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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

[REDACTED], an individual,

Plaintiff,

vs.

CALVARY CHAPEL OF COSTA MESA, a
Nonprofit California Religious Corporation;
TEAM THUNDER ATHLETICS, INC., a
Nonprofit California Public Benefit
Corporation; BRIAN BRODERSEN, an
individual; MICHAEL MUGAVERO, an
individual; JACOB HARMAN, an individual;
ROGER WING, an individual; THUNDER
WRESTLING, a California nonprofit entity;
and DOES 1 to 100, inclusive,

Defendants.

Case No.: 30-2024-01405013-CU-PO-CJC
Assigned for All Purposes to:
Judge Lee Gabriel, Dept. C32

**PLAINTIFF [REDACTED] THIRD
AMENDED COMPLAINT FOR**

- 1. BATTERY**
- 2. SEXUAL ASSAULT**
- 3. SEXUAL BATTERY**
- 4. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**
- 5. VICARIOUS LIABILITY**
- 6. NEGLIGENCE**
- 7. NEGLIGENT HIRING, RETENTION
AND/OR SUPERVISION**
- 8. NEGLIGENT FAILURE TO WARN
TRAIN OR EDUCATE**
- 9. AIDING AND ABETTING**

DEMAND FOR JURY TRIAL

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EST 1981

1 Plaintiff [REDACTED] ("Plaintiff") hereby alleges as follows:

2
3 **INTRODUCTION**

4 1. This case is about Calvary Chapel of Costa Mesa's ("Calvary Church") deliberate
5 *refusal* to protect its employees from a known violent predator: one of its pastors. Jacob Harman
6 ("Harman"), a former Calvary Church pastor, missionary, and lead wrestling coach, had a long (and
7 criminal) history of violent misconduct that was well-known to Calvary Church's senior pastor and
8 board member, Brian Brodersen. And yet, in the face of receiving countless complaints and warnings
9 about Harman's propensity for violence, nothing was done beyond concealment and protection of
10 Harman.

11 2. As a result, one of Calvary Church's employees, Plaintiff, a single mother whose
12 children attended Calvary Church school, was brutally battered and violently raped by Harman on
13 multiple occasions. When Plaintiff summoned the courage to report Harman's abuse to Calvary
14 Church, Brodersen dismissed her allegations, calling her "borderline crazy." Fortunately for Plaintiff, a
15 judge took her account more seriously. In November 2023, following a trial *brought by Harman*
16 alleging that another party defamed him by calling Harman a "rapist," the court found that Plaintiff
17 "[was] being truthful" in her testimony that Harman had raped her. The court further found that, "on
18 at least one occasion, [Harman] sexually assaulted [Plaintiff], and that a single incident is sufficient to
19 accurately characterize and truthfully assert that [Harman] is a 'rapist'[".]"]

20 3. It was not until the trial of Harman's claims that Plaintiff discovered Calvary Church's
21 (and the board member defendants') knowledge and concealment of Harman's history that left her
22 vulnerable to his attacks. Plaintiff thus brings this lawsuit to hold each of the named defendants
23 responsible for the physical, emotional, and psychological damage that she suffered at the hands of
24 Harman and Calvary Church.

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PARTIES

4. Plaintiff, at all relevant times was, a resident of the State of California, County of Orange, and was employed by Calvary Church from in or around January 2016 to July 2018.

5. Defendant Jacob Harman is, and at all relevant times was, a resident of Orange County, California and was employed by Calvary Church in his capacity as an ordained minister and/or commissioned missionary. Harman was also employed, or ostensibly employed, by Calvary Chapel High School in other capacities, including but not limited to, acting as its lead high school wrestling coach.

6. Defendant Team Thunder Athletics, Inc. ("Team Thunder") is, and at all relevant times was a California nonprofit entity that Harman ran out of the Calvary Chapel High School gym, which is located on the campus of Calvary Church.

7. Defendant Thunder Wrestling is a California nonprofit entity for which Harman acts as CEO. Upon information and belief, Thunder Wrestling is a mere continuation of Team Thunder Athletics, Inc. because, among other things: (1) Harman, as CEO of Team Thunder, transferred the assets of Thunder Wrestling to Team Thunder for no consideration; (2) Harman at all relevant times also acted as the sole board member and chief executive officer of both entities; (3) Team Thunder and Thunder Wrestling set forth the same corporate purpose in their articles of incorporation: to teach the sport of wrestling to youth athletes; and (4) Harman's social media pages, as well as the Thunder Wrestling website reference Team Thunder and Thunder Wrestling interchangeably. Upon information and belief, Team Thunder is currently a suspended entity and not in good standing with either the State of California or the California Franchise Tax Board.

8. Defendant Calvary Chapel of Costa Mesa is, and at all relevant times was, a California nonprofit entity that operated Calvary Chapel High School, Calvary Chapel Middle School and Maranatha Christian Academy on its campus in Santa Ana, California. Calvary Church is, based on information and belief, a religious corporation, organized under the laws of California.

9. Defendant Brian Brodersen ("Brodersen") at all relevant times was, a resident of Orange County, California, the Senior Pastor of Calvary Church and the Chairman of the Board of Directors for Calvary Church. Upon information and belief, Brodersen received remuneration from

1 Calvary Church in exchange for services performed as a Calvary Church director and/or executive
2 officer.

3 10. Defendant Roger Wing (“Wing”) at all relevant times was, a resident of Orange
4 County, California and an executive pastor at Calvary Church. Upon information and belief, Wing
5 received remuneration from Calvary Church in exchange for services performed as a Calvary Church
6 pastor.

7 11. Defendant Michael Mugavero (“Mugavero”) is, and at all relevant times was, a resident
8 of San Bernardino County, California and a senior board member of Calvary Church. Upon
9 information and belief, Mugavero received remuneration from Calvary Church in exchange for
10 services performed as a Calvary Church director and/or executive officer. Messrs. Brodersen, Wing,
11 and Mugavero are collectively, the “Board Member Defendants.”

12 12. Plaintiff is ignorant of the true names and capacities of the Defendants sued herein as
13 DOES 1 through 100, inclusive, and therefore sues these Defendants by such fictitious names.
14 Plaintiff is informed and believes that each of the fictitiously named Defendants is responsible in some
15 manner for the occurrences alleged herein and that Plaintiff’s damages were proximately caused by
16 these Defendants. Plaintiff will amend this Complaint to set forth the true names and capacities of such
17 fictitiously named Defendants when ascertained.

18 **VENUE AND JURISDICTION**

19 13. Venue is proper in Orange County under California Code of Civil Procedure § 395(a)
20 because Plaintiff’s injuries and Defendants’ wrongdoing all occurred in Orange County, California.

21 14. Venue is also proper under California Code of Civil Procedure § 395.5 because
22 Defendant Calvary Chapel Costa Mesa’s principal place of business is in Orange County, California.

23 15. Venue is also proper under California Code of Civil Procedure § 395 because Harman
24 and one or more of the Board Member Defendants reside in Orange County.

25 16. This controversy exceeds the sum of \$25,000, exclusive of interest and costs.

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FACTUAL ALLEGATIONS

A. Harman's Employment History with Calvary Church

17. Calvary Church initially hired Harman in or around October 2000 as a Calvary Chapel High School ("Calvary High") substitute teacher and, shortly thereafter, wrestling coach. Calvary High, Calvary Chapel Middle School and Calvary Church's elementary school, Maranatha Christian Academy ("Maranatha") are all located on the main campus of Calvary Church and run by the Calvary Church Board of Directors (the "Board"). Upon information and belief, the Calvary Church Board included Defendants Brian Brodersen, Michael Mugavero, and/or Roger Wing (collectively, the "Board Member Defendants") during the relevant time period from January 2000 through December 2018.

18. On March 15, 2006, Calvary Church "ordained" Harman as a Calvary Church pastor. Harman maintained the title of an ordained Calvary Church pastor until in or around July 2017. Calvary Church's bylaws define "ordination of a pastor" as "given only to Staff Pastors or pastors who are directly affiliated with, accountable and under the direction of [Calvary Church]."

19. In or around September 2014, Harman's then-wife of seven years put Calvary on notice of (1) Harman's sexual violence and (2) Harman's severe addiction to alcohol. Specifically, Harman's wife had a one-on-one conversation with Mr. Brodersen and complained that Harman had sexually assaulted her on multiple occasions, beginning before any express dating relationship and only days after her 18th birthday. The molestations also began just months after she graduated from the youth group for which Harman (then 31 years-old) served as a "youth pastor." Harman's ex-wife also informed Brodersen that Harman had an uncontrollable addiction to alcohol that heavily influenced her decision to eventually file for divorce. Upon information and belief, Brodersen refused to even investigate the allegations. Moreover, Brodersen took no action to address the wife's complaints and allowed Harman to stay on campus. Harman's wife was forced to leave Calvary Church due in large part to fear for her safety while Harman remained a pastor and wrestling coach on the campus of Calvary Church.

20. In or around October 2015, Calvary Church and Defendant Brodersen "commissioned" Harman as a Calvary Church missionary, despite prior warnings of Harman's sexual violence and

1 alcohol addiction just months earlier. Calvary Church provided Harman a monthly stipend in his
2 capacity as a missionary and an additional salary in his capacity as an ordained pastor. Harman also
3 received a coaching stipend in his capacity as the Calvary High wrestling coach.

4 21. In or around the time that Brodersen commissioned Harman as a church missionary in
5 October 2015, Brodersen also asked Harman to “monetize” his private wrestling enterprise, Team
6 Thunder, and authorized Harman full control of the Calvary High gym free of charge in order to run
7 Team Thunder.

8 22. Plaintiff is informed and believes, and on this basis alleges, that at all times mentioned
9 herein, there existed a unity of interest and ownership among Defendants Calvary Church, Team
10 Thunder, the Board Member Defendants, Harman, Thunder Wrestling, and DOES 1 through 100, such
11 that any individuality and separateness between each of them ceased to exist. Defendants Calvary
12 Church, Team Thunder, the Board Member Defendants, Harman, Thunder Wrestling, and DOES 1
13 through 100 and each of them were the successors-in-interest and/or alter egos of the other
14 Defendants, and each of them, in that they controlled, dominated and operated each other without any
15 separate identity, observation of formalities, or other manner of division. In Defendant Wing’s own
16 words, Calvary Church was inextricably “commingled” with Harman’s Team Thunder “to the extent
17 that you can’t separate one from the other.” For example, Harman held out Team Thunder as a “feeder
18 program” for Calvary Church elementary and middle school students to participate in before entering
19 Calvary High’s wrestling program, which he was simultaneously leading in the same location at the
20 Calvary High gym. Harman also used Team Thunder as an “off season” training program for current
21 Calvary High wrestlers. Calvary Church also advertised and held out Harman’s Team Thunder
22 program as a Calvary Church “mission” and “ministry.” Calvary Church also allowed the intimate
23 commingling of funds to occur between itself and Team Thunder. For example, Brodersen would
24 allow Harman to be paid for his Team Thunder training by having Harman’s clients pay Harman as a
25 “donation” through Calvary Church. Calvary and Brodersen also used Team Thunder profits for the
26 Calvary High wrestling program by, among other things (1) using one bank account for Team Thunder
27 and Calvary High School wrestling and (2) using Team Thunder profits to pay for Calvary High
28 wrestling expenses such as equipment, workout fees, and tournament fees. Harman also

misrepresented financial statements to conceal the commingling of funds between Calvary and Team Thunder. It was well known by Calvary Church staff, wrestlers and their families that Team Thunder was part of the Calvary High wrestling program.

B. Prior to Harman Assaulting Plaintiff, Calvary Church and the Board Member Defendants Received Multiple Warnings and Complaints About Harman's Violence

23. The Board Member Defendants knew that Plaintiff was at risk of being sexually and physically assaulted by Harman because they received many complaints from other Calvary Church members long before Harman began terrorizing and abusing Plaintiff. For example, Calvary Church received a series of anonymous emails from February through April 2016 which identified, among other things, that (1) Harman was "mentally unstable" and "a ticking time bomb"; (2) Harman committed crimes for which he faced "life in prison"; (3) Harman "is a lawsuit waiting to happen" and "has a complaint file a mile high" with Calvary Church; (4) that other parents had complained of Harman "over the past 20 years" and that Harman "had a complaint file thicker than the word of God"; and (5) Calvary Church administrators "continue[d] to empower" Harman despite his mental instabilities, documented harassment and "stack of written complaints" filed with Calvary Church.

24. Other parents complained, among other things, that (1) there were "thousands of incidents" of Harman's misconduct going back many years; (2) they had previously tried to convince Harman and Calvary Church to get Harman professional help to no avail; (3) multiple parents left Calvary Church due to Harman's physical violence; (4) past Calvary Church wrestlers called meetings to petition Calvary Church to remove Harman from Calvary Church; (5) they had to tell Harman "not to touch [their] boys" and that it was "scary [Harman] was allowed to be around kids"; (6) Harman was "scary" and "needs help"; (7) Harman would ultimately seriously harm kids or parents if left unchecked; (8) Harman was "an expert manipulator between being caring and godly and being in absolute control"; (9) many Calvary Church students were "broken" and "lost" and that Harman had "destroyed their Christian walks"; (10) Harman would "divide and conquer" and warned he would inevitably "hurt a kid seriously or parent"; (11) that it was "really sad [Harman's abuse] has been

1 allowed to go on so long”; and (12) “[Harman] has some deep seated problems” that were evident for
2 many years.

3 25. Brodersen and the other Board Member Defendants also knew or should have known of
4 Harman’s violent criminal background which includes but is not limited to: (1) six charges of “felony
5 assault with a deadly weapon”; (2) a conviction for a “driving under the influence” offense in August
6 of 2016; and (3) an arrest for public intoxication in August of 2016. Each of these criminal acts
7 predated the rape and assault of Plaintiff.

8 26. Numerous parents also complained that Brodersen and Calvary Church protected
9 Harman. Parents routinely complained that (1) allegations of Harman’s violence and other misconduct
10 were “swept under the rug” by Brodersen and the Board Member Defendants; (2) they “knew
11 [Brodersen and Calvary Church] wouldn’t do anything” about Harman’s violence; (3) Harman “has
12 dirt on [Brodersen]”; (4) Harman would threaten “my relationship with [Brodersen] is so strong that
13 no one can touch me”; (5) “[Harman] can do what ever [*sic*] he wants because [Brodersen] will save
14 him each time”; (6) Harman would threaten that he had Brodersen “in his back pocket” and that
15 “anything you tell [Calvary Church] will not come back on me”; (7) that Calvary Church had “swept
16 prior allegations [against Harman] under the carpet”; (8) they had confronted Brodersen personally
17 about Harman’s violence and that Brodersen “knew all about” Harman’s misconduct; (9) Brodersen
18 spoke with at least one parent’s attorney, but ultimately did nothing to prevent Harman from
19 continuing at Calvary Church; (10) the “[Calvary Church] administration of both the school and
20 church [allowed Harman’s violence] to continue” for many years; and (11) Brodersen was aware of
21 written complaints of Harman’s violence and other misconduct dating back many years.

22 27. Defendant Roger Wing acknowledged that the Calvary Church Board, and specifically
23 Brian Brodersen, knew about Harman’s abuse for many years and failed to properly address it.
24 Specifically, Wing admitted (1) Harman was “actually leading the [Calvary High] wrestling program,”
25 (2) Brodersen had “substantial involvement” in allowing Harman to remain on campus; (3) Calvary
26 Church “could be found negligent” for having allowed Harman to remain on campus despite
27 documented instances of abuse and harassment; and (4) that the Calvary Church board members,
28

1 including Wing, Mugavero, and Brodersen, could be “individually named” to an action involving
2 “punitive damages for negligent retention and negligent supervision.”

3 28. Calvary Church and the Board Member Defendants knew of Harman’s intentions to
4 sexually assault Plaintiff through, among other things: (1) knowledge of Harman’s previous assaults of
5 other single women in Calvary Church; (2) Harman’s representations to Brodersen of his pursuit of a
6 romantic relationship with Plaintiff; (3) Harman’s violence toward other Calvary Church members;
7 and (4) concerns raised by other Calvary Church members and employees of Harman’s violence
8 toward Plaintiff.

9 29. Calvary High superintendent, Jason Huffman, conceded Calvary Church’s knowledge
10 of Harman’s violence toward Plaintiff and other single women in Calvary Church when he wrote: (1)
11 Harman made choices which should have “disqualified him from the privilege of leadership”; (2)
12 Harman used his relationship with Brodersen as a “get out of jail free” card; (3) Harman “has a DUI,
13 acts emotionally unstable, rips his shirt off, breaks down in tears for forgiveness”; (4) Harman
14 “manipulates people, especially single mothers and new believers”; and (5) has been accused of
15 “grabbing a student around the neck.”

