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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

JACK DOE 1, an individual proceeding under a fictitious name; JACK DOE 2, an individual proceeding under a fictitious name; JACK DOE 3, an individual proceeding under a fictitious name; JACK DOE 4, an individual proceeding under a fictitious name; JACK DOE 5, an individual proceeding under a fictitious name; and JACK DOE 6, an individual proceeding under a fictitious name,	)	Case No. 0710-11294
	)	
	)	
	)	PLAINTIFFS' THIRD AMENDED COMPLAINT
	)	
	)	(Sexual Abuse of a Child/ <i>Respondeat Superior</i> , Intentional Infliction of Emotional Distress/ <i>Respondeat Superior</i> , Negligence)
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a foreign corporation sole registered to do business in the State of Oregon; CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS AND SUCCESSORS, a foreign corporation sole registered to do business in the State of Oregon; THE BOY SCOUTS OF AMERICA, a congressionally chartered corporation, authorized to do business in Oregon; and CASCADE PACIFIC COUNCIL, BOY SCOUTS OF AMERICA, an Oregon non-profit corporation,	)	
	)	JURY TRIAL DEMANDED
	)	
	)	Not Subject to Mandatory Arbitration
	)	
	)	
Defendants.	)	

INTRODUCTION

Defendant Boy Scouts of America and Defendant Cascade Pacific Council, Boy Scouts of America (hereinafter "Boy Scout Defendants") authorized Timur Dykes, then an adult and a member of their organizations, and now a repeatedly convicted child sexual predator, to act on their behalf as a Scout leader. This Dykes did, commencing in 1979. From 1979 through 1985,

1 Dykes used the trust and faith placed in him by Scouts, including then-minor Plaintiffs Jack Doe  
2 1-6, and carrying the authority and sponsorship of all Defendants, severely abused, fondled or  
3 sodomized Plaintiffs Jack Doe 1-6. Boy Scout Defendants first learned of Dykes' abuse of boys  
4 in 1983, when the mother of a Scout abused by Dykes went to the Bishop Scout "charter  
5 representative"—the Head of the Troop and the Bishop of the local LDS ward—and disclosed  
6 that Dykes had molested her son. Dykes confessed to the Head of the Troop that he did in fact  
7 abuse several boys in the Troop, including some of these Plaintiffs. Law enforcement  
8 investigated Dykes for these crimes, and placed him on bench probation—including  
9 psychological counseling—that Dykes promptly failed to complete. The LDS Church "removed"  
10 Dykes from his assignment as Assistant Scoutmaster for Plaintiffs' Troop, nevertheless the Head  
11 of the Troop allowed Dykes to remain involved with Troop activities, including attending Scout  
12 meetings, events, and trips, sometimes in uniform. Compounding this error, the Head of the  
13 Troop failed at any point between 1983 and 1985 to inform Scout families in the Troop and other  
14 parents in the LDS Ward as why Dykes was removed, never reported to law enforcement that  
15 they knew Dykes failed to complete the terms of his probation, and never disclosed that Dykes  
16 was a sexual danger to boys.

17 Because of this, Dykes was able to continue to seduce boys, including the remainder of  
18 these Plaintiffs, under the actual or apparent authority of Boy Scout Defendants between 1983  
19 and 1985. It ended in 1985 because Dykes was arrested for and convicted of two counts of  
20 Sexual Penetration with a Foreign Object (ice cubes) on other boys, and imprisoned as a sex  
21 offender. Even after this conviction and incarceration, Boy Scout Defendants did not finally  
22 exclude Dykes from their eligible volunteer rolls until **1987**, when they were first sued for abuse  
23 by Dykes' victims. Even this belated and minimal effort at protection was ineffectual, as seen by  
24 Dykes emerging from prison in 1988 again to abuse Scouts. Some of these boys—now men—  
25 are the Plaintiffs in this case. These Plaintiffs have suffered severe damage as a result of the  
26 actions of Dykes and Boy Scout Defendants, and therefore seek money damages against Boy

1 Scout Defendants for their childhood abuse and its accompanying emotional, psychological  
2 damage.

3

4 Plaintiffs allege:

5 (Common Allegations)

6 1.

7 Plaintiff Jack Doe 1 is an adult male born in the year 1970, who at all times relevant to  
8 this complaint was an unemancipated minor child who attended religious services, camping and  
9 rafting trips, meetings, and events; received outdoor-craft, service, and citizenship training and  
10 direction; or participated in the activities promoted or sponsored by Defendants or agents of the  
11 Defendants. Plaintiff Jack Doe 2 is an adult male born in the year 1973, who at all times relevant  
12 to this complaint was an unemancipated minor child who attended religious services, camping  
13 and rafting trips, meetings, and events; received outdoor-craft, service, and citizenship training  
14 and direction; or participated in the activities promoted or sponsored by Defendants or agents of  
15 the Defendants. Plaintiff Jack Doe 3 is Plaintiff Jack Doe 2's brother and an adult male born in  
16 the year 1972, who at all times relevant to this complaint was an unemancipated minor child who  
17 attended religious services, camping and rafting trips, meetings, and events; received outdoor-  
18 craft, service, and citizenship training and direction; or participated in the activities promoted or  
19 sponsored by Defendants or agents of the Defendants. Plaintiff Jack Doe 4 is an adult male born  
20 in the year 1972, who at all times relevant to this complaint was an unemancipated minor child  
21 who attended religious services, camping and rafting trips, meetings, and events; received  
22 outdoor-craft, service, and citizenship training and direction; or participated in the activities  
23 promoted or sponsored by Defendants or agents of the Defendants. Plaintiff Jack Doe 5 is an  
24 adult male born in the year 1969, who at all times relevant to this complaint was an  
25 unemancipated minor child who attended religious services, camping and rafting trips, meetings,  
26 and events; received outdoor-craft, service, and citizenship training and direction; or participated

1 in the activities promoted or sponsored by Defendants or agents of the Defendants. Plaintiff Jack  
2 Doe 6 is an adult male born in the year 1969, who at all times relevant to this complaint was an  
3 unemancipated minor child who attended religious services, camping and rafting trips, meetings,  
4 and events; received outdoor-craft, service, and citizenship training and direction; or participated  
5 in the activities promoted or sponsored by defendants or agents of the Defendants.

6  
7 2.

8 At all times relevant to this complaint, Defendant Boy Scouts of America, was a  
9 congressionally chartered corporation authorized to do business in Oregon. At all times relevant  
10 to this complaint, Defendant Cascade Pacific Council, Boy Scouts of America was an Oregon  
11 non-profit corporation. These Defendants will be referred to hereinafter collectively as “Boy  
12 Scout Defendants.” At all times relevant to this complaint, Boy Scout Defendants operated  
13 various programs for boys, including the Plaintiffs in this case, and selected or approved adults to  
14 serve as Scout Leaders. Boy Scout Defendants operated a Boy Scout troop in connection with  
15 and for the benefit of the Cherry Park Ward of the LDS Church. At all times relevant to this  
16 complaint, LDS Church leaders including Bishop Gordon McEwen acted as agents of the Boy  
17 Scout Defendants in sponsoring the ward’s Troop (Troop 719), selecting leaders for the Troop,  
18 assisting with achieving Boy Scout Defendants’ goals, and providing Boy Scout Defendants with  
19 meeting spaces, support, and promotion of Scouting to LDS members, including Plaintiffs in this  
20 case. McEwen is hereinafter referred to as “the Head of the Troop” or “Head of the Troop  
21 McEwen.”

