

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

CASE NO.:

JANE DOE,

Plaintiff,

v.

NEWSOUND CHURCH, INC., a
Florida Not-For-Profit Corporation,
and ASSOCIATION OF RELATED
CHURCHES, INC. d/b/a ARC, a
Foreign Not-For-Profit Corporation,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, Plaintiff, JANE DOE (“Doe” or “Plaintiff”), by and through her undersigned counsel, hereby sues the Defendants, NEWSOUND CHURCH, INC (“Newsound Church”), and ASSOCIATION OF RELATED CHURCHES, INC. (“ARC”) (collectively “Defendants”), and states:

JURISDICTION, VENUE AND THE PARTIES

1. This is an action for damages in excess of \$30,000.00, exclusive of interest, costs.
2. Venue is proper in this Court as the acts that give rise to the subject of this action occurred in Palm Beach County, Florida.
3. Plaintiff, Doe, is a resident of Palm Beach County, Florida over the age of eighteen, and is otherwise *sui juris*. Doe has been the victim of, among other actions, sexual abuse.
4. Jane Doe is a fictitious name for the Plaintiff whose true and correct name has been previously provided to Defendants. This action is brought using the fictitious name, Jane Doe, to

protect the victim's privacy given the sensitive allegations of sexual abuse made by the crime victim, to allow access to justice without fear of further psychological harm and embarrassment if her identity is made public, to not dissuade victims from filing meritorious claims involving sexual abuse, and to protect the crime victim's right under Article 1 Section 23 of the Florida Constitution.

5. Defendant, Newsound Church, is a Florida Not-for-Profit Corporation with its principal place of business in Palm Beach County, Florida.

6. Defendant, ARC, is a Foreign Not-for-Profit Corporation and is responsible for the interests of Newsound Church in Palm Beach County. ARC does substantial and not isolated activity in the State of Florida as it oversees and "seeds" several churches in the State of Florida, including Newsound Church. Therefore, the substantial and not isolated contacts give rise to and notice to ARC that it has sufficient minimum contacts with Palm Beach County, Florida such that it can be expected to be hailed into Florida Courts.

7. All conditions precedent to the institution of this action have occurred, been performed or have otherwise been waived.

GENERAL ALLEGATIONS

I. Newsound Church and ARC

8. Newsound Church is a non-denominational Church founded in February of 2017 by Defendants, Mauney and ARC, in Wellington, Florida.

9. At all times material hereto, Newsound Church hired, employed and retained Joshua Mauney (hereinafter "Mauney") as the senior pastor of Newsound Church to communicate the ministry vision and oversee the day-to-day operations of the church, including, but not limited to, hiring, firing, and managing staff. As senior pastor, Mauney had a duty and responsibility to ensure the safety of the Newsound Church's congregation and employees, including Doe.

10. At all times material hereto, Mauney's employment and retention as senior pastor of Newsound Church was approved and authorized by ARC.

11. ARC is an association of relational churches that provides a framework for lone pastors to church plant around the world. ARC provides training and resources to partner churches and its pastors.

12. The core organization of ARC is led by President of ARC, Greg Surratt, and its Executive Director, Dino Rizzo. Mr. Surratt and Mr. Rizzo are part of the "Leadership Team" of ARC.

13. The ARC "Leadership Team" has authority over its member churches, including Newsound Church.

14. Importantly, Article V of ARC's Constitution titled "Government of ARC" states. in pertinent part: "The final authority in vision, direction and doctrine shall be vested in the Leadership Team of the ARC... **Each member church shall have self-governing privileges in harmony with the authority and vision of the Leadership of ARC.**"

<https://www.arcchurches.com/about/constitution-bylaws>

15. At all times material hereto, ARC appointed five (5) "Overseers" of Newsound Church to provide oversight of the senior pastor and were charged with protecting the Church, and when required, investigating alleged pastoral misconduct, and if any, facilitating the discipline of the senior pastor.

16. Importantly, Section 7.7 titled "Church Discipline Regarding the Senior Pastor" of ARC's proposed bylaws for its member churches states in pertinent:

(b) Process for Investigation and Disciplinary Action. Should the Overseers be called upon to investigate pastoral misconduct, an affirmative vote of a majority of the total number of Overseers is required to initiate an investigation. Following the conclusion of the

Overseers' investigation and the making of findings, an affirmative vote of a majority of the total number of Overseers is required to take disciplinary action against the Senior Pastor. Following such majority vote, **the Overseers shall assume complete authority over the Senior Pastor's ongoing and future ministerial activities; The Overseers may undertake to discipline the Senior Pastor in any way deemed necessary; the Overseers may vote to remove the Senior Pastor from his position of leadership or to terminate the Senior Pastor's employment with the Church.** (emphasis added).

17. At all times material hereto, the "overseers" of Newsound Church appointed by ARC are: Greg Surratt, Dino Rizzo, Justin Dailey, Dave Sumrall, and Shaun Nepstad (collectively "Newsound's Overseers").

18. At all times material hereto, Justin Dailey and Dave Sumrall were directors of Newsound Church.

19. At all times material hereto, Newsound's Overseers, on behalf of Newsound Church and ARC, were responsible for the supervision, hiring, firing and control of Newsound Church's senior pastor, Mauney.