16 30. On at least one occasion, Harman himself admitted that Brodersen intentionally
17 overlooked previous violent misconduct by allowing him to continue operating on Calvary Church’s
18 campus. Mugavero also admitted that Calvary Church overlooked accusations that Harman had
19 inappropriate sexual relationships with single mothers and abused children even though these actions
20 were fundamentally inconsistent with the role of a Calvary Church pastor.

21 31. Despite these complaints, the Board Member Defendants and Calvary Church
22 continued to elevate Harman to positions of leadership in Calvary Church by, among other things: (1)
23 ordaining him as a Calvary Church pastor in 2006 and allowing him to continue in that position; (2)
24 elevating Harman to “missionary” status, simultaneous with his “pastoral” title, in October 2015; (3)
25 advertising Harman as a Calvary Church missionary in his capacity as the head coach of the Calvary
26 High wrestling team and Team Thunder wrestling enterprise; (4) allowing Harman to host bible
27 studies and other church services in the Calvary High wrestling gym; (5) allowing Harman to perform
28 pastoral ministry and counseling services, including marital counseling, on the Calvary Church

campus; (6) allowing Harman to continue to operate as the head coach of the Calvary High wrestling team; and (7) allowing Harman unfettered access to the Calvary High gym, free of charge, to run Team Thunder where he would regularly engage with children and parents, including single mothers such as Plaintiff.

C. Plaintiff Joins Calvary Church as a Volunteer and Employee

32. Unaware of Harman's history of violence due to Calvary Church's cover-up, Plaintiff, a then single mother, moved her four children to Calvary Church and became involved as a volunteer and employee.

33. In or around September 2014, Plaintiff's children enrolled in the Calvary Church schools. In or around September 2015, her children became involved with Team Thunder.

34. In or around January 2016, Plaintiff became an employee of Calvary Church as an administrative assistant in the elementary school, Maranatha Christian Academy ("Maranatha"), located on Calvary Church's campus.

35. As part of Plaintiff's compensation, Plaintiff's children received free tuition to attend Maranatha so long as Plaintiff remained employed as an administrative assistant.

36. In or around February of 2016, Plaintiff began volunteering for Team Thunder and Calvary High wrestling as a part time administrative assistant and in or around February of 2017, she was hired as a paid employee.

37. As both a volunteer and employee of Team Thunder and Calvary High wrestling, Plaintiff's job duties included:

(1) performing financial accounting services;

(2) maintaining the Team Thunder and Calvary High wrestling "snack bar" by, among other things, running errands for Harman to the grocery store; and

(3) assisting Harman with miscellaneous tasks associated with both Calvary High and Team Thunder wrestling programs.

38. Due to Calvary Church's cover-up of prior complaints concerning Harman's violent background, Plaintiff was unaware that Harman was a violent predator that preyed on single women.

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D. Harman Violently Assaults and Rapes Plaintiff

39. From in or around February 2016 to June 2017, Harman (1) sexually assaulted Plaintiff on multiple occasions, including raping her on at least one of those occasions; (2) physically assaulted Plaintiff during a car ride in Fountain Valley, California by striking her with a closed fist on her head multiple times causing Plaintiff to sustain head and brain trauma, strangling Plaintiff and lifting her off the ground by her neck, and smashing his closed fist on Plaintiff's wrist multiple times; and (3) falsely imprisoned Plaintiff in a "jiu-jitsu hold" overnight at Harman's residence in Huntington Beach, California.

40. Plaintiff could not escape these encounters due to Harman's physically imposing stature of 275 pounds and significant expertise in wrestling and mixed martial arts. At the time these events transpired, Plaintiff weighed only 105 pounds.

41. On each of the occasions that Harman sexually and physically assaulted Plaintiff, Harman initially represented to Plaintiff that he wanted her to perform tasks related to her employment at Team Thunder and/or Harman's position as the head coach of the Calvary High wrestling program. Harman would then intentionally isolate Plaintiff and begin physically and/or sexually assaulting her.

42. Plaintiff never desired a romantic relationship with Harman and clearly communicated on each occasion that she did not consent to any sexual encounter with Harman by repeatedly telling Harman "no", "don't do that", and "stop," as well as clearly attempting to physically cover herself.

43. Instead of respecting Plaintiff's demands, Harman would forcibly and physically overpower her so that she could not protect herself and then force Plaintiff to engage in violent sexual intercourse with him.

44. Whenever Plaintiff tried to escape, Harman would clench Plaintiff's body even tighter causing increasingly severe pain and emotional distress for Plaintiff.

45. Plaintiff was afraid to report these events because Harman would leverage his power with Calvary Church to threaten Plaintiff's livelihood. Plaintiff was a vulnerable single mother of four minor children and depended on her employment with Maranatha to provide for her family, as well as sustain the free tuition for her children's private Christian education. Harman repeatedly told Plaintiff

1 that he had Brodersen “in his back pocket” and that he would leverage his influence with Brodersen to
2 “get [Plaintiff] fired” if she reported Harman’s rape and physical assault of her.

3 46. By the time Harman began raping and assaulting Plaintiff, Plaintiff had become a
4 devoted and contributing member of Calvary Church. Plaintiff spent virtually all of her free time
5 serving in various capacities at Calvary Church and found a deep sense of meaning, purpose, and
6 belonging at Calvary Church. All of Plaintiff’s and her children’s friends attended Calvary Church.
7 Plaintiff also relied on the Calvary Church community for emotional support and guidance as a single
8 mother of four children. In her own words, Plaintiff’s “entire life was wrapped up in” Calvary Church.
9 Harman leveraged Plaintiff’s close connection to Calvary Church against her by threatening to ruin her
10 reputation and get her fired from Calvary Church. In doing so, Harman was able to forestall Plaintiff
11 from reporting his assaults which allowed him to continue repeatedly and violently physically and
12 sexually assaulting her.

13 47. Harman also leveraged his power within Calvary Church by threatening Plaintiff’s
14 physical safety. For example, Calvary Church provided Harman access to Calvary Church’s “camera
15 room,” which Harman used to threaten Plaintiff that he could watch her every movement on the
16 Calvary Church campus. Calvary Church also provided Harman with access to all Calvary Church
17 rooms and closets with a large set of keys, which Harman would brandish to Plaintiff as a show of
18 force to further prevent Plaintiff from reporting, telling Plaintiff that he has access to “every room and
19 closet” on the Calvary Church campus.

20 48. To prevent Plaintiff from reporting Harman’s rapes and physical assaults of her,
21 Harman would spiritually manipulate Plaintiff, labeling her an “accuser of the brethren” and otherwise
22 using his status as a Calvary Church pastor and missionary to convince her to forgive him and that
23 reporting the situation to Calvary Church and/or local law enforcement would create unnecessary
24 disruption to the day-to-day functions of Calvary Church. Plaintiff was also afraid to report Harman’s
25 rape and assault of her because Harman would slander her and her children’s reputation in the local
26 church community. For example, Plaintiff saw that Harman leveraged his notoriety in the local
27 wrestling community by physically and verbally disparaging any family who defected from his Team
28 Thunder and/or Calvary High wrestling programs.

49. The acts of Harman physically and sexually assaulting Plaintiff were a “foreseeable hazard” of, and “inherent in the working environment” created by Calvary Church’s employment of Harman as a pastor, missionary, and wrestling coach. *Samantha B. v. Aurora Vista Del Mar, LLC*, 77 Cal. App. 5th 85 (2022) (holding employer vicariously liable for sexual assault of patients because sexual exploitation was a “foreseeable hazard”); *Doe v. Grace Cmty. Church*, No. D079717, 2023 WL 3476834 (Cal. Ct. App. May 16, 2023) (holding church liable for pastor’s sexual assault of congregant because risk of tortious injury was “inherent in working environment” where perpetrator supervised and spent extended periods of time with victim).

50. By representing Harman as a missionary and pastor, Calvary Church created the impression that Harman was an extension of Calvary Church into the community outside the physical boundaries of the Calvary Church campus. Despite having received countless warnings and reports of Harman’s violence, Calvary Church held Harman out as a trustworthy pastor and missionary by advertising that Harman’s ultimate goal was to use “all of the talents that the Lord has given to him in . . . coaching, counseling, and public speaking to communicate the riches of the Love of Christ.” Calvary also represented that Harman would “sit quietly before [God] each morning and get [his] direction from [God] and [God] only each day.” Calvary Church’s bylaws also define “ordination of a pastor” as “given only to Staff Pastors or pastors who are **directly affiliated with, accountable and under the direction of [Calvary Church]**.” Calvary Church was also aware that much of the Calvary High and Team Thunder wrestling functions extended beyond the physical boundaries of Calvary Church. As a result, any employee of Calvary High wrestling or Team Thunder necessarily had to accompany Harman to off-campus locations to perform services in their capacity as an employee. Additionally, Calvary Church’s advertised missionaries almost exclusively operate outside the physical boundaries of Calvary Church. Taken together, each of Harman’s positions necessarily required him to act as an extension of Calvary Church outside the boundaries of the physical Calvary Church campus.

51. Calvary Church also gave Harman unfettered access to all Calvary Church locations which, together with his violent past and the violent nature of his position as a head wrestling coach, increased the likelihood and foreseeability that he would violently assault Plaintiff. Harman would use

1 the Calvary High gym to, among other things, perform counseling services, host bible studies, and
2 engage in other intimate spiritual acts with Calvary Church congregants, including Plaintiff which,
3 taken together with Harman's title as a Calvary Church pastor and missionary, caused Plaintiff to trust
4 Harman. Harman also leveraged his virtually exclusive access to the Calvary High gym to assault and
5 threaten Plaintiff to prevent her from reporting his rapes and violent physical assault of her.

6 52. Harman's employment therefore created a scenario in which Harman was acting as an
7 extension of Calvary Church with Plaintiff over extended periods of time in locations within *and*
8 outside of the physical boundaries of the Calvary Church campus. The nature of Harman's
9 employment as a pastor and missionary also meant that Harman could, and did, develop an intimate
10 personal relationship with Plaintiff that extends beyond the traditional arms-length workplace
11 relationship, causing Plaintiff to trust Harman as an extension of Calvary Church. Calvary Church and
12 the Board Member Defendants were also aware that Harman was a violent predator and had a history
13 of preying on single women, and was, or should have, been aware that Plaintiff was a particularly
14 attractive single mother of the same general age as Harman. In all situations in which Harman raped or
15 violently assaulted Plaintiff, Harman was acting in his capacity as a Calvary Church pastor,
16 missionary, and/or wrestling coach and leveraged these positions to cause Plaintiff to trust him.
17 Harman would then rape and/or physically assault Plaintiff and then physically prevent her from
18 escaping once he began assaulting her. Harman further leveraged his position at Calvary Church to
19 prevent Plaintiff from reporting Harman to Calvary Church or law enforcement by, among other
20 things, spiritually manipulating her, threatening her and her children's physical safety, and leveraging
21 his position of influence to threaten her family's livelihood and reputation. Harman's rape and
22 physical assault of Plaintiff was therefore a foreseeable hazard and broadly incidental to the unique
23 enterprise of acting in his capacity as a Calvary Church pastor, missionary, and wrestling coach.

24 **E. Calvary Church and the Board Member Defendants Ignore and Disparage**
25 **Plaintiff's Report of Harman's Violent Attack**

26 53. On July 12, 2017, Plaintiff lodged a complaint with Calvary Church in which she
27 detailed the physical abuse that she suffered at the hands of Harman. On July 13, 2017, Plaintiff met
28 personally with Mugavero to discuss the physical abuse accusations. Instead of consoling Plaintiff for

1 the abuse she suffered, Mugavero intimated that he wanted to preserve Harman's ability to continue
2 his Team Thunder operation. Notably, Mugavero failed to disclose that other parents had previously
3 complained about Harman's significant abuse. Because Plaintiff was not a Board Member, she had no
4 reason to know that (1) other parents had previously complained about Harman's violence going back
5 many years, or (2) Calvary Church suppressed and disregarded the prior complaints concerning
6 Harman.

7 54. Almost immediately after meeting with Mugavero, Calvary Church and the Board
8 Member Defendants disseminated Plaintiff's report to Harman against Plaintiff's express wishes and
9 in breach of their promise to keep her report confidential. Plaintiff asked Calvary Church to keep her
10 report of Harman's physical abuse confidential, and Calvary Church agreed, saying "Yes, we will.
11 You don't have to worry about that." In a stunning breach of Plaintiff's requested confidential report,
12 Calvary Church and the Board Member Defendants leaked Plaintiff's report to Harman, who later that
13 same day, sent Plaintiff threatening communications via text message and contacted local law
14 enforcement to preempt any police report Plaintiff might file concerning the assaults. Notably, Calvary
15 Church's leak of Plaintiff's report to Calvary Church allowed Harman to avoid law enforcement's
16 investigation of Plaintiff's police reports which she filed days later. Upon information and belief,
17 Calvary Church also assisted Harman in fleeing the United States for a period of about three months to
18 avoid further criminal investigation.

19 55. After learning of Plaintiff's report of Harman's physical abuse, Brodersen discounted
20 her testimony and labeled Plaintiff as "borderline crazy." Mugavero also discounted Plaintiff's
21 testimony after speaking with Harman concerning Plaintiff's accusations. On or around July 17, 2017,
22 Plaintiff filed police reports concerning the multiple occasions of physical assault Harman inflicted
23 upon her, as well as a separate police report with the Santa Ana Police Department for a related
24 incident involving Harman's abuse of other minor children. On or around July 22, 2017, Plaintiff filed
25 a police report concerning the multiple occasions of sexual assault Harman inflicted upon her.

26 56. On multiple occasions, Plaintiff requested that each police department investigate
27 Harman's disciplinary record with Calvary Church. Despite Plaintiff's requests, none of the police
28 departments adequately pursued Harman's disciplinary record with Calvary Church.

57. In or around July 2017, around the same time that Plaintiff reported Harman's physical assault of her, multiple other families came forward to Calvary Church reporting Harman's physical assault of their children in similar fashion. For example, one parent complained that Harman had grabbed her son by his neck and strangled him, lifting him off the ground for a period of five seconds. Others complained that Harman (1) laid on top of their children until they couldn't breathe; (2) bit their son so hard on his shoulder that it left bite marks; (3) struck their son on his back "over and over and over again"; and (4) threw their son across the wrestling floor by his ankle. Notably, Defendant Mugavero and the remaining Board Member Defendants neglected to file a mandated report under California Penal Code § 11166 concerning the alleged child abuse in a further effort to shield Harman and Calvary Church from liability. Furthermore, Calvary Church and the Board Member Defendants authorized Harman to host a youth wrestling camp on the campus of Calvary Church where he had unfettered access to children and parents only days after learning that Harman violently assaulted Plaintiff and numerous Calvary Church children.

58. In or around July 2017, a group of Calvary Church parents (1) filed a police report with the Santa Ana Police Department alleging child abuse against Harman and (2) hired attorneys to pursue civil claims alleging liability against Calvary Church and Harman for Harman's violent assault of their children.

59. It was only after learning of its legal, financial, and reputational exposure that Calvary Church finally began discussions to address Harman's violent conduct. Rather than responding with concerns for the safety and welfare of the parents and children who were violently assaulted, Calvary Church's main focus was (1) preserving its own image and reputation; (2) limiting any impact on Harman and Team Thunder; and (3) protecting Brodersen and Calvary Church from any potential liability.

60. For example, Defendant Wing noted the following in an email to Mugavero addressing Calvary Church's exposure for Harman's violent assaults of Plaintiff and other Calvary Church children: (1) One of Calvary Church's chief objectives was "limit[ing] the impact on Team Thunder and [Calvary Church]"; (2) Calvary Church needed to shield Brodersen from liability because he "would likely be a prime target in any action that might come out of this"; (3) that the Board Member

1 Defendants could be liable for Negligent Retention and Negligent Supervision in an action involving
2 punitive damages; (4) there was a huge potential impact on Calvary Church's "image and ministry"
3 and that the "legal and financial impacts [were] substantial"; and (5) the media would pick up on the
4 story, further compounding Calvary Church's legal, financial, and reputational harm.

5 61. Notably, Defendant Wing never expressed any concern for the harm Plaintiff or the
6 other Calvary Church children suffered.

7 **F. Despite Claiming to "Sever Ties" With Harman, Calvary Church and the Board**
8 **Member Defendants Promote Harman's Return to Campus**

9 62. It was only after (1) allowing Harman to complete his wrestling camp on the Calvary
10 Church campus, and (2) realizing that it was exposed to significant legal, financial, and reputational
11 harm that Calvary Church finally "severed ties" with Harman in or around August 2017.