22 3.

23 At all times relevant to this complaint, Timur Dykes, also known as “Timur Van  
24 Dykes” (hereinafter “Dykes”) served as a scout leader, assistant, adult volunteer or in a similar  
25 capacity (hereinafter collectively “Scout Leader or authorized Scout volunteer”), selected or  
26 accepted by Boy Scout Defendants to educate and train young boys, including Plaintiffs in this  
case, in morality, patriotism, and various life skills.

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4.

At certain times relevant to this complaint, after some time in early 1983, Dykes acted with the actual or apparent authority of Boy Scout Defendants by being allowed to continue to act in a manner consistent with an agency relationship as a Scout Leader or authorized Scout volunteer, even after the LDS Church purportedly removed his authority as a Scout leader. Boy Scout Defendants made no effort to repudiate any actual or apparent authority and agency relationship, but allowed Dykes to appear to reasonable people, including these Plaintiffs, as if he was an authorized agent of the Boy Scout Defendants at Scout meetings and events after early 1983.

5.

Boy Scout Defendants empowered Dykes to perform all duties of a Scout Leader or authorized Scout volunteer including educational and tutorial services, counseling, moral guidance, religious instruction, and other duties. Later, after early 1983, Defendants failed to revoke that authority in any public fashion—or to warn all Scout families of Dykes' dangerousness to children—such that a reasonable person would believe that Dykes continued to act with their authority. Defendants knew that as part of his duties as a Scout Leader or authorized Scout volunteer, Dykes would continue to be in a position of trust and confidence with Boy Scouts, including the Plaintiffs in this case.

6.

While working in the Cherry Park Ward in Troop 719, and for the purpose of furthering his assigned duties as a Scout Leader or authorized Scout volunteer, Dykes identified Plaintiffs' families as ones with adolescent or teenage boys; befriended Plaintiffs and their families; gained the families' trust and confidence as an educational and spiritual guide, and as a valuable and trustworthy mentor to Plaintiffs; gained the permission, acquiescence, and support of Plaintiffs' families to spend substantial periods of time alone with Plaintiffs; and sought and gained the instruction of Plaintiffs' parents to Plaintiffs that they were to have respect for Dykes' authority

1 and to comply with Dykes' instruction and requests.

2 7.

3 For the purpose of furthering his duties as a Scout Leader or authorized Scout volunteer,  
4 Dykes also sought and gained the friendship, admiration and obedience of Plaintiffs. As a result,  
5 Plaintiffs were conditioned to trust Dykes, to comply with Dykes' direction, and to respect Dykes  
6 as a person of authority in spiritual, moral, and ethical matters. The above course of conduct  
7 described in this paragraph and in paragraphs 5 and 6, above, is hereinafter collectively referred  
8 to as "Grooming."

9  
10 **FIRST CLAIM FOR RELIEF**

11 By Plaintiff Jack Doe 1 Against All Defendants  
(Sexual Abuse of a Child/*Respondeat Superior*)

12 8.

13 Plaintiff Jack Doe 1 realleges and incorporates by reference paragraphs 1 through 7,  
14 above.

15 9.

16 Dykes, while acting within the course and scope of his employment and agency, and  
17 using the authority and position of trust as a Scout Leader or authorized Scout volunteer for the  
18 Boy Scout Defendants—through the Grooming process—induced and directed Plaintiff Jack Doe  
19 1 to engage in various sexual acts with Dykes. These acts constituted a harmful or offensive  
20 touching of Plaintiff Jack Doe 1 to which he did not and could not consent.

21 10.

22 Dykes, an adult, engaged in intentional conduct that resulted in some or all of the  
23 following: physical injury, mental injury, sexual abuse, and sexual exploitation of Plaintiff as  
24 those terms are used in ORS 12.117. Specifically, Dykes sexually abused and molested Plaintiff  
25 Jack Doe 1 in 1983 through approximately 1984, including instances of fondling inside clothing,  
26 digital penetration, as well as instances of oral sex, all while Dykes was serving the Defendants.

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Dykes used the Grooming process to accomplish his acts of sexual molestation of Plaintiff Jack Doe 1. Dykes' Grooming was (1) committed in direct connection and for the purposes of fulfilling Dykes' employment and agency with Defendants; (2) committed within the time and space limits of his agency as a Scout Leader or authorized Scout volunteer; (3) done initially and at least in part from a desire to serve the interests of Defendants; (4) done directly in the performance of his duties as a Scout Leader or authorized Scout volunteer; (5) consisted generally of actions of a kind and nature which Dykes was required to perform as a Scout Leader or authorized Scout volunteer; and (6) was done at the direction of, and pursuant to, the power vested in him by the Defendants.

12.

As a result of Dykes' sexual abuse, molestation, and breach of authority, trust, and position as a Scout Leader or authorized Scout volunteer to Jack Doe 1, Plaintiff Jack Doe 1 has suffered and continues to suffer severe and debilitating physical, mental, and emotional injury, including pain and suffering, physical and emotional trauma, and permanent psychological damage, all to his non-economic damages in the amount of \$4,000,000.00, the exact amount of which will be proven at the time of trial.

13.

As an additional result and consequence of Dykes' sexual abuse, molestation, and breach of authority, trust, and position as a Scout Leader or authorized Scout volunteer to Jack Doe 1, Plaintiff Jack Doe 1 has incurred and/or will incur in the future, costs for counseling, psychiatric and psychological medical treatment all to his economic damages in the approximate amount of \$250,000.00, the exact amount of which will be proven at the time of trial.

14.

In 2007, Plaintiff Jack Doe 1 discovered the causal connection between his abuse set forth in paragraph 9 and 10 above, and the injuries suffered in paragraphs 12 and 13 above. Prior to

1 2007, Plaintiff Jack Doe 1 did not discover, and could not reasonably have discovered, the causal  
2 connection between the abuse itself and the injuries he suffered that were distinct from and  
3 incurred as a result of the abuse.

4 15.

5 In molesting Plaintiff Jack Doe 1, Dykes acted with malice or a reckless and outrageous  
6 indifference to a highly unreasonable risk of harm and with a conscious indifference to the  
7 health, safety and welfare of Plaintiff Jack Doe 1. Plaintiff Jack Doe 1 would be therefore  
8 entitled to punitive damages against Dykes. Defendants are strictly and vicariously liable for  
9 these punitive damages under the doctrine of respondeat superior, as actions that were within the  
10 course and scope of Dykes' agency with the Defendants were causally connected to and in fact  
11 led to the molestation. Plaintiff Jack Doe 1 is entitled to punitive damages jointly and severally  
12 against Boy Scout Defendants in the amount of \$25,000,000.00.

13  
14 **SECOND CLAIM FOR RELIEF**  
15 By Jack Doe 1 Against All Defendants  
(Intentional Infliction of Emotional Distress/*Respondeat Superior*)

16 16.

17 Plaintiff Jack Doe 1 realleges and incorporates by reference paragraphs 1 through 15,  
18 above.

19 17.