20. At all times material hereto, Newsound's Overseers, were bestowed by Newsound Church and ARC the power to supervise, hire, fire and further control Mauney as he participated as a senior pastor within the confines of ARC, and more specifically, within the confines of Newsound Church.

21. At all times material hereto, Mauney was endorsed by Newsound Church and ARC to carry out the duties of senior pastor in and for Newsound Church, a member church of ARC.

22. Prior to becoming the senior pastor of Newsound Church, Mauney was the National Director of Church Planting for ARC.

23. At all times material hereto, ARC and Newsound Church held Mauney out as a pastor of ARC, a senior pastor of Newsound Church, as a man deserving of love and respect, as a

man of morals, as an individual who was responsible on behalf of ARC and Newsound Church to further the teachings of God, give training, education, fellowship and faith, and spiritual guidance to the Plaintiff.

24. At all times material hereto, ARC was aware of Mauney's abuse of his former parishioners and former employees as other parishioners and employees had come forward and alerted ARC of other instances of Mauney's abuse. Regardless of this knowledge, ARC continued to allow Mauney to remain in a high position of authority and control over the parishioners and employees of Newsound Church.

25. At all times material hereto, Newsound Church and ARC permitted Mauney to have unfettered access to Newsound Church's parishioners and employees and placed him in a position of authority and control over them, especially Doe, who Mauney secluded from others by making her share a "closed door" office with the Pastor on daily basis.

26. At all times material hereto, Mauney was acting within the course and scope of his employment as senior pastor of Newsound Church and under the supervision and control of Newsound Church and ARC (or lack thereof).

27. As further described below, Newsound Church and ARC misrepresented Mauney as a suitable pastor for Newsound Church and concealed his improprieties from the parishioners and staff of Newsound Church.

II. Joshua Mauney, a Predator Disguised as a Pastor, Groomed and Sexually Abused Jane Doe

28. Joshua Mauney hides behind a mask of faith and cloaks his inexplicable actions with his position of authority within the Church, claiming to Doe that "loving him" is the only way to get to God.

29. Mauney is a married man with several children, and preaches the word of God, but engages in abuse of his susceptible and vulnerable flock.

30. Mauney has served in ministry in Illinois, Kentucky, and Florida, among other areas.

31. Mauney partnered with ARC to assist in continuing his mission of starting new churches (“church planting”), in different communities. Mauney has planted multiple churches including: Crossroads Community Church in Illinois, Turning Point Church in Kentucky, and Newsound Church in Florida.

32. Doe and her family attended Sunday services at Newsound Church located at 2101 Greenview Shores Blvd, Wellington, Florida 33414 and were introduced to Mauney following one of the services.

33. Doe and her family became more involved with Newsound Church and attended church functions where Mauney sought the opportunity to get to know Doe.

34. In or around September of 2019, Doe was asked by Mauney to join the Newsound Church staff, but initially as a volunteer. Her duties as a volunteer were to directly assist Mauney and the Newsound Church staff.

35. Right from the inception of her volunteer work for Newsound Church, Mauney began to groom Doe. Mauney told Doe that her role would be his “protector,” and that he had been rejected before and how it happens all of the time.

36. Initially, Doe assumed Mauney was referring to his staff. Little did she know this was the first step in Mauney’s despicable grooming plan to exploit and abuse Doe into having sexual relations with him.

37. Doe had no experience working for a Church, and Mauney was aware of this. Doe's eagerness to please, kind smile and trusting attitude put her right in Mauney's predatory crosshairs. He asked Doe to be his "eyes and ears" and manage the staff's meetings and calendars.

38. Mauney isolated Doe from the rest of the Newsound Church staff by requesting that they meet in his office alone on numerous occasions and even put Doe's desk in his office so his specious grooming could rise to the highest levels.

39. He began making comments to Doe about them being together and when he saw Doe was not receptive, he would lash out in hostile anger and threaten her job.

40. Mauney would use his position of authority as Pastor/Employer of Newsound Church to intimidate his staff and hold their jobs hostage.

41. Multiple staff members under Mauney have voiced their disdain for Mauney's abuse. For Mauney, it was all about control, and his need to control his congregation.

42. The way he obtained that control was through his position of authority and instilling fear into the people who questioned him. He was the authority.

43. Doe was to submit to him and whatever he said. Preaching to be a "Man of God", he was the anointed one, so Doe needed to be under his covering to have the blessing of the church.

44. In November 2019, Mauney called Doe and told her he wanted to hire her for a paid position with Newsound Church.

45. Doe accepted the position and left behind her business of ten (10) years because she was told by Mauney that "this is what God wants."

46. On or about December 1, 2019, Doe started her first day as a paid employee of Newsound Church.

47. Mauney told Doe her desk would be moved into his office and being his assistant was her new position.

48. Doe was told by Mauney she would be taking things off his plate so he could focus on more important Godly work.

49. Mauney explicitly told Doe that she would be working in close proximity with him and said again that her role was to be his protector.

50. Mauney required Doe to be in his office at all times.

51. There were days Doe would not see other church staff because she was required to only be in Mauney's office.

52. The door to Mauney's office would be shut a lot of the time and it would only be Mauney and Doe in his office.

53. From the date she began her employment as Mauney's assistant up until the date she resigned, March 8, 2020, Mauney would yell at Doe in front of the whole church staff, and belittle her in public. However, Mauney would then turn around and compliment Doe on how smart she was, how pretty she was, and how he always wanted to be with her and have her by his side. Mauney used this "Jeckyll and Hyde" tactic to make Doe feel scared, special, and ultimately leave her confused.

