuse and molest multiple boys through masturbation, oral sex, and sodomy.

4.9. Sadly, Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. had every reason to know that Defendant Newman, a sexual predator, was operating freely in the Kanakuk Kamps and placing young boys at risk for sexual abuse and molestation and the lifelong burdens that childhood sexual abuse creates.

4.10. At least as early as 1999, Defendant Joe T. White, Kanakuk Ministries and/or Kanakuk Heritage, Inc. knew that Defendant Newman, in the nude, was riding four-wheelers at the "kamp" with nude "kampers," who were minor children entrusted

to the care of Defendants. In response to this sexually inappropriate behavior, Defendant Newman was placed on probation.

4.11. In or about 2003, Defendant Newman's sexually inappropriate behavior with the minor "kampers" again came to the attention of Defendant Joe T. White, Kanakuk Ministries and/or Kanakuk Heritage, Inc. A nude Defendant Newman was streaking through the "kamp" property with nude minor "kampers". Although this conduct came to the attention of Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc., again, Defendant Newman remained on staff in easy reach of his future victims, including John Doe I.

4.12. Defendant Newman's abuse of John Doe I occurred under the mantle and with the cloak of trust and authority placed upon him by Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. At all times material to this case, Defendant Newman acted in the course and scope of his employment with Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc.

4.13. Defendant Newman was employed as a director with Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. and was subject to Defendants' supervision and control when he sexually abused minor kampers, including John Doe I, a minor. Defendant Newman came to know minors, including John Doe I, and their families, and gained access to them because of his position at Kananuk Kamps. Defendant Newman engaged in this wrongful conduct while in the

course and scope of his employment with Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc.; therefore, Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. are liable for the wrongful conduct of Defendant Newman. Plaintiffs, therefore, plead vicarious liability, respondeat superior, agency, apparent agency, and agency by estoppel.

4.14. Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. placed Defendant Newman in a position of trust around minor children. Defendants held Defendant Newman out as a safe, Christian director, counselor, and representative of Kanakuk Kamps. Defendant Newman was working in this capacity when he sexually abused and molested minor children, including John Doe I.

4.15. Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. are also liable to John Doe I under a theory of ratification due to their knowledge of Defendant Newman's prior sexual misconduct and acts with minors and Defendants' failure to act upon their knowledge to protect minors, including John Doe I, from Defendant Newman. By taking no action, Defendants approved of Defendant Newman's conduct.

4.16. As a result of Defendants' negligent acts and omissions, John Doe I suffered injuries that have required and will continue to require medical and psychological care. The childhood sexual abuse of John Doe I in the context of what was purported to be Christian ministry further complicates his injuries and treatment.

5. CAUSES OF ACTION

Fraud, Misrepresentation, and Unfair and Deceptive Practices

5.1. Plaintiffs incorporate by reference, as if set forth at length herein, all factual allegations set forth in the prior paragraphs of this Complaint.

5.2. Defendants solicited and recruited minor “kampers” and their families and represented to them that Kanakuk Kamps was a safe and loving Christian place, and that the Kamps’ staff, including Defendant Newman, would help minors further their Christian faith and relationship with God.

5.3. These representations were material to John and Jane Doe’s decision to enroll John Doe I at Kanakuk Kamps, from 2005 through 2007, and to entrust to Kanakuk Kamps and its staff their minor child, John Doe I.

5.4. Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. knew that these representations were false before 2005. They knew that Defendant Newman engaged in sexually inappropriate behavior with minor “kampers” and nevertheless promoted Kanakuk Kamps and its staff as safe, without disclosing what they knew about Defendant Newman’s inappropriate behavior with minor Kampers.

5.5. Not knowing that these representations were false, and not knowing that Defendant Newman’s conduct was contrary to these representations, John and Jane Doe developed trust and confidence in Kanakuk Kamps and its staff and allowed

John Doe I to attend and spend time alone with Defendant Newman.

5.6. Defendants Joe T. White's, Kanakuk Ministries', and/or Kanakuk Heritage, Inc. breached their duty to disclose all material facts relating to Defendant Newman's past sexual misconduct with minor "kampers". Plaintiffs relied on Defendants' representations that Kanakuk Kamps was a safe Christian place and on Defendants' non-disclosure of material facts relating to Defendant Newman's past in deciding to send John Doe I to Kanakuk Kamps. Plaintiffs were injured and harmed by acting without knowledge that their representations were false and without knowledge of these undisclosed material facts.

5.8. The actions and omissions of Defendants Joe T. White's, Kanakuk Ministries', and/or Kanakuk Heritage, Inc., as set forth in the prior paragraphs of this Complaint, which allowed the sexual abuse of John Doe I to occur, constitute fraud, deception, false promises, misrepresentation, concealment, and a breach of trust and contract, as these terms are defined and understood under the common law and statutes of Missouri and Texas as well as Chapter 407.020 of the Missouri Merchandising Practices Act and Section 17.14 *et seq.* of the Texas Deceptive Trade Practices and Consumer Protection Act.

Negligence

5.9. Defendant Newman was employed by Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. as a director, counselor, and

representative of Kanakuk Kamps at the time of his sexual abuse and molestation of John Doe. Defendant Newman's sexual abuse and molestation of John Doe I was incident to his employment and is, therefore, imputed to Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc.

5.10. Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. were negligent in hiring, supervising, retaining, and/or continuing the employment of Defendant Newman when they knew, as early as 1999, that Defendant Newman was acting sexually inappropriate with minors.