20 Dykes, while engaging in the Grooming process described in paragraphs 5, 6, and 7  
21 above, knowingly and intentionally caused severe emotional distress to Plaintiff Jack Doe 1 when  
22 he sexually battered and abused Plaintiff. Plaintiff Jack Doe 1 did in fact suffer severe emotional  
23 distress as a result of this abuse, and the sexual abuse of a child is beyond the bounds of all  
24 socially tolerable conduct.

25 18.

26 Dykes used the Grooming process described in paragraphs 5, 6, and 7 above, to



1. intentionally inflict severe emotional distress through the abuse of Plaintiff Jack Doe 1. Dykes’  
2 Grooming was committed within the course and scope of his agency as described in paragraph  
3 11, above.

4 19.

5 As a result of Dykes’ intentional infliction of emotional distress on Plaintiff Jack Doe 1  
6 and Dykes’ breach of trust and position as a Scout Leader or authorized Scout volunteer to the  
7 Plaintiff, Plaintiff Jack Doe 1 has suffered permanent and lasting damages as detailed above in  
8 paragraphs 12, 13, and 15, above.

9  
10 **THIRD CLAIM FOR RELIEF**

11 By Plaintiff Jack Doe 2 Against All Defendants  
(Sexual Abuse of a Child/*Respondeat Superior*)

12 20.

13 Plaintiff Jack Doe 2 realleges and incorporates by reference paragraphs 1 through 7,  
14 above.

15 21.

16 Dykes, while acting within the course and scope of his employment and agency, and  
17 using the authority and position of trust as a Scout Leader or authorized Scout volunteer for the  
18 Defendants—through the Grooming process—induced and directed Plaintiff Jack Doe 2 to  
19 engage in various sexual acts with Dykes. These acts constituted a harmful or offensive touching  
20 of Plaintiff Jack Doe 2 to which he did not and could not consent.

21 22.

22 Dykes, an adult, engaged in intentional conduct that resulted in some or all of the  
23 following: physical injury, mental injury, sexual abuse, and sexual exploitation of Plaintiff as  
24 those terms are used in ORS 12.117. Specifically, Dykes sexually abused and molested Plaintiff  
25 Jack Doe 2 for two years from 1983 through approximately 1985, including instances of fondling  
26 and mutual masturbation, as well as instances of oral sex, all while Dykes was serving the

1 Defendants.

2

23.

3 Dykes used the Grooming process to accomplish his acts of sexual molestation of the  
4 Plaintiff. Dykes's Grooming was (1) committed in direct connection and for the purposes of  
5 fulfilling Dykes's employment and agency with the Defendants; (2) committed within the time  
6 and space limits of his agency as a Scout Leader or authorized Scout volunteer; (3) done initially  
7 and at least in part from a desire to serve the interests of Defendants; (4) done directly in the  
8 performance of his duties as a Scout Leader or authorized Scout volunteer; (5) consisted  
9 generally of actions of a kind and nature which Dykes was required to perform as a Scout Leader  
10 or authorized Scout volunteer; and (6) was done at the direction of, and pursuant to, the power  
11 vested in him by the Defendants.

12

24.

13 As a result of Dykes's sexual abuse, molestation, and breach of authority, trust and  
14 position as a Scout Leader or authorized Scout volunteer to Jack Doe 2, Plaintiff Jack Doe 2 has  
15 suffered and continues to suffer severe debilitating physical, mental, and emotional injury,  
16 including pain and suffering, physical and emotional trauma, and permanent psychological  
17 damage, all to his non-economic damages in the amount of \$4,000,000.00.

18

25.

19 As an additional result and consequence of Dykes's sexual abuse, molestation, breach of  
20 authority, trust and position as a Scout Leader or authorized Scout volunteer to Jack Doe 2,  
21 Plaintiff Jack Doe 2 has incurred and/or will incur in the future, costs for counseling, psychiatric  
22 and psychological medical treatment all to his economic damages in the approximate amount of  
23 \$250,000.00, the exact amount of which will be proven at the time of trial.

24

26.

25 In 2005, Plaintiff Jack Doe 2 discovered the causal connection between his abuse set forth  
26 in paragraph 20 and 21 above, and the injuries suffered in paragraphs 23 and 24 above. Prior to

1 2005, Plaintiff Jack Doe 2 did not discover, and could not reasonably have discovered, the causal  
2 connection between the abuse itself and the injuries he suffered that were distinct from and  
3 incurred as a result of the abuse.

4 27.

5 In molesting Plaintiff Jack Doe 2, Dykes acted with malice or a reckless and outrageous  
6 indifference to a highly unreasonable risk of harm and with a conscious indifference to the  
7 health, safety and welfare of Plaintiff Jack Doe 2. Plaintiff Jack Doe 2 would be therefore  
8 entitled to punitive damages against Dykes. Defendants are strictly and vicariously liable for  
9 these punitive damages under the doctrine of *respondeat superior*, as actions that were within the  
10 course and scope of Dykes' agency with the Defendants were causally connected to and in fact  
11 led to the molestation. Plaintiff Jack Doe 2 is entitled to punitive damages jointly and severally  
12 against Boy Scout Defendants in the amount of \$25,000,000.00.

13  
14 **FOURTH CLAIM FOR RELIEF**  
15 By Plaintiff Jack Doe 2 Against All Defendants  
(Intentional Infliction of Emotional Distress/*Respondeat Superior*)

16 28.

17 Plaintiff Jack Doe 2 realleges and incorporates by reference paragraphs 1 through 7 and  
18 20 through 27, above.

19 29.

20 Dykes, while engaging in the Grooming process described in paragraphs 5, 6, and 7  
21 above, knowingly and intentionally caused severe emotional distress to Plaintiff Jack Doe 2 when  
22 he sexually battered and abused Plaintiff. Plaintiff Jack Doe 2 did in fact suffer severe emotional  
23 distress as a result of this abuse, and the sexual abuse of a child is beyond the bounds of all  
24 socially tolerable conduct.

25 30.

26 Dykes used the Grooming process described in paragraphs 5, 6, and 7 above, to

1 intentionally inflict severe emotional distress through the abuse of Plaintiff Jack Doe 2. Dykes'  
2 Grooming was committed within the course and scope of his agency as described in paragraph  
3 23, above.

4 31.

5 As a result of Dykes' intentional infliction of emotional distress on Plaintiff Jack Doe 2  
6 and Dykes' breach of trust and position as a Scout Leader or authorized Scout volunteer to the  
7 Plaintiff, Plaintiff Jack Doe 2 has suffered permanent and lasting damages as detailed in  
8 paragraphs 24, 25, and 27, above.

9  
10 **FIFTH CLAIM FOR RELIEF**

11 By Plaintiff Jack Doe 3 Against All Defendants  
(Sexual Abuse of a Child/*Respondeat Superior*)

12 32.

13 Plaintiff Jack Doe 3 realleges and incorporates by reference paragraphs 1 through 7,  
14 above.

15 33.

16 Dykes, while acting within the course and scope of his employment and agency, and  
17 using the authority and position of trust as a Scout Leader or authorized Scout volunteer for the  
18 Defendants—through the Grooming process—induced and directed Plaintiff Jack Doe 3 to  
19 engage in various sexual acts with Dykes. These acts constituted a harmful or offensive touching  
20 of Plaintiff Jack Doe 3 to which he did not and could not consent.