54. This manipulation continued and began to chip away at Doe's mental and emotional health, but that is the grooming strategy.

55. Mauney's emotional and mental abuse of Doe escalated as he groomed Doe for his ultimate goal of sexually abusing her.

56. Through the course of Doe's employment with Newsound Church under Mauney and Doe's spiritual counseling with Mauney, Doe described to him a number of issues which he

knew by theological education, training, and experience, made her vulnerable and susceptible to further emotional injury.

57. Mauney engaged in a course of conduct in his position of power, as an employer and pastor of Doe, that ingrained in Doe a dependence on Mauney for financial stability and a closer relationship to God.

58. Mauney repeatedly and deliberately isolated Doe from any other sources of influence in her life, including her secular psychologist, her husband, children and friends.

59. Mauney encouraged Doe to call him at the occurrence of any perceived problem.

60. Mauney exchanged emails, text messages, and phone calls with Doe during all hours of the day and night, many of which were composed and initiated from Newsound Church and some containing identification and affiliation with ARC.

61. Doe's employment and spiritual counseling took place with the knowledge and affirmation of Newsound Church and ARC, including direct encouragement by Mauney.

62. Mauney preyed on Doe using his financial and organizational clout to exploit and abuse Doe who was searching for guidance through God. Mauney provided a family and a home to Doe but threatened to take it all away if she did not abide by him.

63. Between December of 2019 and March 7, 2020, Mauney sexually abused Doe on twelve (12) separate occasions at various locations in Palm Beach County, including, but not limited to, Mauney's office at Newsound Church.

64. Between December of 2019 and March 7, 2020, Mauney forced himself on Doe and forcefully penetrated her, while she pleaded for him to stop. Mauney had sexual intercourse with Doe without her consent. Mauney forced Doe to perform oral sex on him without her consent.

65. Between December of 2019 and March 7, 2020, Doe experienced severe anxiety, confusion, and fear.

66. Doe feared losing her job which provided financial support for her family. In fact, on many occasions during her employment Mauney threatened Doe's job and to exile her from the congregation, with whom she had formed many relationships, if she rejected him or disclosed his abuse towards her. She was a prisoner.

67. The sexual abuse of Doe did not cease until March 8, 2020, the day she resigned from her position at Newsound Church.

68. As a Pastor, Mauney portrays himself as charming and charismatic.

69. However, when he is not sanctimoniously professing his message, he is manipulative and fosters a climate of secrets, gossip, and an inner circle.

70. At each church mentioned above, former parishioners have voiced their dismay relating to Mauney's conduct and abuse of power.

71. In fact, on one of the twelve days he sexually abused Doe, he can be viewed on YouTube stating that married men should never be alone with secretaries or other women. Yet, he had just finished sexually abusing Doe that day!

72. No faith, tradition, or denomination can finesse the obligation to deal effectively with clergyperson sexual misconduct.

73. Such misconduct is a breach of the fundamental basis of the relationship of a Pastor with those who look to him to seek guidance and instruction in matters spiritual that are regarded as falling within the special expertise of the Pastor.

74. As such, Pastors occupy a distinctive role as embodiments and interpreters of knowledge and discernment within a transcendent milieu of faith, morals, and higher matters, generally, that lie beyond the obvious and visible aspects of the human condition.

75. Mauney abused his authority as a Pastor to exploit Doe. Specifically, Mauney, by virtue of occupying a position of authority -- as perceived by the parishioner (Doe) -- and by virtue of such a position having knowledge or notice of the emotional dependence or vulnerability of the parishioner (Doe), took advantage of his position of authority and engaged in sexual acts or contacts with his employee and parishioner (Doe).

76. Mauney also misused his position of authority in a realm in which the guise of spiritual favor and discernment is employed to sexually prey upon the emotionally vulnerable who are susceptible to inappropriate sexual manipulation.

77. Doe is over 18 years old. Nevertheless, age does not play a factor into the consent between Mauney and Doe.

78. There can be no authentic consent in a relationship involving unequal power. No matter how egalitarian a pastor's style of ministry, he carries an authority that cannot be ignored or denied.

79. Mauney, as senior pastor of Newsound Church, was in a position of trust and authority over Doe and used this position of trust and authority to exploit Doe's emotional dependency on him as her Pastor and employer, in order to engage in sexual abuse of Doe.

80. The pastoral relationship can and should be a sacred trust, a place where a parishioner can come with the deepest wounds and vulnerabilities.

81. The intimate details of vulnerabilities shared by parishioners, such as Doe, during spiritual counseling with pastors, such as Mauney, are for the purpose of healing and growing.

82. In his role as a pastor, Mauney had an opportunity to heal and strengthen fractured boundaries, especially with parishioners such as Doe suffering from prior abuse. Instead, Mauney preyed on Doe and read her cries for help as validation to abuse her.

83. The harm done when trust and vulnerabilities are exploited by clergymen is no less than a violation of sacred space, which further ruptures and destroys the victim's boundaries, devastating their mental health and sense of self.

84. Unfortunately, this is exactly what Mauney did to Doe.

85. During and after Mauney's abuse of Doe, she began to suffer from confusion, emotional distress, insomnia, and depression.