12 63. Based on Calvary Church's representation that Harman was no longer allowed on
13 campus, Plaintiff continued in her role as an administrative assistant for the 2017-2018 school year.
14 However, Calvary Church continued to allow Harman to visit the Calvary Church campus, and even
15 advertised Harman's presence at the Calvary Church campus on a Calvary Church Instagram account.

16 64. Over the course of the 2017-2018 school year following Harman's brutal assault of
17 Plaintiff, nobody from Calvary Church, including the Board Member Defendants ever followed up
18 with Plaintiff to provide any emotional support concerning the brutal physical assault she reported to
19 Calvary Church.

20 65. The combination of Harman's continued presence on the Calvary Church campus and
21 Calvary Church's obvious disregard for Plaintiff's physical, spiritual, and mental well-being caused
22 Plaintiff severe emotional distress. Plaintiff also feared deeply for her children, who were at risk of
23 physical retaliation every time Harman visited the Calvary Church campus.

24 66. Plaintiff also faced backlash from Calvary Church pastors and congregants for
25 reporting Harman's violence. Incredibly, Plaintiff was scolded by Superintendent Huffman after he
26 learned that Plaintiff had come forward with allegations of Harman's violence. Plaintiff also received
27 threatening cyberbullying messages from Calvary Church members and Team Thunder parents who
28

1 were loyal to Harman which discredited her report of physical abuse, threatened her physical safety,
2 and sought to emotionally and mentally abuse Plaintiff.

3 67. Calvary Church's continued abuse of Plaintiff forced her to flee the Orange County
4 area at the end of the 2017-2018 school year, causing her to move her family to an undisclosed
5 location to avoid further retaliation from Calvary Church and Harman. This disruption to Plaintiff's
6 family further compounded Plaintiff's emotional distress.

7 68. In being forced to move her family, Plaintiff had to quit her position as an
8 administrative assistant, which she valued very highly, and felt was her calling. Plaintiff was also
9 forced to forego aspirations of attending graduate school, which became her dream after she was hired
10 as an administrative assistant at Maranatha.

11 69. Plaintiff's relocation also precluded her from uncovering Calvary Church's (1)
12 knowledge of Harman's long history of violent misconduct and (2) failure to protect Plaintiff from his
13 violent misconduct. Despite Plaintiff's best efforts to uncover this information while she still attended
14 Calvary Church, neither Calvary Church nor law enforcement adequately pursued her inquiries.

15 **G. Separate Lawsuit Reveals Trove of Information Detailing Calvary Church's and**
16 **the Board Member Defendants' Protection of Harman**

17 70. On April 12, 2018, Harman filed a complaint in California state court (the "State Court
18 Complaint") alleging that an unnamed "Doe" defendant created an anonymous Instagram account
19 calling Harman a "rapist," "child abuser," "fake pastor," and "criminal," among other things. Harman
20 alleged the statements were defamatory under California state law.

21 71. On October 11, 2018, Fernando Zotea filed a chapter 7 bankruptcy in a separate
22 bankruptcy proceeding.

23 72. On August 13, 2019, Harman amended the State Court Complaint to name Mr. Zotea as
24 a "Doe" defendant. In response, Mr. Zotea filed an Answer to the State Court Complaint, as well as a
25 Notice of Discharge in the state court action, arguing that Harman's common law claims for
26 defamation were discharged in his chapter 7 bankruptcy proceeding.

27 73. Harman then filed an adversary proceeding in the Bankruptcy Court for the Central
28 District of California, *Harman v. Zotea*, Case No. 8:20-ap-01044, arguing that his defamation claims

were nondischargeable under 11 U.S.C. § 523(a)(6) of the United States Bankruptcy Code (the “Adversary Proceeding”). Harman thus had the burden to prove that (1) the Instagram posts alleging that he was a “rapist” were defamatory, and (2) that the creation of the Instagram posts constituted a “willful and malicious injury.”

74. The Adversary Proceeding went to trial on October 16, 2023, and lasted four days. At trial, the Bankruptcy Court heard testimony from sixteen witnesses and considered numerous exhibits.

75. Plaintiff testified in support of Mr. Zotea’s affirmative defense that the statements characterizing Harman as a “rapist” were true. Plaintiff testified to the same facts alleged herein, namely that Harman (1) had brutally physically assaulted her in or around April 2017 during a car ride in Fountain Valley; (2) falsely imprisoned her in his residence in Huntington Beach; and (3) sexually assaulted her on multiple different occasions, including raping her. It was not until Plaintiff testified in *Harman*, that Plaintiff discovered Calvary Church’s refusal to address Harman’s violent history.

76. The Bankruptcy Court concluded that Harman’s defamation claims failed. In a Memorandum of Decision (a true and correct copy of which is attached hereto as **Exhibit A**), the Court specifically held the following:

- “The Court does find [Plaintiff] a credible witness based on her testimony, her reports to [Fernando and Alena Zotea], and to the police”;
- “The Court finds [Plaintiff] truthful and [Harman’s] conduct indefensible”;
- “[T]he evidence as to [Plaintiff], a mother at Calvary [Church], was detailed and compelling”;
- “[T]he court’s observation of [Plaintiff’s] visibly uncomfortable demeanor around [Harman] and her in-court testimony is that she is being truthful”;
- “The court finds that, on at least one occasion, [Harman] sexually assaulted [Plaintiff], and that a single incident is sufficient to accurately characterize and truthfully assert that Plaintiff is a ‘rapist’”;
- “Accordingly, [Mr. Zotea] prevails in his defense of truth regarding the assertion of [Harman] as a rapist”;

- 1 • “[Mr. Zotea] presents the compelling testimony of [Plaintiff] to assert the defense of
2 truth and negate the element of defamation”

3 *See* Ex. A at 6, 10-11.

4 77. On November 28, 2023, the Bankruptcy Court entered judgment in favor of Mr. Zotea
5 on all claims. The deadline to appeal the judgment expired on December 14, 2023. A true and correct
6 copy of the final judgment in *Harman v. Zotea* is attached hereto as **Exhibit B**.

7 **H. Harman Begins Operating Thunder Wrestling as Mere Continuation of Team**
8 **Thunder**

9 78. Upon information and belief, Harman operated Team Thunder as CEO for the purpose
10 of “teach[ing] the sport of youth wrestling services to youth athletes” in the Orange County area from
11 in or around November 2013 to September 2021. The corporate purpose of Team Thunder is set forth
12 in its Articles of Incorporation filed with the California Secretary of State on November 8, 2013.

13 79. Harman operated Team Thunder through its initial suspension by the California
14 Secretary of State in November 2017 until in or around September 2021 when he formed a new entity,
15 Thunder Wrestling.

16 80. Upon information and belief, Harman transferred the assets of Thunder wrestling,
17 including its membership rights to local gyms, apparel bearing the Team Thunder insignia, Team
18 Thunder wrestling equipment, and other assets used in the ordinary course of business, for no
19 consideration to Thunder Wrestling.

20 81. Upon information and belief, Harman operates Thunder Wrestling for the same purpose
21 for which he operated Team Thunder: “teaching, promoting and supporting the sport of amateur youth
22 wrestling” in the Orange County area. The corporate purpose of Thunder Wrestling is set forth in the
23 Articles of Incorporation filed with the California Secretary of State on November 22, 2021.

24 82. The Statements of Information for both Team Thunder and Thunder Wrestling reflect
25 that Harman at all times acted as the Chief Executive Officer of both entities. Moreover, Harman’s
26 personal social media pages, as well as the Thunder Wrestling website, refer to Team Thunder and
27 Thunder Wrestling interchangeably such that they are indistinguishably commingled.

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FIRST CAUSE OF ACTION

Sexual Battery

(Against Defendant Jacob Harman)

83. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

84. The conduct and actions of Harman, including the sexual assault and battery of Plaintiff, constitutes an intentional and offensive touching of Plaintiff to which Plaintiff did not consent.

85. The intentional, nonconsensual touching of Plaintiff by Harman was highly offensive to Plaintiff's reasonable sense of dignity.

86. As a direct and proximate result of the intentional acts of Harman, Plaintiff experienced pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning capacity, difficulty in personal relationships, difficulty interacting with her children and family, guilt, confusion in her relationship with faith and the church, difficulty in trust relationships, and was otherwise injured and damaged. Plaintiff will incur substantial expenses for mental, psychological, psychiatric, and medical care due to the assault, according to proof at trial.

87. In addition, Plaintiff has suffered and will continue to suffer emotional injuries, including nervousness, fear, anger, betrayal, resentment, sadness, grief, humiliation, anguish, embarrassment, shock, depression, discomfort, fatigue, sleeplessness and elevated anxiety in an amount to be determined at trial.

88. As a direct and proximate result of the sexual and physical assaults by Harman, which were enabled and facilitated by Calvary Church and the Board Member Defendants, Plaintiff has been damaged in her employment and educational trajectory, specifically losing wages and earnings and economic benefits, including tuition remission for her children's schooling, according to proof at the time of trial. Plaintiff has lost wages as a result of the assault she suffered at the hands of Defendants and will continue to lose wages in an amount to be determined at trial. Plaintiff has suffered economic injury, all to Plaintiff's general, special and consequential damage in an amount to be proven at trial, but in no event less than the minimum jurisdictional amount of this Court.

89. In committing the foregoing acts, Harman is guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Harman.

90. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v. Zotea* precludes Harman from relitigating the issues that Harman raped and sexually assaulted Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from relitigating liability in California state court).

91. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises, Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil action for recovery of damages suffered as a result of sexual assault'").

SECOND CAUSE OF ACTION

Sexual Assault

(Against Defendant Jacob Harman)

92. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

93. The conduct and actions of Harman, including the sexual assault and battery of Plaintiff, constitutes an intentional and offensive touching of Plaintiff to which Plaintiff did not consent.

94. The intentional, nonconsensual touching of Plaintiff by Harman was highly offensive to Plaintiff's reasonable sense of dignity.

95. As a direct and proximate result of the intentional acts of Harman, Plaintiff experienced pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning capacity, difficulty in personal relationships, difficulty interacting with her children and family, guilt, confusion in her relationship with faith and the church, difficulty in trust relationships, and was otherwise injured and damaged. Plaintiff will incur substantial expenses for mental, psychological, psychiatric, and medical care due to the assault, according to proof at trial.

1 96. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
2 including nervousness, fear, anger, betrayal, resentment, sadness, grief, humiliation, anguish,
3 embarrassment, shock, depression, discomfort, fatigue, sleeplessness and elevated anxiety in an
4 amount to be determined at trial.

5 97. As a direct and proximate result of the sexual and physical assaults by Harman, which
6 were enabled and facilitated by Calvary Church and the Board Member Defendants, Plaintiff has been
7 damaged in her employment and educational trajectory, specifically losing wages and earnings and
8 economic benefits, including tuition remission for her children's schooling, according to proof at the
9 time of trial. Plaintiff has lost wages as a result of the assault she suffered at the hands of Defendants
10 and will continue to lose wages in an amount to be determined at trial. Plaintiff has suffered economic
11 injury, all to Plaintiff's general, special and consequential damage in an amount to be proven at trial,
12 but in no event less than the minimum jurisdictional amount of this Court.

13 98. In committing the foregoing acts, Harman is guilty of oppression, fraud, and/or malice
14 under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
15 thereby entitled to recover punitive damages from Harman.

16 99. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
17 *Zotea* precludes Harman from relitigating the issues that Harman raped and sexually assaulted
18 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
19 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
20 defendant from relitigating liability in California state court).

21 100. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
22 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
23 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
24 action for recovery of damages suffered as a result of sexual assault'").

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THIRD CAUSE OF ACTION

Sexual Harassment: Civil Code § 51.9

(Against Defendant Jacob Harman)

101. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

102. During Plaintiff's employment at Calvary Church, Harman intentionally, recklessly, and wantonly did acts which results in harmful and offensive contact with intimate parts of Plaintiff's person, including but not limited to Harman using his physical authority as a pastor, missionary, and Plaintiff's supervisor to exploit Plaintiff. These acts were done for Harman's sexual gratification.

103. The incidents of abuse outlined herein above took place while Plaintiff was an employee of Calvary Church, Calvary Chapel High School, and Team Thunder under the direct care, control, and supervision of Defendants Calvary Church, Brodersen, Mugavero, Wing, Harman, Team Thunder, and DOES 1 through 100.

104. Because of Plaintiff's relationship with Defendants Calvary Church, Brodersen, Mugavero, Wing, Harman, Team Thunder, and DOES 1 through 100, Plaintiff was unable to stop the sexual and physical assault and harassment by Harman.

105. Defendants' conduct was a breach of their duties to Plaintiff.

106. The aforesaid acts were carried out with a conscious disregard of Plaintiff's right to be free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California Civil Code section 3294, entitling Plaintiff to punitive damages against Defendants Calvary Church, Brodersen, Mugavero, Wing, Harman, Team Thunder, Thunder Wrestling, and DOES 1 through 100. Plaintiff is also entitled to attorney's fees and costs from Defendants Calvary Church, Brodersen, Mugavero, Wing, Harman, Team Thunder, Thunder Wrestling, and DOES 1 through 100 pursuant to Civil Code section 52, especially given the authorization or ratification of such acts by Defendants Calvary Church, Brodersen, Mugavero, Wing, Harman, Team Thunder, Thunder Wrestling, and DOES 1 through 100, and their managing agents, officers, or directors.

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1 107. As a direct and proximate result of the above-described conduct, Plaintiff experienced
2 and continues to experience pain, suffering, mental anguish, physical injury, lost wages, lost future
3 wages, loss of future earning capacity, difficulty in personal relationships, difficulty interacting with
4 her children and family, guilt, confusion in her relationship with faith and the church, difficulty in trust
5 relationships, and was otherwise injured and damaged. Plaintiff will incur substantial expenses for
6 mental, psychological, psychiatric, and medical care due to the assault, according to proof at trial.

7 108. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
8 including nervousness, fear, anger, betrayal, resentment, sadness, grief, humiliation, anguish,
9 embarrassment, shock, depression, discomfort, fatigue, sleeplessness and elevated anxiety in an
10 amount to be determined at trial.

11 109. As a direct and proximate result of the sexual and physical assaults by Harman, which
12 were enabled and facilitated by Calvary Church and the Board Member Defendants, Plaintiff has been
13 damaged in her employment and educational trajectory, specifically losing wages and earnings and
14 economic benefits, including tuition remission for her children's schooling, according to proof at the
15 time of trial. Plaintiff has lost wages as a result of the assault she suffered at the hands of Defendants
16 and will continue to lose wages in an amount to be determined at trial. Plaintiff has suffered economic
17 injury, all to Plaintiff's general, special and consequential damage in an amount to be proven at trial,
18 but in no event less than the minimum jurisdictional amount of this Court.

19 110. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
20 *Zotea* precludes Harman from relitigating the issues that Harman raped and sexually assaulted
21 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
22 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
23 defendant from relitigating liability in California state court).

24 111. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
25 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
26 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
27 action for recovery of damages suffered as a result of sexual assault'").

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FOURTH CAUSE OF ACTION

Battery

(Against Defendant Jacob Harman)

112. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

113. The conduct and actions of Harman, including the sexual assault and battery of Plaintiff, constitutes an intentional and offensive touching of Plaintiff to which Plaintiff did not consent.

114. The intentional, nonconsensual touching of Plaintiff by Harman was physically painful and terrifying, and highly offensive to Plaintiff's reasonable sense of dignity.

115. Plaintiff was harmed and offended by Harman's nonconsensual touching.

116. As a direct and proximate result of the intentional acts of Harman, Plaintiff experienced pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning capacity, difficulty in personal relationships, difficulty interacting with her children and family, guilt, confusion in her relationship with faith and the church, difficulty in trust relationships, and was otherwise injured and damaged. Plaintiff will incur substantial expenses for mental, psychological, psychiatric, and medical care due to the assault, according to proof at trial.

117. In addition, Plaintiff has suffered and will continue to suffer emotional injuries, including nervousness, fear, anger, betrayal, resentment, sadness, grief, humiliation, anguish, embarrassment, shock, depression, discomfort, fatigue, sleeplessness and elevated anxiety in an amount to be determined at trial.

