

NO. _____

CASE ATTRACTION: NO. 2016-58802, 127TH DISTRICT COURT

GARELD DUANE ROLLINS, JR.,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff;</i>	§	
-vs.-	§	
	§	
H. PAUL PRESSLER III, NANCY	§	
PRESSLER, PAIGE PATTERSON,	§	
JARED WOODFILL, THE WOODFILL	§	HARRIS COUNTY, T E X A S
LAW FIRM, F/K/A WOODFILL &	§	
PRESSLER, L.L.P., SOUTHWESTERN	§	
BAPTIST THEOLOGICAL SEMINARY	§	
AND FIRST BAPTIST CHURCH OF	§	
HOUSTON,	§	
	§	
<i>Defendants.</i>	§	____ TH JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW GARELD D. ROLLINS, JR., by and through his undersigned Attorney-in-Charge, Plaintiff herein, who complains of and requests monetary relief from H. Paul Pressler III, Nancy Pressler, Paige Patterson, Jared Woodfill, The Woodfill Law Firm f/k/a Woodfill & Pressler, L.L.P., Southwestern Baptist Theological Seminary, and First Baptist Church of Houston.

DISCOVERY CONTROL PLAN

1. Plaintiff moves that discovery in this case be conducted at Level III pursuant to TEX. R. CIV. P. 190.4. Plaintiff further moves that the Court act on this motion as promptly and as reasonably possible.

CASE SUMMARY AND STATEMENT OF RELIEF

2. In summary, this case involves the repeated sexual assault of the Plaintiff, Gareld D.

Rollins, Jr. who, beginning at approximately age 14, was repeatedly sodomized by then Judge H. Paul Pressler, III until approximately 2014 when Rollins was re-arrested and incarcerated for the fifth time for DUI triggered by the repeated sexual assaults by Pressler. The remaining defendants are involved either as co-conspirators, joint enterprisers, and/or by reason of various theories of participatory or vicarious liability.

3. Plaintiff seeks aggregate monetary relief over \$1,000,000. He also asserts that this suit is not governed by the expedited actions process in TEX. R. CIV. P. 169.

4. This case follows a previously ordered authorization by the 127th District Court to take or investigate matters for a potential lawsuit under TEX. R. CIV. P. 202. It bears Case No. 2016-58802 in the 127th District Court. That investigative case has recently been completed and dismissed. Upon the Administrative Court's approval, the matter is "case attracted."

PARTIES, JURISDICTION, AND VENUE

5. Plaintiff, Gareld Duane Rollins, Jr., a natural person, resides and is domiciled in Houston, Harris County, Texas.

6. Defendants H. Paul Pressler III and his wife, Nancy Pressler, natural persons, reside at 5118 Holly Terrace, Houston, TX 77056. They may be served with process at that address pursuant to TEX. CIV. P. 106 (a)(2).

7. Defendant Jared Woodfill, a natural person, is a Texas Attorney and believed to be the principal shareholder of defendant, THE WOODFILL LAW FIRM a successor in interest to Woodfill & Pressler, L.L.P. Jared Woodfill, Individually and on behalf of THE WOODFILL LAW FIRM, L.L.P. may be served with process at the Woodfill Law Firm at Three Riverway, Suite 750, Houston, TX 77056 pursuant to TEX. CIV. P. 106 (a)(2).

8. Defendant, Southwestern Baptist Theological Seminary is a Texas non-profit

corporation. Its attorney in the preceding Rule 202 matter, Mr. David B. Dowell, has agreed to accept service of process at his office at DOWELL PHAM HARRISON LLP, 505 Pecan Street, Suite 200, Fort Worth, TX 76012-4061. Mr. Dowell has also agreed to accept service for Rev. Paige Patterson in his Individual capacity at the same location. Upon information and belief, Rev. Patterson is also the President of the Seminary. He may be served with process pursuant to TEX. CIV. P. 106 (a)(2).

9. Defendant First Baptist Church of Houston is a Texas non-profit corporation. Its attorney in the preceding Rule 202 matter, Mr. Barry G. Flynn, has agreed to accept service of process at his office at GORDON & REES, 1900 West Loop South, Suite 1000, Houston, TX 77027-3264 pursuant to TEX. CIV. P. 106 (a)(2).

10. The District Court has jurisdiction pursuant to TEX. GOV'T CODE § 24.007(b).

11. Venue is mandatory in Harris County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE § 15.016.

THRESHOLD MATTERS: MENS REA OF DEFENDANTS

PRESSLER AND PATTERSON IN THEIR JOINT ENTERPRISE

12. The course of conduct of the victim and actors in this case more or less coincides with the course of the so-called "Conservative Resurgence" within the Southern Baptist Convention (SBC) initiated ca. 1979-80 by defendants Pressler and Patterson. By 2004 it had more or less reached its goals as set forth herein. The victim, Duane Rollins, was a very religious child and remains very religious to this day. All the defendants were steeped in the Southern Baptist religion and, as set forth below, religion was used as an inducement in the abuse process.

13. In her book on Religious Child Maltreatment, Janet Heimlich concludes:

Even though people no longer sacrifice children to gods, the authoritarian nature of

the Inca is significant toward understanding the root causes of religious child maltreatment. After interviewing many victims and perpetrators, as well as examining dozens of court cases and empirical studies, I conclude that all cases of religious child maltreatment have a common characteristic: The victims had been living in religious authoritarian environments.

Heimlich, J. “*Breaking Their Will: Shedding Light on Religious Child Maltreatment*,” (Prometheus Books: New York 2011), p. 46.

Many Christians believe the Bible is divinely inspired and interpret its passages as literally true. Actually, more than one third of Americans believe the Bible is the “Word of God,” and nearly 25 percent of Americans believe the same of the Torah, [] the central Jewish text consisting of the first five books of the Old Testament. Evangelical Christians, who tend to believe in a literal interpretation of the Bible, make up more than one quarter of the country’s population. []

Id., p. 65, (footnotes omitted).

14. The stated goal of the Conservative Resurgence is a return to a literal interpretation of the Bible in the SBC and its churches, universities, and other related institutions. Consequently, the coincidence between the Conservative Resurgence and Duane Rollins sexual abuse demands attention. Plaintiff does not intend at this point in the litigation process to draw some type of proximate causation between what is found in the Conservative Resurgence and what he has had to endure. That may well occur later. However, the facts that follow beg the questions: Why? How? At this point, however, as an evidentiary matter, Plaintiff contends that the brief analysis that follows provides an element of Joint Enterprise as well some probative evidence that the facts that follow are well within the realm of human aberrant behavior.

HISTORY OF THE RESURGENCE: AN ANALYSIS

15. The connection between Defendants Pressler and Patterson began in New Orleans at a meeting at the Café du Monde in March 1967 as related in Pressler’s book, *A Hill on Which to Die*, (Broadman: Nashville, 1999) at p. 60, hereinafter “Broadman.” Patterson volunteered to be

Pressler's collaborator "... in the new movement for doctrinal stability ... in the Southern Baptist Convention." Broadman at 84.

16. On November 29, 2016, Dr. Rick Patrick, Pastor of the First Baptist Church, Sylacauga, Alabama, spoke at his *Alma Mater*, defendant Southwestern Baptist Theological Seminary, in the presence of, among others, its President, (Rev.) Dr. Paige Patterson. In pertinent part, he characterized the new movement for doctrinal stability the "Conservative Resurgence." He stated:

Thank you Dr. Patterson for your kind invitation and tremendous leadership here at Southwestern Seminary and in Southern Baptist life as a whole. Not long ago, a man and his family joined the church where I serve, transferring their membership from a denomination that has drifted so far into liberalism that he could no longer stand it. And I thought to myself, 'Thank you Paige Patterson and Paul Pressler and others for your courage and for promoting the Conservative Resurgence. My life and ministry benefit daily from the glorious truth that Southern Baptists firmly embrace the inerrancy of scripture.'"

17. Inerrancy of scripture is defined in Pressler's book. For him, it means that the bible is "... 'without error,' [in] that we understand this to mean that in the original autographs, God's revelation was perfect and without error, doctrinally, historically, scientifically, and philosophically." Broadman at 106 (emphasis original). Further, according to Pressler, "Archaeology has assisted us in resolving some of these debates in favor of the accuracy of scripture. Nowhere has the bible been proven to be in historical error." Broadman at 151. Scripture represents the "very words of God." *Id.*

18. Plaintiff contends that the intellectually and scientifically discredited notion of "inerrancy" are not what the so-called "Conservative Resurgence" is really all about. Plaintiff will show that it is a smoke screen for one of most pernicious philosophical and theological dogmas afoot in this country. It is known as "Calvinism" and came into this nation in two waves. The first were

the English Puritans of Governor Winthrop's "shining city on a hill," Massachusetts, from which Roger Williams escaped with his life to form the first American Colony without an official church. A later strain came into the U.S. through Scots-Irish immigration into the South. It lies as a Trojan Horse within the Southern Baptist Convention. The Trojan Horse also lies at the core of this case.