86. Mauney's on-going religious indoctrination and manipulation of Doe was calculated to induce Doe to deny or suppress the abuse.

87. Doe has continuously received psychiatric care from the time of Mauney's contact with her through the present.

88. Mauney used the sexual abuse of Doe to strengthen Doe's perception of her relationship with and devotion to Newsound Church, its doctrine and its practices, and to him!

89. Mauney's selection of Doe on whom to perpetrate sexual abuse was based on her prior abuse by her father when she was young, which Doe had confessed to Mauney during spiritual counseling, her need for the financial support her job provided, and her devotion to Newsound Church.

III. Newsound Church and ARC Attempted to Conceal Doe's Abuse

90. On or about March 21, 2020, Doe contacted a staff member of Newsound Church, Rebekah Smith, and told her that Mauney had been inappropriate, but did not disclose the details.

Ms. Smith gave Doe the contact information of Dino Rizzo and told her to contact him. Doe contacted Mr. Rizzo and divulged some of the facts of the abuse.

91. Mr. Rizzo represented to her that he wanted to help, but instead started interrogating Doe on who was aware of the abuse by Mauney.

92. Mr. Rizzo asked her if she wanted to be devious and make the church close down. She replied no.

93. Mr. Rizzo then told Doe that if she had a feeling to tell anyone, that she was to contact him first.

94. Mr. Rizzo wanted her to keep her quiet.

95. Mr. Rizzo then said later that he would like a conference call with some of Newsound's Overseers and asked her if it was ok. Doe said yes.

96. Mr. Rizzo and Mr. Daily called Doe that night and she told them part of the abuse. Doe did not want to divulge the whole story because she was scared.

97. Significantly, Dino Rizzo was forced to take a sabbatical in July of 2012 and then resigned as senior pastor of Healing Place Church in Baton Rouge, LA two months later after his affair with a woman employed as an assistant of the church came to light.

98. Mr. Rizzo and his wife, who was also a pastor, took a leave of absence in late July of 2012 at the behest of the church's spirituality board because the Rizzos needed "a sabbatical rest for healing, reflection and restoration of spirit, soul and body" according to a statement from the board.

99. Astonishingly, one of the head Overseers of Newsound Church and a high level executive of ARC who was exposed by his own strikingly similar impropriety to Mauney's abuse

described herein, was who Newsound Church and ARC wanted Doe to confide in and report her abuse.

100. On or about March 22, 2020, Doe called Mr. Rizzo and Mr. Dailey to tell them the whole story.

101. Mr. Rizzo did not call Doe back, but Mr. Dailey did. When Doe was about to tell Mr. Dailey her full story, he stopped her and stated “even before you tell me your experience, I have been meeting with all the Newsound staff individually the past few days and I know Mauney is a master at breaking people down. I will believe you.” Doe then told her full story to Mr. Dailey.

102. However, Mr. Dailey’s intentions were not to help Doe, but to fulfill his duties as an Overseer and protect the church, specifically the church’s integrity, regardless of the damage it caused.

103. Thereafter, Mr. Dailey had a meeting with all of Newsound Church’s staff.

104. He told them that Mauney was leaving due to mental issues and past hurts and that he would be taking a sabbatical. Mr. Dailey also stated that a letter would go out to the church stating same.

105. On March 26, 2020, a letter was disseminated to the Newsound Church’s congregation that Mauney had resigned.

106. This letter was not sent to Doe, her family, nor to any other parishioner that Newsound Church or ARC thought Doe was in contact with (around 25-30 people).

107. Doe called Mr. Dailey and asked him why the letter did not mention Doe’s abuse by Mauney and the true reason Mauney was leaving. Mr. Dailey replied that Mauney could sue him for slander if the letter was worded a certain way.

108. Mr. Dailey then told Doe that he would give her a severance package.

109. When he sent the offer, it included a form that Doe needed to sign. She asked Mr. Dailey if this letter would deny her the ability to speak about what happened to her. He stated no, the documents would only not allow her to sue Newsound Church, but that she could go after Mauney if she wanted.

110. The severance package was around \$21,000.00 (six months severance pay plus \$5,000 for therapy). After review of the referenced document, the agreement states that Doe would not be able to speak to anyone about her abuse or else she would get sued.

111. Newsound Church and ARC, through their agents and employees, engaged in conduct which was intended to and did cause Doe fear of reprisal and adverse consequences of Doe's relationship to her religion and God in the event Doe revealed the sexual abuse.

112. Newsound Church and ARC, through their agents and employees, used their religious influence to prevent the exposure of the acts of Mauney, convincing that the disclosure of same by Doe would result in religious consequences and consequences to the church.

IV. Newsound Church and ARC Breached Owed Duties to Doe and Failed to Protect Doe

113. Newsound Church and ARC did not act reasonably in their approval to allow Mr. Mauney to be the senior pastor at Newsound Church nor did anyone oversee him, including Newsound's Overseers.

114. Newsound Church and ARC failed to ensure certain procedures and protocols would be in place to protect the general public (more specifically, female parishioners), which were invited onto the subject premises to receive spiritual healing and guidance. More specifically, Newsound Church and ARC, failed to ensure that Mauney, as senior pastor of Newsound Church, was properly vetted, adequately trained, and supervised while engaging with parishioners and employees.