21 34.

22 Dykes, an adult, engaged in intentional conduct that resulted in some or all of the  
23 following: physical injury, mental injury, sexual abuse, and sexual exploitation of Plaintiff as  
24 those terms are used in ORS 12.117. Specifically, Dykes sexually abused and molested Plaintiff  
25 Jack Doe 3 in 1983 or 1984 by engaging in fondling and mutual masturbation, all while Dykes  
26 was serving the Defendants.

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35.

1  
2 Dykes used the Grooming process to accomplish his acts of sexual molestation of the  
3 Plaintiff. Dykes's Grooming was (1) committed in direct connection and for the purposes of  
4 fulfilling Dykes's employment and agency with the Defendants; (2) committed within the time  
5 and space limits of his agency as a Scout Leader or authorized Scout volunteer; (3) done initially  
6 and at least in part from a desire to serve the interests of Defendants; (4) done directly in the  
7 performance of his duties as a Scout Leader or authorized Scout volunteer; (5) consisted  
8 generally of actions of a kind and nature which Dykes was required to perform as a Scout Leader  
9 or authorized Scout volunteer; and (6) was done at the direction of, and pursuant to, the power  
10 vested in him by the Defendants.

36.

11  
12 As a result of Dykes's sexual abuse, molestation, and breach of authority, trust and  
13 position as a Scout Leader or authorized Scout volunteer to Jack Doe 3, Plaintiff Jack Doe 3 has  
14 suffered and continues to suffer severe debilitating physical, mental, and emotional injury,  
15 including pain and suffering, physical and emotional trauma, and permanent psychological  
16 damage, all to his non-economic damages in the amount of \$4,000,000.00.

37.

17  
18 As an additional result and consequence of Dykes's sexual abuse, molestation, breach of  
19 authority, trust and position as a Scout Leader or authorized Scout volunteer to Jack Doe 3,  
20 Plaintiff Jack Doe 3 has incurred and/or will incur in the future, costs for counseling, psychiatric  
21 and psychological medical treatment all to his economic damages in the approximate amount of  
22 \$250,000.00, the exact amount of which will be proven at the time of trial.

38.

23  
24 In 2006, Plaintiff Jack Doe 3 discovered the causal connection between his abuse set forth  
25 in paragraph 31 and 32 above, and the injuries suffered in paragraphs 34 and 35 above. Prior to  
26 2006, Plaintiff Jack Doe 3 did not discover, and could not reasonably have discovered, the causal

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1 connection between the abuse itself and the injuries he suffered that were distinct from and  
2 incurred as a result of the abuse.

3 39.

4 In molesting Plaintiff Jack Doe 3, Dykes acted with malice or a reckless and outrageous  
5 indifference to a highly unreasonable risk of harm and with a conscious indifference to the  
6 health, safety and welfare of Plaintiff Jack Doe 3. Plaintiff Jack Doe 3 would be therefore  
7 entitled to punitive damages against Dykes. Defendants are strictly and vicariously liable for  
8 these punitive damages under the doctrine of *respondeat superior*, as actions that were within the  
9 course and scope of Dykes' agency with the Defendants were causally connected to and in fact  
10 led to the molestation. Plaintiff Jack Doe 3 is entitled to punitive damages jointly and severally  
11 against Boy Scout Defendants in the amount of \$25,000,000.00.

12  
13 **SIXTH CLAIM FOR RELIEF**

14 By Plaintiff Jack Doe 3 Against All Defendants  
(Intentional Infliction of Emotional Distress/*Respondeat Superior*)

15 40.

16 Plaintiff Jack Doe 3 realleges and incorporates by reference paragraphs 1 through 7 and  
17 30 through 36, above.

18 41.

19 Dykes, while engaging in the Grooming process described in paragraphs 5, 6, and 7  
20 above, knowingly and intentionally caused severe emotional distress to Plaintiff Jack Doe 3 when  
21 he sexually battered and abused Plaintiff. Plaintiff Jack Doe 3 did in fact suffer severe emotional  
22 distress as a result of this abuse, and the sexual abuse of a child is beyond the bounds of all  
23 socially tolerable conduct.

24 42.

25 Dykes used the Grooming process described in paragraphs 5, 6, and 7 above, to  
26 intentionally inflict severe emotional distress through the abuse of Plaintiff Jack Doe 3. Dykes'

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1 Grooming was committed within the course and scope of his agency as described in paragraph  
2 35, above.

3 43.

4 As a result of Dykes' intentional infliction of emotional distress on Plaintiff Jack Doe 3  
5 and Dykes' breach of trust and position as a Scout Leader or authorized Scout volunteer to the  
6 Plaintiff, Plaintiff Jack Doe 3 has suffered permanent and lasting damages as detailed above in  
7 paragraphs 36, 37, and 39, above.

8  
9 **SEVENTH CLAIM FOR RELIEF**  
10 By Plaintiff Jack Doe 4 Against All Defendants  
(Sexual Abuse of a Child/*Respondeat Superior*)

11 44.

12 Plaintiff Jack Doe 4 realleges and incorporates by reference paragraphs 1 through 7,  
13 above.

14 45.

15 Dykes, while acting within the course and scope of his employment and agency, actual or  
16 apparent, and using the authority and position of trust as a Scout Leader or authorized Scout  
17 volunteer for the Defendants—through the Grooming process—induced and directed Plaintiff  
18 Jack Doe 4 to engage in various sexual acts with Dykes. These acts constituted a harmful or  
19 offensive touching of Plaintiff Jack Doe 4 to which he did not and could not consent.

20 46.

21 Dykes, an adult, engaged in intentional conduct that resulted in some or all of the  
22 following: physical injury, mental injury, sexual abuse, and sexual exploitation of Plaintiff as  
23 those terms are used in ORS 12.117. Specifically, Dykes sexually abused and molested Plaintiff  
24 Jack Doe 4 in 1983 and 1984 including at least: forcing Jack Doe 4 to fondle Dykes on one  
25 occasion, and “dry humping” of Jack Doe 4 on approximately five occasions, all while Dykes  
26 was serving or appearing to serve the Defendants. The abuse occurred, at least in part, during

1 overnight sleepovers at Dykes' home, which he had initiated to help Scouts work on Scouting  
2 projects.

3 47.

4 Dykes used the Grooming process to accomplish his acts of sexual molestation of the  
5 Plaintiff Jack Doe 4. Dykes' Grooming was (1) committed in direct connection and for the  
6 purposes of fulfilling Dykes' employment and agency with the Defendants; (2) committed within  
7 the time and space limits of his agency as a Scout Leader or authorized Scout volunteer; (3) done  
8 initially and at least in part from a desire to serve the interests of Defendants; (4) done directly in  
9 the performance of his duties as a Scout Leader or authorized Scout volunteer; (5) consisted  
10 generally of actions of a kind and nature which Dykes was required to perform as a Scout  
11 Leader or authorized Scout volunteer; and (6) was done at the direction of, and pursuant to, the  
12 power vested in him by the Defendants.

13 48.