118. As a direct and proximate result of the physical assaults by Harman, which were enabled and facilitated by Calvary Church and the Board Member Defendants, Plaintiff has been damaged in her employment and educational trajectory, specifically losing wages and earnings and economic benefits, including tuition remission for her children's schooling, according to proof at the time of trial. Plaintiff has lost wages as a result of the assault she suffered at the hands of Defendants and will continue to lose wages in an amount to be determined at trial. Plaintiff has suffered economic

1 injury, all to Plaintiff's general, special and consequential damage in an amount to be proven at trial,
2 but in no event less than the minimum jurisdictional amount of this Court.

3 119. In committing the foregoing acts, Harman is guilty of oppression, fraud, and/or malice
4 under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
5 thereby entitled to recover punitive damages from Harman.

6 120. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
7 *Zotea* precludes Harman from relitigating the issues that Harman raped and sexually assaulted
8 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
9 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
10 defendant from relitigating liability in California state court).

11 121. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
12 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
13 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
14 action for recovery of damages suffered as a result of sexual assault'").

15 **FIFTH CAUSE OF ACTION**

16 **Sexual Harassment: Civil Code § 51.9**

17 **(Against Defendants Team Thunder Athletics, Inc., Thunder Wrestling, Calvary Chapel of**
18 **Costa Mesa, Brian Brodersen, Michael Mugavero, and Roger Wing)**

19 122. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding
20 paragraphs as if fully set forth herein

21 123. During Plaintiff's time as an employee of Calvary Church, Calvary High, and Team
22 Thunder, Harman intentionally, recklessly, and wantonly did acts which resulted in harmful and
23 offensive contact with intimate parts of Plaintiff's person, including but not limited to Harman using
24 his authority and position as a coach, missionary, and pastor of Calvary Church to exploit Plaintiff and
25 violently physically and sexually assault her.

26 124. The incidents of abuse outlined herein above took place while the Plaintiff was
27 employed by Calvary Church, Calvary High, and Team Thunder, under the direct care, control, and
28

1 supervision of Defendants Harman, Team Thunder, Thunder Wrestling, Calvary Church, Brian
2 Brodersen, Michael Mugavero, and Roger Wing, and DOES 1-100.

3 125. Plaintiff was unable to stop the violent sexual and physical assaults Harman inflicted on
4 her due to (1) Harman's pervasive influence at Calvary. Plaintiff did not give consent to such acts.

5 126. Defendants' conduct was a breach of their duties to Plaintiff.

6 127. The intentional, nonconsensual touching of Plaintiff by Harman was physically painful
7 and terrifying, and highly offensive to Plaintiff's reasonable sense of dignity.

8 128. Plaintiff was harmed and offended by Harman's nonconsensual touching.

9 129. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
10 including nervousness, fear, anger, betrayal, resentment, sadness, grief, humiliation, anguish,
11 embarrassment, shock, depression, discomfort, fatigue, sleeplessness and elevated anxiety in an
12 amount to be determined at trial.

13 130. As a direct and proximate result of the physical assaults by Harman, which were
14 enabled and facilitated by Harman, Team Thunder, Calvary Church and the Board Member
15 Defendants, Plaintiff has been damaged in her employment and educational trajectory, specifically
16 losing wages and earnings and economic benefits, including tuition remission for her children's
17 schooling, according to proof at the time of trial. Plaintiff has lost wages as a result of the assault she
18 suffered at the hands of Defendants and will continue to lose wages in an amount to be determined at
19 trial. Plaintiff has suffered economic injury, all to Plaintiff's general, special and consequential
20 damage in an amount to be proven at trial, but in no event less than the minimum jurisdictional
21 amount of this Court.

22 131. In committing the foregoing acts, Harman is guilty of oppression, fraud, and/or malice
23 under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
24 thereby entitled to recover punitive damages from Harman.

25 132. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
26 *Zotea* precludes Harman from relitigating the issues that Harman raped and sexually assaulted
27 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
28

1 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
2 defendant from relitigating liability in California state court).

3 133. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
4 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
5 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
6 action for recovery of damages suffered as a result of sexual assault'").

7 **SIXTH CAUSE OF ACTION**

8 **Intentional Infliction of Emotional Distress**

9 **(Against Jacob Harman)**

10 134. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding
11 paragraphs as if fully set forth herein.

12 135. Harman's violent conduct in physically and sexually assaulting Plaintiff was
13 outrageous.

14 136. In physically and sexually assaulting Plaintiff, Harman intended to cause Plaintiff
15 emotional distress and/or acted with reckless disregard of the probability that Plaintiff would
16 experience emotional distress.

17 137. Plaintiff suffered severe emotional distress of such substantial quality or enduring
18 quality that no reasonable person in civilized society should be expected to endure it.

19 138. Harman's conduct was a substantial factor in causing Plaintiff severe emotional
20 distress.

21 139. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
22 *Zotea* precludes Harman from relitigating the issues that Harman raped and sexually assaulted
23 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
24 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
25 defendant from relitigating liability in California state court).

26 140. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
27 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
28

1 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 “applies to ‘any civil
2 action for recovery of damages suffered as a result of sexual assault’”).

3 141. Plaintiff’s cause of action also survives the statute of limitations defense under the
4 delayed discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal.App.4th 148,
5 156 (the delayed discovery rule “postpones accrual of a cause of action until the plaintiff discovers, or
6 has reason to discover, the cause of action”).

7 **SEVENTH CAUSE OF ACTION**

8 **Intentional Infliction of Emotional Distress**

9 **(Against Calvary Chapel Costa Mesa)**

10 142. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding
11 paragraphs as if fully set forth herein.

12 143. Calvary Church engaged in outrageous conduct including but not limited to: (1)
13 disregarding prior credible complaints of Harman’s violent past with Calvary Church; (2) refusing to
14 investigate or otherwise address Harman’s violent criminal history; (3) holding Harman out as a
15 trustworthy pastor and missionary; (4) providing Harman unfettered and unsupervised access to the
16 Calvary High gym (5) failing to protect Plaintiff from Harman’s violence and threats of further harm;
17 (6) discrediting Plaintiff’s report of Harman’s violent assault; (7) shaming and scolding Plaintiff for
18 reporting Harman’s violence to the police; (8) further endangering Plaintiff by allowing Harman to
19 maintain a continued presence on the Calvary Church campus after he had violently raped and
20 assaulted Plaintiff; and (9) refusing to provide any emotional or pastoral support for the violent
21 assaults that Plaintiff endured.

22 144. By engaging in the foregoing outrageous conduct, Calvary Church intended to cause
23 Plaintiff emotional distress and/or acted with reckless disregard of the probability that Plaintiff would
24 experience emotional distress.

25 145. Plaintiff suffered severe emotional distress of such substantial quality or enduring
26 quality that no reasonable person in civilized society should be expected to endure it.

27 146. Calvary Church’s conduct was a substantial factor in causing Plaintiff severe emotional
28 distress.

147. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v. Zotea* precludes Calvary Church from relitigating the issues that Harman raped and sexually assaulted Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from relitigating liability in California state court).

148. Under Cal. Code Civ. Proc. § 340.16, Plaintiff’s cause of action survives any affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises, Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 “applies to ‘any civil action for recovery of damages suffered as a result of sexual assault’”).

149. In committing the foregoing acts, Calvary Church is guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Calvary Church.

150. Plaintiff's claim also survives the statute of limitations defense under the delayed discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal.App.4th 148, 156 (the delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has reason to discover, the cause of action").

EIGHTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

(Against Brian Brodersen)

151. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

152. Brodersen engaged in outrageous conduct including but not limited to: (1) disregarding prior credible complaints of Harman's violent and alcoholic past with Calvary Church; (2) refusing to investigate or otherwise address Harman's violent criminal history and alcohol abuse; (3) holding Harman out as a trustworthy pastor and missionary; (4) providing Harman unfettered and unsupervised access to the Calvary High gym (5) discrediting Plaintiff's report of Harman's violent assault and labeling her as "borderline crazy"; (6) allowing Harman to maintain a continued presence on the

1 Calvary Church campus after he had violently raped and assaulted Plaintiff; and (7) refusing to
2 provide any emotional or pastoral support for the violent assaults that Plaintiff endured.

3 153. By engaging in the foregoing outrageous conduct, Brodersen intended to cause Plaintiff
4 emotional distress and/or acted with reckless disregard of the probability that Plaintiff would
5 experience emotional distress.

6 154. Plaintiff suffered severe emotional distress of such substantial quality or enduring
7 quality that no reasonable person in civilized society should be expected to endure it.

8 155. Brodersen's conduct was a substantial factor in causing Plaintiff severe emotional
9 distress.

10 156. In committing the foregoing acts, Brodersen is guilty of oppression, fraud, and/or
11 malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
12 thereby entitled to recover punitive damages from Brodersen.

13 157. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
14 *Zotea* precludes Brodersen from relitigating the issues that Harman raped and sexually assaulted
15 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
16 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
17 defendant from relitigating liability in California state court).

18 158. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
19 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
20 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
21 action for recovery of damages suffered as a result of sexual assault'").

22 159. Plaintiff's claim also survives the statute of limitations defense under the delayed
23 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal.App.4th 148, 156 (the
24 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
25 reason to discover, the cause of action").

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NINTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

(Against Michael Mugavero)

160. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

161. Mugavero engaged in outrageous conduct including but not limited to: (1) disregarding prior credible complaints of Harman's violent past with Calvary Church; (2) refusing to investigate or otherwise address Harman's violent criminal history; (3) holding Harman out as a trustworthy pastor and missionary; (4) providing Harman unfettered and unsupervised access to the Calvary High gym (5) discrediting Plaintiff's report of Harman's violent assault; (6) allowing Harman to maintain a continued presence on the Calvary Church campus after he had violently raped and assaulted Plaintiff; and (7) refusing to provide any emotional or pastoral support for the violent assaults that Plaintiff endured.

162. By engaging in the foregoing outrageous conduct, Mugavero intended to cause Plaintiff emotional distress and/or acted with reckless disregard of the probability that Plaintiff would experience emotional distress.

163. Plaintiff suffered severe emotional distress of such substantial quality or enduring quality that no reasonable person in civilized society should be expected to endure it.

164. Mugavero's conduct was a substantial factor in causing Plaintiff severe emotional distress.

165. In committing the foregoing acts, Mugavero is guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Mugavero.

166. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v. Zotea* precludes Mugavero from relitigating the issues that Harman raped and sexually assaulted Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from relitigating liability in California state court).

167. Under Cal. Code Civ. Proc. § 340.16, Plaintiff’s cause of action survives any affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises, Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 “applies to ‘any civil action for recovery of damages suffered as a result of sexual assault’”).

TENTH CAUSE OF ACTION

(Against Roger Wing)

Wing engaged in outrageous conduct including but not limited to: (1) disregarding prior credible complaints of Harman's violent past with Calvary Church; (2) refusing to investigate or otherwise address Harman's violent criminal history; (3) holding Harman out as a trustworthy pastor and missionary; (4) providing Harman unfettered and unsupervised access to the Calvary High gym (5) discrediting Plaintiff's report of Harman's violent assault; (6) allowing Harman to maintain a continued presence on the Calvary Church campus after he had violently raped and assaulted Plaintiff; and (7) refusing to provide any emotional or pastoral support for the violent assaults that Plaintiff endured.

171. Plaintiff suffered severe emotional distress of such substantial quality or enduring quality that no reasonable person in civilized society should be expected to endure it.

173. In committing the foregoing acts, Wing is guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from the Board Member Defendants.

174. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v. Zotea* precludes Wing from relitigating the issues that Harman raped and sexually assaulted Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from relitigating liability in California state court).

175. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises, Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil action for recovery of damages suffered as a result of sexual assault'").

176. Plaintiff's claim also survives the statute of limitations defense under the delayed discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal.App.4th 148, 156 (the delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has reason to discover, the cause of action").

ELEVENTH CAUSE OF ACTION

Negligence

(Against Defendant Jacob Harman)

177. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

178. Harman had a duty to conduct himself in a manner that a reasonably prudent person would under like circumstances.

179. Plaintiff, as an employee, volunteer, and/or church member at all relevant times alleged herein, was placed in the custody, control, and dominion of Harman, and was placed in such custody, control, and dominion in locations including, but not limited to: Calvary High and the Calvary Church grounds at large, the Calvary High wrestling gym, and other locations in which Harman would run operations related to Team Thunder and the Calvary High wrestling team.

180. As a supervisor responsible for the supervision and care of its employees, Harman owed Plaintiff a special duty of care, as he was entrusted with Plaintiff's safety, security, and care.

181. The conduct and actions of Harman constitutes a failure to exercise reasonable care under the circumstances.

182. As a direct and proximate result of the acts of Harman, Plaintiff experienced pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning capacity, loss of tuition remission for her children's schooling and was otherwise injured and damaged.

183. In addition, Plaintiff has suffered and will continue to suffer emotional injuries, including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness and elevated anxiety in an amount to be determined at trial.

184. In committing the foregoing acts, Harman is guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Harman.

185. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v. Zotea* precludes Harman from relitigating the issues that Harman raped and sexually assaulted Plaintiff, and that Harman is a rapist. *Roos v. Red*, (2005) 130 Cal.App.4th 870, 879 (holding collateral estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from relitigating liability in California state court).

186. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises, Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil action for recovery of damages suffered as a result of sexual assault'").

TWELFTH CAUSE OF ACTION

Negligence

(Against Calvary Chapel Costa Mesa)

187. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

188. Calvary Church had a duty to conduct itself in a manner that a reasonably prudent person would under like circumstances.

189. Plaintiff, as an employee, volunteer, and/or church members at all relevant times alleged herein, was placed in the custody, control, and dominion of Calvary Church and its agents, employees, and/or servants, and was placed in such custody, control, and dominion in locations including, but not limited to: Calvary High and the Calvary Church grounds at large, the Calvary High wrestling gym, and other locations in which Harman would run operations related to Team Thunder and the Calvary High wrestling team.

190. As is set forth herein Calvary Church failed to uphold numerous mandatory duties imposed upon it by state and federal law, and by written policies and procedures applicable to it, including but not limited to the following:

- Duty to ensure that any direction given to employees and agents is lawful, and that adults act fairly, responsibly, and respectfully towards other adults;
- Duty to properly train teachers, mentors, pastors, supervisors and advisors so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- Duty to supervise employees in its care, enforce rules and regulations prescribed for such organizations, exercise reasonable control over employees in its care as is reasonably necessary to maintain order, protect property, or protect the health and safety of employees or to maintain proper and appropriate conditions conducive to workplace safety and productivity;
- Duty to exercise careful supervision of the moral conditions in the adult and church programs;
- Duty to properly monitor employees, prevent or correct harmful situations or call for help when a situation is beyond their control;
- Duty to ensure that personnel are actually on-hand and supervising other employees;
- Duty to supervise diligently;
- Duty to act promptly and diligently and not ignore or minimize problems;

191. Harman demonstrated that he was and became unfit and/or incompetent to perform the work for which he was hired as an ordained pastor, missionary and wrestling coach.

192. Calvary Church knew that Harman became unfit and/or incompetent and that his unfitness and/or incompetence created a particular risk to others within Calvary Church.

193. With actual or constructive knowledge that Harman had previously engaged in dangerous and inappropriate misconduct, Calvary Church conspired to and did knowingly fail to take reasonable steps and failed to implement reasonable safeguards to avoid acts of sexual assault by Harman.

194. Plaintiff further alleges that Calvary Church failed to report and did hide and conceal from Plaintiff and other employees in their care, law enforcement authorities, civil authorities and others, the true facts and relevant information necessary to bring Harman to justice for misconduct that created a risk of sexual and physical assault of other Calvary Church members, including Plaintiff.

195. The conduct and actions of Calvary Church including but not limited to overlooking and/or concealing Harman's violent past, dismissing Plaintiff's complaints against Harman, and allowing Harman a continued presence on the Calvary Church campus constitutes a failure to exercise reasonable care under the circumstances.

196. As a direct and proximate result of the acts of Calvary Church and the Board Member Defendants, Plaintiff experienced pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning capacity, loss of tuition remission for her children's schooling and was otherwise injured and damaged. In addition, Plaintiff has suffered and will continue to suffer emotional injuries, including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness and elevated anxiety in an amount to be determined at trial.

197. In committing the foregoing acts, Calvary Church failed to act in good faith and/or acted in a grossly negligent, reckless, and/or wanton manner and is thereby not afforded the protection of California Corporations Code § 9247.

198. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v. Zotea* precludes Calvary Church Harman from relitigating issues that Harman raped and sexually assaulted Plaintiff, and that Harman is a rapist. *Roos v. Red*, (2005) 130 Cal.App.4th 870, 879 (holding

1 collateral estoppel applies where prior judgment in adversary proceeding in bankruptcy court
2 precluded defendant from relitigating liability in California state court).