115. Mr. Mauney had a personal past involving abuse of his parishioners. ARC's Leadership Team and Newsound's Overseers who were aware of his past and concealed it from the congregation. Furthermore, Newsound Church and ARC failed to warn invitees to the property of a danger which was known or should have been known to exist at Newsound Church.

116. Newsound Church in its recent newsletter to its congregation stated: "First of all, we wanted to let you know some details regarding Pastor Josh. After a thorough investigation we discovered Pastor Josh had compromised his integrity and his position by engaging in an inappropriate relationship. Upon discovery, we immediately asked for and received his resignation. Unfortunately, due to pending litigation we were unable to divulge this information sooner and won't have any further details." See **Exhibit 1**.

117. Dino Rizzo and Greg Surratt, as the head Overseers of Newsound Church and high level executives of ARC, allowed Doe's abuse to manifest and continue for months.

118. Not only did Mr. Rizzo and Mr. Surratt breach their duties as Overseers of Newsound and as executives of ARC, upon information and belief, Mr. Rizzo and/or Mr. Surratt, or another executive of ARC, gifted or paid Mauney seventy thousand dollars (\$70,000) after the abuse of Doe was reported and Mauney resigned.

119. Newsound Church and ARC not only admitted to the abuse inflicted by Mauney but have shamelessly published disingenuous newsletters to Newsound Church's congregation which skewed the facts of Mauney's departure from Newsound Church and then went on to gift or pay Mauney \$70,000.

120. Newsound and ARC exposed Doe, as well as other female parishioners, to Mauney's abuse and potential abuse.

121. The sexual abuse arose from Maoney's authority and power over Doe as a result of his pastoral position and employment.

122. Newsound Church and ARC knew or should have known of Mr. Maoney's predilections toward vulnerable women and the danger associated with Maoney, and the sexual abuse of Doe by Maoney was foreseeable.

123. Newsound Church's and ARC's conduct was extreme and outrageous in that Newsound Church and ARC never reported the sexual abuse, misrepresented the reason for Maoney's resignation to the entire congregation, and failed to render reasonably spiritual or psychological aid to Doe known to have endured abuse.

124. These acts and omissions were exceedingly cruel and actually triggered and re-abused Doe.

COUNT I – NEGLIGENCE AGAINST NEWSOUND CHURCH, INC.

125. Plaintiff reasserts and realleges the allegations set forth in paragraphs 1 through 124 as if fully set forth herein.

126. This is an action for negligence against Newsound Church.

127. At all times material hereto, Newsound Church held its church out to its congregation as a safe place to worship and encouraged its members to actively engage in church life and church functions, including volunteering and working for the church.

128. At all times material hereto, Newsound Church held out female parishioner's participation in the church and employment with the church to be a safe and actively overseen and supervised directly by senior pastor Maoney.

129. At all times material hereto, Newsound Church owed a duty to Doe to use reasonable care to ensure Doe's safety, care, health, and well-being.

130. At all times material hereto, Newsound Church knew, or in the exercise of reasonable care should have known, that Mauney was unfit, dangerous and a threat to the health, safety and welfare of Doe and other female parishioners and employees at the Church.

131. At all times material hereto, Newsound Church owed Doe a duty to investigate Mauney's proclivities and warn Doe of the potential for harm from Mauney, disclose its awareness of facts regarding Mauney that created a likely potential for harm, provide a safe environment for Doe where she would be free from unwanted sexual advances and abuse, and protect Doe from exposure to harmful individuals like Mauney.

132. At all times material hereto, Newsound Church knew, or in the exercise of reasonable care should have known of the abusive sexual acts performed by Mauney upon Doe.

133. Despite such actual or constructive knowledge, Newsound Church negligently concealed the abusive sexual acts inflicted upon Doe.

134. At all times material hereto, Newsound Church breached these duties in all or more of the following ways:

- a. failed to implement reasonable policies and procedures to detect and prevent the sexual abuse of Doe by Mauney;
- b. failed to adhere to the policies and procedures it had in place at the time to detect and prevent the sexual abuse of Doe by Mauney;
- c. failing to investigate facts regarding Mauney that created a likely potential for harm to female parishioners and employees under his supervision, including Doe;
- d. failing to disclose its awareness of facts regarding Mauney that created a likely potential of harm;

- e. failing to provide a safe environment for Doe where she was free from abuse, and failing to protect Doe from exposure to harmful individuals like Mauney; and
- f. failing to have a policy prohibiting fraternization, including sexual advances and/or sexual contact, between senior pastors of Newsound Church and female parishioners or employees.

135. As a direct and proximate result of Newsound Church's breaches of the duties it owed to Doe, the tortious acts of sexual abuse committed by Mauney continued to be carried out, unimpeded, upon Doe.

136. Newsound Church's outrageous conduct showed a gross negligent disregard for the safety and well-being of Doe.

137. As a direct and proximate result of Newsound Church's negligence, Doe was subjected to sexual abuse, traumatized, and caused to suffer mental pain and suffering, psychological injuries, and the loss of the capacity for the enjoyment of life.

138. As a further direct and proximate cause of the negligence by Newsound Church, Doe has incurred in the past medical and psychological expenses for the treatment of her injuries and will incur such expenses in the future. Doe suffered significant damages and losses, which consist of past damages and damages that will continue into the future.