19. For the notion of the Trojan Horse, we turn back to Dr. Patrick's November 29, 2016 appearance at Patterson's Southwestern Baptist Theological Seminary presentation. On December 1, 2016, Bob Allen of Baptist News Global reported on Dr. Patrick's discourse on the Trojan Horse delivered just a few days earlier on November 29, 2016.

Patrick, executive director of Connect316 — a group formed in the summer of 2013 to counterbalance a number of new organizations promoting the New Calvinist perspective — argued that debate in the Southern Baptist Convention over Calvinism isn't about just the single issue of how people are saved.

"Because Calvin's Institutes address a broad spectrum of theological categories, we are actually debating much more than just the single issue of salvation," said Patrick, senior pastor of First Baptist Church in Sylacauga, Ala. "If we are not careful a myriad of related beliefs and practices will enter our camp, hidden within the Trojan Horse of Calvinism."

Patrick said the New Calvinism and the "traditionalist" position advocated in the past by former SBC leaders such as Herschel Hobbs and Adrian Rogers are "two competing systematic theologies" with disagreements as basic as whether the heavenly Father is a God of love.

"If God has chosen, actively or passively, before the foundation of the world to place the reprobate unconditionally into a category from which they can never possibly escape, then this is, as even Calvin admitted, a dreadful decree," Patrick said. "*I will never forget the first time a Calvinist looked me straight in the eye and said God does not love everybody. I was speechless, and frankly, that doesn't happen much.*"¹

Patrick said the Baptist Faith and Message endorses congregational church polity, "where decisions are pastor-led, deacon-served, committee-worked and congregation-approved." Calvinists "are so fond of elder-led and sometimes even elder-ruled forms of polity," he said, that one Calvinist made the claim that Congregational

¹ With respect for Dr. Patrick, This case will show that "that" happens more than he perhaps realizes. The notion that God does not love everyone should render anyone speechless.

Government is from Satan.

“I was not so much troubled that he preferred Presbyterian polity to Southern Baptist polity, but I was troubled that he attributed to Satan a polity I believe comes from God,” Patrick said.

Patrick said Calvinists and Traditionalists differ over the question of whether man — made in the image of God — is able to freely respond to the Holy Spirit’s drawing through the preaching of the gospel.

“I say yes, but many Calvinists would say no,” Patrick said. “I agree that I am unable to save myself, but I disagree that I am unable, humbly, to make the decision to accept Jesus’ offer to save me.”

Baptist News Global, December 1, 2016 (emphasis added).

20. Following Dr. Patrick’s presentation, defendant Paige Patterson had this to say:

“I know there are a fair number of you who think you are a Calvinist, but understand there is a denomination which represents that view,” Paige Patterson, president of Southwestern Baptist Theological Seminary, said at the close of Tuesday’s chapel service. “It’s called Presbyterian.”

“I have great respect for them,” Patterson said. “Many of them, the vast majority of them, are brothers in Christ, and I honor their position, but if I held that position I would become a Presbyterian. I would not remain a Baptist, because the Baptist position from the time of the Anabaptists, really from the time of the New Testament, is very different.”

Patterson, co-engineer of the so-called conservative resurgence in the Southern Baptist Convention in the final two decades of the 20th century, commented immediately after chapel speaker Rick Patrick finished the morning sermon.

Id.

21. The above notwithstanding, Plaintiff contends that defendant Patterson holds an unreformed Presbyterian, Calvinist belief in predestination and election of Calvin’s Scottish successor John Knox.

Unthinkable is the idea that one of God’s elect could forfeit his salvation. Those whom He has justified He will glorify. So certain is that sequence that “glorified” is an aorist tense in Greek, meaning that glorification has already happened in the mind of God (vv. 30-39). How could God lose one of His elect? The doctrine of election

assures a peculiar providence which attends the way of every believer.

Patterson on Ephesians (date uncertain).

22. Plaintiff contends that this is a philosophy that one can do no wrong. As noted above, Dr. Patrick disagrees: *“I agree that I am unable to save myself, but I disagree that I am unable, humbly, to make the decision to accept Jesus’ offer to save me.”*

23. Dr. Patrick appears to be a traditionalist Baptist who believes that one, indeed, can do wrong and forfeit his salvation. On the other hand, Defendant Patterson appears to be a closet Calvinist and dissembles about it. For Dr. Patrick, God loves everybody. For a Calvinist, God loves only the predestined elect. They are easy to spot. They are the “Nice White People,” awash in self-justification. Blacks, Browns, Women, Gays, Jews, Catholics, Muslims, and others need not apply.

24. Pressler, likewise, appears to be a closet Calvinist. In the sequence of events that leads up to Patterson’s volunteering for “the cause,” Pressler had to overcome an apparent determination by a Phoenix pastor that he, Pressler, was a Presbyterian, not a Baptist. Pressler responds to that “determination” by stating that “(I have never been a member of any church except a Baptist church even when I was working with Bethel; which was an independent Bible church.)” Broadman at p. 84. That is a complete falsehood. Public records indicate that “Bethel” was and remains a Presbyterian community that confesses that it is Calvinist in doctrine. Paul and Nancy Pressler taught their brand of Christianity there for roughly 15 years. *See* Broadman, Chapter 9, *Young People All Around Us*. Plaintiff makes no negative insinuation against Bethel, only that Paul Pressler publicly dissembles about Bethel as an “Independent Bible Church” [Broadman at p. 84] when previously he had named it correctly as “Bethel Independent Presbyterian Church” [Broadman at p. 61].

25. The significance of Pressler’s statement is exposed later in the Broadman text in a

discussion between Pressler and Jerry Vines at the 1978 SBC Convention in Houston which Patterson attended. Pressler relates the following:

After I visited the leading conservative pastors and they expressed their willingness to cooperate, other things needed to be done to get the conservative movement under way. At the 1978 SBC meeting, while having breakfast in Atlanta with Jerry Vines, he asked me a highly significant question. "Paul," he asked, "are you going to minister to 250 high-school students or 13 million Southern Baptists?"

I understood what he was saying: as long as I had a youth group Bible study outside of a Southern Baptist church, *I would not have the credibility to work with Southern Baptists*, although my membership had always been in a Baptist church. I realized that I needed to give up working with the young people who had been very close to my heart. We had seen so many trust the Lord and grow in their faith in the Lord Jesus Christ. Concern for these young people and the fact that some of them were then being ridiculed as they went off to our Baptist institutions had motivated my participation in the first place. To give up working with them was difficult.

Broadman at pp. 93-94. Apparently, he was willing to jettison Bethel's youth for credibility at First Baptist.

26. Undoubtedly, Patterson's decision to volunteer to join Pressler in "the cause" was made with full knowledge of this falsehood. Broadman at p. 84 (1999). Apparently, both will dissemble for the sake of their Baptist credibility.

27. When we open the door to the Trojan Horse, here is what we find at first:

The Lord has not only testified that the status of the *magistrate or civic officer* was approved by him and was pleasing to him, but also he has moreover greatly recommended it to us, having honored its dignity with very honorable titles. For the Lord affirms that the fact that kings rule, that counselors order just things, and that the great of the earth are judges, is a work of his wisdom. And elsewhere, he [the Lord] calls them gods, because they do his work.

Calvin, Jean, *Instruction in Faith*, Geneva 1537; Fuhrman, Paul, trans., ed; copyright 1949, The Westminster Press (emphasis added).

28. Digging deeper, Calvin's doctrine towards the people is quite to the contrary:

The resemblance to God having been effaced in us [by "original sin"], we all who

descend from the seed of Adam are born flesh from flesh. For though we are composed of a soul and a body, yet we feel nothing but the flesh, so that to whatever part of man we turn our eyes, it is impossible to see anything that is not impure, profane and abominable to God. The intellect of man is indeed blinded, wrapped with infinite errors and always contrary to the wisdom of God; the will, bad and full of corrupt affections, hates nothing more than God's justice; and the bodily strength, incapable of all good deeds, tends furiously towards iniquity. *Id.*

29. Of Calvin, the noted Protestant theologian, Paul Tillich, writes, "What he [Calvin] said -- with Zwingli -- is that a theocracy has to be established -- the rule of God through the application of evangelical laws in the political situation." Tillich, Paul, *A History of Christian Thought*, p. 273.