3 199. In committing the foregoing acts, Calvary Church is guilty of oppression, fraud, and/or
4 malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
5 thereby entitled to recover punitive damages from Calvary Church.

6 200. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
7 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
8 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
9 action for recovery of damages suffered as a result of sexual assault'").

10 201. Plaintiff's claim also survives the statute of limitations defense under the delayed
11 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal.App.4th 148, 156 (the
12 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
13 reason to discover, the cause of action").

14 **THIRTEENTH CAUSE OF ACTION**

15 **Negligence**

16 **(Against Brian Brodersen)**

17 202. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding
18 paragraphs as if fully set forth herein.

19 203. Brodersen had a duty to conduct himself in a manner that a reasonably prudent person
20 would under like circumstances.

21 204. Plaintiff, as an employee, volunteer, and/or church members at all relevant times
22 alleged herein, was placed in the custody, control, and dominion of Brodersen and Calvary Church
23 and its agents, employees, and/or servants, and was placed in such custody, control, and dominion in
24 locations including, but not limited to: Calvary High and the Calvary Church grounds at large, the
25 Calvary High wrestling gym, and other locations in which Harman would run operations related to
26 Team Thunder and the Calvary High wrestling team.

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1 205. As is set forth herein Brodersen failed to uphold numerous mandatory duties imposed
2 upon him by state and federal law, and by written policies and procedures applicable to him, including
3 but not limited to the following:

- 4 • Duty to ensure that any direction given to employees and agents is lawful, and that
5 adults act fairly, responsibly, and respectfully towards other adults;
- 6 • Duty to properly train teachers, mentors, pastors, supervisors and advisors so that they
7 are aware of their individual responsibility for creating and maintaining a safe
8 environment;
- 9 • Duty to supervise employees in its care, enforce rules and regulations prescribed for
10 such organizations, exercise reasonable control over employees in its care as is
11 reasonably necessary to maintain order, protect property, or protect the health and
12 safety of employees or to maintain proper and appropriate conditions conducive to
13 workplace safety and productivity;
- 14 • Duty to exercise careful supervision of the moral conditions in the adult and church
15 programs;
- 16 • Duty to properly monitor employees, prevent or correct harmful situations or call for
17 help when a situation is beyond their control;
- 18 • Duty to ensure that personnel are actually on-hand and supervising other employees;
- 19 • Duty to supervise diligently;
- 20 • Duty to act promptly and diligently and not ignore or minimize problems;

21 206. Harman demonstrated that he was and became unfit and/or incompetent to perform the
22 work for which he was hired as an ordained pastor, missionary and wrestling coach.

23 207. Brodersen knew that Harman became unfit and/or incompetent and that his unfitness
24 and/or incompetence created a particular risk to others within Calvary Church.

25 208. With actual or constructive knowledge that Harman had previously engaged in
26 dangerous and inappropriate misconduct, Brodersen conspired to and did knowingly fail to take
27 reasonable steps and failed to implement reasonable safeguards to avoid acts of sexual assault by
28 Harman.

1 209. Plaintiff further alleges that Brodersen failed to report and did hide and conceal from
2 Plaintiff and other employees in his care, law enforcement authorities, civil authorities and others, the
3 true facts and relevant information necessary to bring Harman to justice for misconduct that created a
4 risk of sexual and physical assault of other Calvary Church members, including Plaintiff.

5 210. The conduct and actions of Brodersen including but not limited to overlooking and/or
6 concealing Harman's violent past, dismissing Plaintiff's complaints against Harman, and allowing
7 Harman a continued presence on the Calvary Church campus constitutes a failure to exercise
8 reasonable care under the circumstances.

9 211. As a direct and proximate result of the acts of Brodersen, Plaintiff experienced pain,
10 suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning
11 capacity, loss of tuition remission for her children's schooling and was otherwise injured and
12 damaged.

13 212. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
14 including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness
15 and elevated anxiety in an amount to be determined at trial.

16 213. In committing the foregoing acts, Brodersen is guilty of oppression, fraud, and/or
17 malice under California Civil Code § 3294 in conscious disregard of the rights and/or safety of
18 Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Brodersen.

19 214. In committing the foregoing acts, Brodersen failed to act in good faith and/or acted in a
20 grossly negligent, reckless, and/or wanton manner and is thereby not afforded the protection of
21 California Corporations Code § 9247.

22 215. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
23 *Zotea* precludes Brodersen from relitigating the issues that Harman raped and sexually assaulted
24 Plaintiff, and that Harman is a rapist. *Roos v. Red*, (2005) 130 Cal.App.4th 870, 879 (holding collateral
25 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
26 defendant from relitigating liability in California state court).

27 216. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
28 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises*,

1 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 “applies to ‘any civil
2 action for recovery of damages suffered as a result of sexual assault’”).

3 217. Plaintiff’s claim also survives the statute of limitations defense under the delayed
4 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal.App.4th 148, 156 (the
5 delayed discovery rule “postpones accrual of a cause of action until the plaintiff discovers, or has
6 reason to discover, the cause of action”).

7 **FOURTEENTH CAUSE OF ACTION**

8 **Negligence**

9 **(Against Michael Mugavero)**

10 218. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding
11 paragraphs as if fully set forth herein.

12 219. Mugavero had a duty to conduct himself in a manner that a reasonably prudent person
13 would under like circumstances.

14 220. Plaintiff, as an employee, volunteer, and/or church members at all relevant times
15 alleged herein, was placed in the custody, control, and dominion of Calvary Church and its agents,
16 employees, and/or servants, and was placed in such custody, control, and dominion in locations
17 including, but not limited to: Calvary High and the Calvary Church grounds at large, the Calvary
18 High wrestling gym, and other locations in which Harman would run operations related to Team
19 Thunder and the Calvary High wrestling team.

20 221. As is set forth herein Mugavero failed to uphold numerous mandatory duties imposed
21 upon him by state and federal law, and by written policies and procedures applicable to him, including
22 but not limited to the following:

- 23 • Duty to ensure that any direction given to employees and agents is lawful, and that
- 24 adults act fairly, responsibly, and respectfully towards other adults;
- 25 • Duty to properly train teachers, mentors, pastors, supervisors and advisors so that they
- 26 are aware of their individual responsibility for creating and maintaining a safe
- 27 environment;
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- Duty to supervise employees in its care, enforce rules and regulations prescribed for such organizations, exercise reasonable control over employees in its care as is reasonably necessary to maintain order, protect property, or protect the health and safety of employees or to maintain proper and appropriate conditions conducive to workplace safety and productivity;
- Duty to exercise careful supervision of the moral conditions in the adult and church programs;
- Duty to properly monitor employees, prevent or correct harmful situations or call for help when a situation is beyond their control;
- Duty to ensure that personnel are actually on-hand and supervising other employees;
- Duty to supervise diligently;
- Duty to act promptly and diligently and not ignore or minimize problems;

222. Harman demonstrated that he was and became unfit and/or incompetent to perform the work for which he was hired as an ordained pastor, missionary and wrestling coach.

223. Mugavero knew that Harman became unfit and/or incompetent and that his unfitness and/or incompetence created a particular risk to others within Calvary Church.

224. With actual or constructive knowledge that Harman had previously engaged in dangerous and inappropriate misconduct, Mugavero conspired to and did knowingly fail to take reasonable steps and failed to implement reasonable safeguards to avoid acts of sexual assault by Harman.

225. Plaintiff further alleges that Mugavero failed to report and did hide and conceal from Plaintiff and other employees in his care, law enforcement authorities, civil authorities and others, the true facts and relevant information necessary to bring Harman to justice for misconduct that created a risk of sexual and physical assault of other Calvary Church members, including Plaintiff.

226. The conduct and actions of Mugavero, including but not limited to overlooking and/or concealing Harman's violent past, dismissing Plaintiff's complaints against Harman, and allowing Harman a continued presence on the Calvary Church campus constitutes a failure to exercise reasonable care under the circumstances.

1 227. As a direct and proximate result of the acts of Mugavero, Plaintiff experienced pain,
2 suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning
3 capacity, loss of tuition remission for her children's schooling and was otherwise injured and
4 damaged.

5 228. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
6 including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness
7 and elevated anxiety in an amount to be determined at trial.

8 229. In committing the foregoing acts, Mugavero is guilty of oppression, fraud, and/or
9 malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
10 thereby entitled to recover punitive damages from Mugavero.

11 230. In committing the foregoing acts, Mugavero failed to act in good faith and/or acted in a
12 grossly negligent, reckless, and/or wanton manner and is thereby not afforded the protection of
13 California Corporations Code § 9247.

14 231. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
15 *Zotea* precludes Mugavero from relitigating the issues that Harman raped and sexually assaulted
16 Plaintiff, and that Harman is a rapist. *Roos v. Red*, (2005) 130 Cal.App.4th 870, 879 (holding collateral
17 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
18 defendant from relitigating liability in California state court).

19 232. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
20 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
21 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
22 action for recovery of damages suffered as a result of sexual assault'").

23 233. Plaintiff's claim also survives the statute of limitations defense under the delayed
24 discovery rule. See *WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal.App.4th 148, 156 (the
25 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
26 reason to discover, the cause of action").

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FIFTEENTH CAUSE OF ACTION**Negligence****(Against Roger Wing)**

234. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

235. Wing had a duty to conduct himself in a manner that a reasonably prudent person would under like circumstances.

236. Plaintiff, as an employee, volunteer, and/or church members at all relevant times alleged herein, was placed in the custody, control, and dominion of Wing and Calvary Church and its agents, employees, and/or servants, and was placed in such custody, control, and dominion in locations including, but not limited to: Calvary High and the Calvary Church grounds at large, the Calvary High wrestling gym, and other locations in which Harman would run operations related to Team Thunder and the Calvary High wrestling team.

237. As is set forth herein Wing failed to uphold numerous mandatory duties imposed upon him by state and federal law, and by written policies and procedures applicable to it, including but not limited to the following:

- Duty to ensure that any direction given to employees and agents is lawful, and that adults act fairly, responsibly, and respectfully towards other adults;
- Duty to properly train teachers, mentors, pastors, supervisors and advisors so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- Duty to supervise employees in its care, enforce rules and regulations prescribed for such organizations, exercise reasonable control over employees in its care as is reasonably necessary to maintain order, protect property, or protect the health and safety of employees or to maintain proper and appropriate conditions conducive to workplace safety and productivity;
- Duty to exercise careful supervision of the moral conditions in the adult and church programs;

- Duty to properly monitor employees, prevent or correct harmful situations or call for help when a situation is beyond their control;
- Duty to ensure that personnel are actually on-hand and supervising other employees;
- Duty to supervise diligently;
- Duty to act promptly and diligently and not ignore or minimize problems;

238. Harman demonstrated that he was and became unfit and/or incompetent to perform the work for which he was hired as an ordained pastor, missionary and wrestling coach.

239. Wing knew that Harman became unfit and/or incompetent and that his unfitness and/or incompetence created a particular risk to others within Calvary Church.

240. With actual or constructive knowledge that Harman had previously engaged in dangerous and inappropriate misconduct, Wing conspired to and did knowingly fail to take reasonable steps and failed to implement reasonable safeguards to avoid acts of sexual assault by Harman.

241. Plaintiff further alleges that Wing failed to report and did hide and conceal from Plaintiff and other employees in his care, law enforcement authorities, civil authorities and others, the true facts and relevant information necessary to bring Harman to justice for misconduct that created a risk of sexual and physical assault of other Calvary Church members, including Plaintiff.

242. The conduct and actions of Wing including but not limited to overlooking and/or concealing Harman's violent past, dismissing Plaintiff's complaints against Harman, and allowing Harman a continued presence on the Calvary Church campus constitutes a failure to exercise reasonable care under the circumstances.

243. As a direct and proximate result of the acts of Wing, Plaintiff experienced pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning capacity, loss of tuition remission for her children's schooling and was otherwise injured and damaged.

244. In addition, Plaintiff has suffered and will continue to suffer emotional injuries, including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness and elevated anxiety in an amount to be determined at trial.

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245. In committing the foregoing acts, Wing is guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Wing.

1 252. The intentional, nonconsensual touching of Plaintiff by Harman was highly offensive to
2 Plaintiff's reasonable sense of dignity and otherwise physically harmed Plaintiff.

3 253. As a direct and proximate result of the intentional acts of Harman, Plaintiff experienced
4 pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning
5 capacity, and was otherwise injured and damaged.

6 254. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
7 including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness
8 and elevated anxiety in an amount to be determined at trial.

9 255. Team Thunder, is responsible for the harm caused by Harman because Harman was
10 Thunder's agent in his capacity as wrestling coach.

11 256. At all relevant times, Harman was acting in the course and scope of his
12 employment/agency for Calvary Church as an ordained minister on missionary status, as well as a
13 Calvary High employee when he sexually and physically battered and assaulted Plaintiff.

14 257. In committing the foregoing acts, Team Thunder is guilty of oppression, fraud, and/or
15 malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
16 thereby entitled to recover punitive damages from Team Thunder.

17 258. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
18 *Zotea* precludes Team Thunder from relitigating the issues that Harman raped and sexually assaulted
19 Plaintiff, and that Harman is a rapist. *Roos v. Red*, (2005) 130 Cal.App.4th 870, 879 (holding collateral
20 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
21 defendant from relitigating liability in California state court).

22 259. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
23 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
24 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
25 action for recovery of damages suffered as a result of sexual assault'").

26 260. Plaintiff's claim also survives the statute of limitations defense under the delayed
27 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal.App.4th 148, 156 (the
28

1 delayed discovery rule “postpones accrual of a cause of action until the plaintiff discovers, or has
2 reason to discover, the cause of action”).

3 **SEVENTEENTH CAUSE OF ACTION**

4 **Vicarious Liability**

5 **(Against Defendant Thunder Wrestling)**

6 261. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding
7 paragraphs as if fully set forth herein.

8 262. The conduct and actions of Harman, including the sexual assault and battery of
9 Plaintiff, constitutes an intentional and offensive touching of Plaintiff to which Plaintiff did not
10 consent.

11 263. The intentional, nonconsensual touching of Plaintiff by Harman was highly offensive to
12 Plaintiff’s reasonable sense of dignity and otherwise physically harmed Plaintiff.

13 264. As a direct and proximate result of the intentional acts of Harman, Plaintiff experienced
14 pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning
15 capacity, and was otherwise injured and damaged.

16 265. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
17 including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness
18 and elevated anxiety in an amount to be determined at trial.

19 266. Thunder Wrestling is responsible for the harm caused by Harman because Harman was
20 Team Thunder’s agent in his capacity as wrestling coach.

21 267. Thunder Wrestling has liability for its predecessor, Team Thunder’s, actions because,
22 among other things: (1) Harman, as CEO of Team Thunder, transferred the assets of Thunder
23 Wrestling to Team Thunder for no consideration; (2) Harman at all relevant times also acted as the
24 sole board member and chief executive officer of both entities; (3) Team Thunder and Thunder
25 Wrestling set forth the same corporate purpose in their articles of incorporation: to teach the sport of
26 wrestling to youth athletes; and (4) Harman’s social media pages, as well as the Thunder Wrestling
27 website reference Team Thunder and Thunder Wrestling interchangeably.

268. At all relevant times, Harman was acting in the course and scope of his employment/agency for Calvary Church as an ordained minister on missionary status, as well as a Calvary High employee when he sexually and physically battered and assaulted Plaintiff.

269. Thunder Wrestling is guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Thunder Wrestling.

270. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v. Zotea* precludes Thunder Wrestling from relitigating the issues that Harman raped and sexually assaulted Plaintiff, and that Harman is a rapist. *Roos v. Red*, (2005) 130 Cal.App.4th 870, 879 (holding collateral estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from relitigating liability in California state court).

271. Under Cal. Code Civ. Proc. § 340.16, Plaintiff’s cause of action survives any affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises, Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 “applies to ‘any civil action for recovery of damages suffered as a result of sexual assault’”).

272. Plaintiff’s claim also survives the statute of limitations defense under the delayed discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal.App.4th 148, 156 (the delayed discovery rule “postpones accrual of a cause of action until the plaintiff discovers, or has reason to discover, the cause of action”).