14 As a result of Dykes' sexual abuse, molestation, and breach of authority, trust, and  
15 position as a Scout Leader or authorized Scout volunteer to Jack Doe 4, Plaintiff Jack Doe 4 has  
16 suffered and continues to suffer severe and debilitating physical, mental, and emotional injury,  
17 including pain and suffering, physical and emotional trauma, and permanent psychological  
18 damage, all to his non-economic damages in the amount of \$4,000,000.00, the exact amount of  
19 which will be proven at the time of trial.

20 49.

21 As an additional result and consequence of Dykes' sexual abuse, molestation, and breach  
22 of authority, trust, and position as a Scout Leader or authorized Scout volunteer to Jack Doe 4,  
23 Plaintiff Jack Doe 4 has incurred and/or will incur in the future, costs for counseling, psychiatric  
24 and psychological medical treatment, all to his economic damages in the approximate amount of  
25 \$750,000.00, the exact amount of which will be proven at the time of trial.

26 ////

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1 50.

2 Jack Doe 4 was, at the time of the filing of this complaint, and as of January 1, 2010,  
3 under 40 years of age. This action is timely under ORS 12.117(1).

4 51.

5 In molesting Plaintiff Jack Doe 4, Dykes acted with malice or a reckless and outrageous  
6 indifference to a highly unreasonable risk of harm and with a conscious indifference to the  
7 health, safety and welfare of Plaintiff Jack Doe 4. Plaintiff Jack Doe 4 would be therefore  
8 entitled to punitive damages against Dykes. Defendants are strictly and vicariously liable for  
9 these punitive damages under the doctrine of *respondeat superior*, as actions that were within the  
10 course and scope of Dykes' agency with the Defendants were causally connected to and in fact  
11 led to the molestation. Plaintiff Jack Doe 4 is entitled to punitive damages jointly and severally  
12 against Defendants in the amount of \$25,000,000.00.

13  
14 **EIGHTH CLAIM FOR RELIEF**

15 By Plaintiff Jack Doe 4 Against All Defendants  
(Intentional Infliction of Emotional Distress/*Respondeat Superior*)

16 52.

17 Plaintiff Jack Doe 4 realleges and incorporates by reference paragraphs 1 through 7 and  
18 44 through 51, above.

19 53.

20 Dykes, while engaging in the Grooming process described in paragraphs 5, 6, and 7,  
21 above, knowingly and intentionally caused severe emotional distress to Plaintiff Jack Doe 4 when  
22 he sexually battered and abused Plaintiff. Plaintiff Jack Doe 4 did in fact suffer severe emotional  
23 distress as a result of this abuse, and the sexual abuse of a child is beyond the bounds of all  
24 socially tolerable conduct.

25 54.

26 Dykes used the Grooming process described in paragraphs 5, 6, and 7, above, to

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1 intentionally inflict severe emotional distress through the abuse of Plaintiff Jack Doe 4. Dykes'  
2 Grooming was committed within the course and scope of his agency as described in paragraph  
3 47, above.

4 55.

5 As a result of Dykes' intentional infliction of emotional distress on Plaintiff Jack Doe 4  
6 and Dykes' breach of trust and position as a Scout Leader or authorized Scout volunteer to the  
7 Plaintiff, Plaintiff Jack Doe 4 has suffered permanent and lasting damages as detailed above in  
8 paragraphs 48, 49, and 51, above.

9  
10 **NINTH CLAIM FOR RELIEF**

11 By Plaintiff Jack Doe 5 Against All Defendants  
(Sexual Abuse of a Child/*Respondeat Superior*)

12 56.

13 Plaintiff Jack Doe 5 realleges and incorporates by reference paragraphs 1 through 7,  
14 above.

15 57.

16 Dykes, while acting within the course and scope of his employment and agency, and  
17 using the authority and position of trust as a Scout Leader or authorized Scout volunteer for the  
18 Defendants—through the Grooming process—induced and directed Plaintiff Jack Doe 5 to  
19 engage in various sexual acts with Dykes. These acts constituted a harmful or offensive touching  
20 of Plaintiff Jack Doe 5 to which he did not and could not consent.

21 58.

22 Dykes, an adult, engaged in intentional conduct that resulted in some or all of the  
23 following: physical injury, mental injury, sexual abuse, and sexual exploitation of Plaintiff as  
24 those terms are used in ORS 12.117. Specifically, Dykes sexually abused and molested Plaintiff  
25 Jack Doe 5 during the years 1981 through approximately 1983 by engaging in fondling on  
26 approximately 15 occasions, and oral sex on approximately four of those occasions, all while

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1 Dykes was serving the Defendants.

2 59.

3 Dykes used the Grooming process to accomplish his acts of sexual molestation of the  
4 Plaintiff Jack Doe 5. Dykes' Grooming was (1) committed in direct connection and for the  
5 purposes of fulfilling Dykes' employment and agency with the Defendants; (2) committed within  
6 the time and space limits of his agency as a Scout Leader or authorized Scout volunteer; (3) done  
7 initially and at least in part from a desire to serve the interests of Defendants; (4) done directly in  
8 the performance of his duties as a Scout Leader or authorized Scout volunteer; (5) consisted  
9 generally of actions of a kind and nature which Dykes was required to perform as a Scout Leader  
10 or authorized Scout volunteer; and (6) was done at the direction of, and pursuant to, the power  
11 vested in him by the Defendants.

12 60.

13 As a result of Dykes' sexual abuse, molestation, and breach of authority, trust, and  
14 position as a Scout Leader or authorized Scout volunteer to Jack Doe 5, Plaintiff Jack Doe 5 has  
15 suffered and continues to suffer severe debilitating physical, mental, and emotional injury,  
16 including pain and suffering, physical and emotional trauma, and permanent psychological  
17 damage, all to his non-economic damages in the amount of \$4,000,000.00, the exact amount of  
18 which will be proven at the time of trial.

19 61.

20 As an additional result and consequence of Dykes' sexual abuse, molestation, and breach  
21 of authority, trust, and position as a Scout Leader or authorized Scout volunteer to Jack Doe 5,  
22 Plaintiff Jack Doe 5 has incurred and/or will incur in the future, costs for counseling, psychiatric  
23 and psychological medical treatment all to his economic damages in the approximate amount of  
24 \$250,000.00, the exact amount of which will be proven at the time of trial.

25 62.

26 In 2007, Plaintiff Jack Doe 5 discovered the causal connection between his abuse set forth

1 in paragraph 53 and 54 above, and the injuries suffered in paragraphs 56 and 57 above. Prior to  
2 2007, Plaintiff Jack Doe 5 did not discover, and could not reasonably have discovered, the causal  
3 connection between the abuse itself and the injuries he suffered that were distinct from and  
4 incurred as a result of the abuse.

5 63.

6 In molesting Plaintiff Jack Doe 5, Dykes acted with malice or a reckless and outrageous  
7 indifference to a highly unreasonable risk of harm and with a conscious indifference to the  
8 health, safety and welfare of Plaintiff Jack Doe 5. Plaintiff Jack Doe 5 would be therefore  
9 entitled to punitive damages against Dykes. Defendants are strictly and vicariously liable for  
10 these punitive damages under the doctrine of *respondeat superior*, as actions that were within the  
11 course and scope of Dykes' agency with the Defendants were causally connected to and in fact  
12 led to the molestation. Plaintiff Jack Doe 5 is entitled to punitive damages jointly and severally  
13 against Defendants in the amount of \$25,000,000.00.

