

CAUSE NO. DC16-16833

JANE DOE 1, As Next Friend of JANE DOE 2, A Minor Child, <i>Plaintiffs,</i>	§ § § § § § § § § §	IN THE <u>109</u> DISTRICT COURT
v.		OF
TRINITY FELLOWSHIP CHURCH, And RANDY STEVEN CASTILLO  <i>Defendant.</i>		WINKLER COUNTY, TEXAS

**PLAINTIFFS’ ORIGINAL PETITION AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiffs in the above entitled cause complaining of Defendants named herein and would respectfully show the Court as follows:

**I. DISCOVERY**

1.01 Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiffs intend to conduct discovery in this case under level 3 (Rule 190.4 Texas Rules of Civil Procedure).

**II. PARTIES**

2.01 Plaintiff Jane Doe 1 is the mother of Plaintiff Jane Doe 2, A Minor Child. Plaintiff Jane Doe 1 is a resident of the State of Texas. In accordance with Tex. Civ. Prac. & Rem. Code Ann. §30.013, Plaintiff is pursuing this matter through a pseudonym to protect her and her child’s identity as the parent of a minor child subjected to aggravated sexual abuse in accordance with Tex. Civ. Prac. & Rem. Code Ann. §30.013. As such, she is not required to provide identifying information as part of this pleading and thus avails herself of this protection. Plaintiff’s identity is known to Defendant.

2.02 Plaintiff Jane Doe 2 (*Plaintiff Doe*), A Minor Child, is a resident of the State of Texas. Plaintiff is pursuing this matter through a pseudonym to protect her identity as a victim of childhood aggravated sexual abuse in accordance with Tex. Civ. Prac. & Rem. Code Ann. §30.013. As such, she is not required to provide identifying information as part of this pleading and thus avails herself of this protection. Plaintiff's identity is known to Defendant.

2.03 Trinity Fellowship Church (*Trinity Church*) is a corporation doing business in Texas. Defendant Trinity Church may be served with notice by and through its registered agent: Scott Rosenbach, at 5000 Hollywood Road, Amarillo, Texas 79118-5000.

2.04 Randy Steven Castillo (*Castillo*) is an individual and resident of Winkler County, Texas. Castillo may be served with notice wherever he may be found or at his last known address: 761 N Avenue B, Kermit, Texas 79745.

### **III. VENUE AND JURISDICTION**

3.01 Defendant Castillo resided in Winkler County, Texas at the time that the cause of action accrued, and therefore, venue is proper in Winkler County, Texas pursuant to § 15.002(a)(2), TEX. CIV. PRAC. & REM. CODE.

3.02 The amount of damages is substantial and well in excess of the jurisdictional minimums of this Court. Many elements of damage cannot be determined with mathematical precision. Furthermore, the determination of many elements of damage is peculiarly within the province of the jury. Due to the extreme nature of Defendants' conduct, and devastating degree of injury caused by such conduct, Plaintiffs seek actual and punitive damages in the amount of \$50,000,000.00 (Fifty Million Dollars).

#### **IV. PLAINTIFFS' NARRATIVE**

4.01 Defendant Castillo held a volunteer position at Trinity Church in Amarillo. Defendant Castillo was introduced to the minor child Plaintiff and referred to by Trinity Church as "Pastor Randy". Over the course of an extended period, Defendant Castillo utilized his position in the church to interact with young female attendees of Trinity. Plaintiff Doe, a minor child, frequently attended the student ministries and became acquainted with Defendant Castillo.

4.02 Shortly after meeting the minor Plaintiff at Trinity Church, Defendant Castillo began making inappropriate communications with the minor child. Defendant Castillo exploited Plaintiff Doe's innocence, trust and confidence to sexually abuse her. Furthermore, Defendant Castillo sexually molested the minor on numerous occasions and was subsequently indicted on four separate counts of aggravated sexual assault of a child. Defendant Castillo sexually abused and took advantage of Plaintiff Doe for more than two years, including specific instances of molestation on his twenty-sixth and twenty-seventh birthdays.

