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October 1, 2020

Judah Smith
David Kroll
Jon Smith
Troy Anderson

VIA EMAIL

ER 408 – Settlement Demand Letter

Dear Messrs. Smith, Kroll, Smith, and Anderson:

We represent [REDACTED] a former student of Churchome College in Seattle, member and RA in the Leadership Experience program, and intern, leader and volunteer in many other capacities at Churchome and its affiliate, City Church (together, “Churchome”). We write to attempt to resolve Ms. [REDACTED] legal claims against Churchome, hopefully without the need for formal litigation.

I. Background

[REDACTED] became involved with Churchome in 2016, because of the statements and representations of its leadership and staff. She admired Churchome’s messages about inclusiveness, community, forgiveness, and love, as well as its messages about the role and rights of women. She wanted to devote her time and her life to be part of a church “that looks like a home, and that functions like a home.” It was the first church at which [REDACTED] felt truly comfortable.

[REDACTED] dedicated thousands of volunteer hours to Churchome, and went above and beyond the already extensive requirements of the Leadership Experience program. She piloted and ran an entirely new youth music worship program, worked as an RA, and also ran worship services many times per week. She received additional mentorship from [REDACTED] and [REDACTED] and planned to stay involved with Churchome for many years to come.

II. Churchome’s Response to First Sexual Assault and Alcohol Use

Unfortunately, [REDACTED] positive experiences at Churchome began to change when she was sexually assaulted by another Churchome student in the fall of 2018. She came forward to Churchome leadership, and while director Jon Smith initially expressed being appalled at this attack, he proceeded to discuss it with the assailant directly and sided with the assailant instead.

No one at Churchome ever followed up with [REDACTED] and Mr. Smith even stopped returning her text messages regarding the incident. When [REDACTED] again approached Mr. Smith, seeking help, he delayed her until after Christmas break (about a month later, and over two months after the incident). Ms.

█████ gave up hope that Churchome would do anything about a sexual predator in their program. In fact, the student who assaulted her is still leading youth at Churchome today, and upon information and belief, has sexually assaulted at least one more young woman.

Churchome's failure to respond to the complaints of █████ and others, combined with the very long volunteer hours Churchome encouraged (and even pressured her) to put into their programs, placed her under a lot of stress and growing discomfort. Eventually, this led her to experiment with alcohol.

Around the beginning of February, when █████ reached out to Churchome for help and guidance on how to cope, Churchome director Jon Smith encouraged her alcohol consumption—telling her he was encouraged to hear that █████ was living in a way not bound by religious rules and regulations, and was making her own choices; encouraged to hear that she was drinking alcohol, because she was learning for herself what she believed; and that this made him confident that █████ would be okay. █████ was under 21 years old at this time.

█████ left the conversation with a clear understanding that, not only did Churchome not have a *problem* with her experimenting with alcohol, but its highest leadership knew she did and actively wanted her to continue. █████ knows of at least one other student having had a very similar conversation with Jon Smith about alcohol. Based on Mr. Smith's comments, █████ continued to drink alcohol, in hopes she would continue to "learn for herself what she believed."

III. Churchome Retaliates Against █████ for Second Sexual Assault

In March 2019, after consuming alcohol, █████ and another female student were sexually assaulted by a former Churchome student. At that time, the assailant had been recently expelled from Churchome for sexually inappropriate conduct with minors. However, Churchome did not inform Ms. █████ or others of this, leaving █████ unaware of the potential danger from associating with or drinking in the presence of the assailant. Moreover, the assailant capitalized on Churchome's environment of regular alcohol consumption, by encouraging the young women to continue drinking. They only realized after the fact, that this had been part of his plan to make them vulnerable to his assault.

On March 20, 2019, █████ reported this assault to Churchome. She hoped to be understood and treated with the dignity Churchome had advertised regarding women. Instead, Churchome's leadership blamed *her* for the attack, and expelled her without warning. In a meeting with Jon Smith and his wife, Rose, █████ was told that she should not have been drinking alcohol, that █████ was to blame for the fact that she was assaulted and the other student was raped, and Ms. Smith accused her of having a desire "to stop being a good girl, and to want to be a bad girl." They did not so much as even hear █████ version of events, and expelled her on the spot. This sudden expulsion came mere weeks before she was entitled to receive the final program completion certificate she had paid thousands of dollars and spent thousands of hours working toward.