30. Thus, what we find on opening the door to the Trojan Horse is theocracy. With respect to theocracy, Pressler, noted an increase in Southern Baptist Republican party affiliation of 37% between the years 1980-81 to 1984, [Broadman at 247] and continued:

The political revolution in 1994 which changed Congress and elected not only Republicans, but, more importantly, many more evangelical Christians, has made a profound effect on the nation. Many of the Republican gains occurred in areas of strong Baptist influence. The possibility of its continuing is far greater than some of the pundits would think.

Therefore, an *unanticipated effect of the conservative movement* and the Southern Baptist Convention could possibly be a long term change in the political climate and the public policy thinking of some Americans. During the preceding thirty (30) years, the religion of secular humanism had been promoted with great effectiveness. by the media and many secular and religious elites. Now [1999], the establishment of the religion of secular humanism possibly can be destroyed and true freedom of religion can be restored to America.

Broadman at 247-48 (emphasis added).

31. Thus the Conservative Resurgence of Pressler and Patterson is much more than biblical exegesis and saving souls for Jesus. It is, among other things, about *Power*, a key ingredient in the abuse of children and women, the property of males of the species. Pressler elaborates further:

Our political system is based on the biblical understanding of the nature of people.

We [conservatives] believe in the sinfulness of each person . . . [t]he consistent liberal, on the other hand, believes in the basic goodness of human beings. It has been well stated that *socialism* [his alt-term for liberals] will put a new suit on and old man but Christianity will put a new man in them old suit.”

Id. at 248-49 (emphasis added).

32. There is more to this Nation and “our political system” than a narrow biblical understanding of the nature of people – whether new men in old suits, or vice versa, or any other combination of salvation and wardrobe for that matter.²

33. Inseparable from the thirst for political power, the Pressler Patterson Conservative Resurgence also has identifiable pecuniary interests. *See, e.g.*, the conservative search committee’s appointment of Dr. Richard Land to the Ethics and Religious Liberty Commission which led to its budget being markedly increased. Broadman at p. 253. *See also* the the effect of the shift in the SBC to the Pressler Patterson conservative agenda which allowed it to “reduce the budget appropriation of the Baptist Joint Committee [to which they were opposed] from \$410,000 to \$391,000. *Id.* at p. 261; further “[t]he Executive Committee of the SBC is extremely important. It sets the budget and gives other major recommendations.” *Id.* at 188. Now it’s money *and* power.

34. Plaintiff contends that it is the Pressler-Patterson thirst for power and money that form the pecuniary interest element of a Joint Enterprise in this case. However, there is more to the Trojan Horse myth involved here. It involves the abduction of Helen of Troy by Paris which

² In the United States, WE THE PEOPLE, among other things, promote the general welfare. “The concept of the public welfare is broad and inclusive. *See Day-Brite Lighting, Inc. v. Missouri*, 342 U.S. 421, 424, 72 Sup. Ct. 405, 407, 96 L. Ed. 469 (1952). The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled. In the present case, the Congress and its authorized agencies have made determinations that take into account a wide variety of values. It is not for us to reappraise them. If those who govern the District of Columbia decide that the Nation’s Capital should be beautiful as well as sanitary, there is nothing in the Fifth Amendment that stands in the way. *Berman v. Parker*, 348 U.S. 26, 33 (1954).

coincides with the theme that women and children are property. See DECALOGUE #10. That understanding goes to the matter of disproportionate power between an adult male and a child or woman and the *mens rea* of the actors in this case: power, money and sex.

35. Writing in Psychology Today, Susan Wilbourne, Ph.D., describes personality traits of individuals whose lives revolve around power, money, and sex. She calls them the Dark Triad.

Freud may have believed that all humans are motivated by illicit motives, but research on the “Dark Triad” of personality suggests that some of us have stronger cravings than others. The Dark Triad refers to the set of three personality traits or personal dispositions generally recognized as undesirable – hence the term “dark.”

The first of these Dark Triad traits is “Machiavellianism,” named after the 16th century Italian author whose treatise, “The Prince” advocates the use of power to achieve political ends, even if this means lying and using others to get what you want. People high in Machiavellianism, then, are calculating as well as deceitful.

The second Dark Triad trait is psychopathy, a term you might be familiar with or if not, with the related concept of “sociopathy.” People high in psychopathy are unable to empathize with others, tend to be shallow and glib, and have a lifestyle characterized by impulsive, possibly criminal, acts. They also are supreme manipulators of others in order to get their own way, and they tend to have a glorified sense of their own abilities.

Finally, the Dark Triad personality includes the trait of narcissism, named after the Greek youth Narcissus, who fell in love with his own reflection in the water, only to drown as a result. People high in narcissism have an exaggerated sense of their own importance or “grandiosity.” Underneath this grandiose exterior, according to some theories, they feel vulnerable and insecure.

Whitbourne, S., Ph.D., *Sex, Power Money and All of the Above*, Psychology Today, September 21, 2013; citing Lee, K., Ashton, M. C., Wiltshire, J., Bourdage, J. S., Visser, B. A., & Gallucci, A. (2013). *Sex, power, and money: Prediction from the Dark Triad and Honesty–Humility*. European Journal of Personality, 27(2), 169-184.

36. Psychology aside, there is a legal concept involved in the relationship between Rollins and the Defendants. In 1993, the Houston SBC Convention had to remind Southern Baptists

how far afield their Resurgence had taken them:

RESOLVED, That we *remind all* Southern Baptists of their legal and moral responsibility to report any accusations of child abuse to authorities in addition to implementing any appropriate church discipline or internal restoration processes; and be it further RESOLVED, That we likewise call upon *all* Southern Baptists to cooperate fully with law enforcement officials in exposing and bringing to justice all perpetrators, sexual or otherwise, who criminally harm children placed in our trust.

SBC Resolutions, Houston 2013 (emphasis added).

PLAINTIFF'S STATEMENT OF FACTS

37. The relationship between Rollins and Pressler can, by letter of May 22, 2002, Exh. "A," attached and incorporated, be traced back to 1978-79 when Duane started high school. The abuse continued unabated during the First Baptist period and occurred at the Pressler home, then at 282 Bryn Mawr Circle, where Plaintiff Rollins was lured away from his mother as a "special student," worthy of attention.

38. In 1980, Pressler enrolled Rollins in the Young Adult Bible Study at First Baptist Church of Houston. Pressler used the Young Adult Bible study to have continuing access to Rollins for more abuse. At various times, Pressler was a deacon, messenger, and/or head of FBCH's pastoral search committee, both *indicia* of his authoritative position at FBCH.

39. The abuse, constituting anal penetration, began at or near the time of Rollins "enrollment" at FBCH by Pressler. Given Pressler's authoritative position and at a prior prayer meeting Pressler held at the Rollins home, he had ready access to Duane. The locus was always in his master bedroom study to which he retired with Duane, door closed, with his wife Nancy usually on the premises. Pressler told Duane that he was oppressed, under attack, lonely, unappreciated, and that they had a freedom to engage in this behavior not given to others. He told Duane he was the only boy he had kissed on the lips. How many other boys is as yet unknown.

40. Pressler told Duane he was “special,” and with respect to the anal rape, “our secret, our freedom, no one but God would understand.” Repeatedly, Pressler always assured Duane that he could stop if he was in any way uncomfortable. That was no assurance of anything. Duane froze during the original and ensuing rapes believed they were God-sanctioned and would never stop. These horrific incidents took place 2 to 3 times a month on average.

41. Duane almost immediately began to self-medicate by purloining alcohol from the family supply and replacing it with water. It gave him a sense of security and relief. He always self-medicated before his mother took him to the Pressler home. She was told that the purposes of taking him to Pressler was to expose Duane to sports type activities at the University Club in the Houston Galleria. At the University Club, Duane was introduced to steam baths and whirlpools where he, Pressler, and other men were naked. Pressler took great pleasure in surreptitiously massaging Duane’s genitals underwater. This was the prelude to what then occurred when Duane was brought back to the Pressler master bedroom. This pattern is what has come to be known as “grooming.”

42. Plaintiff Rollins continued to respond to the abuse through self-medication with alcohol which was soon supplemented with marijuana which was readily available from his peers at school – to the detriment of the development of his pre-frontal cortex.³ The cycle of the Club, abuse, and self-medication continued unabated about 2-3 times a month until Duane went to college in San Marcos in 1983. At San Marcos, Duane returned home to Houston bi-monthly where, the cycle of abuse frequency declined somewhat but continued to happen at least once a month.