EIGHTEENTH CAUSE OF ACTION

Negligent Hiring, Retention, Supervision

(Against Defendant Team Thunder)

273. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

274. Team Thunder hired Harman in his capacity as a wrestling coach.

275. As is set forth herein Team Thunder failed to uphold numerous mandatory duties imposed upon it by state and federal law, and by written policies and procedures applicable to it, including but not limited to the following:

- Duty to ensure that any direction given to employees and agents is lawful, and that adults act fairly, responsibly, and respectfully towards other adults;
- Duty to properly train teachers, mentors, pastors, supervisors and advisors so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- Duty to supervise employees in its care, enforce rules and regulations prescribed for such organizations, exercise reasonable control over employees in its care as is reasonably necessary to maintain order, protect property, or protect the health and safety of employees or to maintain proper and appropriate conditions conducive to workplace safety and productivity;
- Duty to exercise careful supervision of the moral conditions in the adult and church programs;
- Duty to properly monitor employees, prevent or correct harmful situations or call for help when a situation is beyond their control;
- Duty to ensure that personnel are actually on-hand and supervising other employees;
- Duty to supervise diligently;
- Duty to act promptly and diligently and not ignore or minimize problems;
- Duty to refrain from violating Plaintiff's right to protection from bodily restraint or harm, from personal insult, from defamation, and from injury to her personal relations (Civil Code § 43);
- Duty to abstain from injuring the person or property of Plaintiff, or infringing upon any of his rights (Civil Code § 1708).

276. Harman demonstrated that he was and became unfit and/or incompetent to perform the work for which he was hired as an ordained pastor, missionary and wrestling coach.

277. Team Thunder knew that Harman became unfit and/or incompetent and that his unfitness and/or incompetence created a particular risk to others within Team Thunder.

278. With actual or constructive knowledge that Harman had previously engaged in dangerous and inappropriate misconduct, Team Thunder conspired to and did knowingly fail to take

1 reasonable steps and failed to implement reasonable safeguards to avoid acts of sexual assault by
2 Harman.

3 279. Plaintiff further alleges that Team Thunder failed to report and did hide and conceal
4 from Plaintiff and other employees in their care, law enforcement authorities, civil authorities and
5 others, the true facts and relevant information necessary to bring Harman to justice for misconduct that
6 created a risk of sexual and physical assault of other Calvary Church members, including Plaintiff.

7 280. Plaintiff was harmed by Harman as a result of his unfitness and/or incompetence to
8 serve as a Team Thunder employee.

9 281. Plaintiff proceeded with reasonable diligence to investigate Team Thunder's negligence
10 but could not uncover sufficient facts based on the confidential nature of the documents and otherwise
11 confidential communications revealing Team Thunder's negligence.

12 282. Plaintiff learned of Team Thunder's negligence in or around October 2023 when
13 documents and communications revealing Team Thunder's negligence were entered into evidence in
14 *Harman v. Zotea*, Case No. 8:20-ap-01044.

15 283. Team Thunder's negligence in hiring, supervising and retaining Harman was a
16 substantial factor in causing Plaintiff's harm.

17 284. In committing the foregoing acts, Team Thunder is guilty of oppression, fraud, and/or
18 malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
19 thereby entitled to recover punitive damages from Team Thunder.

20 285. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
21 *Zotea* precludes Team Thunder from relitigating the issues that Harman raped and sexually assaulted
22 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
23 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
24 defendant from relitigating liability in California state court).

25 286. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
26 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
27 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
28 action for recovery of damages suffered as a result of sexual assault'").

287. Plaintiff's claim also survives the statute of limitations defense under the delayed discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has reason to discover, the cause of action").

NINETEENTH CAUSE OF ACTION

Negligent Hiring, Retention, Supervision

(Against Defendant Thunder Wrestling)

288. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

289. Team Thunder hired Harman in his capacity as a wrestling coach.

290. Thunder Wrestling has liability for its predecessor, Team Thunder's, actions because, among other things: (1) Harman, as CEO of Team Thunder, transferred the assets of Thunder Wrestling to Team Thunder for no consideration; (2) Harman at all relevant times also acted as the sole board member and chief executive officer of both entities; (3) Team Thunder and Thunder Wrestling set forth the same corporate purpose in their articles of incorporation: to teach the sport of wrestling to youth athletes; and (4) Harman's social media pages, as well as the Thunder Wrestling website reference Team Thunder and Thunder Wrestling interchangeably.

291. As is set forth herein Team Thunder failed to uphold numerous mandatory duties imposed upon it by state and federal law, and by written policies and procedures applicable to it, including but not limited to the following:

- Duty to ensure that any direction given to employees and agents is lawful, and that adults act fairly, responsibly, and respectfully towards other adults;
- Duty to properly train teachers, mentors, pastors, supervisors and advisors so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- Duty to supervise employees in its care, enforce rules and regulations prescribed for such organizations, exercise reasonable control over employees in its care as is reasonably necessary to maintain order, protect property, or protect the health and

safety of employees or to maintain proper and appropriate conditions conducive to workplace safety and productivity;

- Duty to exercise careful supervision of the moral conditions in the adult and church programs;
- Duty to properly monitor employees, prevent or correct harmful situations or call for help when a situation is beyond their control;
- Duty to ensure that personnel are actually on-hand and supervising other employees;
- Duty to supervise diligently;
- Duty to act promptly and diligently and not ignore or minimize problems;
- Duty to refrain from violating Plaintiff's right to protection from bodily restraint or harm, from personal insult, from defamation, and from injury to her personal relations (Civil Code § 43);
- Duty to abstain from injuring the person or property of Plaintiff, or infringing upon any of his rights (Civil Code § 1708).

292. Harman demonstrated that he was and became unfit and/or incompetent to perform the work for which he was hired as an ordained pastor, missionary and wrestling coach.

293. Team Thunder knew that Harman became unfit and/or incompetent and that his unfitness and/or incompetence created a particular risk to others within Team Thunder.

294. With actual or constructive knowledge that Harman had previously engaged in dangerous and inappropriate misconduct, Team Thunder conspired to and did knowingly fail to take reasonable steps and failed to implement reasonable safeguards to avoid acts of sexual assault by Harman.

295. Plaintiff further alleges that Team Thunder failed to report and did hide and conceal from Plaintiff and other employees in their care, law enforcement authorities, civil authorities and others, the true facts and relevant information necessary to bring Harman to justice for misconduct that created a risk of sexual and physical assault of other Calvary Church members, including Plaintiff.

296. Plaintiff was harmed by Harman as a result of his unfitness and/or incompetence to serve as a Team Thunder employee.

1 297. Plaintiff proceeded with reasonable diligence to investigate Team Thunder's negligence
2 but could not uncover sufficient facts based on the confidential nature of the documents and otherwise
3 confidential communications revealing Team Thunder's negligence.

4 298. Plaintiff learned of Team Thunder's negligence in or around October 2023 when
5 documents and communications revealing Team Thunder's negligence were entered into evidence in
6 *Harman v. Zotea*, Case No. 8:20-ap-01044.

7 299. Team Thunder's negligence in hiring, supervising and retaining Harman was a
8 substantial factor in causing Plaintiff's harm.

9 300. In committing the foregoing acts, Thunder Wrestling is guilty of oppression, fraud,
10 and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff.
11 Plaintiff is thereby entitled to recover punitive damages from Team Thunder.

12 301. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
13 *Zotea* precludes Thunder Wrestling from relitigating the issues that Harman raped and sexually
14 assaulted Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding
15 collateral estoppel applies where prior judgment in adversary proceeding in bankruptcy court
16 precluded defendant from relitigating liability in California state court).

17 302. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
18 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
19 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
20 action for recovery of damages suffered as a result of sexual assault'").

21 303. Plaintiff's claim also survives the statute of limitations defense under the delayed
22 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the
23 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
24 reason to discover, the cause of action").

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TWENTIETH CAUSE OF ACTION

Vicarious Liability

(Against Defendant Calvary Chapel Costa Mesa)

304. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

305. Harman was Calvary Church's agent in his capacity as an ordained pastor, commissioned missionary and employee.

306. Additionally, Calvary Church intentionally and/or carelessly created the impression that Harman acted as an actual or ostensible agent of Calvary Church by, among other things, indistinguishably commingling Calvary Church with Team Thunder, advertising Team Thunder as part of Calvary Church's ministry, and otherwise creating the impression that all work done for Team Thunder was done for and on behalf of Calvary Church.

307. Harman also held himself out as the head coach of the Calvary High wrestling team by actually leading the Calvary High wrestling program and maintaining an otherwise continued and pervasive presence in the Calvary High gym.

308. As a result, Plaintiff reasonably believed that Harman was Calvary Church's agent and reasonably relied on this belief when acting as an employee of Calvary Church and Team Thunder.

309. At all relevant times, Harman was acting in the course and scope of his employment/agency for Calvary Church as an ordained minister on missionary status, as well as a Calvary High employee when he sexually and physically battered and assaulted Plaintiff.

310. Harman's purported status as a Calvary Chapel High School wrestling coach led Plaintiff to reasonably believe that Harman was also Calvary High's wrestling coach, causing her to reasonably rely on this belief when carrying out her duties as a Team Thunder and Calvary Church employee.

311. The acts of Harman physically and sexually assaulting Plaintiff were a "foreseeable hazard" of and "inherent in the working environment" created by Calvary Church's employment of Harman as a pastor, missionary, and wrestling coach. *Samantha B. v. Aurora Vista Del Mar, LLC*, 77 Cal. App. 5th 85 (2022) (holding employer vicariously liable for sexual assault of patients because

sexual exploitation was a “foreseeable hazard”); *Doe v. Grace Cmty. Church*, No. D079717, 2023 WL 3476834 (Cal. Ct. App. May 16, 2023) (holding church liable for pastor’s sexual assault of congregant because risk of tortious injury was “inherent in working environment” where perpetrator supervised and spent a lot of time with victim). By representing Harman as a missionary and pastor, Calvary Church created the impression that Harman was an extension of Calvary Church into the community outside the physical boundaries of the Calvary Church campus. Harman’s employment of Plaintiff under Calvary High wrestling and Team Thunder also required him to develop a personal relationship with Plaintiff, required him to travel with Plaintiff, and oftentimes required him to spend extended periods of time with Plaintiff in secluded locations. Calvary Church was also aware that Harman was a violent predator and had a history of preying on single women, and was also aware that Plaintiff was a particularly attractive woman of the same general age as Harman. Harman’s rape and physical assault of Plaintiff was therefore a foreseeable hazard and broadly incidental to the unique enterprise of acting as a combination of a Calvary Church pastor, missionary, and wrestling coach.

312. In committing the foregoing acts, Calvary Church is guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Calvary Church.

313. Under the doctrine of collateral estoppel, the bankruptcy court’s finding in *Harman v. Zotea* precludes Calvary Church from relitigating the issues that Harman physically and sexually assaulted Plaintiff and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from relitigating liability in California state court).

314. Under Cal. Code Civ. Proc. § 340.16, Plaintiff’s cause of action survives any affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises, Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 “applies to ‘any civil action for recovery of damages suffered as a result of sexual assault’”).

315. Plaintiff’s claim also survives the statute of limitations defense under the delayed discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.*, 240 Cal. App. 4th 148, 156 (2015) (the

1 delayed discovery rule “postpones accrual of a cause of action until the plaintiff discovers, or has
2 reason to discover, the cause of action”).

3 **TWENTY-FIRST CAUSE OF ACTION**

4 **Vicarious Liability**

5 **(Against the Board Member Defendants)**

6 316. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding
7 paragraphs as if fully set forth herein.

8 317. The Board Member Defendants were Calvary Church’s agents in their capacity as an
9 Board Members, ordained pastors, commissioned missionaries, superintendents, and/or employees of
10 Calvary Church.

11 318. At all relevant times, the Board Member Defendants were acting in the course and
12 scope of their employment/agency for Calvary Church when they negligently hired, supervised, and
13 trained Harman in his capacity as a Calvary Church ordained pastor, commissioned missionary, and
14 employee.

15 319. Plaintiff was harmed by Harman as a result of his unfitness and/or incompetence to
16 serve as a Calvary Church pastor, missionary and employee.

17 320. In committing the foregoing acts, Calvary Church is guilty of oppression, fraud, and/or
18 malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
19 thereby entitled to recover punitive damages from Calvary Church.

20 321. Under the doctrine of collateral estoppel, the bankruptcy court’s finding in *Harman v.*
21 *Zotea* precludes Calvary Church from relitigating the issues that Harman raped and sexually assaulted
22 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
23 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
24 defendant from relitigating liability in California state court).

25 322. Under Cal. Code Civ. Proc. § 340.16, Plaintiff’s cause of action survives any
26 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
27 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 “applies to ‘any civil
28 action for recovery of damages suffered as a result of sexual assault’”).

1 323. Plaintiff's claim also survives the statute of limitations defense under the delayed
2 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.*, 240 Cal. App. 4th 148, 156 (2015) (the
3 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
4 reason to discover, the cause of action").

5 **TWENTY-SECOND CAUSE OF ACTION**

6 **Negligent Hiring, Supervision, or Retention of Employee**

7 **(Against Brian Brodersen)**

8 324. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding
9 paragraphs as if fully set forth herein.

10 325. Calvary Church hired Harman in his capacity as, among other things, a wrestling coach,
11 ordained pastor, and missionary.

12 326. As is set forth herein Brodersen failed to uphold numerous mandatory duties imposed
13 upon him by state and federal law, and by written policies and procedures applicable to him, including
14 but not limited to the following:

- 15 • Duty to ensure that any direction given to employees and agents is lawful, and that
16 adults act fairly, responsibly, and respectfully towards other adults;
- 17 • Duty to properly train teachers, mentors, pastors, supervisors and advisors so that they
18 are aware of their individual responsibility for creating and maintaining a safe
19 environment;
- 20 • Duty to supervise employees in its care, enforce rules and regulations prescribed for
21 such organizations, exercise reasonable control over employees in its care as is
22 reasonably necessary to maintain order, protect property, or protect the health and
23 safety of employees or to maintain proper and appropriate conditions conducive to
24 workplace safety and productivity;
- 25 • Duty to exercise careful supervision of the moral conditions in the adult and church
26 programs;
- 27 • Duty to properly monitor employees, prevent or correct harmful situations or call for
28 help when a situation is beyond their control;

- Duty to ensure that personnel are actually on-hand and supervising other employees;
- Duty to supervise diligently;
- Duty to act promptly and diligently and not ignore or minimize problems;

327. Harman demonstrated that he was and became unfit and/or incompetent to perform the work for which he was hired as an ordained pastor, missionary and wrestling coach.

328. Brodersen knew that Harman became unfit and/or incompetent and that his unfitness and/or incompetence created a particular risk to others within Calvary Church.

329. With actual or constructive knowledge that Harman had previously engaged in dangerous and inappropriate misconduct, Brodersen conspired to and did knowingly fail to take reasonable steps and failed to implement reasonable safeguards to avoid acts of sexual and physical assault by Harman.

330. Plaintiff further alleges that Brodersen failed to report and did hide and conceal from Plaintiff and other employees in his care, law enforcement authorities, civil authorities and others, the true facts and relevant information necessary to bring Harman to justice for misconduct that created a risk of sexual and physical assault of other Calvary Church members, including Plaintiff.

331. Harman demonstrated that he was and became unfit and/or incompetent to perform the work for which he was hired as an ordained pastor, missionary and wrestling coach.

332. Brodersen knew that Harman became unfit and/or incompetent and that his unfitness and/or incompetence created a particular risk to others within Calvary Church.

333. Plaintiff was harmed by Harman as a result of his unfitness and/or incompetence to serve as a Calvary Church pastor, missionary, and employee.

334. Plaintiff proceeded with reasonable diligence to investigate Brodersen's negligence but could not uncover sufficient facts based on the confidential nature of the documents and otherwise confidential communications revealing Brodersen's negligence.

335. Plaintiff learned of Brodersen's negligence in or around October 2023 when documents and communications revealing Calvary Church's negligence were entered into evidence in *Harman v. Zotea*, Case No. 8:20-ap-01044.

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1 336. Brodersen's negligence in hiring, supervising and retaining Harman was a substantial
2 factor in causing Plaintiff's harm.

3 337. In committing the foregoing acts, Brodersen is guilty of oppression, fraud, and/or
4 malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
5 thereby entitled to recover punitive damages from Brodersen.

6 338. In committing the foregoing acts, Brodersen failed to act in good faith and/or acted in a
7 grossly negligent, reckless, and/or wanton manner and is thereby not afforded the protection of
8 California Corporations Code § 9247.

9 339. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
10 *Zotea* precludes Brodersen from relitigating the issues that Harman raped and sexually assaulted
11 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
12 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
13 defendant from relitigating liability in California state court).

14 340. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
15 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
16 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
17 action for recovery of damages suffered as a result of sexual assault'").

18 341. Plaintiff's claim also survives the statute of limitations defense under the delayed
19 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the
20 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
21 reason to discover, the cause of action").

