

STATE OF MINNESOTA
COUNTY OF BECKER

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT

Case Type: Personal Injury

JANE DOE 134, by and through her guardian,
MOTHER DOE 134,

Case No.

Plaintiff,

v.

COMPLAINT

GERALD DERSTINE, GOSPEL CRUSADE, INC.,
GOSPEL CRUSADE MINISTERIAL FELLOWSHIP
and STRAWBERRY LAKE CHRISTIAN RETREAT, INC.,

Defendants.

Plaintiff, for her cause of action against Defendants, alleges that:

PARTIES

1. Plaintiff Jane Doe 134 is a minor female resident of the State of Minnesota. Plaintiff Jane Doe 134 is a minor and was a minor at the time of all sexual abuse and sexual exploitation alleged herein.

2. Mother Doe 134 is Plaintiff Jane Doe’s mother and legal guardian and is an adult female resident of the State of Minnesota.

3. At all times material, Defendant Gospel Crusade, Inc., was and continues to be a Florida corporation, authorized to conduct business and conducting business in the State of Florida, with its principal place of business located at 1200 Glory Way Blvd., Bradenton, Florida, 34212.

4. At all times material, Gospel Crusade Ministerial Fellowship, Inc. was and continues to be a Florida Corporation, authorized to conduct business and conducting business in

the State of Florida, with its principal place of business located at 1200 Glory Way Blvd., Bradenton, Florida, 34212.

5. At all times material, Defendant Gerald Derstine, was a resident of Florida with his last known address at: 2111 Upper Manatee River Road Bradenton, Florida, 34201.

6. At all times material, Defendant Strawberry Lake Christian Retreat Church, Inc. was and continues to be a Minnesota Corporation, authorized to conduct business and conducting business in the State of Minnesota, with its principal place of business located at 33991 Victory Way Drive, Ogema, MN 56569.

FACTS

7. At all times material, Gerald Derstine (hereinafter "Derstine"), was under the direct supervision, authority, employ and control of Defendants Gospel Crusade Inc., Gospel Crusade Ministerial Fellowship, Inc. and Strawberry Lake Christian Retreat Church, Inc. (hereinafter collectively "Entity Defendants."). During all times material, Defendant Derstine, at the direction of Entity Defendants was assigned to Strawberry Lake, Inc. as a spiritual counselor and religious leader.

8. Plaintiff attended Strawberry Lake, Inc. with her mother as a camper since Plaintiff was a young child. Plaintiff came to know, trust, admire, respect and revere Derstine as a counselor and spiritual advisor.

9. Beginning in approximately August 2007, and continuing until July 2009, when Plaintiff was a minor child of 11 to 13 years of age, Derstine sexually abused Plaintiff. The abuse included Defendant Derstine groping Plaintiff, touching her breasts, kissing Plaintiff, and sitting Plaintiff on his lap when he had an erect penis. This sexual abuse occurred on the premises of Strawberry Lake, Inc., in Defendant Derstine's office and in a motel room on the

Strawberry Lake, Inc. property.

10. On information and belief, prior to the wrongful acts committed upon Plaintiff Entity Defendants knew or should have known that Derstine was engaging in misconduct similar to the misconduct alleged herein.

11. In a taped telephone conversation conducted by the St. Cloud Police Department, Derstine admitted to hugging, kissing and touching Plaintiff's breasts.

12. As a direct result of the sexual abuse by Gerald Derstine and Entity Defendants' actions, Plaintiff has suffered and continues to suffer severe emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries with attendant physical manifestations, was prevented and will continue to be prevented from performing her normal daily activities and obtaining the full enjoyment of life, has sustained and will continue to sustain loss of earning capacity and has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

COUNT I: SEXUAL BATTERY/SEXUAL ABUSE
(DEFENDANT DERSTINE)

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

14. In and around August 2007 to July 2009, Defendant Derstine repeatedly inflicted unpermitted, harmful, and offensive sexual contact upon the person of Plaintiff.

15. As a direct result of Defendant Derstine's wrongful conduct, Plaintiff has suffered the injuries alleged herein.

COUNT II: NEGLIGENT SUPERVISION
(ENTITY DEFENDANTS)

16. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under

this Count and further alleges:

17. At all times material, Derstine was employed by Entity Defendants and/or was under Entity Defendants direct supervision and control when he committed the wrongful acts alleged herein. Derstine engaged in the wrongful conduct while acting in the course and scope of his employment with Entity Defendants and/or accomplished the sexual abuse by virtue of his job-created authority. Entity Defendants failed to exercise ordinary care in supervising Derstine in his assignment and failed to prevent the foreseeable misconduct of Derstine from causing harm to others.

18. As a direct result of Entity Defendants' negligent conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT III: NEGLIGENCE
(ENTITY DEFENDANTS)

19. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this Count and further alleges that:

20. By establishing and operating a church retreat at Strawberry Lake, Inc. encouraging the membership and instruction of minor children within their facilities, accepting the membership of minor children, including Plaintiff, and by holding its facilities out to be a safe environments, Entity Defendants entered into an express and/or implied duty to provide a reasonably safe environment to Plaintiff. Entity Defendants further assumed this duty by holding Derstine out to the public, including Plaintiff, as a competent and trustworthy agent, one who is safe for children. Entity Defendants breached this duty by exposing Plaintiff to Derstine, an unfit agent with dangerous and exploitive propensities.

21. Entity Defendants by and through their agents, servants and employees, knew or should reasonably have known of Defendant Derstine's dangerous and exploitive propensities

as a child sexual abuser and/or an unfit agent, and despite such knowledge, Entity Defendants failed to provide reasonable supervision of Derstine, and failed to remove Derstine from a position of trust and authority over vulnerable children, including Plaintiff.

22. As a direct result of Entity Defendants' negligent conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT IV: VICARIOUS LIABILITY
(ENTITY DEFENDANTS)

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

24. At all times material, Derstine was employed by Entity Defendants. Derstine was under Entity Defendants' direct supervision and control when he committed the wrongful acts described herein. Derstine engaged in this conduct while in the course and scope of his employment with Entity Defendants and/or accomplished the sexual abuse by virtue of his job-created authority. Derstine's wrongful acts were foreseeable and Entity Defendants knew or should have known of the wrongful acts. Entity Defendants are liable for the wrongful conduct of Defendant Derstine under the law of vicarious liability, including the doctrine of respondeat superior.

WHEREFORE, Plaintiff demands judgment against Defendants individually, jointly and severally in an amount in excess of \$50,000 plus costs, disbursements, reasonable attorneys fees, interest, and whatever other relief the Court deems just and equitable.

Dated: October 14, 2011.

JEFF ANDERSON & ASSOCIATES, P.A.

By: Jeffrey R. Anderson #2057
Sarah G. Odegaard #390760
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ACKNOWLEDGMENT

The undersigned hereby acknowledges that sanctions, including costs, disbursements, and reasonable attorney fees may be awarded pursuant to Minn. Stat. ' 549.211 to the party against whom the allegations in this pleading are asserted.