

3. Plaintiff Darian Kelly (hereinafter "Darian Kelly") is an individual who is a resident of Texas.
4. Defendant, Sherman Clifton Allen (hereinafter "Allen"), an individual who is a resident of Texas may be served with process at his abode, 616 Everglad Drive, Mansfield, Texas 76063.
5. Defendant, Shiloh Church of God in Christ, Inc. (hereinafter "SICGC"), is a Texas nonprofit corporation who may be served with process by serving its registered agent, Al Push at 5601 Bridge Street, Suite 326, Fort Worth, Texas 76112.
6. Defendant, Church of God in Christ, Inc. (hereinafter "CGC") is a Tennessee corporation doing business in the state of Texas who may be served with process by serving its registered agent, Bishope J. Neaul Haynes at 2200 S. Marsalis, Dallas, Texas 75216 .

III. VENUE

7. A substantial part of the events giving rise to the claims occurred in Tarrant County, Texas.

IV. FACTUAL BACKGROUND

8. Beginning on or around 2001 Defendant Allen engaged in a pattern of conduct with Davina Kelly, then an employee of Defendant SICGC and an individual being counseled by Allen and a member of Allen's church, that included coercing her into having sexual intercourse and other sexual relations with him with him, physically assaulting Davina Kelly, and forcefully engaging in anal sex.

9. Davina Kelly was a member and employee of SICGC located in Fort Worth, Texas. Davina Kelly began cleaning the church edifice as an employee of Allen in or around November 2001 and later began cleaning the personal home of Allen for compensation in or around May 2003.
10. Allen was Davina Kelly's spiritual advisor as well as her employer and was in a confidential relationship with Davina Kelly.
11. Davina Kelly began private counseling sessions with Allen for emotional issues in or around November 2001, which sessions occurred both in the Church and in the home the Church provided for Allen. Allen, as a form of punishment to Davina Kelly for not reading assigned scriptures, for tardiness to work, for incomplete work, and for various other reasons, administered severe physical beatings to Davina Kelly by way of assaulting Plaintiff with various paddles, these beatings being disguised as scripturally based or scripturally justified. These extreme beatings caused Davina Kelly serious physical harm evidenced by bleeding, bruises, and scars. Many of these beatings occurred on Church property of Defendants above. Furthermore, Davina Kelly was frequently forced to disrobe, partially or completely, for the beatings administered by Allen.
12. Beginning sometime in 2005, Allen, through manipulation and coercion and deception resulting from abuse of his confidential relationship, began to sexually abuse and sexually assault Davina Kelly in addition to continuation of the physical beatings described above. These sexual assaults were serious in nature and continued over approximately a six-month period. Allen instituted the sexual and physical assaults expressly under the guise of pastoral counseling.

V.
NEGLIGENCE

Paragraphs 1 through 12 are referenced and incorporated herein.

13. Defendants SICGC and CGC, through its employees and officers, were negligent and grossly negligent in the following respects: (a) in failing to provide a safe environment for members of the church such as Davina Kelly and Darian Kelly; (b) in failing to provide adequate supervision and monitoring of employee Allen; (c) in failing to institute and implement policies for the protection of congregants undergoing spiritual and emotional counseling by Church employees.

14. Defendants SICGC and CGC bear vicarious liability for the acts and omissions of its agents, employees, and officers under the theories of respondeat superior and/or apparent authority. In particular, Defendants SICGC and CGC bear vicarious liability for the acts and omissions of Pastor Sherman Allen.

15. Defendant Allen had a legal duty to not engage in sexual conduct with Davina Kelly nor to physically and sexually assault her.

16. Defendant Allen had a duty to Darian Kelly to not engage in sexual conduct with Darian's wife, Davina Kelly, as Allen was also Darian Kelly's spiritual advisor, minister, pastor and reverend.

17. All Defendants breached their duties to Davina Kelly and Darian Kelly.

18. As a direct and proximate result of Defendants' breaches, Darian Kelly and Davina Kelly have been damaged in amounts to be proven at trial.

VI.
BREACH OF FIDUCIARY DUTY

Paragraphs 1 through 18 are referenced and incorporated herein.

19. The ministers and officers of SICGC were in a position of trust with respect to the Plaintiffs. In addition to being a minister of the Church, Allen was also a pastor and counselor to the Davina Kelly. Both as minister and counselor, Allen breached his fiduciary duty and used his position of trust to sexually exploit, violate, abuse and assault Davina Kelly.