4.03 Plaintiff and her family trusted that the church, its official representatives and its pastors would behave as they represented themselves to be - honorable and moral individuals acting in the best interests of church members, especially minors. Defendant Castillo's molestation of Plaintiff Doe violated the highest degree of confidence, good faith and moral guidance expected of him given his position as pastor to Plaintiff Doe and other minor children.

4.04 Trinity Church knew of Defendant Castillo's abusive conduct but chose to hide the misconduct. Specifically, Trinity Church knew that Defendant Castillo had developed, at a minimum, questionable relationships with multiple young female Church attendees. Trinity Church was given specific information about Defendant Castillo "Pastor Randy" asking for pornographic nude photos of very young female children. The Church had an obligation to

protect the numerous children that it had placed into direct contact with Pastor Randy by reporting its discovery to the authorities and parents. Trinity Church never reported the conduct instead placing its reputation above the wellbeing of the minor children. Trinity Church continued to allow Defendant Castillo to attend and partake in church activities granting Defendant Castillo the opportunity to interact with and engage in further inappropriate sexual contact with children.

4.05 Because of Trinity Church's failure to notify anyone who could protect Plaintiff Doe and prosecute Defendant Castillo, Plaintiff Doe suffered further abuse by Defendant Castillo, the effects of which are severe, heartbreaking, and life-changing, yet probably too grave for young Plaintiff Doe to fully comprehend.

## **V. CAUSES OF ACTION**

### **DEFENDANT TRINITY FELLOWSHIP CHURCH**

#### ***Defendant Trinity Church's Failure to Use Reasonable Care***

5.01 Defendant Trinity Church had a duty to use reasonable care toward Plaintiff Doe. Trinity Church breached its duty of care when it facilitated and furthered Defendant Castillo's sexual molestation and abuse of Plaintiff Doe.

5.02 Specifically, Defendant Trinity Church was negligent in the following respects:

- a. Failing to contribute to a safe environment for children and members of the church;
- b. Failing to implement appropriate restrictions and safeguards on adult contact with minor children; and
- c. Failing to remove Defendant Castillo from an environment or state of temptation.

5.03 Trinity Church had a duty to report Castillo's conduct to authorities. Trinity Church had cause to believe that Plaintiff Doe's mental and/or physical health or welfare had been adversely affected by abuse and neglect. Texas law required Trinity Church to report that abuse to a local or state law enforcement agency. Common decency should have dictated that Trinity Church inform parents of potentially affected children. Trinity Church breached its duty by never reporting the abuse to the police and never reporting the abuse to Plaintiff Doe's parents. Trinity Church subjected Plaintiff Doe to further abuse by its staff member and pastor, Defendant Castillo by failing to report the evidence of misconduct, thereby proximately causing Plaintiff Doe's irreparable and unforgivable physical, mental, and emotional injuries.

***Defendant Trinity Church's Gross Negligence***

5.04 Trinity Church's actions and inactions amounting to negligence were of such character to make Trinity Church guilty of gross negligence. When viewed objectively from the standpoint of Defendant, Defendant Trinity Church's acts of negligence involve an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Trinity Church had actual, subjective awareness that failing to report child abuse and continuing to allow Defendant Castillo to remain active in the church could result in further abuse, but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of Plaintiff Doe. The grossly negligent acts of Defendant Trinity Church were the proximate cause of Plaintiff Doe's unimaginable injuries, entitling Plaintiff Doe an award of exemplary damages.

***Defendant Trinity Church's Breach of Fiduciary Duty***

5.05 Trinity Church breached a fiduciary duty it owed to its attendee Plaintiff Doe. Trinity Church and Plaintiff Doe had a fiduciary relationship that arose from Plaintiff Doe's morally and socially created trust and confidence in Trinity Church's influence and dominance. As a church,

Plaintiffs depended on Trinity Church for protection and became accustomed to being guided by its advice and judgment.