43. In 1985, he stopped carrying a full course load since, at college, he had better access

³ Neuroscience is now teaching us that the pre-frontal cortex is the “executive function” that says “no this is not a good idea.” The pre-frontal cortex is the last part of the brain to mature and that maturation takes place between the ages of 15-25. That maturation is impeded by drugs and alcohol. This phenomenon manifests with the victim, Duane in this case, remaining in a childlike state.

to the self-medication agents. From that point forward, he never returned to a full course load. His self-medication now transitioned into out-of-control addiction.

44. Duane's first contact with the law was in 1986 in San Marcos when he was arrested for a DUI in Hays County. He was given two (2) years probation. That probation was completed successfully. Between '85-'86 Duane returned home monthly on average and the abuse continued.

45. In March 1992, Rollins, still an on-again-off-again student, had a part-time job at a pawn shop on San Marcos (Hays County). While working at the pawn shop, he attempted to pawn his own personal effects for drug and alcohol money. Since he was employed at the same pawn shop, he could not be both borrower and banker. Consequently, he used his roommate's name on three pawn tickets and collected the funds for marijuana. He was arrested and charged with three counts of forgery. He was given seven (7) years deferred adjudication for forgery. The home visits remained a monthly occurrence and the abuse cycle continued.

46. On June 6, 1992, while on deferred adjudication, he was arrested in San Antonio, Bexar County, for DUI. He was again given 7 years deferred adjudication. The monthly home visits continued as well as the abuse which was usually precipitated by seeing Pressler in church at FBCH. In 1996-97 Duane was no longer enrolled in college, had part-time jobs in San Antonio, and lived there with his maternal grandmother, Camilla Tuggle.

47. In September 1998, while on deferred adjudication, he was arrested in Floresville, Wilson County, Texas for theft of property from his meth dealer and was given 15 months deferred adjudication. This was a worsening foray into substances other than alcohol and marijuana.

48. In November 1998, back in San Antonio, he was arrested for burglary of a habitation. Awaiting sentencing in San Antonio, he was sent back to Hays County for violation of its 7 year deferred adjudication and Wilson County for that deferred adjudication. He was adjudicated guilty

on the original charges from all three counties and sentenced to ten (10) years in the Texas TDC. Pressler and an unknown adolescent appeared at the sentencing hearing and testified on Duane's behalf, arguing for "shock probation." The Court was apparently unimpressed. At this point, Duane is a felon with limited options – a situation into which Pressler inserts himself, now as a savior figure, cementing Duane's servitude to him.

49. In August 2000, Duane was eligible for parole. At that point, Pressler intervened with the Texas Board of Pardons and Parole. Pressler's letter to the parole board is attached hereto as Exhibit "A" and incorporated herein. In spite of the strong recommendation, parole was denied.

50. In May, 2002, Rollins was again parole eligible. Pressler again intervened as seen in a letter to the parole board, attached hereto as Exhibit "A" and incorporated herein by reference.⁴ This time, apparently with assurances of employment "at our law firm, Woodfill & Pressler, L.L.P.," he was paroled and after a stint in rehab, was released in September 2003 and immediately went to work at Pressler's home office in accordance with Exhibit "A."

51. In 2003, working in Pressler's home office on the Woodfill & Pressler payroll, he was exposed to the extent to which Pressler and Patterson were involved in the Resurgence Movement. Rollins met Patterson at the Pressler home office at least three times. Each time, he was presented to Patterson as Pressler's "special office assistant," employed by his law firm, alternatively, his "boy Friday." During this period, Duane made travel arrangements for Pressler and Patterson to make a pilgrimage to the bishopric of St. Augustine in Annaba, Algeria, formerly the Diocese of Hippo. At the last minute, Pressler added Duane to the trip and paid for his travel and living expenses.

⁴ The Pressler letters of August 10, 2000 (Exh. "A") and May 22, 2002 (Exh. "B") were in the file of his parole attorney, Paul Hampel, who Rollins had discharged. The file was sent to the Rollins home while he was still incarcerated. His mother, Mrs. Duryea, put it in storage in her attic in a box and it was forgotten by her. In March 2017, during an air conditioning replacement, Duane, unaware of the letters, discovered the box and its contents in the attic.

52. As an office assistant, Pressler routinely gave Duane access to his desk. On one such access, Duane noticed a letter from the FBI that was heavily redacted. All Duane recalls were the words “toxic” and “could not recommend the candidate for the position.”

53. Duane was brought along on the St. Augustine trip as an “assistant” to see that Pressler had access to his need for what Pressler had requested, *i.e.*, a masseur who was a young man. During the trip, one “young man” of Algerian nationality, Farid, joined the tour group which, at that point, consisted of Patterson, five or six other seminary professors and their wives. Pressler was unaccompanied by his wife and instead, with a retinue consisting of Duane, the photographer Nathan Lindstrom, Gary Meyers, and Farid. On one occasion, the group had to wait on Pressler for about 10 minutes while he was in a massage session.

54. Back in the U.S., on the evening of September 17, 2004, Duane was arrested in Houston for DUI. He was given a fine and 20 days. However, Harris County found him to be in violation of the San Antonio parole stipulations and the parole was revoked. He was again incarcerated and released in the Summer of 2006.

55. In April 2008, he was again arrested for DUI in Houston (Harris County). He was found guilty of DUI #3, a felony, confined for 7 months and was released and completed parole.

56. In February 14, 2009, he was again arrested for DUI in Harris County and sentenced to two (2) years in TDC. He was released after ten (10) months and again placed on parole.

57. In July 2012, he was arrested for possession of a controlled substance, “heroin,” and sentenced to two (2) years. He was released on parole in July 2013.

58. In March 2014, he was again arrested for DUI in Harris County and was sentenced to six (6) years in TDC at Beaumont. He was sent from Beaumont to Huntsville to verify his residency status after which, he was returned to Beaumont in October 2015 where he was re-

incarcerated as a “new arrival.” He went through an intake process. Then, in mid-November 2015, he made an “outcry statement” to a prison psychologist about the years of abuse by Pressler. He was released from Beaumont TDC in June 2016 and contacted counsel in July 2016. He then sought professional treatment.

59. Corroboration of Mr. Rollins treatment is found in a report of Harvey A. Rosenstock, M.D., F.A.C.Psych., *i.e.*, “early childhood sexual molestation” in the form of molestation of an innocent child. Dr. Rosenstock opines that the molestation has resulted in undiagnosed PTSD for which he remains in treatment. He also opines that the “overlay of repeated intoxication at a severity to result in incarceration is an indicator of a person chronically suffering from an unsound mind.” He further also opines that the severe trauma was “repressed and disassociated.” The severe trauma was young Mr. Rollins anal rape by Pressler that began in 1979. Dr. Rosenstock’s letter is attached as Exhibit “C” and incorporated herein by reference.

FIRST CAUSE OF ACTION: BREACH OF INFORMAL FIDUCIARY DUTY

60. Parties to this cause of action are Plaintiff Rollins and Defendants Patterson, Seminary, Paul Pressler, First Baptist, Woodfill and Woodfill & Pressler LLP, and Nancy Pressler.

61. Plaintiffs re-avers pars.12-59, above.

62. At time of trial Plaintiff will prove that there arose between him and these Defendants, (all seven [7] hereinafter referred to as the “collective Defendants”) who all had to be reminded of their legal and moral responsibilities, a confidential or quasi-fiduciary relationship arising from moral, social, domestic, or purely personal relationships in which Plaintiff of necessity, trusted and relied upon them. *Meyer v. Cathey*, 167 SW3d 327, 351 (Tex.2005); *Schlumberger Tech v. Swanson*, 959 S.W.2d 171, 176 (Tex.1997). These collective Defendants had a concomitant responsibility to deal with Plaintiff with the highest degree of trust, confidence and honesty, a duty

of candor, a duty to act with integrity of the strictest kind, a duty of full disclosure, and a duty to act with utmost good faith and loyalty.

63. Defendants jointly and severally, breached their confidential or quasi-fiduciary duty to the Plaintiff by their tortious acts and omissions which were and continue to be a proximate cause of Plaintiff's severe emotional suffering and concomitant ordinary and exemplary damages.

64. As a direct result of the breach and its proximate cause, Plaintiff is entitled to mental anguish damages. *Douglas v. Delp*, 987 S.W.2d 879, 884-85 (Tex.1997).