20. Plaintiffs show that Allen had a fiduciary duty as the spiritual advisor and minister of Plaintiff to not coerce her into sexual activity and not request her to engage in sexual conduct, with himself while misleading her and advising her that same was the will of God or that it was justified by scripture.

21. Allen further breached his fiduciary duty by engaging in sexual conduct with Davina Kelly and requiring her to engage in sexual conduct with himself, rather than her husband, in such a manner as to be adverse to the interests of Plaintiff when Allen had a fiduciary duty to protect both Plaintiffs.

22. As a direct and proximate result of Allen's breach, Plaintiffs have been damaged in an amount to be proven at trial.

23. Defendants SICGC and CGC knew or should have known of the propensity of Allen for the conduct alleged based on Allen's similar conduct in the past.

24. SICGC and CGC had a duty to Plaintiffs and others to maintain its premises in a safe manner and to insure that Church events and activities were conducted in a safe manner.

25. SICGC and CGC breached its duty by failing to supervise Allen, by failing to maintain Church property in a safe manner and by failing to insure that Church events and transactions were conducted in a safe manner.

26. As a result of these acts by SICGC and CGC, Plaintiffs have suffered serious physical and emotional injuries for which they are entitled to be compensated.

VII. FRAUD

Paragraphs 1 through 26 are referenced and incorporated herein.

27. Allen represented to Davina Kelly that God's will was that Davina Kelly engage in sexual conduct with Allen and that such was authorized or justified by scripture.

28. At the time Allen made the representations above to Davina Kelly, Allen knew that the statements he made to her were false and intentionally misleading.

29. At the time Allen made the representations above, he should have known that the statements were false and intentionally misleading.

30. Davina Kelly believed the statements made by Allen, her spiritual advisor and relied on the statements made by Allen, her spiritual advisor and such reliance was, based on her position at the church, reasonably justified.

31. Allen's statements constitute Fraud and Defendants are liable to Davina Kelly for all damages sustained.

VIII. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Paragraphs 1 through 31 are referenced and incorporated herein.

32. Allen's conduct was extreme and outrageous. For a trusted minister and counselor to sexually assault and physically abuse a parishioner, employee and individual

whom he counseled constitutes extreme and outrageous conduct. In addition, the assaults were often forced in nature. The extreme and outrageous conduct has caused and continues to cause severe and long-lasting emotional distress to the Plaintiffs.

**IX.
DAMAGES**

Paragraphs 1 through 32 are referenced and incorporated herein.

33. The Defendants' wrongful conduct resulted in and proximately caused injury to the Plaintiffs. Plaintiffs seek recovery for the following damages: physical pain and suffering, bodily injury, severe psychological pain and suffering, loss of consortium, spiritual theft, and past, present and future emotional distress and mental anguish.

Plaintiffs also seek recovery of damages for past, present and future medical costs and counseling expenses.

34. Plaintiffs seek unliquidated damages that are within the jurisdictional limits of the court

35. Plaintiffs seek exemplary damages for the harm caused by Defendants' malice, fraud and/or gross negligence.

**X.
INTEREST**

36. Plaintiffs are entitled to receive and hereby request pre-judgment and post-judgment interest.

**XI
DEMAND FOR JURY**

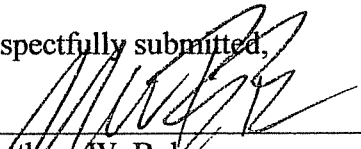
37. Plaintiffs demand a jury trial. and have tendered the appropriate fee.

**XII.
PRAYER**

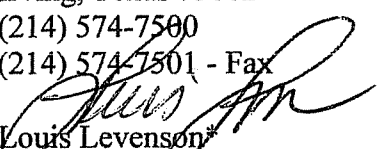
WHEREFORE, Plaintiffs Davina and Darian Kelly pray that the Defendants be cited to appear and answer and, on final trial, that the Plaintiffs recover judgment in their favor against Defendants:

- (a) Entering judgment in favor of Plaintiffs against the Defendants;
- (b) Actual damages;
- (c) Exemplary damages;
- (d) Prejudgment and post-judgment interest;
- (e) Cost of suit;
- (f) Punitive damages; and
- (g) All other relief in law and in equity which the Plaintiff may be entitled.

Respectfully submitted,



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