IV. Purported Alcohol Policy

At this meeting, █████ was told that she was expelled pursuant to the Leadership Experience Handbook, because she consumed alcohol and facilitated others to consume alcohol. While it is true that the Handbook contained a stated policy against alcohol consumption, the conduct of Churchome staff and

leadership modified that Handbook policy, and/or constituted statements and actions by Churchome upon which ██████ reasonably relied regarding the consumption of alcohol while enrolled at Churchome. These actions include Mr. Smith's explicitly encouraging her to drink alcohol, as well as Churchome's knowledge that many student leaders frequently consumed alcohol and facilitated the consumption of alcohol by others, with no disciplinary action taken whatsoever. Churchome leader, Judah Smith, also regularly drinks and throws parties with alcohol, and in public view even has as many as five margaritas.

Moreover, Churchome **removed** the alcohol prohibition policy entirely from the Handbook only three months after expelling ██████ on the basis of this purportedly important policy. This subsequent rescindment not only demonstrates that this was not an important enough policy to be expelled without warning, but also demonstrates Churchome's own understanding that the policy was already rescinded and was no longer in effect. Removing it from the next version of the Handbook was merely a formality.

Indeed, Churchome leaders have been actively encouraging young members and students to drink in bars and with coworkers, as a method of helping lead people to Jesus—including students under age 21. Once again, if the alcohol policy as memorialized in the Leadership Handbook represented a true and important policy of Churchome, its leadership would not flout it so openly. The alcohol use was a mere pretense for trying to silence ██████ and place the blame on her instead of on Churchome's negligence.

Moreover, shortly after ██████ was expelled, Jon Smith openly defamed ██████ by making disparaging and untrue comments about her and about the circumstances of her expulsion to several large groups of ██████ former friends and classmates.

V. Legal Claims

██████ has the following legal claims against Churchome and/or its staff:

- Breach of Contract
- Violations of the Consumer Protection Act, RCW 19.86.020, 19.86.090, 19.86.093, and 19.86.095
- Defamation
- Negligence and Negligent Misrepresentation
- Intentional and/or Negligent Infliction of Emotional Distress
- Violations of Washington's L&I regulations for compensated volunteer and work-study

VI. Damages

The damages that ██████ has suffered by the actions or negligent inactions of Churchome and its staff include but are not limited to:

- \$24,500 in tuition and housing costs, for a certificate she never received
- \$4,800 for counseling services
- Additional pain and suffering

- Damages for three years of lost time working toward a completion certificate that was wrongfully and baselessly withheld from her;
- Damages for the fact that [REDACTED] has an inexplicable gap in her resume, which will hurt her future employment prospects and force her to relive the sexual assault trauma every time she is asked about this resume gap.

[REDACTED] is interested in pursuing her legal rights, but her historic respect for Churchome leads her to genuinely wish to resolve this issue without full-blown litigation or public shaming of Churchome, if possible. What [REDACTED] wants most is fairness, and for Churchome to live up to its reputation—a church that is a home.

VII. Settlement Offer

[REDACTED] will settle her legal claims against Churchome in exchange for receiving her certificate of completion (which is well earned and well deserved), and \$50,000 to compensate her for her pain, suffering, and various costs arising from these events.

Granting [REDACTED] her certificate will allow her to move forward without incurring additional significant tuition expenses to attend another program, and having to spend additional years of her life repeating work she's already completed. It will also help her avoid painful conversations and lost wages because of having to explain this resume gap in job interviews. Granting [REDACTED] certificate will also allow Churchome to right this wrong, live up to its promises, and avoid both the pecuniary and reputational costs of [REDACTED] being forced to pursue her legal rights in a public forum.

VIII. Conclusion

We realize that, as church leaders, you have many different concerns and constituencies to balance—particularly now, in these trying times. However, as Luke 15:3-7 teaches (one of Judah Smith's favorite Bible verses, that also inspires [REDACTED]), often times the one sheep in trouble is just as important to attend to as the flock that is not in trouble. We thank you for your time attending to this important matter, to help resolve these issues with [REDACTED]

[REDACTED] believes in the teachings of Matthew 5:24-26, and acted them out by first confronting her assailant in person before going to the church. She is coming to the church again now, in hopes of dealing directly to resolve this issue, mutually forgive, and move forward, rather than resorting first to the courts, reporting to the Attorney General, or going to the media. [REDACTED] genuinely hopes this can be resolved amicably, so she can one day get back to that feeling toward Churchome, where she feels it is the safe and welcoming place that it advertises itself to be, and that she felt it was for so long.

This settlement offer will expire on October 14, 2020.

We are available to have a confidential call to discuss these legal matters in the coming few weeks.

Sincerely,

Shira Kaufman

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/s/ Rich Anderson

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