14  
15 **TENTH CLAIM FOR RELIEF**

16 By Plaintiff Jack Doe 5 Against All Defendants  
(Intentional Infliction of Emotional Distress/*Respondeat Superior*)

17 64.

18 Plaintiff Jack Doe 5 realleges and incorporates by reference paragraphs 1 through 7 and  
19 56 through 63, above.

20 65.

21 Dykes, while engaging in the Grooming process described in paragraphs 5, 6, and 7,  
22 above, knowingly and intentionally caused severe emotional distress to Plaintiff Jack Doe 5 when  
23 he sexually battered and abused Plaintiff. Plaintiff Jack Doe 5 did in fact suffer severe emotional  
24 distress as a result of this abuse, and the sexual abuse of a child is beyond the bounds of all  
25 socially tolerable conduct.

26  
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1 66.

2 Dykes used the Grooming process described in paragraphs 5, 6, and 7, above, to  
3 intentionally inflict severe emotional distress through the abuse of Plaintiff Jack Doe 5. Dykes'  
4 Grooming was committed within the course and scope of his agency as described in paragraph  
5 59, above.

6 67.

7 As a result of Dykes' intentional infliction of emotional distress on Plaintiff Jack Doe 5  
8 and Dykes' breach of trust and position as a Scout Leader or authorized Scout volunteer to the  
9 Plaintiff, Plaintiff Jack Doe 5 has suffered permanent and lasting damages as detailed above in  
10 paragraphs 60, 61, and 63, above.

11  
12 **ELEVENTH CLAIM FOR RELIEF**

13 By Plaintiff Jack Doe 6 Against All Defendants  
(Sexual Abuse of a Child/*Respondeat Superior*)

14 68.

15 Plaintiff Jack Doe 6 realleges and incorporates by reference paragraphs 1 through 7,  
16 above.

17 69.

18 Dykes, while acting within the course and scope of his employment and agency, and  
19 using the authority and position of trust as a Scout Leader or authorized Scout volunteer for the  
20 Defendants—through the Grooming process—induced and directed Plaintiff Jack Doe 6 to  
21 engage in various sexual acts with Dykes. These acts constituted a harmful or offensive touching  
22 of Plaintiff Jack Doe 6 to which he did not and could not consent.

23 70.

24 Dykes, an adult, engaged in intentional conduct that resulted in some or all of the  
25 following: physical injury, mental injury, sexual abuse, and sexual exploitation of Plaintiff as  
26 those terms are used in ORS 12.117. Specifically, Dykes sexually abused and molested Plaintiff

1 Jack Doe 6 in approximately 1981 or 1982 by engaging in touching, fondling inside clothing, and  
2 attempted penetration, all while Dykes was serving the Defendants.

3 71.

4 Dykes used the Grooming process to accomplish his acts of sexual molestation of the  
5 Plaintiff Jack Doe 6. Dykes' Grooming was (1) committed in direct connection and for the  
6 purposes of fulfilling Dykes' employment and agency with the Defendants; (2) committed within  
7 the time and space limits of his agency as a Scout Leader or authorized Scout volunteer; (3) done  
8 initially and at least in part from a desire to serve the interests of Defendants; (4) done directly in  
9 the performance of his duties as a Scout Leader or authorized Scout volunteer; (5) consisted  
10 generally of actions of a kind and nature which Dykes was required to perform as a Scout Leader  
11 or authorized Scout volunteer; and (6) was done at the direction of, and pursuant to, the power  
12 vested in him by the Defendants.

13 72.

14 As a result of Dykes' sexual abuse, molestation, and breach of authority, trust, and  
15 position as a Scout Leader or authorized Scout volunteer to Jack Doe 6, Plaintiff Jack Doe 6 has  
16 suffered and continues to suffer severe and debilitating physical, mental, and emotional injury,  
17 including pain and suffering, physical and emotional trauma, and permanent psychological  
18 damage, all to his non-economic damages in the amount of \$4,000,000.00, the exact amount of  
19 which will be proven at the time of trial.

20 73.

21 As an additional result and consequence of Dykes' sexual abuse, molestation, and breach  
22 of authority, trust, and position as a Scout Leader or authorized Scout volunteer to Jack Doe 6,  
23 Plaintiff Jack Doe 6 has incurred and/or will incur in the future, costs for counseling, psychiatric  
24 and psychological medical treatment all to his economic damages in the approximate amount of  
25 \$250,000.00, the exact amount of which will be proven at the time of trial.

26

74.

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26

In 2007, Plaintiff Jack Doe 6 discovered the causal connection between his abuse set forth in paragraph 64 and 65 above, and the injuries suffered in paragraphs 67 and 68 above. Prior to 2007, Plaintiff Jack Doe 6 did not discover, and could not reasonably have discovered, the causal connection between the abuse itself and the injuries he suffered that were distinct from and incurred as a result of the abuse.

75.

In molesting Plaintiff Jack Doe 6, Dykes acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference to the health, safety and welfare of Plaintiff Jack Doe 6. Plaintiff Jack Doe 6 would be therefore entitled to punitive damages against Dykes. Defendants are strictly and vicariously liable for these punitive damages under the doctrine of *respondeat superior*, as actions that were within the course and scope of Dykes' agency with the Defendants were causally connected to and in fact led to the molestation. Plaintiff Jack Doe 6 is entitled to punitive damages jointly and severally against Defendants in the amount of \$25,000,000.00.

**TWELFTH CLAIM FOR RELIEF**  
By Plaintiff Jack Doe 6 Against All Defendants  
(Intentional Infliction of Emotional Distress/*Respondeat Superior*)

76.

Plaintiff Jack Doe 6 realleges and incorporates by reference paragraphs 1 through 7 and 68 through 75, above.

77.

Dykes, while engaging in the Grooming process described in paragraphs 5, 6, and 7, above, knowingly and intentionally caused severe emotional distress to Plaintiff Jack Doe 6 when he sexually battered and abused Plaintiff. Plaintiff Jack Doe 6 did in fact suffer severe emotional distress as a result of this abuse, and the sexual abuse of a child is beyond the bounds of all

1 socially tolerable conduct.

2 78.

3 Dykes used the Grooming process described in paragraphs 5, 6, and 7, above, to  
4 intentionally inflict severe emotional distress through the abuse of Plaintiff Jack Doe 6. Dykes'  
5 Grooming was committed within the course and scope of his agency as described in paragraph  
6 71, above.

7 79.

8 As a result of Dykes' intentional infliction of emotional distress on Plaintiff Jack Doe 6  
9 and Dykes' breach of trust and position as a Scout Leader or authorized Scout volunteer to the  
10 Plaintiff, Plaintiff Jack Doe 6 has suffered permanent and lasting damages as detailed above in  
11 paragraphs 72, 73, and 75, above.

12  
13 **THIRTEENTH CLAIM FOR RELIEF**  
14 **By All Plaintiffs Against Boy Scout Defendants**  
**(Negligence Regarding Dykes)**

15 80.

16 Plaintiffs reallege and incorporate by reference paragraphs 1 through 79, above.

17 81.