65. Plaintiff further pleads that the breach was intentional, and the resulting mental anguish damages entitle him to exemplary damages. *International Bankers Life Ins. v. Holloway*, 368 2d 567, 584 (Tex.1963). Plaintiff also pleads in the alternative that he is entitled to exemplary damages for morally culpable conduct. *Owens-Corning Fiberglass Corp. v. Malone*, S.W.2d 35, 40 (Tex. 1998); *Transportation Ins. v. Moriel*, 879 S.W.2d 10, 16 (Tex.1994); TEX. CIV. PRAC. & REM. CODE § 41.001 *et seq.*

66. Plaintiff pleads further and in the alternative, that because of this direct breach of Pressler and Patterson's informal fiduciary obligation (confidential relationship) to him, under recognized agency principles of RESTATEMENT (SECOND) TORTS § 282, First Baptist, Seminary, Woodfill and LLP are liable to him for the tortious conduct of the Joint Enterprisers Pressler and Patterson even if they as the respective Agents, failed to disclose their intentionally tortious conduct to them, their ecclesiastical and corporation Principals.

SECOND CAUSE OF ACTION: ASSAULT BY OFFENSIVE

PHYSICAL CONTACT AND CONSPIRACY TO COMMIT SAME

67. Plaintiff Rollins and Defendant Pressler directly, and the remaining six collective Defendants by either participatory or vicarious liability, are parties to this cause of action.

68. Plaintiff Duane Rollins re-vers pars. 12-59.

69. At time of trial, Plaintiff will prove that Defendant Paul Pressler intentionally or knowingly made criminal, unwanted, and unsolicited sexual contact with Plaintiff which, under the circumstances, was without effective consent; that Pressler knew the Plaintiff would find the sexual contact offensive; and that the violent contact in the form of anal rape was and continues to be a proximate cause of Plaintiff Rollins's injuries for which he seeks ordinary damages and, in light of the criminal nature of the conduct, exemplary damages without regard to statutory caps.

70. Pleading further to the sexual assault by Pressler, at time of trial Plaintiff Rollins will prove that Pressler and his Joint Enterprise Defendant Patterson are jointly and severally liable to him for the ordinary and exemplary damages arising from Pressler's crimes under the theory of Joint Enterprise liability.

71. Pleading further, First Baptist, Seminary, Woodfill and LLP, Pressler and Patterson's respective Masters, and Nancy Pressler were under a duty to exercise reasonable care so as to control them during the Resurgence while they were acting within the scope of their employment (Pressler as deacon, instructor, and pastoral search committee member; Patterson as President, Woodfill and LLP as employer) to prevent them from intentionally harming others or from so conducting themselves so as to create an unreasonable risk of bodily harm to the Plaintiff since (a) Pressler, and his Joint Enterpriser (i) began their criminal course of conduct in possession of their Masters' property, upon which Pressler and Patterson were privileged to enter only as their Servant, or (ii) were using the property of their Masters First Baptist, Seminary, Woodfill, and LLP only as their Servant; and (b) the Masters (i) knew or had reason to know that they individually or jointly had the ability to control Pressler and Patterson, (ii) knew or should have known of the necessity and opportunity for exercising such control.

72. Pleading further to the sexual assault of Pressler joined with Patterson as Joint Enterprisers, Plaintiff Rollins will prove that the First Baptist, Seminary, Woodfill, LLP, and spousal Defendants are jointly and severally liable to him for the harm and concomitant ordinary and exemplary damages proximately caused by the tortious conduct of Pressler, and his joint enterpriser Patterson, since they, including Nancy Pressler, individually or jointly (a) ordered or induced the conduct of Pressler and Patterson, that they individually or jointly knew or should have known of circumstances that would make the conduct tortious as if it were each of their own, (b) conducted an activity with the aid of Pressler and Patterson individually or in combination and were negligent in employing or associating with them, (c) permitted Pressler and Patterson to act on their premises, including the premises of Nancy Pressler, or with their instrumentality knowing or having reason to know that Pressler and Patterson were acting or would act tortiously, or (d) controlled, or had a duty individually or jointly to use care to control the conduct of Pressler and Patterson who were likely to do harm if not controlled, and individually or jointly failed to exercise care in the control of Pressler or Patterson, or (e) First Baptist, Seminary, Woodfill, LLP, or spouse individually or jointly, had a duty to provide protection for or to have care for the protection of the Plaintiff or failing to protect his property, or they delegated the performance of this duty to the Pressler and Patterson Defendants who caused or failed to avert the harm by failing to perform the delegated duty. This cause of action with respect to Nancy Pressler includes premises liability.

73. Pleading further to the sexual assault by Pressler joined by Joint Enterprise by Patterson, Plaintiff Rollins will prove under agency principles that the First Baptist, Seminary, Woodfill, LLP, and Nancy Pressler Defendants are jointly and severally liable to him for the tortious conduct of Pressler joined to Patterson, which were and continue to be a proximate cause of his injuries and concomitant ordinary and exemplary damages, since the conduct was committed

while Pressler and Patterson were within the scope of their employment.

74. In the alternative, at time of trial, Plaintiff Rollins will prove, also under agency principles, that the First Baptist, Seminary, Woodfill and LLP Defendants are jointly and severally liable to him for the tortious conduct of Pressler, joined by Patterson, acting outside the scope of their employment since: (a) the First Baptist, Seminary, Woodfill, and LLP Defendants, individually or jointly, intended the conduct or the consequences, or (b) these Defendants, individually or jointly were negligent or reckless, or (c) their conduct violated a non-delegable duty of these Masters, or (d) Pressler and Patterson purported to act on behalf of First Baptist or Seminary and there was reliance by Plaintiff Rollins upon Pressler's apparent authority joined by Patterson, or (e) Pressler joined by Patterson, were aided in accomplishing their intentional torts by the existence of the agency relation.

75. Pleading further to the sexual assault by Pressler, at time of trial Plaintiff Rollins will prove under agency principles that the First Baptist, Seminary, Woodfill, and LLP Defendants are jointly and severally liable to him for the harm and aforesaid damages proximately caused by the intended tortious actions of Pressler, joined by Patterson, done in connection with Pressler and Patterson's employment since, although the acts were unauthorized, in light of the facts and circumstances, both overt and conspiratorially hidden, were not unexpected or unforeseeable in light of the carte blanche given to Pressler by First Baptist, or Patterson by Seminary, Woodfill, or LLP to both Joint Enterprisers.

76. Pleading further to the sexual assault by Pressler joined by Patterson, at time of trial Plaintiff Rollins will prove that the First Baptist, Seminary, Woodfill, and LLP Defendants, jointly or severally, are subject to liability to him for the intentional torts of Pressler, joined by Patterson, in that Pressler and Patterson were employees, agents, or apparent or ostensible agents of the First

Baptist, Seminary, Woodfill and LLP Defendants who individually or jointly later ratified Pressler's conduct, joined by Patterson, and thus, that these Defendants are jointly and severally liable to him for the assaultive acts which were and continue to be a proximate cause of his severe physical and emotional injury, suffering, and resulting ordinary and exemplary damages.

77. Pleading further to the sexual assault by Pressler joined by Patterson, at time of trial, Plaintiff Rollins will prove that the First Baptist, Seminary, Woodfill, and LLP Defendants are liable to him for Pressler and Patterson's acts and/or omissions under the legal doctrines of concert of action, as joint enterprisers, as agents of the ecclesiastical corporate entities, and/or as shareholders of these entities, under which doctrines, the conduct of these Defendants were and continues to be a proximate cause Plaintiff Rollins injuries and damages for which he seeks ordinary and exemplary damages from these Defendants, jointly and severally.

78. Pleading further to the sexual assault by Pressler, joined by Patterson, because of the quasi-fiduciary obligation of the ecclesiastical Defendants to him, under recognized agency principles, the First Baptist, Seminary, Woodfill, LLP, and Nancy Pressler Defendants are liable to him for the tortious conduct of Pressler and Patterson even if they, as fiduciaries or quasi-fiduciaries, failed to disclose their intentionally tortious conduct to these Defendants.

79. With respect to the conspiracy to commit the tort of sexual assault, at time of trial, Plaintiff Rollins will prove that the collective Defendants conspired among themselves and agreed to and intended the common objective of a lawful purpose of furthering the institutional interests of their SBC affiliated institutions using unlawful means, i.e., (a) before the fact, of making minors sexually available to Pressler and his Joint Enterpriser who, under Calvinist dogma, are considered to be a Vice Regents of God, or (b) before the fact of making minors available to these Juridical, and divinely pre-destined Ministers who had already been determined to be unfit and dangerous.

Further, Plaintiff Rollins will prove that there was a meeting of the minds among these conspirators about the object of their conspiracy , *i.e.*, that there was an agreement or consent among them and a specific intent to achieve their lawful purpose using unlawful means. Next, the co-conspirators were aware of the unlawful conduct at the beginning of their conspiracy yet nevertheless intended it. Finally, the conspiracy was and continues to be the proximate cause of Plaintiff Rollins's injuries for which he seeks both ordinary damages and, since the underlying tort is a criminal act, he seeks exemplary damages without regard to statutory caps.