5.06 Defendant Trinity Church breached its fiduciary duty owed to Plaintiffs in the following respects:

- a. Failing to refrain from self-dealing by concealing the abuse to protect its reputation;
- b. Failing to fully disclose its knowledge of Defendant Castillo's abuse to Plaintiffs;
- c. Failing to report the abuse to authorities to protect Plaintiff Doe from further abuse; and
- d. Failing to act with integrity of the strictest kind.

5.07 Defendant Trinity Church's breach of fiduciary duty resulted in the Plaintiff Doe's life-changing and unthinkable injuries and benefitted the Defendant by allowing their reputation as a worship center free from sexual molestation and abuse to flourish at the expense of Plaintiff Doe.

### **DEFENDANT RANDY CASTILLO**

#### ***Defendant Castillo's Negligence***

5.08 Defendant Castillo had a duty to use reasonable care toward Plaintiff Doe. Defendant Castillo breached this duty when he sexually molested Plaintiff Doe on multiple occasions and subjected her to negligent and grossly negligent harm. Specifically, Defendant Castillo was negligent in the following respects:

- a. Failing to contribute to a safe environment for children and members of the church;
- b. Failing to abide by state and federal law implementing restrictions on adult contact with minor children;
- c. Failure to abide by common moral policy precluding adults from engaging in excessive and inappropriate communication with minors via social media;
- d. Failing to refrain from initiating inappropriate sexual conduct with a minor child;

- e. Failure to discontinue sexual misconduct with a minor; and
- f. Failing to remove himself from an environment or state of temptation.

Plaintiff Doe has suffered mental and physical injuries as a direct and proximate result of the Defendant's conduct.

***Defendant Castillo's Negligence Per Se***

5.09 The conduct of Defendant Castillo is in violation of state and federal criminal statutes regarding sexual abuse of children, including but not limited to:

- a. Texas Penal Code §21.02 (Continued Sexual Abuse of a Child)
- b. Texas Penal Code §21.11 (Indecency with a Child)
- c. Texas Penal Code §22.011 (Sexual Assault)
- d. Texas Penal Code §22.01 (Assault)
- e. Texas Penal Code §22.021 (Aggravated Sexual Assault)
- f. Texas Penal Code §43.24 (Sale, Distribution, or Display of Harmful Material to Minor)
- g. Texas Penal Code §43.26 (Possession or Promotion of Child Pornography)

The above-mentioned violations constitute negligence per se.

***Defendant Castillo's Gross Negligence***

5.10 The above-mentioned acts of negligence on the part of Defendant were of such character as to make Defendant guilty of gross negligence. Defendant's acts of negligence when viewed objectively from the standpoint of Defendant involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendant had actual, subjective awareness of this risk, but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of Plaintiffs. The gross negligence of Defendant was a proximate cause of

the incident and of the injuries and damages suffered by Plaintiffs. As a result of Defendant's gross negligence, Plaintiffs seek and are entitled to an award of exemplary damages.

***Defendant Castillo's Sexual Assault and Battery of a Child***

5.11 Plaintiff Doe was a minor at all times relevant herein. At the time the cause of action accrued, the age of consent was seventeen (17) in the State of Texas. Defendant Castillo used his position in the church and the trust he gained from Plaintiff Doe to commit acts of sexual assault and sexual battery of Plaintiff Doe. Furthermore, Defendant Castillo committed these acts intentionally and knowingly.

5.12 Plaintiff Doe's status as a minor, coupled with Defendant Castillo's position in the church as a pastor and authority figure, allowed Defendant to exercise control and influence over Plaintiff Doe. Using the power, authority and trust of his position, Defendant Castillo sexually molested Plaintiff Doe on multiple occasions. As a result of Defendant Castillo's conduct, Plaintiff Doe has suffered, and continues to suffer, pain of the mind and body, mental anguish, humiliation, disgrace, psychological repercussions and emotional distress.

***Defendant Castillo's Possession and Promotion of Child Pornography & Display of Harmful Material to Minor***

5.13 Upon information and belief, on numerous occasions, Defendant Castillo used his position as a volunteer pastor of Trinity Church to procure, manufacture, entice, and/or coerce minor female attendees of Trinity Church to transmit by computer and/or social media, sexually explicit conduct by live visual depiction. Defendant Castillo, therefore, engaged in the possession and/or promotion of child pornography. Even worse, Trinity Church knew of Defendant Castillo's solicitation of child pornography and never reported it to the police.