18 Defendants created a special relationship with Plaintiffs by inviting and encouraging them  
19 to participate in activities within Boy Scouts and with their Scout Leader Dykes. This special  
20 relationship created a duty of care on the part of Defendants to ensure Plaintiffs' safety while  
21 participating in Defendants' activities. Alternatively or in conjunction with the above, Boy Scout  
22 Defendants affirmatively created a dangerous condition in Troop 719 by not excluding Dykes  
23 from participation in Scouting once the Head of the Troop became aware of his danger to boys.

24 82.

25 Prior to some or all of the abuse suffered by Plaintiffs at the hands of Dykes, Boy Scout  
26 Defendants had direct knowledge through the Head of the Troop that Dykes posed a danger to



1 Scouts. To wit, in early 1983, Head of the Troop McEwen received a report of abuse by Dykes  
2 from a mother of a boy abused in the Scout Troop, and he investigated and confirmed the  
3 allegations. Boy Scout Defendants discovered through the Head of the Troop that Dykes had  
4 sexually abused several minor children who were both LDS members and Scouts, and Dykes  
5 admitted to molesting a number of those boys, including some of the Plaintiffs. Head of the  
6 Troop McEwen acquired this knowledge in the course and scope of his agency with Boy Scout  
7 Defendants. Specifically, he learned about Dykes' molestation while acting in the time and space  
8 limits of his role as Head of the Troop, investigated the allegations at least in part to further the  
9 interests of Boy Scout Defendants, and learning of such incidents and remedying them was the  
10 type of duty that the Head of the Troop was directed to perform on behalf of Boy Scout  
11 Defendants. At a church disciplinary hearing in February of 1983, Dykes was ostensibly  
12 removed from his church assignment to the Troop as Assistant Scoutmaster, but Head of the  
13 Troop McEwen allowed Dykes to continue acting in the capacity of a Boy Scout volunteer for  
14 Troop 719. Police also conducted an investigation, and criminal charges were brought. It was  
15 known to the Head of the Troop that Dykes was placed on court-ordered probation in early 1983  
16 as a result of those charges, with the conditions that Dykes not be around children and that he  
17 attend mental health counseling. Within months of the January or February of 1983 discovery,  
18 and despite actual and constructive knowledge of Dykes' repeated abuse of boys, Defendants  
19 allowed Dykes—at times wearing a Scouting uniform—to attend various Scout activities,  
20 fundraisers, meetings, and trips, and acquiesced to his participation in those events following his  
21 removal and probation. The Head of the Troop knew that Dykes had ceased attending court-  
22 ordered counseling almost immediately after his probation, and knew he continued his  
23 involvement with Troop 719. Boy Scout Defendants nevertheless failed to exclude Dykes from  
24 contact with Scouts.

25 83.

26 Boy Scout Defendants created a foreseeable risk of Dykes abusing Scouts in the

1 following particular ways:

- 2 1. The Head of the Troop failed to notify all Scout parents, including the parents  
3 of all Plaintiffs, about Dykes' actions and dangerousness, after he had  
4 knowledge of Dykes' abuse of Scouts;
- 5 2. The Head of the Troop allowed Dykes to continue to be involved with  
6 Scouting activities for Troop 719, and to individual Scouts, including  
7 Plaintiffs, both in and out of Scouting activities;
- 8 3. The Head of the Troop failed to report to law enforcement Dykes' violation  
9 of the terms of his probation in 1983 and 1984;
- 10 4. Boy Scout Defendants failed to train the adult leadership of Troop 719 in how  
11 to recognize, report, and prevent child abuse; and
- 12 5. Boy Scout Defendants failed to implement common sense child abuse  
13 policies—such as a prohibition on overnight sleeping arrangements by Scouts  
14 at the homes of unrelated adult leaders, or a requirement that no individual  
15 Scout leader could participate in such arrangements.

16 These actions caused or contributed to the abuse of the Plaintiffs in this case.

17 84.

18 During the 1983 investigation, removal, and probation of Dykes, the Head of the Troop  
19 was acting as the agent of Boy Scout Defendants in the capacity of charter representative, and  
20 acquired his knowledge about Dykes' abuse and failure to follow the conditions of his parole in  
21 the scope of that agency. Boy Scout Defendants had the right to control Head of the Troop  
22 McEwen in his reporting and disclosure of child abuse, and the right to control his selection and  
23 retention of Troop volunteers.

24 85.

25 Boy Scout Defendants failed to warn Plaintiffs or their families, any of the members of  
26 the Wards, or their respective Boy Scout Troop members (with the exception of a select few

1 families that Dykes identified), about Dykes' abuse of the other boys. Dykes continued to attend  
2 Boy Scout and Church functions, and appeared to Plaintiffs and other reasonable persons as an  
3 authorized Scout Volunteer. Plaintiffs relied on the acquiescence of Defendants in believing that  
4 Dykes was an authorized Scout leader, and relied on this actual or apparent authority in allowing  
5 Dykes to interact with them.

6 86.

7 It was foreseeable to Boy Scout Defendants that the class of Scouts in Troop 719, of  
8 which Plaintiffs were members, were placed in danger by Dykes and that Dykes likely would  
9 molest additional Boy Scouts in the Troop. It was also foreseeable to Boy Scout Defendants that  
10 child predators would engage in serial abuse of minors under their care, and that Dykes had  
11 additional victims that had either not been discovered, who denied or remained silent about the  
12 abuse, or who would be abused in the future.

13 87.

14 Boy Scout Defendants' acquiescence to Dykes' continued involvement in Boy Scout  
15 activities after early 1983, and failure to warn of his danger, created a foreseeable risk of harm to  
16 the safety of children in the care of the Defendants, including Plaintiffs. Defendants' failure to  
17 warn families about Dykes and exclude him from Church and Scout activities involving minor  
18 boys created a foreseeable risk of harm to the safety of children in the care of Defendants, and  
19 Defendants therefore knowingly allowed and permitted or encouraged child abuse. Plaintiffs'  
20 interest in being free from sexual molestation is an interest of a kind that the law protects against  
21 negligent invasion. Defendants' failure to warn and acquiescence to Dykes' presence at Boy  
22 Scout activities was unreasonable in light of the risk posed to minor boys by Dykes. Defendants'  
23 acquiescence to Dykes' presence at Boy Scout activities and failure to warn about his danger was  
24 a direct and foreseeable cause of the respective molestation and damages suffered by the  
25 Plaintiffs, as alleged in paragraphs 12, 13, 24, 25, 36, 37, 48, 49, 60, 61, 72 and 73, above.

26

1 88.

2 In their negligence toward the risk posed to the Plaintiffs by Dykes, Boy Scout  
3 Defendants acted with a reckless and outrageous indifference to a highly unreasonable risk of  
4 harm and with a conscious indifference to the health, safety and welfare of Plaintiffs. Plaintiffs  
5 are entitled to punitive damages jointly and severally against Defendants in the amount of  
6 \$25,000,000.00.

7  
8 **FOURTEENTH CLAIM FOR RELIEF**  
9 By All Plaintiffs Against Boy Scout Defendants  
(Negligence — Institution-Wide)

10 89.

11 Plaintiffs reallege and incorporate by reference paragraphs 1 through 87, above.

12 90.

