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DAVID W. PETERSON

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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON, FOR KITSAP COUNTY

8 KIM K., a single woman,

9  
10 Plaintiff,

11 vs.

12 ROBBIN LEEROY HARPER and CHRISTINE  
13 HARPER, husband and wife and the marital  
14 community composed thereof, and THE  
15 CHURCH IN SOUTH COLBY, a Washington  
16 corporation,

17 Defendants.

NO.

07 2 02715 9

SUMMONS

18 TO: ROBBIN LEEROY HARPER & CHRISTINE HARPER, and THE CHURCH IN SOUTH  
19 COLBY, Defendants.

20 A lawsuit has been started against you in the above-entitled court by plaintiff, Kim K.  
21 Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this  
22 Summons.

23 In order to defend against the lawsuit, you must respond to the complaint by stating your  
24 defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within 20 days  
25 after the service of this Summons, or within 60 days if this Summons was served outside the State of  
26 Washington, excluding the day of service, or a default judgment may be entered against you without  
27 notice. A default judgment is one where the plaintiff is entitled to what he asks for because you have  
28

SUMMONS -1-

ANDREW N. BECKER  
Attorney At Law  
STEVE DIXON  
Attorney at Law  
104 Tremont Street  
Port Orchard, WA. 98366  
(360) 876-4800

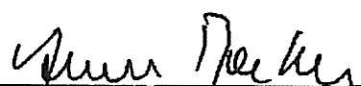
1 not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to  
2 notice before a default judgment may be entered.

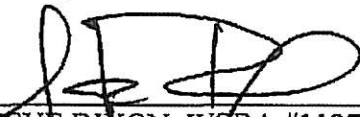
3 You may demand that the plaintiff file the lawsuit with the court. If you do so, the demand  
4 must be in writing and must be served upon the plaintiff. Within 14 days after the service of the  
5 demand, the plaintiff must file this lawsuit with the court, or the service on you of this Summons and  
6 Complaint will be void.

7 If you wish to seek the advice of an attorney in this matter, you should do so promptly so that  
8 your written response, if any, may be served on time.

9 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of  
10 Washington.

11 DATED at Port Orchard, Washington, this 14<sup>th</sup> day of November, 2007.

12  
13  
14   
15 ANDREW N. BECKER, WSBA #14264  
16 Attorney for Plaintiff

17   
18 STEVE DIXON, WSBA #11276  
19 Attorney for Plaintiff

20 **FILE A RESPONSE WITH:**

21 Kitsap County Superior Court Clerk  
22 Kitsap County Courthouse  
23 614 Division Street  
24 Port Orchard, Washington 98366

25 **SERVE A COPY OF YOUR RESPONSE ON:**

26 **Andrew N. Becker**  
27 Attorney at Law  
28 104 Tremont Street, Suite 220  
Port Orchard, Washington 98366

**Steve Dixon**  
Attorney at Law  
104 Tremont Street, Suite 201  
Port Orchard, WA 98366

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON, FOR KITSAP COUNTY

KIM K., a single woman,

Plaintiff,

vs.

ROBBIN LEEROY HARPER and CHRISTINE HARPER, husband and wife and the marital community comprised thereof, and THE CHURCH IN SOUTH COLBY, a Washington corporation,

Defendants.

NO.

07 2 02715 9

COMPLAINT FOR DAMAGES

Plaintiff alleges as follows:

**I. PARTIES**

1. Plaintiff Kim K. is a single woman and is currently a resident of Port Orchard, Kitsap County, Washington.

2. Defendants Robbin Leeroy Harper and Christine Harper are and at all times alleged herein, were, husband and wife residing in Kitsap County, Washington. All acts or omissions alleged herein on the part of either of said defendants were done on behalf of each of them and their marital community.



1           8. For the alleged purpose of furthering his assigned duties as the Church Pastor,  
2 Defendant Robbin Leeroy Harper sought and gained the trust, friendship, admiration and obedience of  
3 Kim K., her parents and her siblings. Plaintiff was conditioned to comply with Defendant Robbin  
4 Leeroy Harper's direction and to view and respect him as a person of authority in spiritual, moral and  
5 ethical matters. This course of conduct is hereinafter referred to as "Grooming."