WHEREFORE, Plaintiff, JANE DOE, demands judgment against Defendant, NEWSOUND CHURCH, INC., for all damages including costs of this action, interest, and for such other relief this Court deems just and proper, and requests a trial by jury on issues so triable.

COUNT II – NEGLIGENCE AGAINST ARC

139. Plaintiff reasserts and realleges the allegations set forth in paragraphs 1 through 124 as if fully set forth herein.

140. At all times material hereto, ARC held Newsound Church to be a safe place to worship.

141. At all times material hereto, ARC, through Newsound's Overseers, held out female parishioner's participation in the church and employment with the church to be a safe.

142. At all times material hereto, ARC was in a position of trust and confidence with Doe as ARC directed all parishioners and employees of Newsound Church to report any misconduct within Newsound Church to ARC's appointed Overseers, including misconduct of senior pastor Mauney.

143. At all times material hereto, ARC had actual or constructive knowledge of other instances where Mauney had engaged in inappropriate sexual contact and/or attempted to do so.

144. ARC failed to report this information to the church community or to the proper authorities, including law enforcement.

145. ARC continued to allow Mauney to be in a position where he could sexually prey on female parishioners and employees of Newsound Church, including Doe.

146. At all times material hereto, ARC failed to warn Doe that Mauney was a sexual predator and a threat to the health, safety and welfare of Doe.

147. At all times material hereto, ARC had a duty of reasonable care to investigate and warn Doe of the potential harm from Mauney.

148. At all times material hereto, ARC had a duty of reasonable care to disclose its awareness of facts regarding Mauney that created a likely potential for harm.

149. At all times material hereto, ARC had a duty to provide a safe environment for Doe at its member church, Newsound Church, where she would be free from unwanted sexual advances and abuse, and protect Doe from exposure to harmful individuals like Mauney.

150. At all times material hereto, ARC had duty as the Overseers of Newsound Church to protect Doe from exposure to harmful individuals like Mauney, whom ARC knew was preying on female parishioners and female employees for his own sexual pleasure under the guise of his position as senior pastor of Newsound Church.

151. At all times material hereto, ARC knew, or in the exercise of reasonable care should have known of the abusive sexual acts performed by Mauney upon Doe.

152. At all times material, ARC breached these duties in all or more of the following ways:

- a. failed to implement reasonable policies and procedures to detect and prevent the sexual abuse of Doe by Mauney;
- b. failed to adhere to the policies and procedures it had in place at the time to detect and prevent the sexual abuse of Doe by Mauney;
- c. failing to investigate facts regarding Mauney that created a likely potential for harm to Doe, after ARC was on notice of same;
- d. failing to disclose its awareness of facts regarding Mauney that created a likely potential of harm;
- e. failing to provide a safe environment for Doe where she would be free from sexual abuse by and dangerous propensities of Mauney, that ARC knew or in the exercise of reasonable care should have known existed;
- f. failing to have a policy prohibiting fraternization, including sexual advances and/or sexual contact, between senior pastors of Newsound Church and female parishioners or employees;

- g. failing to alert authorities once ARC knew of inappropriate sexual conduct and/or advances made by Mauney against Doe; and
- h. ignored repeated warnings from others within and outside the church related to widespread, unreported abuse by Mauney.

153. As a direct and proximate result of ARC's breaches of the duties it owed to Doe, the tortious acts of sexual abuse committed by Mauney continued to be carried out, unimpeded, upon Doe.

154. ARC's outrageous conduct showed a gross negligent disregard for the safety and well-being of Doe.

155. As a direct and proximate result of ARC's negligence, Doe was sexually abused, traumatized, and caused to suffer mental pain and suffering, psychological injuries, and the loss of the capacity for the enjoyment of life.

156. As a further direct and proximate cause of the negligence by ARC, Doe has incurred in the past medical and psychological expenses for the treatment of her injuries, and will incur such expenses in the future. Doe suffered significant damages and losses, which consist of past damages and damages that will continue into the future.

WHEREFORE, Plaintiff, JANE DOE, demands judgment against Defendant, ASSOCIATION OF RELATED CHURCHES, INC. d/b/a ARC, for all damages including costs of this action, interest, and for such other relief this Court deems just and proper, and requests a trial by jury on issues so triable.

**COUNT III – NEGLIGENT HIRING, TRAINING, SUPERVISION AND RETENTION
AGAINST NEWSOUND CHURCH, INC.**

157. Plaintiff reasserts and realleges the allegations set forth in paragraphs 1 through 124 as if fully set forth herein.

158. At all times material hereto, Newsound Church owed a duty to the public and specifically, Doe, to employ qualified and competent individuals to work at its place of business, including senior pastor Mauney. This duty is even greater in the context of a church where members have a trust and faith in the leaders and a reliance on those who are chosen to lead.

159. At all times material hereto, Newsound Church owed a duty to the public and specifically, Doe, to supervise its employees, servants, and/or agents with access to Newsound Church's female parishioners and female employees, including Doe.

160. At all times material hereto, Newsound Church owed a duty to the public and Doe to make an appropriate investigation of its employees, servants, and/or agents who were in or would be placed in a position to come in contact with female parishioners of Newsound Church through church activities or employment through the church.

161. At all times material hereto, Newsound Church owed a duty to Doe to terminate any and all employees, servants and/or agents that it knew or should have known engaged or sought to engage in unlawful sexual activities with its female parishioners and female employees.