5.14 Furthermore, on numerous occasions, Defendant Castillo knowingly sent photographs to minor young female attendees of Trinity Church of his erect genitalia, thereby distributing patently offensive material that appeals to the prurient interests of a minor in sex, nudity, or excretion that is utterly without redeeming social value for minors.

***Intentional Infliction of Emotional Distress***

5.15 In addition to other counts, Defendant Castillo is liable to Plaintiff Doe for Intentional Infliction of Emotional Distress. Given Defendant Castillo's standing within the church and his adopted trust of Plaintiff Doe, his numerous acts of sexual assault and battery of the Plaintiff constitute extreme and outrageous conduct. Therefore, Defendant Castillo caused severe emotional distress to the minor Plaintiff.

5.16 Plaintiff has suffered mental and physical injuries as a direct and proximate result of the Defendant's conduct.

***Defendant Castillo's Breach of Fiduciary Duty***

5.17 Religious organizations are granted special privileges by our society. As an agent of a religious organization, Defendant Castillo was in a special fiduciary relationship with minor Plaintiff Doe. Therefore, Defendant Castillo breached his fiduciary to Plaintiff Doe. This knowing, comprehensive breach of fiduciary duty proximately caused physical and psychological injury to Plaintiff Doe.

5.18 Defendant Castillo was in a special position of trust and authority with respect to the Plaintiff Doe and, therefore, maintained a fiduciary relationship with Plaintiff Doe. Specifically, Defendant Castillo had a fiduciary relationship with Plaintiff Doe based upon his role as her volunteer pastor and small group leader. Defendant Castillo breached his fiduciary duty to Plaintiff Doe in the following respects:

- a. Utilizing his position of trust to sexually exploit the Plaintiff Doe;
- b. Utilizing his position of trust to sexually assault the Plaintiff Doe.

Plaintiff Doe has suffered mental and physical injuries as a direct and proximate result of the Defendant's conduct.

## **VI. DAMAGES**

6.01 Defendants' misconduct resulted in and proximately caused injury to the minor Plaintiff.

Plaintiff's damages include, but are not limited to, the following:

- a. Physical pain sustained in the past;
- b. Severe psychological pain and mental anguish;
- c. Severe psychological pain and mental anguish that, in reasonable probability, will be sustained in the future;
- d. Emotional distress sustained in the past;
- e. Emotional distress that, in reasonable probability, will be sustained in the future; and
- f. Medical expenses that, in reasonable probability, will be sustained in the future.

## **VII. PRAYER**

7.01 WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully requests the following:

- a. Upon final trial, actual compensatory damages as well as punitive damages be awarded to Plaintiffs against Defendants;
- b. Pre-judgment and post-judgment interest as allowed by law;
- c. Costs of court; and
- d. Such other, further and different relief to which Plaintiffs may be justly entitled.

Respectfully Submitted,

GLASHEEN, VALLES & INDERMAN, LLP  
P.O. Box 1976 (79408-1976)  
1302 Texas Avenue  
Lubbock, Texas 79401  
(806) 741-0284 - Telephone  
(806) 329-0594 – Facsimile  
[Kevin7@glasheenlaw.com](mailto:Kevin7@glasheenlaw.com)  
[inderman@glasheenlaw.com](mailto:inderman@glasheenlaw.com)  
[laney.crocker@glasheenlaw.com](mailto:laney.crocker@glasheenlaw.com)

/s/ Kevin Glasheen  
Kevin Glasheen  
State Bar No. 08001510  
Chad Inderman  
State Bar No. 24046133  
Delaney Crocker  
State Bar No. 24097549

**JURY DEMAND**

Plaintiffs hereby respectfully demand a trial by jury in this cause and herewith pay the required fee.

/s/ Kevin Glasheen  
Kevin Glasheen