Justin C. Allred Allred Law Office, P.C. Arizona Bar No.: 020340 151-B S. Haskell Avenue Willcox, AZ 85643 Telephone: (520) 384-4228 jallredlaw@vtc.net Attorney for Plaintiff 5 6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA 7 IN AND FOR THE COUNTY OF PIMA 8 9 Case No.: CHARLES S. TAYLOR, 10 Plaintiff. CIVIL COMPLAINT 11 VS. 12 GRACE ST. PAUL'S EPISCOPAL CHURCH, Assigned to: an Arizona domestic nonprofit corporation; THE 13 EPISCOPAL DIOCESE OF ARIZONA, an 14 Arizona domestic nonprofit corporation, 15 Defendants. 16 17 18 19 Plaintiff Charles Taylor, an individual, hereby complains against the above-named 20 defendants and alleges as follows: 21 PARTIES AND JURISDICITON 22 Charles Taylor, an individual, is a citizen and resident of Cochise County, Arizona. 1. 23 Taylor was twelve (12) years old at the time of the sexual assault allegations contained in this 24 Complaint. 25 2.

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Defendant Grace St. Paul's Episcopal Church, a/k/a Grace Protestant Episcopal Church of Tucson, hereinafter referred to as "Grace Church," is an Arizona domestic nonprofit corporation registered in and primarily doing business in Pima County, Arizona. Complaint

Gary Harrison CLERK, SUPERIOR COURT 7/12/2019 3:30:01 PM BY: ALAN WALKER /S/

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Case No. C20193396 HON. CYNTHIA T. KUHN

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- 3. Defendant The Episcopal Diocese of Arizona, hereinafter referred to as "Episcopal Diocese," is an Arizona domestic nonprofit corporation registered in Maricopa County, Arizona and doing business across the State of Arizona.
- At all relevant times, Defendant Grace Church operated under the auspices, license 4. and authority of Defendant Episcopal Diocese. This authority included the assignment of clergy to Grace Church, and the supervision and discipline of clergy assigned to Grace Church.
- 5. The acts and events that gave rise to this claim occurred substantially in Pima County, Arizona. This court has general jurisdiction to this claim as the amount in controversy exceeds \$10,000.00.

FACTUAL BACKGROUND

- 6. At all relevant times, Richard Babcock, hereinafter referred to as "Father Babcock," was an agent, servant or employee of Grace Church and the Episcopal Diocese, in which he acted as an Episcopalian priest.
- 7. During the years 1971 to 1973, Plaintiff being presently unable to specify the exact dates, Father Babcock, after having first gained the trust, confidence and admiration of Plaintiff, corruptly coerced, influenced and induced Plaintiff to submit to oral copulation or sodomization.
- 8. Some of the sexual misconduct committed by Father Babcock upon Plaintiff occurred in the boy's bathroom and in the choir room at Grace Church.
- 9. Some of the sexual misconduct committed by Father Babcock upon Plaintiff occurred in Father Babcock's home.
- Upon information and belief, and at all relevant times, Grace Church and the 10. Episcopal Diocese had actual notice of Father Babcock's propensity to sexually molest children.
- Upon information and belief, a Church secretary, was aware of Father Babcock's 11. sexual misconduct. This employee had a duty to prevent foreseeable sexual abuse and report her knowledge to officials of Grace Church and the Episcopal Diocese.

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12.	Plaintiff disclosed the sexual abuse to the Rector of Grace Church, Father Weakes.
Nevertheless,	Father Weakes failed to adequately respond and Father Babcock continued to
sexually abuse	e Plaintiff and other children.

- Father Babcock's abuse ceased upon Plaintiff disclosing the abuse to his mother, 13. who then contacted the Tucson Police Department.
- 14. Upon information and belief, Grace Church and the Episcopal Diocese acted to conceal Father Babcock's misconduct, including through the reassignment of Father Babcock to other churches controlled by the Episcopal Diocese in an effort to minimize continued scrutiny on Father Babcock.
- Upon information and belief, Father Babcock, prior to his death, confessed in a 15. sworn affidavit that he had sexually abused minor children.