13 Defendants created a special relationship with Plaintiffs when they invited Plaintiffs and  
14 other boys to participate in Scouting. That relationship created a duty on the part of Boy Scout  
15 Defendants to ensure that Scouting programs were made as reasonably safe as possible from  
16 known dangers. Alternatively, from at least the 1970's, if not earlier, Boy Scout Defendants  
17 knew that assignments were being used by predatory child molesters to victimize children and  
18 that Boy Scout Defendants had an institution-wide child abuse problem. Despite this knowledge,  
19 Boy Scout Defendants did not implement adequate child sex abuse policies. With this failure,  
20 Boy Scout Defendants created a danger to Plaintiffs by inviting them to participate in Scouts  
21 while failing to take steps sufficient to remedy the danger of sexual abuse in Scouting. Boy  
22 Scout Defendants knew that such failure would reasonably lead to other boys being sexually  
23 abused by adult Scout volunteers while participating in the Boy Scouts, including Plaintiffs in  
24 this case.

25 91.

26 Boy Scout Defendants' institutional negligence was a substantial contributing and causal

1 factor to the abuse of Plaintiffs. Boy Scout Defendants' knowing failure to implement adequate  
2 child abuse policies created a foreseeable risk of harm to the safety of children in the care of the  
3 Boy Scout Defendants, including Plaintiffs in this case, because it was foreseeable that Plaintiffs  
4 and others like them would be molested as a result of Boy Scout Defendants' failure to  
5 implement proper child abuse policies. Plaintiffs were members of the class of individuals to be  
6 protected by adequate child abuse policies in Scouting, and adequate child abuse policies would  
7 have protected Plaintiffs from some or all of their abuse.

8 92.

9 As a direct and foreseeable consequence of Boy Scout Defendants' negligence as  
10 described above, Plaintiffs have suffered damages as described in paragraphs 12, 13, 24, 25, 36,  
11 37, 48, 49, 60, 61, 72 and 73, above.

12 93.

13 In failing to implement sufficient child abuse policies upon learning not later than the  
14 1960s that predatory child molesters were using Scouting as a means to access victims, Boy  
15 Scout Defendants acted with malice or a reckless and outrageous indifference to a highly  
16 unreasonable risk of harm and with a conscious indifference to the health, safety and welfare of  
17 individual Boy Scouts, including these Plaintiffs. Because this indifference led to their abuse and  
18 the abuse of thousands of other boys involved in Scouting, Plaintiffs are entitled to punitive  
19 damages jointly and severally against Defendants in the amount of \$25,000,000.00 for each  
20 Plaintiff.

21  
22 **WHEREFORE**, Plaintiffs pray for judgment against Defendants, and each of them, as  
23 follows:

- 24 1. Non-economic damages for Plaintiff Jack Doe 1 in the amount of \$4,000,000.00,  
25 the exact amount to be determined by the jury at the time of trial;
- 26 2. Economic damages for Plaintiff Jack Doe 1 in the amount of \$250,000.00, the

1 exact amount to be determined by the jury at the time of trial;

2 3. Punitive Damages for Plaintiff Jack Doe 1 in the amount of \$25,000,000.00;

3 4. Non-economic damages for Plaintiff Jack Doe 2 in the amount of \$4,000,000.00,

4 the exact amount to be determined by the jury at the time of trial;

5 5. Economic damages for Plaintiff Jack Doe 2 in the amount of \$250,000.00, the

6 exact amount to be determined by the jury at the time of trial;

7 6. Punitive Damages for Plaintiff Jack Doe 2 in the amount of \$25,000,000.00;

8 7. Non-economic damages for Plaintiff Jack Doe 3 in the amount of \$4,000,000.00,

9 the exact amount to be determined by the jury at the time of trial;

10 8. Economic damages for Plaintiff Jack Doe 3 in the amount of \$250,000.00, the

11 exact amount to be determined by the jury at the time of trial;

12 9. Punitive Damages for Plaintiff Jack Doe 3 in the amount of \$25,000,000.00;

13 10. Non-economic damages for Plaintiff Jack Doe 4 in the amount of \$4,000,000.00,

14 the exact amount to be determined by the jury at the time of trial;

15 11. Economic damages for Plaintiff Jack Doe 4 in the amount of \$750,000.00, the

16 exact amount to be determined by the jury at the time of trial;

17 12. Punitive Damages for Plaintiff Jack Doe 4 in the amount of \$25,000,000.00;

18 13. Non-economic damages for Plaintiff Jack Doe 5 in the amount of \$4,000,000.00,

19 the exact amount to be determined by the jury at the time of trial;

20 14. Economic damages for Plaintiff Jack Doe 5 in the amount of \$250,000.00, the

21 exact amount to be determined by the jury at the time of trial;

22 15. Punitive Damages for Plaintiff Jack Doe 5 in the amount of \$25,000,000.00;

23 16. Non-economic damages for Plaintiff Jack Doe 6 in the amount of \$4,000,000.00,

24 the exact amount to be determined by the jury at the time of trial;

25 17. Economic damages for Plaintiff Jack Doe 6 in the amount of \$250,000.00, the

26 exact amount to be determined by the jury at the time of trial;

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1 18. Punitive Damages for Plaintiff Jack Doe 6 in the amount of \$25,000,000.00;

2 19. If successful on the Thirteenth Claim for Relief, economic and non-economic  
3 damages for Plaintiffs, as described above;

4 20. If successful on any count of the Thirteenth Claim for Relief, punitive damages  
5 for Plaintiffs, in the amount of \$25,000,000.00 each;

6 21. If successful on any count of the Fourteenth Claim for Relief, economic and non-  
7 economic damages for Plaintiffs, as described above;

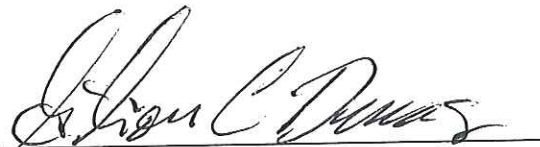
8 22. If successful on any count of the Fourteenth Claim for Relief, punitive damages  
9 for Plaintiffs, in the amount of \$25,000,000.00 each;

10 23. For Plaintiffs' costs and disbursements incurred; and

11 24. For any other relief this Court deems just and equitable.

12 DATED this 30 day of March, 2010.

13 **O'DONNELL CLARK & CREW LLP**

14 

15 Kelly Clark, OSB #831723  
16 Kristian Roggendorf, OSB #013990  
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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true copy of the foregoing: **PLAINTIFF'S THIRD AMENDED COMPLAINT**

upon:

Charles T. Smith  
Christie L. Moilanen  
Multnomah County Courthouse  
1021 SW Fourth Ave.  
Portland, OR 97204

Paul Xochihua  
Nicole M. Rhoades  
Multnomah County Courthouse  
1021 SW Fourth Ave.  
Portland, OR 97204

*Attorneys for Defendant The Boy Scouts of America*

*Attorneys for Defendant Cascade Pacific Council, Boy Scouts of America*

VIA:

- Facsimile
- Federal Express Overnight Mail
- Hand Delivery
- U.S. Postal Service First Class Mail
- Email

on March 30, 2010.

**O'DONNELL CLARK & CREW LLP**



Gilion Dumas, OSB No. 922932  
*Of Attorneys for Plaintiffs*