80. Plaintiff Rollins will further prove that the aforesaid conspiracy occurred before, during, and after fact of the perpetration of the crimes that form the basis of this lawsuit. Finally, Plaintiff Rollins will prove that the aforesaid conspiracy was and continues to be a proximate cause of cause of his severe physical and emotional injuries, suffering, and concomitant ordinary and exemplary damages.

THIRD CAUSE OF ACTION: INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS AND CONSPIRACY TO COMMIT SAME

81. Plaintiff Rollins pleads this cause of action against the "collective" Defendants who are parties respondent to this cause of action.

82. Plaintiff Rollins re-alleges factual pars. 12-59, above.

83. At time of trial, Plaintiff Rollins will prove that Pressler engaged in and did, in fact, engage in an intentional or reckless course of conduct, which, under the particular circumstances of Pressler's abuse of position, was extreme and outrageous in character, directed at the Plaintiff that was and continues to be a proximate cause of Plaintiff Rollins's severe emotional distress for which he seeks both actual and exemplary damages without regard to statutory caps.

84. Pleading further to the IIED cause, at time of trial, Plaintiff will prove that the

collective Defendants are jointly and severally liable to him for the conduct of Paul Pressler that was and continues to be a proximate cause of his severe mental injuries and concomitant ordinary and exemplary damages, under the theories of participatory or vicarious liability in that they were under a duty to exercise reasonable care to control Pressler while acting outside the scope of his employment so as to prevent him from intentionally harming others or from so conducting himself so as to create an unreasonable risk of bodily harm to him since (a) Pressler (i) was upon the premises in possession of the collective Defendants or upon which Pressler was privileged to enter only as their servant or spouse, or (ii) was using the chattel of the Defendants, and (b) the Defendants (i) knew or had reason to know that they had the ability to control Paul Pressler, and (ii) knew or should have known of the necessity and opportunity to exercise such control.

85. Pleading further to the IIED cause, at time of trial, Plaintiff Rollins will prove that the collective Defendants are jointly and severally liable to him for the harm and resulting ordinary and exemplary damages, proximately caused by the tortious conduct of Paul Pressler, since they individually or jointly (a) ordered or induced the conduct of Pressler that they individually or jointly knew or should have known as circumstances that would make the conduct tortious if it were each of their own, (b) conducted an activity with the aid of Pressler and individually or in combination were negligent in employing, associating, and/or retaining him, (c) permitted Pressler to act on their premises or with their instrumentalities, knowing or having reason to know that Pressler was acting or would act tortiously, or (d) controlled, or had a duty, individually or jointly, to use care to control the conduct of Pressler, who was likely to do harm if not controlled, and individually or jointly failed to exercise care in the control of Pressler, or (e) these collective Defendants, individually or jointly, had a duty to provide protection for, or to have care for the protection of the Plaintiff or his property.

86. Pleading further to the IIED cause, at time of trial Plaintiff Rollins will prove that the

collective Defendants are jointly and severally liable to him under agency principles for the tortious conduct of Pressler which was a proximate cause of his injuries and concomitant ordinary and exemplary damages, since the conduct was committed while Pressler was acting within the scope of his employment. In the alternative, at time of trial, Plaintiff Rollins will prove that the collective Defendants are jointly and severally liable to him for the tortious conduct of Pressler which was a continues to be a proximate cause of his injuries and concomitant ordinary and exemplary damages, acting outside the scope of his employment, since: (a) the collective Defendants, individually or jointly, intended the conduct or the consequences, (b) the collective Defendants, individually or jointly, were negligent or reckless, (c) the conduct violated a non-delegable duty of these Masters, (d) Pressler purported to act or speak on behalf of one or more of the Masters and there was reliance by the Plaintiff upon Pressler's apparent authority, and (e) Pressler was aided in accomplishing the intentional tort by the existence of the agency relation.

87. Pleading further to the IIED cause, at time of trial, Plaintiff Rollins will prove that the collective are jointly and severally liable to him under agency principles for the harm and aforesaid damages proximately caused to him by the intended tortious actions of Pressler in connection with Pressler's employment, in that, although the act or acts were unauthorized, since the acts of Pressler, in light of the facts and circumstances, both overt and conspiratorially hidden, were not unexpected in view of the carte blanche given to Pressler.

88. Pleading further to the IIED cause, at time of trial, Plaintiff Rollins will prove that the collective Defendants, jointly or severally, are subject to liability to Plaintiff Rollins for the intentional torts committed against him by Pressler and proximately caused ordinary and exemplary damages, in that Plaintiff relied upon or believed in statements of conduct within Pressler's apparent authority.

89. Pleading further to the IIED cause, at time of trial Plaintiff Rollins will prove that the collective Defendants, jointly and severally, are subject to liability for the intentional torts committed against him by Pressler in that Pressler was an employee, agent, or apparent or ostensible agent of the collective Defendants who individually or jointly later ratified Pressler's conduct, and thus, that these Defendants are jointly and severally liable to the Plaintiff for the assaultive acts which were and continue to be a proximate cause of Plaintiff Rollins severe emotional injury and suffering and resulting ordinary and exemplary damages.

90. Pleading further to the IIED cause, at time of trial, because of the confidential or quasi-fiduciary relationship of the collective Defendants to Plaintiff Rollins, under recognized agency principles, these Defendants are jointly and severally liable to him for the tortious conduct of Pressler even if Pressler, as an Agent, failed to disclose his intentionally tortious conduct to these his ecclesiastical corporation Principals - which tortious conduct is a proximate cause of Plaintiff Rollins's injury and suffering and concomitant ordinary and exemplary damages.

91. Pleading further to the IIED cause, Plaintiff Rollins asserts that the collective Defendants are liable him for their acts and/or omissions under the legal doctrine of concert of action, as joint enterprisers, as agents of the corporate entity, and as shareholders of this entity, under which theory, the conduct of these Defendants was a proximate cause of Plaintiff Rollins's injuries and damages for which he seeks ordinary and exemplary damages from all Defendants, jointly and severally.

92. With respect to the conspiracy to commit this IIED tort, at time of trial, Plaintiff Rollins will prove that the collective Defendants conspired among themselves and agreed to and intended the common objective of a lawful purpose of furthering the interests of these SBC affiliates using an unlawful means, *i.e.*, (a) before the fact, of making minors sexually available to Pressler,

himself a God who does God's work, (b) after the fact, moving an unfit and dangerous Pressler from his God-like position into the congregation, matter-of-factly, fraudulently concealing their unlawful means, or (c) before the fact, making minors available to Pressler who had already been determined to be unfit and dangerous. Further, Plaintiff Rollins will show that there was a meeting of the minds among the conspirators about the object of their conspiracy, i.e., that there was an agreement or consent among them and a specific intent to achieve their lawful purpose using unlawful means. Next, the co-conspirators were aware of their unlawful conduct at the beginning of their conspiracy yet nevertheless intended it. Finally, the conspiracy was a proximate cause of Plaintiff Rollins's injuries for which he seeks seek both ordinary and seek exemplary damages without regard to statutory caps.

93. Plaintiff Rollins will further prove that the aforesaid conspiracy occurred before, during, and after the fact of the perpetration of the crimes that form the basis of this lawsuit. Finally, at time of trial, he will further prove that the aforesaid conspiracy was and is a proximate cause of his severe suffering and concomitant images.

FOURTH CAUSE OF ACTION: FRAUD AND FRAUDULENT
MISREPRESENTATION AND CONSPIRACY TO COMMIT SAME

94. Defendants First Baptist, and Seminary are parties respondent to this cause of action.

95. Plaintiff re-avers pars. 12-59.

96. At time of trial, Plaintiff will prove that the First Baptist and Seminary Defendants fraudulently misrepresented material facts concerning the safety of children and the church's responsibilities for them that proximately caused physical and emotional harm to the Plaintiff who justifiably relied upon the misrepresentations. The rule as to liability for a fraudulent misrepresentation that involves the reasonable risk of physical harm to another is stated below as

negligence liability. The rule here stated permits a tort action of deceit to be maintained when there is physical harm to person, land, or chattels or to a person who justifiably relies on it. The liability also extends to any economic loss resulting from the physical or emotional harm.