COUNT I

(Negligence Against GRACE ST. PAUL'S EPISCOPAL CHURCH)

- 16. Plaintiff repeats and realleges the allegations in paragraphs 1 through 15 above.
- 17. Defendant had a special relationship with Plaintiff. Defendant was in a position of trust and confidence with Plaintiff. Plaintiff looked to Defendant, and its representatives, particularly Father Babcock, for counseling and guidance.
 - 18. As a result of this special relationship, Defendant owed Plaintiff a duty to:
 - Investigate and warn Plaintiff of the potential for harm from Father Babcock;
 - b. Disclose its awareness of facts regarding Father Babcock that created a likely potential for harm;
 - c. Disclose its own negligence with regard to hiring, supervision and retention of Father Babcock; and
 - d. Protect Plaintiff from exposure to harmful individuals like Father Babcock.
 - 19. Defendant breached its duties to Plaintiff by failing to:
 - Investigate and warn Plaintiff of the potential for harm from Father Babcock;
 - b. Disclose its awareness of facts regarding Father Babcock that created a likely potential for harm;



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- c. Disclose its own negligence with regard to hiring, supervision and retention of Father Babcock; and
- d. Protect Plaintiff from exposure to harmful individuals like Father Babcock.
- 20. At all relevant times, Defendant owed a duty to Plaintiff to use reasonable care to ensure the safety, care, well-being, and health of the Plaintiff, who was then a minor. Defendant had duties that encompassed the hiring, retention, and supervision of Father Babcock.
- 21. Defendant breached its duties to Plaintiff by failing to protect him from the sexual assault and lewd and lascivious acts committed by the agent and employee of Defendant, Father Babcock.
- 22. Defendant knew and received actual notice of Father Babcock's sexual misconduct toward minors that created an unreasonable risk of further sexual contact with a minor by Father Babcock.
- 23. Upon information and belief, Defendant provided Father Babcock with unfettered access to Plaintiff, and other minor children, and gave him unlimited and uncontrolled privacy.
- 24. At all relevant times Defendant created an environment which fostered child sexual abuse against children it had a duty to protect, including Plaintiff.
- 25. At all relevant times, Defendant had inadequate policies and procedures to protect children it was entrusted to care for and protect, including Plaintiff.
- 26. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.
- The conduct of Defendant shows a reckless or willful disregard for the safety and well-27. being of Plaintiff.

COUNT II

(Breach of Fiduciary Duty Against GRACE ST. PAUL'S EPISCOPAL CHURCH)

- 28. Plaintiff repeats and realleges the allegations in paragraphs 1 through 15 above.
- 29. At all relevant times, Defendant was in a fiduciary or confidential relationship with Plaintiff and his parents arising from relations in which confidence was naturally inspired, or, in fact,

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reasonably exists. This relationship impelled or induced Plaintiff to relax the care and vigilance he would ordinarily exercise.

- 30. Defendant breached its fiduciary duties to Plaintiff and his parents as a result of harm caused by Father Babcock to Plaintiff from sexual abuse and assault.
- 31. As a direct and proximate result of Defendant's breach of fiduciary duty, Plaintiff has suffered and will continue to suffer severe and permanent psychological and emotional injuries and lack of enjoyment of life.