22 **TWENTY-THIRD CAUSE OF ACTION**

23 **Negligent Hiring, Supervision, or Retention of Employee**

24 **(Against Michael Mugavero)**

25 342. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding
26 paragraphs as if fully set forth herein.

27 343. Mugavero and Calvary Church hired Harman in his capacity as, among other things, a
28 wrestling coach, ordained pastor, and missionary.

1 344. As is set forth herein Mugavero failed to uphold numerous mandatory duties imposed
2 upon him by state and federal law, and by written policies and procedures applicable to him, including
3 but not limited to the following:

- 4 • Duty to ensure that any direction given to employees and agents is lawful, and that
5 adults act fairly, responsibly, and respectfully towards other adults;
- 6 • Duty to properly train teachers, mentors, pastors, supervisors and advisors so that they
7 are aware of their individual responsibility for creating and maintaining a safe
8 environment;
- 9 • Duty to supervise employees in its care, enforce rules and regulations prescribed for
10 such organizations, exercise reasonable control over employees in its care as is
11 reasonably necessary to maintain order, protect property, or protect the health and
12 safety of employees or to maintain proper and appropriate conditions conducive to
13 workplace safety and productivity;
- 14 • Duty to exercise careful supervision of the moral conditions in the adult and church
15 programs;
- 16 • Duty to properly monitor employees, prevent or correct harmful situations or call for
17 help when a situation is beyond their control;
- 18 • Duty to ensure that personnel are actually on-hand and supervising other employees;
- 19 • Duty to supervise diligently;
- 20 • Duty to act promptly and diligently and not ignore or minimize problems;

21 345. Harman demonstrated that he was and became unfit and/or incompetent to perform the
22 work for which he was hired as an ordained pastor, missionary and wrestling coach.

23 346. Mugavero knew that Harman became unfit and/or incompetent and that his unfitness
24 and/or incompetence created a particular risk to others within Calvary Church.

25 347. With actual or constructive knowledge that Harman had previously engaged in
26 dangerous and inappropriate misconduct, Mugavero conspired to and did knowingly fail to take
27 reasonable steps and failed to implement reasonable safeguards to avoid acts of sexual assault by
28 Harman.

1 348. Plaintiff further alleges that Mugavero failed to report and did hide and conceal from
2 Plaintiff and other employees in their care, law enforcement authorities, civil authorities and others,
3 the true facts and relevant information necessary to bring Harman to justice for misconduct that
4 created a risk of sexual and physical assault of other Calvary Church members, including Plaintiff.

5 349. Harman demonstrated that he was and became unfit and/or incompetent to perform the
6 work for which he was hired as an ordained pastor, missionary and wrestling coach.

7 350. Mugavero knew that Harman became unfit and/or incompetent and that his unfitness
8 and/or incompetence created a particular risk to others within Calvary Church.

9 351. Plaintiff was harmed by Harman as a result of his unfitness and/or incompetence to
10 serve as a Calvary Church pastor, missionary, and employee.

11 352. Plaintiff proceeded with reasonable diligence to investigate Mugavero's negligence but
12 could not uncover sufficient facts based on the confidential nature of the documents and otherwise
13 confidential communications revealing Mugavero's negligence.

14 353. Plaintiff learned of Calvary Church's negligence in or around October 2023 when
15 documents and communications revealing Calvary Church's negligence were entered into evidence in
16 *Harman v. Zotea*, Case No. 8:20-ap-01044.

17 354. Mugavero's negligence in hiring, supervising and retaining Harman was a substantial
18 factor in causing Plaintiff's harm.

19 355. In committing the foregoing acts, Mugavero is guilty of oppression, fraud, and/or
20 malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
21 thereby entitled to recover punitive damages from Mugavero.

22 356. In committing the foregoing acts, Mugavero failed to act in good faith and/or acted in a
23 grossly negligent, reckless, and/or wanton manner and is thereby not afforded the protection of
24 California Corporations Code § 9247.

25 357. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
26 *Zotea* precludes Mugavero from relitigating the issues that Harman raped and sexually assaulted
27 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
28

estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from relitigating liability in California state court).

358. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises, Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil action for recovery of damages suffered as a result of sexual assault'").

359. Plaintiff's claim also survives the statute of limitations defense under the delayed discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has reason to discover, the cause of action").

TWENTY-FOURTH CAUSE OF ACTION

Negligent Hiring, Supervision, or Retention of Employee

(Against Roger Wing)

360. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

361. Wing and Calvary Church hired Harman in his capacity as, among other things, a wrestling coach, ordained pastor, and missionary.

362. As is set forth herein Wing failed to uphold numerous mandatory duties imposed upon him by state and federal law, and by written policies and procedures applicable to him, including but not limited to the following:

- Duty to ensure that any direction given to employees and agents is lawful, and that adults act fairly, responsibly, and respectfully towards other adults;
- Duty to properly train teachers, mentors, pastors, supervisors and advisors so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- Duty to supervise employees in its care, enforce rules and regulations prescribed for such organizations, exercise reasonable control over employees in its care as is reasonably necessary to maintain order, protect property, or protect the health and

safety of employees or to maintain proper and appropriate conditions conducive to workplace safety and productivity;

- Duty to exercise careful supervision of the moral conditions in the adult and church programs;
- Duty to properly monitor employees, prevent or correct harmful situations or call for help when a situation is beyond their control;
- Duty to ensure that personnel are actually on-hand and supervising other employees;
- Duty to supervise diligently;
- Duty to act promptly and diligently and not ignore or minimize problems;

363. Harman demonstrated that he was and became unfit and/or incompetent to perform the work for which he was hired as an ordained pastor, missionary and wrestling coach.

364. Wing knew that Harman became unfit and/or incompetent and that his unfitness and/or incompetence created a particular risk to others within Calvary Church.

365. With actual or constructive knowledge that Harman had previously engaged in dangerous and inappropriate misconduct, Wing conspired to and did knowingly fail to take reasonable steps and failed to implement reasonable safeguards to avoid acts of sexual assault by Harman.

366. Plaintiff further alleges that Wing failed to report and did hide and conceal from Plaintiff and other employees in their care, law enforcement authorities, civil authorities and others, the true facts and relevant information necessary to bring Harman to justice for misconduct that created a risk of sexual and physical assault of other Calvary Church members, including Plaintiff.

367. Harman demonstrated that he was and became unfit and/or incompetent to perform the work for which he was hired as an ordained pastor, missionary and wrestling coach.

368. Wing knew that Harman became unfit and/or incompetent and that his unfitness and/or incompetence created a particular risk to others within Calvary Church.

369. Plaintiff was harmed by Harman as a result of his unfitness and/or incompetence to serve as a Calvary Church pastor, missionary, and employee.

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1 370. Plaintiff proceeded with reasonable diligence to investigate Wing's negligence but
2 could not uncover sufficient facts based on the confidential nature of the documents and otherwise
3 confidential communications revealing Wing's negligence.

4 371. Plaintiff learned of Wing's negligence in or around October 2023 when documents and
5 communications revealing Calvary Church's negligence were entered into evidence in *Harman v.*
6 *Zotea*, Case No. 8:20-ap-01044.

7 372. Wing's negligence in hiring, supervising and retaining Harman was a substantial factor
8 in causing Plaintiff's harm.

9 373. In committing the foregoing acts, Wing is guilty of oppression, fraud, and/or malice
10 under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby
11 entitled to recover punitive damages from Wing.

12 374. In committing the foregoing acts, Wing failed to act in good faith and/or acted in a
13 grossly negligent, reckless, and/or wanton manner and is thereby not afforded the protection of
14 California Corporations Code § 9247.

15 375. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
16 *Zotea* precludes Wing from relitigating the issues that Harman raped and sexually assaulted Plaintiff,
17 and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral estoppel
18 applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from
19 relitigating liability in California state court).

20 376. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
21 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
22 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
23 action for recovery of damages suffered as a result of sexual assault'").

24 377. Plaintiff's claim also survives the statute of limitations defense under the delayed
25 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the
26 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
27 reason to discover, the cause of action").

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TWENTY-FIFTH CAUSE OF ACTION

Negligent Hiring, Supervision, or Retention of Employee

(Against Calvary Chapel Costa Mesa)

378. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

379. Calvary Church hired Harman in his capacity as an ordained pastor and missionary.

380. As is set forth herein Calvary Church failed to uphold numerous mandatory duties imposed upon it by state and federal law, and by written policies and procedures applicable to it, including but not limited to the following:

- Duty to ensure that any direction given to employees and agents is lawful, and that adults act fairly, responsibly, and respectfully towards other adults;
- Duty to properly train teachers, mentors, pastors, supervisors and advisors so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- Duty to supervise employees in its care, enforce rules and regulations prescribed for such organizations, exercise reasonable control over employees in its care as is reasonably necessary to maintain order, protect property, or protect the health and safety of employees or to maintain proper and appropriate conditions conducive to workplace safety and productivity;
- Duty to exercise careful supervision of the moral conditions in the adult and church programs;
- Duty to properly monitor employees, prevent or correct harmful situations or call for help when a situation is beyond their control;
- Duty to ensure that personnel are actually on-hand and supervising other employees;
- Duty to supervise diligently;
- Duty to act promptly and diligently and not ignore or minimize problems;

381. Harman demonstrated that he was and became unfit and/or incompetent to perform the work for which he was hired as an ordained pastor, missionary and wrestling coach.

1 382. Calvary Church knew that Harman became unfit and/or incompetent and that his
2 unfitness and/or incompetence created a particular risk to others within Calvary Church.

3 383. With actual or constructive knowledge that Harman had previously engaged in
4 dangerous and inappropriate misconduct, Calvary Church conspired to and did knowingly fail to take
5 reasonable steps and failed to implement reasonable safeguards to avoid acts of sexual assault by
6 Harman.

7 384. Plaintiff further alleges that Calvary Church failed to report and did hide and conceal
8 from Plaintiff and other employees in their care, law enforcement authorities, civil authorities and
9 others, the true facts and relevant information necessary to bring Harman to justice for misconduct that
10 created a risk of sexual and physical assault of other Calvary Church members, including Plaintiff.

11 385. Harman demonstrated that he was and became unfit and/or incompetent to perform the
12 work for which he was hired as an ordained pastor, missionary and wrestling coach.

13 386. Calvary Church knew that Harman became unfit and/or incompetent and that his
14 unfitness and/or incompetence created a particular risk to others within Calvary Church.

15 387. Plaintiff was harmed by Harman as a result of his unfitness and/or incompetence to
16 serve as a Calvary Church pastor, missionary and employee.

17 388. Plaintiff proceeded with reasonable diligence to investigate Calvary Church's
18 negligence but could not uncover sufficient facts based on the confidential nature of the documents
19 and otherwise confidential communications revealing Calvary Church's negligence.

20 389. Plaintiff learned of Calvary Church's negligence in or around October 2023 when
21 documents and communications revealing Calvary Church's negligence were entered into evidence in
22 *Harman v. Zotea*, Case No. 8:20-ap-01044.

23 390. Calvary Church's negligence in hiring, supervising and retaining Harman was a
24 substantial factor in causing Plaintiff's harm.

25 391. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
26 *Zotea* precludes Calvary Church from relitigating the issues that Harman raped and sexually assaulted
27 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
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estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from relitigating liability in California state court).

392. In committing the foregoing acts, Calvary Church is guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Calvary Church.

393. In committing the foregoing acts, Calvary Church failed to act in good faith and/or acted in a grossly negligent, reckless, and/or wanton manner and is thereby not afforded the protection of California Corporations Code § 9247.

394. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises, Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil action for recovery of damages suffered as a result of sexual assault'").

395. Plaintiff's claim also survives the statute of limitations defense under the delayed discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has reason to discover, the cause of action").

TWENTY-SIXTH CAUSE OF ACTION

Negligent Failure to Warn, Train, or Educate

(Against Defendants Team Thunder, Thunder Wrestling, Brian Brodersen, Michael

Mugavero, Roger Wing, and Calvary Chapel Costa Mesa)

396. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

397. Defendants Team Thunder, Thunder Wrestling, Brodersen, Mugavero, Wing, Calvary Church, and DOES 1-100 and their agents and employees breached their duty to take reasonable protective measures to protect Plaintiff from the risk of sexual and physical assault by Harman, such as the failure to properly warn, train, or educate coaches, parents, wrestlers, and Plaintiff about how to avoid such a particular risk that Harman posed of sexual and physical violence. Plaintiff did not now how to respond to the sexual and physical assault and harassment by Harman and had not confidence

1 that any report would protect her and not prevent retaliation, because of the failure to properly warn,
2 train or educate. As a result, the sexual and physical abuse, assault, and harassment continued without
3 it being properly reported.

4 398. Defendants Team Thunder, Thunder Wrestling, Brodersen, Mugavero, Wing, Calvary
5 Church, and DOES 1-100 and their agents and employees breached their duty to take reasonable
6 protective measures to protect Plaintiff from the risk of sexual and physical assault by Harman, by
7 failing to supervise and stop Harman from committing wrongful sexual and physical acts with others,
8 including Plaintiff.

9 399. Defendants Brodersen, Mugavero, Wing, Calvary Church, and DOES 1-100 and their
10 agents and employees, including coaches, teachers, board members, and administrators, knew or
11 reasonably suspected that Harman had sexually assaulted or caused touching, battery, harm, and other
12 injuries to other female members and students of Calvary Chapel of Costa Mesa, including Plaintiff,
13 giving rise to a duty to report such conduct under Penal Code section 11166 et seq.

14 400. Defendants Team Thunder, Thunder Wrestling, Brodersen, Mugavero, Wing, Calvary
15 Church, and DOES 1-100 and their agents and employees, including coaches, teachers, board
16 members, and administrators, knew or should have known, that an undue risk to members of Calvary
17 Church, including Plaintiff, existed because, among other things: (1) Harman's ex-wife informed
18 Calvary Church that she had been previously sexually assaulted by Harman; (2) Calvary Church
19 received numerous warnings of Harman's violent misconduct; and (3) Harman had a history of
20 committing violent crimes, including spending time in prison for a 66-year prison sentence for, among
21 other things, six counts of assault with a deadly weapon.

22 401. Had Defendants Team Thunder, Thunder Wrestling, Brodersen, Mugavero, Wing,
23 Calvary Church, and DOES 1-100 and their agents and employees (1) taken adequate protective
24 measures to properly warn, train, and educate Plaintiff about how to avoid the particular risks of sexual
25 and physical assault by Harman; and (2) adequately supervised and stopped Harman from committing
26 the wrongful and physical acts alleged herein, further harm to Plaintiff would have been avoided.

27 402. As a proximate result of Defendants Team Thunder, Thunder Wrestling, Brodersen,
28 Mugavero, Wing, Calvary Church, and DOES 1-100 and their agents and employees failure to

1 properly warn, train, or educate Plaintiff, Plaintiff was violently physically and sexually assaulted by
2 Harman.

3 403. As a result of the above-described conduct, Plaintiff has suffered and continues to
4 suffer mental anguish, physical injury, lost wages, lost future wages, loss of future earning capacity,
5 and was otherwise injured and damaged.

6 404. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
7 including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness
8 and elevated anxiety in an amount to be determined at trial.

9 405. In committing the foregoing acts, Defendants Team Thunder, Thunder Wrestling,
10 Brodersen, Mugavero, Wing, Calvary Church, and DOES 1-100 and their agents and employees are
11 guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard
12 of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Brodersen.

13 406. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
14 *Zotea* precludes Defendants Team Thunder, Thunder Wrestling, Brodersen, Mugavero, Wing, Calvary
15 Church, and DOES 1-100 and their agents and employees from relitigating the issues that Harman
16 raped and sexually assaulted Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th
17 870, 879 (holding collateral estoppel applies where prior judgment in adversary proceeding in
18 bankruptcy court precluded defendant from relitigating liability in California state court).

19 407. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
20 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
21 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
22 action for recovery of damages suffered as a result of sexual assault'").

23 408. Plaintiff's claim also survives the statute of limitations defense under the delayed
24 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the
25 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
26 reason to discover, the cause of action").

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TWENTY-SEVENTH CAUSE OF ACTION

Aiding and Abetting

(Against Defendant Brian Brodersen)

409. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

410. At all relevant times, Brodersen knew that Harman planned to assault Plaintiff based on, among other things: (1) his knowledge that Harman preyed on single women; (2) his familiarity with Harman's violent criminal past; (3) the fact that Harman sought a romantic relationship with Plaintiff; and (4) Harman's history of preying on single women in Calvary Church. Brodersen also maintained regular contact with Harman, allowing Harman to verbally share his intent with Brodersen.