5.11. Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. failed to warn John and Jane Doe, and John Doe I, of Defendant Newman's inappropriate behavior with minors, including his being naked in their presence.

5.12. Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. failed to report, investigate, and/or otherwise take appropriate action, including contacting authorities and/or law enforcement personnel or agencies and removing Defendant Newman from Kanakuk Kamps after learning, in as early as 1999, that Defendant Newman was acting inappropriately with minors.

5.13. Defendants Joe T. White's, Kanakuk Ministries', and/or Kanakuk Heritage, Inc.'s failure to properly monitor and supervise Defendant Newman, and their failure to discontinue his employment, allowed Defendant Newman's inappropriate sexual behavior with minors to occur and continue for approximately

ten years.

5.12. Defendants' actions and omissions were a proximate cause of the sexual abuse of John Doe I and the resulting harm and damages to Plaintiffs.

Negligent Infliction of Emotional Distress

5.13. Plaintiffs allege that the actions and omissions of these Defendants have negligently inflicted emotional distress upon John Doe I.

5.14. Defendants Joe T. White, Kanakuk Ministries, and/or Kanakuk Heritage, Inc. owed a duty to all "kampers" attending Kanakuk Kamps, including John Doe I, to protect them from harm, including sexual misconduct by their own staff.

5.15. These Defendants were negligent in permitting Defendant Newman's sexual abuse of John Doe I.

5.16. These Defendants should have realized that their conduct involved an unreasonable risk of causing John Doe I's sexual abuse and severe emotional and mental distress or harm.

5.17. As a result of Defendants' conduct, John Doe I has suffered, and will continue to suffer, severe emotional and mental distress or harm.

Defendant Pete Newman

5.18. Defendant Newman was as a director, counselor, and representative of Kanakuk Kamps when he engaged in inappropriate sexual behavior with minors, including John Doe I.

5.19. Defendant Newman had duty to exercise ordinary care as a director, counselor, and representative of Kanakuk Kamps. Defendant Newman breached this duty for the same reasons set forth in the prior paragraphs of this Complaint. This includes Defendant Newman allowing himself to be alone and nude in the presence of minors and engaging in sexual abuse and molestation with minors through masturbation, oral sex, and sodomy.

5.20. As a result of Defendant Newman's conduct, John Doe I has suffered, and will continue to suffer, severe emotional and mental distress or harm.

6. DAMAGES

6.1. Plaintiff John Doe I has experienced severe injuries including psychological pain and suffering in the past and in all reasonable probability will sustain severe psychological pain and suffering in the future as a result of his injuries.

6.2. Plaintiff John Doe I has sustained mental anguish and emotional distress in the past and in all reasonable probability will sustain mental anguish and emotional distress in the future.

6.3. Plaintiff John Doe I sustained pain and suffering and/or bodily harm from the sexual abuses in question.

6.4. Plaintiffs John and Jane Doe have sustained medical expenses in the past and in all reasonable probability will sustain medical expenses in the future for the psychological and medical care and treatment of John Doe I until he reaches the age

of eighteen.

6.5. Plaintiff John Doe I, in reasonable medical probability, will sustain medical expenses in the future for psychological and medical care and treatment after he reaches the age of eighteen.

6.6. Plaintiffs John and Jane Doe have suffered pecuniary losses a result of Defendants' fraud, misrepresentation, concealment, breach of trust and contract, false promises, and use of unlawful and deceptive trade practices.

6.7. As a result of the above, Plaintiffs seek damages in excess of the jurisdictional limits of the Court.

7. EXEMPLARY DAMAGES

7.1. The injuries and damages sustained by Plaintiffs resulted from Defendants' fraud, malice, gross negligence, and/or reckless and outrageous conduct as those terms are defined and understood under the common law and statutes of Missouri and Texas. Plaintiffs seek punitive and exemplary damages to punish and deter the outrageous conduct taken in heedless and reckless disregard for the rights and safety of Plaintiffs and as a result of Defendants' conscious indifference to the rights, safety, and welfare of others, including Plaintiffs. Plaintiffs seek recovery of punitive and exemplary damages in an amount sufficient to deter such unconscionable and irresponsible conduct in the future.

8. ATTORNEY'S FEES

8.1. Plaintiffs have been required to retain the undersigned attorneys to prosecute this civil action. Pursuant to Chapter 407 of the Missouri Merchandising Practices Act as well as Section 17.14 *et seq.* of the Texas Deceptive Trade Practices and Consumer Protection Act, Plaintiffs seek an award for reasonable and necessary attorney's fees.

9. JURY TRIAL

9.1. Plaintiffs request a trial by jury.

10. PRAYER FOR JUDGMENT

10.1. WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray for judgment against Defendants for the following relief:

10.2. Fair, just, and adequate compensation, well in excess of this Honorable Court's minimum jurisdictional requirement of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), for past and future general and special damages including all actual damages;

10.3. Recovery of pre-judgment and post-judgment interest;

10.4. Reimbursement of taxable costs;

10.5. Attorney's fees;

10.6. Punitive or exemplary damages; and

10.7. Such other and further relief, general and special, legal and equitable, to which Plaintiffs may be justly entitled.

Respectfully submitted,

TURLEY LAW FIRM

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument has been served upon all counsel listed below by the Court's CM/ECF filing system on this 28th day of April, 2011.

P. Randall Crump
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/s/ Linda Turley
Linda Turley