COUNT III

(Negligence Against THE EPISCOPAL DIOCESE OF ARIZONA)

- 32. Plaintiff repeats and realleges the allegations in paragraphs 1 through 15 above.
- 33. Defendant had a special relationship with Plaintiff. Defendant was in a position of trust and confidence with Plaintiff. Plaintiff looked to Defendant, and its representatives, particularly Father Babcock, for counseling and guidance.
 - 34. As a result of this special relationship, Defendant owed Plaintiff a duty to:
 - Investigate and warn Plaintiff of the potential for harm from Father Babcock;
 - b. Disclose its awareness of facts regarding Father Babcock that created a likely potential for harm;
 - c. Disclose its own negligence with regard to hiring, supervision and retention of Father Babcock; and
 - d. Protect Plaintiff from exposure to harmful individuals like Father Babcock.
 - 35. Defendant breached its duties to Plaintiff by failing to:
 - Investigate and warn Plaintiff of the potential for harm from Father Babcock;
 - b. Disclose its awareness of facts regarding Father Babcock that created a likely potential for harm;
 - c. Disclose its own negligence with regard to hiring, supervision and retention of Father Babcock; and
 - d. Protect Plaintiff from exposure to harmful individuals like Father Babcock.

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36.	At all relevant times, Defendant owed a duty to Plaintiff to use reasonable care	tc
ensure the saf	fety, care, well-being, and health of the Plaintiff, who was then a minor. Defendant ha	ac
duties that en	compassed the hiring, retention, and supervision of Father Babcock.	

- 37. Defendant breached its duties to Plaintiff by failing to protect him from the sexual assault and lewd and lascivious acts committed by the agent and employee of Defendant, Father Babcock.
- 38. Defendant knew and received actual notice of Father Babcock's sexual misconduct toward minors that created an unreasonable risk of further sexual contact with a minor by Father Babcock.
- 39. Upon information and belief, Defendant provided Father Babcock with unfettered access to Plaintiff, and other minor children, and gave him unlimited and uncontrolled privacy.
- 40. At all relevant times Defendant created an environment which fostered child sexual abuse against children it had a duty to protect, including Plaintiff.
- At all relevant times, Defendant had inadequate policies and procedures to protect 41. children it was entrusted to care for and protect, including Plaintiff.
- 42. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.
- 43. The conduct of Defendant shows a reckless or willful disregard for the safety and wellbeing of Plaintiff.

COUNT IV

(Breach of Fiduciary Duty Against THE EPISCOPAL DIOCESE OF ARIZONA)

- 44. Plaintiff repeats and realleges the allegations in paragraphs 1 through 15 above.
- 45. At all relevant times, Defendant was in a fiduciary or confidential relationship with Plaintiff and his parents arising from relations in which confidence was naturally inspired, or, in fact, reasonably exists. This relationship impelled or induced Plaintiff to relax the care and vigilance he would ordinarily exercise.



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	46.	Defendant breached its fiduciary duties to Plaintiff and his parents as a result of harm
cause	ed by Fat	ther Babcock to Plaintiff from sexual abuse and assault.

47. As a direct and proximate result of Defendant's breach of fiduciary duty, Plaintiff has suffered and will continue to suffer severe and permanent psychological and emotional injuries and lack of enjoyment of life.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

- 1. General damages in an amount to be shown according to proof at the time of trial.
- 2. Special damages including medical and psychological care expenses in an amount to be shown according to proof at the time of trial.
- 3. Punitive and exemplary damages in an amount appropriate to punish or set an example of Defendants.
 - 4. Attorneys' fees as determined by the Court pursuant to statute.
 - 5. Costs of suit.
 - 6. Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial in this action.

Dated: July 12, 2019 Allred Law Office, P.C.

Justin C. Allred, Esq.

Attorney for Plaintiff

STATE OF ARIZONA SS. County of Cochise CHARLES S. TAYLOR, being first duly sworn upon his oath, deposes and says: That he is the Plaintiff in the foregoing Complaint and as such has read said Complaint and that all matters alleged therein are true except as for those matters alleged upon information and belief, and as to those, he believes the same to be true. SUBSCRIBED AND SWORN TO before me this 12th day of July, 2019 by CHARLES S. TAYLOR. Notary Public My Commission Expires: JUSTIN C. ALLRED Notary Public - State of Arizona COCHISE COUNTY My Commission Expires August 26, 2019

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VERIFICATION