97. First Baptist and Seminary fraudulently misrepresented to the public in word and deed, including to Plaintiff Rollins and his mother, that Pressler was a Godlike, sexually safe, moral, and great person of the earth who, as a Magistrate, worked God's wisdom and thus would not be sexually dangerous to minors. These Defendants knew or should have known that these representations were false or were made recklessly without any factual basis to support the truth of the matters asserted and as a positive assertion. The fraud or fraudulent concealment was and continues to be a proximate cause of Plaintiff's severe physical injuries and emotional suffering and concomitant ordinary and exemplary damages.

98. Pleading further and in the alternative, at trial, Plaintiff will show that these Defendants' conduct also constitutes common law fraud in that these Defendants had a confidential or quasi-fiduciary relationship with Plaintiff on which he justifiably relied, or, in the alternative, they voluntarily made partial disclosures that created a false impression. These Defendants knew that the Plaintiff would rely on their partial disclosures and false impressions which they did to Plaintiff's detriment and Defendants' benefit, and the conduct complained of was and continues to be a proximate cause of Plaintiffs damages. Plaintiff also seeks an award of both ordinary and exemplary damages for this conduct as provided by law without regard to statutory caps.

99. Pleading further to the individual common-law fraud and fraudulent misrepresentation of these Defendants, at time of trial, Plaintiff will prove that these Defendants are jointly and severally liable to him for the conduct of Pressler that was a proximate cause of Plaintiffs' ordinary and exemplary damages under the theory of vicarious liability in that these

Defendants, as Pressler's respective Masters, were under a duty to exercise reasonable care to control Pressler while acting outside the scope of his employment so as to prevent him from intentionally harming others or from so conducting himself so as to create an unreasonable risk of bodily harm to the Plaintiff since (a) Pressler (i) was upon the premises in possession of these Defendants or upon which Pressler was privileged to enter only as their servant or joint enterpriser, or (ii) was using the chattel of these Defendants, and (b) they (i) knew or had reason to know that they had the ability to control Pressler, and (ii) knew or should have known of the necessity and opportunity for exercising such control.

100. Pleading further to the individual common-law fraud and fraudulent misrepresentation, at time of trial, Plaintiff will prove that these Defendants are jointly and severally liable to him for the harm and ordinary and exemplary damages proximately caused by the tortious conduct of Pressler, since these Defendants, individually or jointly (a) ordered or induced the conduct of Pressler, that they individually or jointly knew or should have known the circumstances that would make the conduct tortious as if it were each of their own, (b) conducted an activity with the aid of Pressler and individually or in combination were negligent in employing or joining him, (c) permitted Pressler to act on their premises or with their instrumentalities, knowing or having reason to know that Pressler was acting or would act tortiously, (d) controlled, or had a duty, individually or jointly to use care to control the conduct of Pressler who was likely to do harm if not controlled, and individually or jointly failed to exercise care in the control of Pressler, or (e) individually or jointly, had a duty to provide protection for, or to have care used for the protection of the Plaintiff or his property.

101. Pleading further to the individual common-law fraud and fraudulent misrepresentation of Pressler, at time of trial, Plaintiff will prove that these Defendants are jointly

and severally liable to him under agency principles for the tortious conduct of Pressler which was a proximate cause of his injuries and ordinary and exemplary damages, since the conduct was committed while Pressler was acting within the scope of his employment or enterprise. In the alternative, at time of trial, Plaintiff will prove that these Defendants are jointly and severally liable to him under agency principles for the tortious fraudulent conduct of Pressler, which was a proximate cause of their injuries and ordinary and exemplary damages, acting outside the scope of his employment since: (a) the collective Defendants, individually or jointly, intended the conduct or the consequences, or (b) these Defendants, individually or jointly, were negligent or reckless, or (c) the conduct violated a non-delegable duty of these Masters or Joint Enterprisers, or (d) Pressler purported to act or speak on behalf of one or more of these Defendants, and there was reliance by the Plaintiff upon Pressler's apparent authority, or Pressler was aided in accomplishing the intentional tort by the existence of the agency relation.

102. Pleading further to the individual common-law fraud and fraudulent misrepresentation of Pressler, at time of trial, Plaintiff will prove that these Defendants are jointly and severally liable to him under agency principles for the harm and aforesaid damages proximately caused by the intended tortious actions of Pressler done in connection with Pressler's employment, although the acts were unauthorized, since the acts of Pressler, in light of the facts and circumstances, both overt and conspiratorially hidden, were not unexpected in view of the carte blanche given by them to Pressler.

103. Pleading further to the individual common-law fraud and fraudulent misrepresentation of Pressler, at time of trial, Plaintiff will prove that these Defendants, jointly or severally, are subject to liability to him for the tortious conduct committed by Pressler and the proximately caused ordinary and exemplary damages Plaintiff sustained, in that Plaintiff relied upon

or believed in statements or other conduct within Pressler's apparent authority.

104. Pleading further to the individual common-law fraud and fraudulent misrepresentation of Pressler, at time of trial, because of the confidential or quasi-fiduciary relationship of these Defendants to him, under recognized agency principles, these Defendants are jointly and severally liable to the Plaintiff for the tortious conduct of Pressler even if he, as an Agent, failed to disclose his intentionally tortious conduct to these his ecclesiastical corporation Principals or Joint Enterpriser – which tortious conduct is a proximate cause of the Plaintiff's ordinary and exemplary damages.

105. Pleading further to the individual common-law fraud and fraudulent misrepresentation of Pressler, Plaintiff asserts that these Defendants are liable to him for acts and/or omissions of Pressler under the legal doctrine of concert of action, as joint enterprisers, as agents of the ecclesiastical corporate entities, and as shareholders of these entities, under which theory, the conduct of these Defendants was and continues to be a proximate cause of Plaintiff's injuries and damages for which the Plaintiff seeks ordinary and exemplary damages from these Defendants, jointly and severally.

106. With respect to the conspiracy to commit these torts, at time of trial, Plaintiff will prove that these Defendants conspired among themselves and agreed to and intended the common objective of a lawful purpose or furthering the interests of their SBC affiliated churches using an unlawful means, i.e., (a) before the fact, of making minors sexually available to Pressler or (b) after the fact, moving a dangerous individual, matter-of-factly, into the general congregation to conceal their unlawful means, or (c) before the fact, of making minors available to Pressler who had already been determined to be unfit and dangerous, and fraudulently concealing this fact from vulnerable children and their parents. Further, Plaintiff will show that there was a meeting of the minds among

these conspirators about the object of their conspiracy, *i.e.*, that there was an agreement or consent among them and a specific intent to achieve their lawful purpose using unlawful means. Next the co-conspirators were aware of the unlawful conduct at the beginning of their conspiracy yet nevertheless intended it. Finally, the conspiracy was and continues to be a proximate cause of the Plaintiff's injuries for which he seeks both ordinary damages and, since the underlying tort is a criminal act, he seeks exemplary damages without regard to statutory caps.

107. Plaintiff will further prove that the aforesaid conspiracy occurred before, during, and after the fact of the perpetration of the crimes that form the basis of this lawsuit. Finally, at time of trial, Plaintiff will prove that the aforesaid conspiracy was and is a proximate cause of his severe injuries, suffering and concomitant ordinary and exemplary damages.

FIFTH CAUSE OF ACTION: FRAUDULENT CONCEALMENT

AND CONSPIRACY TO FRAUDULENTLY CONCEAL

108. All Defendants are parties respondent to this cause of action.

109. Plaintiff re-avers pars. 12-59, above.

110. At time of trial, Plaintiffs will prove (a) that the collective Defendants had actual or constructive knowledge of the conduct of Pressler and those similarly situated, and the related conspiracies, and (b) they concealed the wrongful conduct of Pressler and those similarly situated and their own wrongful conduct from the Plaintiffs and law enforcement authorities through common-law fraud, fraudulent misrepresentation, and conspiracies to remain silent when they had a duty to speak, (c) that the Defendants had a fixed purpose to conceal their aforesaid wrongs, and that the Plaintiff relied on the common-law fraud, fraudulent misrepresentations, or silence to his detriment, in that it delayed his discovery of concealed causes of action against the Defendants.

111. Plaintiff will prove that these Defendants and others unknown to the Plaintiff

conspired, and acting in concert have and continue to engage in a plan of action to coverup the incidents described herein and to prevent disclosure, criminal prosecution and civil litigation including, but not limited to, denial of abuse, spoliation of evidence, and coercion, failure to seek out and assist victims, and breach of trust and confidence.

112. Plaintiff will further prove that at all relevant times, these Defendants, have and continue to assist Pressler through obstruction of justice and that this ongoing criminal conspiracy among these Defendants estopps the running of any and all statutes of limitations.