6  
7           9. While acting within the course and scope of his employment and agency, and using his  
8 authority and position of trust as a Pastor for The Church in South Colby, Defendant Robbin Leeroy  
9 Harper took advantage of Plaintiff, through the Grooming process and by using direct or indirect  
10 threats or promises, to engage in various sexual acts, including sexual intercourse, while Kim K. was a  
11 minor and thereafter.

12           10. Recently, Plaintiff has begun to understand that she needed to disclose the abuse in  
13 order to protect other young female members of the church, including her siblings.

14  
15           11. Despite knowledge of the abuse, The Church in South Colby did not attempt to  
16 discover the full nature of the abuse, attempt to protect vulnerable and young female members of The  
17 Church in South Colby or seek out Defendant Robbin Leeroy Harper's victims. The Church in South  
18 Colby took no steps to protect its female members from the abuse.

19 **IV. COUNT ONE: NEGLIGENCE OF DEFENDANT THE CHURCH IN SOUTH COLBY**

20 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count, and  
21 further alleges:

22  
23           12. The Church in South Colby knew or should have known that Defendant Robbin Leeroy  
24 Harper was a pedophile, and despite such knowledge, The Church in South Colby negligently retained

1 and failed to adequately supervise Defendant Robbin Leeroy Harper in his positions of trust and  
2 authority with The Church in South Colby.

3 13. The Church in South Colby failed to timely adopt policies and procedures to identify  
4 potential and actual sexual offenders, prevent their access to children and/or remove them from  
5 positions of authority in the Church and assist sex abuse victims.

6  
7 14. The Church in South Colby failed to properly investigate Defendant Robbin Leeroy  
8 Harper's background to ascertain whether he was suitable to be placed in a position of trust and  
9 confidence among children and their families. The Church in South Colby failed to properly supervise  
10 Defendant Robbin Leeroy Harper to ascertain whether he was suitable to be charged with the care,  
11 counseling and guidance of children.

12  
13 15. The Church in South Colby negligently empowered Defendant Robbin Leeroy Harper  
14 to perform all duties of a pastor, including pastoral and religious services, education, spiritual, moral  
15 and ethical guidance, religious instruction and counseling and other duties. The Church in South  
16 Colby knew that as part of his duties as a pastor, Defendant Robbin Leeroy Harper would be in a  
17 position of trust and confidence with Church members and their families, including the Plaintiff in this  
18 case. Further, The Church in South Colby knew that Defendant Robbin Leeroy Harper would have  
19 authority over girls in private, completely unsupervised settings, including the settings where  
20 Defendant Robbin Leeroy Harper abused, molested and raped the Plaintiff in this case.

21  
22 16. As a direct and proximate result of the The Church in South Colby's negligent retention  
23 and supervision of Defendant Robbin Leeroy Harper, Plaintiff has suffered severe harm entitling  
24 Plaintiff to special and general damages in an amount to be proven at trial.

1           17.     The Church in South Colby failed to warn members about Defendant Robbin Leeroy  
2 Harper's pedophilia. The Church in South Colby knew or should have known that Defendant Robbin  
3 Leeroy Harper had sexually molested and raped girls and, by entrusting girls (including Plaintiff) to  
4 Defendant Robbin Leeroy Harper's guidance and supervision, The Church in South Colby breached its  
5 duty to the children of The Church in South Colby. Further, The Church in South Colby failed to alert  
6 parents of the children of the potential abuse by Defendant Robbin Leeroy Harper, thereby reducing  
7 the likelihood that victims would be able to seek treatment, to the extent possible, for their devastating  
8 injuries.

9  
10           18.     The sexual assaults by the Defendant Robbin Leeroy Harper on the Plaintiff, and The  
11 Church in South Colby's failure to take action to prevent the abuse, inflicted extreme emotional  
12 injuries on the Plaintiff in an amount to be proven at trial.

13           19.     As a direct and proximate result of The Church in South Colby's failure to warn, and its  
14 negligent entrustment of Defendant Robbin Leeroy Harper, Plaintiff has suffered severe harm,  
15 entitling Plaintiff to recover special and general damages in an amount to be proven at trial.