162. At all times material hereto, Newsound Church owed a duty to the public and Plaintiff to train its employees, servants and/or agents to identify when an inappropriate sexual relationship with another employee, servant and/or agent and a female parishioner is ongoing or is potentially sought and report it accordingly.

163. Mauney, at the time of the sexual abuse was a principal of Newsound Church.

164. Mauney's sexual abuse of Doe was directly related to Newsound Church's "business," as Newsound Church was engaged in ministry to care for, and protect parishioners including female parishioners, and Mauney was tasked with exactly those tasks and clothed with the authority necessary to carry out those tasks.

165. The authority of Newsound Church over its pastors exceeds the usual employer/employee relationship, since Newsound Church retains ecclesiastical authority, control, and the ability to engage in church discipline over Mauney, its “senior pastor” and “member.”

166. The sexual abuse was committed while Mauney was an employee of Newsound Church acting within the scope of his employment.

167. Particularly, the act of protecting Doe was within Mauney’s general authority, in furtherance of Newsound Church’s “business,” and for the accomplishment of the object for which Mr. Mauney was hired.

168. Unfortunately, Mauney sexually abused Doe rather than protecting her.

169. At all times material hereto, Newsound Church breached these duties to Doe in the following ways:

- a. failure to hire competent and qualified employees, servants and/or agents without proclivities to engage in sexual abuse against its female parishioners and employees;
- b. failure to hire competent and qualified employees, servants and/or agents with knowledge and training needed to accurately identify sexual predators like Mauney and act accordingly;
- c. failure to investigate the fitness for employment of Mauney;
- d. failure to train its employees, servants and/or agents to identify and report when a member of the Newsound Church staff is attempting to engage in and engaging in unlawful sexual behavior with its female parishioners and female employees;
- e. failure to supervise Mauney in a proper manner to prevent the sexual abuse against its female parishioner and employee, Doe;

- f. failure to train its employees, servants and/or agents to identify when an inappropriate sexual relationship with another employee, servant and/or agent and a female parishioner is ongoing and report it accordingly;
- g. failure to terminate or reassign those employees, servants and/or agents who were aware of the actions of Mauney against Doe but did nothing to stop or report it; and
- h. failure to procure and develop policies and procedures to prohibit sexual relationship between agents or employees and female parishioners or employees.

170. Newsound Church negligently hired, retained, and/or supervised Mauney when they assigned him to a position of public trust, confidence, and direct contact with female parishioners, although Newsound Church and ARC knew or should have known Mauney was unsuited to interact with female parishioners.

171. Newsound exposed Doe, as well as other female parishioners, to Mauney's abuse and potential abuse.

172. Mauney was employed by Newsound Church as its senior pastor and was under Newsound Church's direct supervision and control when he sexually abused Doe.

173. The sexual abuse arose from Mauney's authority and power over Doe as a result of his pastoral position and employment.

174. Newsound Church knew or should have known of Mr. Mauney's predilections toward vulnerable women and the danger associated with Mauney, and the sexual abuse of Doe by Mauney was foreseeable.

175. As a direct and proximate result of Newsound Church's negligent hiring, supervision, and retention, Mauney committed multiple acts of sexual abuse on Doe, causing her serious and permanent injuries.

176. As a direct and proximate result of Newsound Church's negligent hiring, supervision, and retention, Doe was sexually abused, traumatized, and caused to suffer mental pain and suffering, psychological injuries, and the loss of the capacity for the enjoyment of life.

177. As a further direct and proximate cause of Newsound Church's negligent hiring, supervision, and retention, Doe has incurred in the past medical and psychological expenses for the treatment of her injuries, and will incur such expenses in the future. Doe suffered significant damages and losses, which consist of past damages and damages that will continue into the future.

WHEREFORE, Plaintiff, JANE DOE, demands judgment against Defendant, NEWSOUND CHURCH, INC., for all damages including costs of this action, interest, and for such other relief this Court deems just and proper, and requests a trial by jury on issues so triable.

COUNT IV – RESPONDEAT SUPERIOR CLAIM
AGAINST NEWSOUND CHURCH, INC.

178. Plaintiff reasserts and realleges the allegations set forth in paragraphs 1 through 124 as if fully set forth herein.

179. At all times material hereto, Mauney was an employee of Newsound Church acting within the course and scope of his employment.

180. Mauney was authorized to be alone with Doe and to have unfettered and unsupervised access to Doe in private rooms, offices and elsewhere.

181. The heinous aforementioned acts of sexual abuse inflicted upon Doe occurred on the premises of land operated and/or controlled by Newsound Church, occurred during working hours, and occurred in the course and scope of the performance of Mauney's duties as senior pastor and supposed religious figure for Newsound Church.

182. Mauney's relationship with Doe as her pastor and employer was in furtherance of the business interests of Newsound Church.

183. Mauney's sexual abuse of Doe was directly related to Newsound Church's "business," as Newsound Church was engaged in ministry to care for, and to protect parishioners including female parishioners, and Mauney was tasked with exactly those tasks and clothed with the authority necessary to carry out those tasks.

184. In addition, Mauney was authorized to touch Doe and display affection in a manner consistent with providing counseling, spiritual guidance and leadership.

185. Mauney extended and converted his authorized touching into the sexual abuse of Doe, as described above.

186. At all times material hereto, Mauney was authorized by Newsound Church to touch Doe in an improper manner.

187. The wrongful acts of Mauney were committed in the actual or apparent course and scope of his employment with Newsound Church.