SIXTH CAUSE OF ACTION, NEGLIGENCE

113. All Defendants are parties respondent to this cause of action.

114. Plaintiff Rollins re-avers pars. 12-59, above.

115. Pleading further and in the alternative to the specific vicarious and agency theories set forth within each of the above causes of action, at time of trial, Plaintiff will further prove that the collective Defendants had policies and practices in place that took into account actual knowledge of the possibility that Plaintiff Rollins and similarly situated minors could be subjected to sexual assault under the rubric of actual, pretextual, or simulated "bible-counseling," yet negligently did or failed to do those things that reasonably situated individuals would do or not do regarding other individuals like Pressler. Among the negligent acts arising out of the Defendants' policies and practices, include, but are not limited to:

a. negligent investigation, hiring, supervision, and retention of Pressler-like characters known to have abused minors;

b. failing to warn church members that any adult authority figure involved in their ministries could be a threat to their children;

c. lying to victims who requested information about ministers, lay or clerical, clerics

who abused them;

d. failing to provide medical professionals to evaluate adults into whose care their children are placed;

e. failing to follow a reasonable two-adult rule for the protection of children;

f. failing to ignore warning signs from within and without churches that children are vulnerable to sexual predators;

g. failing to investigate an adult supervisor's background and providing background facts to parents;

f. failing to believe that certain adults could be a threat to children;

g. failing to report the crimes committed by perpetrators to law enforcement;

h. obstructing or interfering with law enforcement investigations concerning perpetrators;

i. failing to alert congregants about previous congregations in which a proposed supervising adult had engaged in problematic conduct or, in the alternative, failing to obtain a positive reference from a previous church about an incoming adult member seeking contact with children;

j. making decisions to protect the reputation of the ecclesiastical institution as more important than insuring the welfare of children;

k. fostering an environment and culture and abuse of women and children in which it was clear that there was no accountability for criminal acts towards women and children, e.g., continuing to foster a well known outworn attitude that women and children were property and chattels of adult males (*see* Decalogue #10); and/or;

l. and failing to foster an attitude that all children, whether in the in the Christian

community or elsewhere, deserved special protection from predation as insisted upon by their founder, Jesus of Nazareth who on earth allegedly provided and allegedly continues to provide through the “Holy Spirit,” all necessary legal notice.

116. With respect to each of these acts of negligence, plaintiff pleads and will prove that these Defendants had a heightened duty, jointly and severally, to recognize that their individual or collective conduct involved the risk of causing an invasion or another's interest if a reasonable and prudent person would so do while exercising (a) such attention, perception of the circumstances, memory, knowledge or other pertinent matters, intelligence and judgment as a reasonable and prudent person would have, or (b) such superior attention, perception, memory, knowledge, intelligence, and judgment as its Founder, Jesus of Nazareth, exhibited. For purposes of determining whether the actor, whether lay or ministerial, should recognize that his or her conduct involves a risk, he or she is required to know (a) the qualities and habits of human beings and animals and the qualities, characteristics, and capacities of things and forces insofar as they are matters of common knowledge at the time and in the community, and (b) the common law legislative enactments. and general customs insofar as they are likely to affect the conduct of the other or third persons.

117. With respect to each of these and similar acts of negligence, Plaintiff pleads and will prove that the Defendants acted unreasonably and imprudently when considering the magnitude of the risk and the utility of their conduct in that, under recognized common-law principles, where an act is one which a reasonable and prudent man would recognize as involving a risk of harm to another, the risk is unreasonable and the act is negligent if the risk is of such magnitude as to outweigh what the law regards as the utility of the act or the particular manner in which it is done.

118. In determining what the law regards as the utility of the actor's conduct for the purpose of determining whether the actor is negligent, the following factors are important: (a) the

social value which the law attaches to the interest that is to be advanced or protected by the conduct; the extent of the chance that this interest will be advanced or protected by the particular course of conduct; and (c) the extent of the chance that such interest can be adversely advanced or protected by another less dangerous course of conduct, *e.g.*, catechizing parents and promoting the concept that they and not the church are the principal educators of their children.

119. With respect to each of these acts of negligence, Plaintiff pleads and will prove that these Defendants acted in an inherently dangerous manner in that a negligent act may be one which involves an unreasonable risk of harm to another (a) although it is done with all possible care, competence, reparation, or warning or (b) only if it is done without reasonable care, competence, reparation, or warning. An act may be negligent if it is done without the competence which a reasonable person in the position of these Defendants would recognize as necessary to prevent it from creating an unreasonable risk of harm to another. The breach of this duty by these Defendants under the circumstances of this case, whether individually or jointly and severally, is a proximate cause of Plaintiff's injuries for which he seeks damages in an amount to be determined by the trier of fact.

120. These negligent acts, singly or in combination, were and continue to this day to be a proximate cause of Plaintiff's severe physical and emotional injuries and concomitant damages.

121. Pleading further and in the alternative to the negligence causes, Plaintiff asserts that all entities and individuals who are named as Defendants are liable for acts and/or omissions pursuant to the legal doctrine of concert of action, as joint enterprisers, as agents of these entities, and as shareholders of any entity, under which theory, the conduct of these Defendants was a proximate cause of plaintiff's injuries and damages for which he seeks ordinary and exemplary damages from all Defendants, jointly and severally.

122. Plaintiff seeks special submission of these questions to the jury including an instruction that there may be more than one proximate cause of injury.

SEVENTH CAUSE OF ACTION, DEFECTIVE PREMISES

123. Defendants to this cause of action are Nancy Pressler, First Baptist Church of Houston, and Woodfill Law Firm LLP successor in interest to Woodfill & Pressler, LLP.

124. Plaintiff re-avers pars 12-59, supra.

125. At time of trial, Plaintiff will prove that at various times (a) he was on the premises as an invitee, each Defendant was a possessor of its respective premises, (c) a condition on each premises posed an unreasonable risk of harm, (d) each Defendant knew or should have known of the danger, (e) each Defendant breached its duty of care by (i) failing to adequately warn the plaintiff of the condition posed by Paul Pressler's presence, or (ii) failed to make the condition reasonably safe, and (f) each Defendant's breach proximately caused the plaintiff's injury and concomitant damages. Each of the Defendants owed a duty to use reasonable care to protect the plaintiff who was harmed on its premises by the criminal acts of Paul Pressler as each Defendant knew or should have known of an unreasonable and foreseeable risk of harm.

DAMAGES

126. Damages to GERALD DUANE ROLLINS:

A. As a result of the conduct and incidents described herein, Plaintiff Rollins has incurred psychiatric treatment expenses in the past, up to the present, and will need to expend in the future.

B. As a result of the conduct and incidents described herein, plaintiff Rollins has experienced severe physical bodily pain, physical neuroplastic brain alterations and related emotional pain and suffering.

- C. Plaintiff Rollins has suffered a significant loss of life's opportunities which manifest as lost wages and loss of earning capacity.
- D. Plaintiff Rollins has suffered many other damages including loss of trust, loss of respect for authority, loss of spirituality, loss of self esteem, loss of freedom related to drug and alcohol self-medication for psychiatric pain that have resulted in repeated incarceration, and in all probability, his familial, social, and professional adjustment in the past and future that has been and will be severely affected. In all probability, he will require psychiatric assistance for the remainder of his life.

127. Plaintiff Rollins seeks actual damages for items A. through D., above. In addition, he seeks exemplary damages in order to punish the outrageous conduct of the Defendants. By clear and convincing evidence he will prove that the Defendants acted maliciously and fraudulently by act or omission. Defendants had actual subjective awareness of the risks involved but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of Mr. Rollins. Accordingly, Mr. Rollins contends that the exemplary damages cap under TEX. CIV. PRAC. & REM. CODE § 41.008 (16) does not apply.

SPECIAL MATTERS

128. Plaintiffs both plead that limitations on their causes of action are tolled by the discovery rule whether based on the theory of unsound mind, repressed memory, concealment, ongoing conduct, or and any other form of estoppel.

129. Plaintiff further pleads that his theories of unsound mind and repressed memory have expert support based, among things, on the professional opinions of Harvey A. Rosenstock.

130. Plaintiff requests a prompt hearing on their request for Level 3 Discovery.

JURY DEMAND

131. Plaintiff hereby demands trial by jury.

REQUEST FOR DISCLOSURES

132. Pursuant to TEX. R. CIV. P. 194, all Defendants are requested to disclose, within 50 days of service of this original petition, the information or material described in Rule 194.2 (a) through (l), inclusive.

REQUEST FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff request that the Defendants be cited to appear and answer. He requests that Level 3 Discovery be approved. He also requests ordinary and punitive damages for all causes as pleaded for herein. He also requests such other and further relief, general or special, whether at law or in equity, to which he may show himself to be justly entitled.

Respectfully submitted,

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