16  
17                           **V.     COUNT TWO: RESPONDEAT SUPERIOR**

18           Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and  
19 further alleges:

20           20.     At all times material hereto, Defendant Robbin Leeroy Harper was employed as a  
21 Pastor by The Church in South Colby, and was acting within the course and scope of his employment  
22 as a pastor when he groomed Plaintiff for abuse and when Plaintiff was sexually molested, abused and  
23 raped. Defendant Robbin Leeroy Harper used his position of authority to force Kim K. to engage in  
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1 sexual conduct. The Church in South Colby is liable for the tortious conduct of Defendant Robbin  
2 Leeroy Harper under the doctrine of respondeat superior.

3 21. Defendant Robbin Leeroy Harper used the Grooming process to accomplish his sexual  
4 abuse, molestation and rape of the Plaintiff. Defendant Robbin Leeroy Harper's Grooming was:  
5 (1) committed in direct connection and for the purposes of fulfilling Defendant Robbin Leeroy  
6 Harper's employment and agency with The Church in South Colby; (2) committed within the time and  
7 space limits of his employment and agency as a Pastor; (3) done directly in the performance of his  
8 duties as a Church Pastor; (4) an action of a kind and nature which Defendant Robbin Leeroy Harper  
9 was required to perform as a Church Pastor; and (5) done at the direction of, and pursuant to, the  
10 power vested in him by The Church in South Colby.

11  
12 22. As a direct and proximate result of defendant The Church in South Colby's tortious  
13 conduct under the doctrine of respondeat superior, Plaintiff has suffered severe harm, and is entitled to  
14 special and general damages in an amount to be proven at trial.

15  
16 **VI. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

17 23. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this  
18 count, and further alleges:

19 24. The Church in South Colby's and Defendant Robbin Leeroy Harper's negligent acts  
20 and omissions caused emotional injuries to Plaintiff resulting from Defendant Robbin Leeroy Harper's  
21 sexual abuse and exploitation of the Plaintiff.

22  
23 25. As a direct and proximate result of The Church in South Colby's and Defendant Robbin  
24 Leeroy Harper's negligent acts and omissions, Plaintiff suffered injuries and damages in an amount to  
25 be proven at trial.



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**VII. SEXUAL ASSAULT**

26. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count, and further alleges:

27. Defendant Robbin Leeroy Harper repeatedly sexually assaulted and molested the Plaintiff.

28. As a direct and proximate result of Defendant Robbin Leeroy Harper's tortious acts, the Plaintiff has suffered injuries and damages in an amount to be proven at trial.

**VIII. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

29. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count, and further alleges:

30. Defendant Robbin Leeroy Harper's sexual assaults on the Plaintiff, and The Church in South Colby's knowing and/or failure to take action to prevent the abuse, inflicted extreme emotional injuries on the Plaintiff.

31. As a direct and proximate result of the Defendants' tortious actions, the Plaintiff has suffered injuries and damages in an amount to be proven at trial.

**IX. CHILDHOOD SEXUAL ABUSE**

32. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count, and further alleges:

33. Defendant Robbin Leeroy Harper's actions of sexually assaulting and exploiting the Plaintiff when she was a minor constituted the torts of childhood sexual abuse and the rape of a child.

34. As a direct and proximate result of Defendant Robbin Leeroy Harper's tortious acts, the Plaintiff has suffered injuries and damages in an amount to be proven at trial.

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**X. DAMAGES**

35. As a direct and proximate result of the commissions and omissions of the Defendants, Plaintiff has suffered severe and permanent harm, entitling Plaintiff to recover special and general damages in an amount to be proven at trial.

WHEREFORE, Plaintiff demands judgment against Defendants, and each of them, for damages as follows:

1. Plaintiff's special damages, in an amount to be proven at trial, including all prejudgment interest thereon at the highest rate allowed by law;
2. Plaintiff's general damages, in an amount to be proven at trial; and
3. Such other and further relief as the Court deems just and equitable under the circumstances.

DATED this 14<sup>th</sup> day of November, 2007.

Respectfully submitted,



Andrew N. Becker, WSBA #14264  
Attorney for Plaintiff  
104 Tremont, Suite 220  
Port Orchard, WA 98366

Respectfully submitted,



Steve Dixon, WSBA #11276  
Attorney for Plaintiff  
104 Tremont, Suite 201  
Port Orchard, WA 98366