188. The wrongful acts were committed while Mauney was doing what his employment contemplated.

189. Mauney acted with willful or reckless disregard for Doe's welfare.

190. Mauney's conduct was so outrageous that it transcends beyond all bounds of decency tolerated by civil society.

191. As a result of Mauney's conduct, Doe was sexually abused, traumatized, and caused to suffer mental pain and suffering, psychological injuries, and the loss of the capacity for the enjoyment of life. Doe has incurred in the past medical and psychological expenses for the treatment of her injuries, and will incur such expenses in the future. All of said damages are permanent and continuing in nature.

192. Under the doctrine of respondeat superior, Newsound Church is responsible for the negligent, reckless and intentional actions of its servant, Maaney, committed in the actual and/or apparent scope of his duties.

WHEREFORE, Plaintiff, JANE DOE, demands judgment against Defendant, NEWSOUND CHURCH, INC., for all damages including costs of this action, interest, and for such other relief this Court deems just and proper, and requests a trial by jury on issues so triable.

COUNT V – RESPONDEAT SUPERIOR CLAIM AGAINST ARC

193. Plaintiff reasserts and realleges the allegations set forth in paragraphs 1 through 124 as if fully set forth herein.

194. At all times material hereto, Maaney was an agent of ARC acting within the course and scope of his agency.

195. Maaney was authorized to be alone with Doe and to have unfettered and unsupervised access to Doe in private rooms, offices and elsewhere.

196. The heinous aforementioned acts of sexual abuse inflicted upon Doe occurred on the premises of land controlled and/or authorized by ARC, occurred during working hours, and occurred in the course and scope of the performance of Maaney's duties as senior pastor and supposed religious figure for ARC.

197. Maaney's relationship with Doe as her pastor and employer was in furtherance of the business interests of ARC.

198. Maaney's sexual abuse of Doe was directly related to ARC's "business," as ARC was engaged in ministry to care for, and to protect parishioners including female parishioners, and Maaney was tasked with exactly those tasks and clothed with the authority necessary to carry out those tasks.

199. In addition, Mauney was authorized to touch Doe and display affection in a manner consistent with providing counseling, spiritual guidance and leadership. Mauney extended and converted his authorized touching into the sexual abuse of Doe, as described above.

200. At all times material hereto, Mauney was authorized by ARC to touch Doe in an improper manner.

201. The wrongful acts of Mauney were committed in the actual or apparent course and scope of his agency with ARC.

202. The wrongful acts were committed while Mauney was doing what his agency contemplated.

203. Mauney acted with willful or reckless disregard for Doe's welfare.

204. Mauney's conduct was so outrageous that it transcends beyond all bounds of decency tolerated by civil society.

205. As a result of Mauney's conduct, Doe was sexually abused, traumatized, and caused to suffer mental pain and suffering, psychological injuries, and the loss of the capacity for the enjoyment of life. Doe has incurred in the past medical and psychological expenses for the treatment of her injuries, and will incur such expenses in the future. All of said damages are permanent and continuing in nature.

206. Under the doctrine of respondeat superior, ARC is responsible for the negligent, reckless and intentional actions of its servant, Mauney, committed in the actual and/or apparent scope of his duties.

WHEREFORE, Plaintiff, JANE DOE, demands judgment against Defendant, ASSOCIATION OF RELATED CHURCHES, INC. d/b/a ARC, for all damages including costs

of this action, interest, and for such other relief this Court deems just and proper, and requests a trial by jury on issues so triable.

Dated: March 17, 2021.

Respectfully Submitted,

Pike & Lustig, LLP

/s/ Michael J. Pike

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“EXHIBIT 1”



NEWSOUND

Dear NewSound,

What a crazy season we have found ourselves in as a church. We are navigating a virus and a leadership transition we never saw coming. Before we give you any updates, we just wanted to affirm your faithfulness to the mission of NewSound and the Local Church. We are so grateful for all that God has allowed us to do and the multitude of changed lives.

First of all, we wanted to let you know some details regarding Pastor Josh. After a thorough investigation we discovered Pastor Josh had compromised his integrity and his position by engaging in an inappropriate relationship. Upon discovery, we immediately asked for and received his resignation. Unfortunately, due to pending litigation we were unable to divulge this information sooner and won't have any further details. Josh, Kim and their children are in a process of healing and we ask that you continue to pray for them regularly. Also, all of the NewSound staff have been offered appropriate pastoral care and counseling. We are believing for complete healing for everyone involved.

Secondly, we wanted to thank the amazing staff of NewSound Church. They have served diligently to fulfill the mission and have finished well. The entire staff have decided to move onto future opportunities, and we pray for God's favor for each of them! Also, we are so grateful for Pastor T.J and Shayla for their interim leadership during this season. They will be focusing on their own church in the coming days but have been such a blessing.

Lastly, we have been diligently seeking for new leadership for the people of NewSound Church. Due to the pandemic, complicated nature of this transition, and a lack of unity among the Boards, this has proven difficult. Thus, the overseers are in the process of relinquishing leadership to the Board of Trustees. Although we will no longer be involved in the leadership of NewSound Church you will be in our prayers. We are believing that God has amazing things in store for everyone reading this letter.

NewSound Overseers