411. Brodersen demonstrated his intent to facilitate the commission of Harman's violent assault of Plaintiff by, among other things, (1) allowing Harman to continue operating as an ordained Calvary Church pastor and employee despite the multiple complaints filed against Harman, his knowledge of Harman's criminal record, and Harman's longstanding pattern of misconduct; (2) allowing Harman unfettered access to every location on the Calvary Church campus; (3) placing Harman in positions of authority which he knew that Harman could leverage against Plaintiff to continue violently assaulting her; (4) refusing to meet with Plaintiff when she sought out Brodersen to complain of Harman's violence; and (5) discrediting Plaintiff's testimony when she reported the violent attack Harman inflicted on her.

412. Brodersen gave substantial assistance or encouragement to Harman by, among other things: (1) disregarding prior complaints concerning Harman's longstanding pattern of misconduct and allowing Harman to maintain a presence on the Calvary High School campus as a pastor and wrestling coach; (2) authorizing Harman to advertise himself as a Calvary Church missionary, causing Plaintiff to trust him; (3) allowing Harman to continue as a Calvary Church ordained pastor, further causing Plaintiff to trust him; (4) allowing Harman access to all Calvary Church locations and the camera room, which Harman used as leverage against Plaintiff to continue violently assaulting her; (5) allowing Harman to threaten Plaintiff that Harman "had Brodersen in his back pocket"; (6) continuously disregarding complaints from Calvary Church parents and their attorneys concerning

1 Harman's violent conduct; (7) encouraging Harman to use the Calvary High wrestling gym to
2 "monetize" his Team Thunder program on the campus of Calvary Church; (8) intentionally
3 discrediting Plaintiff's report of the physical assault that Harman inflicted on her and labeling her as
4 "borderline crazy"; (9) allowing Harman to maintain a continued presence on the Calvary Church
5 campus after Plaintiff reported Harman's violent physical assault of her; (10) authorizing the leak of
6 Plaintiff's report of Harman's violent physical assault to Harman which, among other things, impeded
7 the criminal investigation of Harman; (11) assisting Harman in leaving the United States to avoid
8 further criminal investigation; and (12) Brodersen's history of allowing violent predators to continue at
9 Calvary Church despite their criminal past.

10 413. Brodersen's conduct was a substantial factor in causing harm to Plaintiff through,
11 among other things: (1) ignoring previous complaints of Harman's violence and demands to remove
12 him from Calvary Church leadership; (2) advertising Harman as a Calvary Church missionary, causing
13 Plaintiff to trust him; (3) allowing Harman unrestricted access to all Calvary Church locations, which
14 Harman used to threaten Plaintiff to prevent her from reporting his violent assault; and (4) allowing
15 Harman to further leverage his influence with Brodersen and Calvary Church to prevent Plaintiff from
16 reporting Harman's abuse.

17 414. As a direct and proximate result of the intentional acts of Brodersen, Plaintiff
18 experienced pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of
19 future earning capacity, and was otherwise injured and damaged.

20 415. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
21 including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness
22 and elevated anxiety in an amount to be determined at trial.

23 416. In committing the foregoing acts, Brodersen is guilty of oppression, fraud, and/or
24 malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
25 thereby entitled to recover punitive damages from Brodersen.

26 417. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
27 *Zotea* precludes Brodersen from relitigating the issues that Harman raped and sexually assaulted
28 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral

1 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
2 defendant from relitigating liability in California state court).

3 418. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
4 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
5 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
6 action for recovery of damages suffered as a result of sexual assault'").

7 419. Plaintiff's claim also survives the statute of limitations defense under the delayed
8 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the
9 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
10 reason to discover, the cause of action").

11 **TWENTY-EIGHTH CAUSE OF ACTION**

12 **Aiding and Abetting**

13 **(Against Roger Wing)**

14 420. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding
15 paragraphs as if fully set forth herein.

16 421. Wing demonstrated his knowledge that Harman planned to assault Plaintiff and even
17 empowered Harman to continue in it by his advanced knowledge of, among other things: (1) "moral
18 questions" concerning Harman's violence toward Plaintiff; (2) Brodersen's "substantial involvement"
19 in Harman's violence "over the past several years" leading up to the physical and sexual assault of
20 Plaintiff; and (3) the fact that "[Brodersen] would likely be a prime target in any action that might
21 come out of [Harman's violence toward Plaintiff and Calvary Church members]." Wing also had
22 repeated interaction with Calvary Church superintendents and parents who consistently complained of
23 Harman's propensity (1) to commit violent crimes and (2) prey on single women. For example, in an
24 email circulated with Wing, superintendent Huffman noted that Harman consistently "acts emotionally
25 unstable, rips his shirt off, breaks down in tears pleading for forgiveness [and] [s]eems to manipulate
26 people, especially single mothers and new believers." Wing was also aware of the Anonymous Emails
27 and parent complaints, all of which disclosed Harman's violence and demanded Wing and Calvary
28 Church to remove Harman from leadership.

1 422. Wing demonstrated his intent to facilitate the commission of Harman's violent assault
2 of Plaintiff by, among other things, (1) allowing Harman to continue operating as an ordained Calvary
3 Church pastor and employee despite the multiple complaints filed against Harman, his knowledge of
4 Harman's criminal record, and Harman's longstanding pattern of misconduct; (2) allowing Harman
5 unfettered access to every location on the Calvary Church campus; (3) authorizing Harman to be
6 placed in positions of authority which he knew that Harman could leverage against Plaintiff to
7 continue violently assaulting her; (4) refusing to meet with Plaintiff when she sought report Harman's
8 violence; and (5) discrediting Plaintiff's testimony when she reported the violent attack Harman
9 inflicted on her. Wing also personally admitted that his goal was to protect Harman despite his
10 previous attacks on Plaintiff. For example, after Plaintiff reported Harman's violence to Calvary
11 Church, Wing expressed that his goal was to preserve Calvary Church's relationship with Harman in a
12 way to "limit the impact" on Harman, Team Thunder and [Calvary Church]."

13 423. Roger Wing gave substantial assistance in Harman's assault of Plaintiff by, among
14 other things: (1) disregarding prior complaints concerning Harman's longstanding pattern of
15 misconduct and allowing Harman to maintain a presence on the Calvary High campus as a pastor and
16 wrestling coach; (2) authorizing Harman's use of the Calvary High wrestling gym to "monetize" his
17 Team Thunder program on the campus of Calvary Church; (3) allowing Harman to "commingl[e]
18 [Team Thunder] and [Calvary Church] to the extent that you can't separate one from the other; (4)
19 allowing Harman to continue in power despite complaints of "moral questions" surrounding his
20 violent behavior towards Plaintiff; (5) allowing Harman to "actually lead the [Calvary Church]
21 wrestling program despite repeated complaints of Harman's violence; (6) discrediting Plaintiff's
22 report of the physical assault that Harman inflicted on her; (7) authorizing the leak of Plaintiff's report
23 of Harman's physical assault to Harman which, among other things, impeded the criminal
24 investigation of Harman; and (8) assisting Harman in leaving the United States to avoid further
25 criminal investigation.

26 424. Roger Wing's conduct was a substantial factor in causing harm to Plaintiff because it
27 allowed Harman to, among other things, maintain (1) a physical presence on the campus of Calvary
28 Church where Plaintiff was located; (2) a position of leadership with Calvary Church which Harman

1 leveraged to violently assault Plaintiff; and (3) substantial influence with Brodersen and Calvary
2 Church to prevent Plaintiff from reporting Harman's abuse.

3 425. As a direct and proximate result of the intentional acts of Roger Wing, Plaintiff
4 experienced pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of
5 future earning capacity, and was otherwise injured and damaged.

6 426. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
7 including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness
8 and elevated anxiety in an amount to be determined at trial.

9 427. In committing the foregoing acts, Wing is guilty of oppression, fraud, and/or malice
10 under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby
11 entitled to recover punitive damages from Wing and Mugavero.

12 428. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
13 *Zotea* precludes Wing from relitigating the issues that Harman raped and sexually assaulted Plaintiff,
14 and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral estoppel
15 applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from
16 relitigating liability in California state court).

17 429. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
18 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
19 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
20 action for recovery of damages suffered as a result of sexual assault'").

21 430. Plaintiff's claim also survives the statute of limitations defense under the delayed
22 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the
23 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
24 reason to discover, the cause of action").

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THIRTY-NINTH CAUSE OF ACTION**Aiding and Abetting****(Against Michael Mugavero)**

431. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

432. Mugavero knew that Harman planned to assault Plaintiff and even empowered Harman to continue in it through his advanced knowledge of, among other things: (1) the Anonymous complaints concerning Harman's violence; (2) Brodersen's "substantial involvement" in Harman's violence "over the past several years" leading up to the physical and sexual assault of Plaintiff; and (3) the fact that "[Brodersen] would likely be a prime target in any action that might come out of [Harman's violence toward Plaintiff and Calvary Church members]." Mugavero also had repeated interaction with Calvary Church superintendents and parents who consistently complained of Harman's propensity (1) to commit violent crimes and (2) prey on single women.

433. Mugavero gave substantial assistance or encouragement to Harman by, among other things: (1) disregarding prior complaints concerning Harman's longstanding pattern of misconduct and allowing Harman to maintain a presence on the Calvary High campus as a pastor and wrestling coach; (2) authorizing Harman's use of the Calvary High wrestling gym to "monetize" his Team Thunder program on the campus of Calvary Church; (3) allowing Harman to "commingl[e] [Team Thunder] and [Calvary Church] to the extent that you can't separate one from the other"; (4) allowing Harman to continue in power despite complaints of "moral questions" surrounding his violent behavior towards Plaintiff; (5) allowing Harman to "actually lead the [Calvary Church] wrestling program" despite repeated complaints of Harman's violence; (6) discrediting Plaintiff's report of the physical assault that Harman inflicted on her; (7) authorizing the leak of Plaintiff's report of Harman's physical assault to Harman which, among other things, impeded the criminal investigation of Harman; and (8) assisting Harman in leaving the United States to avoid further criminal investigation.

434. Mugavero's conduct was a substantial factor in causing harm to Plaintiff because it allowed Harman to maintain, among other things, (1) a physical presence on the campus of Calvary Church near where Plaintiff was located; (2) a position of leadership within Calvary Church which

Harman leveraged to violently assault Plaintiff; and (3) substantial influence with Brodersen and Calvary Church to prevent Plaintiff from reporting Harman's abuse.

435. As a direct and proximate result of the intentional acts of Mugavero, Plaintiff experienced pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of future earning capacity, and was otherwise injured and damaged.

436. In addition, Plaintiff has suffered and will continue to suffer emotional injuries, including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness and elevated anxiety in an amount to be determined at trial.

437. In committing the foregoing acts, Mugavero is guilty of oppression, fraud, and/or malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is thereby entitled to recover punitive damages from Mugavero.

438. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v. Zotea* precludes Mugavero from relitigating the issues that Harman raped and sexually assaulted Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded defendant from relitigating liability in California state court).

439. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises, Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil action for recovery of damages suffered as a result of sexual assault'").

440. Plaintiff's claim also survives the statute of limitations defense under the delayed discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has reason to discover, the cause of action").

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THIRTIETH CAUSE OF ACTION

Aiding and Abetting

(Against Calvary Chapel Costa Mesa)

441. Plaintiff restates and re-alleges, and incorporates herein by reference, the preceding paragraphs as if fully set forth herein.

442. Calvary Church knew that Harman planned to assault Plaintiff and even empowered Harman to continue in it through its advanced knowledge of, among other things: (1) the Anonymous complaints concerning Harman's violence; (2) Brodersen's "substantial involvement" in Harman's violence "over the past several years" leading up to the physical and sexual assault of Plaintiff; and (3) the fact that "[Brodersen] would likely be a prime target in any action that might come out of [Harman's violence toward Plaintiff and Calvary Church members]." Mugavero also had repeated interactions with Calvary Church superintendents and parents who consistently complained of Harman's propensity (1) to commit violent crimes and (2) prey on single women.

443. Calvary Church gave substantial assistance or encouragement to Harman by, among other things: (1) disregarding prior complaints concerning Harman's longstanding pattern of misconduct and allowing Harman to maintain a presence on the Calvary High campus as a pastor and wrestling coach; (2) authorizing Harman's use of the Calvary High wrestling gym to "monetize" his Team Thunder program on the campus of Calvary Church; (3) allowing Harman to "commingl[e] [Team Thunder] and [Calvary Church] to the extent that you can't separate one from the other"; (4) allowing Harman to continue in power despite complaints of "moral questions" surrounding his violent behavior towards Plaintiff; (5) allowing Harman to "actually lead the [Calvary Church] wrestling program" despite repeated complaints of Harman's violence; (6) discrediting Plaintiff's report of the physical assault that Harman inflicted on her; (7) authorizing the leak of Plaintiff's report of Harman's physical assault to Harman which, among other things, impeded the criminal investigation of Harman; and (8) assisting Harman in leaving the United States to avoid further criminal investigation.

444. Calvary Church's conduct was a substantial factor in causing harm to Plaintiff because it allowed Harman to maintain, among other things, (1) a physical presence on the campus of Calvary

1 Church near where Plaintiff was located; (2) a position of leadership within Calvary Church which
2 Harman leveraged to violently assault Plaintiff; and (3) substantial influence with Brodersen and
3 Calvary Church to prevent Plaintiff from reporting Harman's abuse.

4 445. As a direct and proximate result of the intentional acts of Calvary Church, Plaintiff
5 experienced pain, suffering, mental anguish, physical injury, lost wages, lost future wages, loss of
6 future earning capacity, and was otherwise injured and damaged.

7 446. In addition, Plaintiff has suffered and will continue to suffer emotional injuries,
8 including nervousness, humiliation, anguish, embarrassment, shock, discomfort, fatigue, sleeplessness
9 and elevated anxiety in an amount to be determined at trial.

10 447. In committing the foregoing acts, Calvary Church is guilty of oppression, fraud, and/or
11 malice under California Civil Code § 3294 in conscious disregard of the rights of Plaintiff. Plaintiff is
12 thereby entitled to recover punitive damages from Calvary Church.

13 448. Under the doctrine of collateral estoppel, the bankruptcy court's finding in *Harman v.*
14 *Zotea* precludes Calvary Church from relitigating the issues that Harman raped and sexually assaulted
15 Plaintiff, and that Harman is a rapist. *Roos v. Red* (2005) 130 Cal.App.4th 870, 879 (holding collateral
16 estoppel applies where prior judgment in adversary proceeding in bankruptcy court precluded
17 defendant from relitigating liability in California state court).

18 449. Under Cal. Code Civ. Proc. § 340.16, Plaintiff's cause of action survives any
19 affirmative defense arising from the statute of limitations. *Jane Doe #21 (S.H.) v. CFR Enterprises,*
20 *Inc.* (2023) 93 Cal.App.5th 1199, 1204 (holding Cal. Code Civ. Proc. § 340.16 "applies to 'any civil
21 action for recovery of damages suffered as a result of sexual assault'").

22 450. Plaintiff's claim also survives the statute of limitations defense under the delayed
23 discovery rule. *See WA Sw. 2, LLC v. First Am. Title Ins. Co.* (2015) 240 Cal. App. 4th 148, 156 (the
24 delayed discovery rule "postpones accrual of a cause of action until the plaintiff discovers, or has
25 reason to discover, the cause of action").

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for the following relief:

- 3 1. For special damages on each cause of action for which such damages are available in
4 an amount to be proven at trial;
- 5 2. For compensatory damages including but not limited to emotional distress damages on
6 each cause of action for which such damages are available, in an amount to be proven
7 at trial;
- 8 3. For punitive damages according to proof on each cause of action against Calvary
9 Chapel of Costa Mesa, the Board Member Defendants, Team Thunder, Thunder
10 Wrestling, and Harman for which such damages are available;
- 11 4. For prejudgment and post-judgment interest according to law;
- 12 5. For costs of suit and expenses incurred in this action according to law; and
- 13 6. For such other and further relief as the Court deems proper and just.

14
15 Dated: January 21, 2026

CALL & JENSEN
A Professional Corporation
David R. Sugden
J. Grady Howe

17
18 By: 

David R. Sugden

19 Attorneys for Plaintiff 

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21 **DEMAND FOR JURY TRIAL**

22 Plaintiff  hereby demands a jury trial on all issues triable by jury.

23
24 Dated: January 21, 2026

CALL & JENSEN
A Professional Corporation
David R. Sugden
J. Grady Howe

25
26 By: 

David R. Sugden

27
28 Attorneys for Plaintiff 