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4/30/2018 4:13 PM

FRESNO COUNTY SUPERIOR COURT

By: A. Ramos, Deputy

7 Attorneys for Plaintiff James Sepeda Jr.

8  
9 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO**

10 **CIVIL DIVISION – UNLIMITED**

11 JAMES SEPEDA JR., an individual,

12 Plaintiff,

13 vs.

14 CHRISTOPHER L. BISPHAM, an  
individual; CENTRAL CALIFORNIA  
15 CONFERENCE OF SEVENTH-DAY  
ADVENTISTS, a California corporation  
16 doing business as FRESNO ADVENTIST  
ACADEMY; and DOES 1-100, inclusive,

17 Defendants.  
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) Case No. 18CECG01500

) **COMPLAINT FOR:**

- ) 1. Assault  
) 2. Battery and Sexual Battery  
(C.C. § 1708.5)  
) 3. Negligence  
) 4. Negligent Hiring and/or Retention  
) 5. Negligent Supervision  
) 6. Negligent Failure to Warn  
) 7. Negligence Per Se  
) 8. Respondeat Superior  
) 9. Premises Liability  
) 10. Intentional Infliction of Emotional  
Distress  
) 11. Negligent Infliction of Emotional  
Distress

) **AND**

) **DEMAND FOR JURY TRIAL**

1 Plaintiff James Sepeda Jr. (hereinafter referred to as "*Plaintiff*" and/or  
2 "*Sepeda*"), hereby complains against Christopher Lee Bispham (hereinafter referred to as  
3 "*Defendant*" and/or "*Bispham*") and the Central California Conference of Seventh-Day  
4 Adventists, a Corporation (hereinafter "*Defendant*" and/or "*CCCSDA*" and/or "*Church*")  
5 as follows:

## 6 GENERAL ALLEGATIONS

### 7 The Parties

8 1. Plaintiff James Sepeda Jr. is an individual currently residing in  
9 Clovis, California. Plaintiff Sepeda was a minor at the time of the sexual abuse alleged  
10 herein which occurred from approximately 2013 to 2014. Plaintiff's date of birth is  
11 November 10, 1999. Plaintiff James Sepeda's instant lawsuit is timely pursuant to CCP  
12 340.1.

13 2. Defendant Christopher L. Bispham, an individual, is currently an  
14 inmate at the Fresno County Jail. Bispham is, and at all relevant times was, an adult male  
15 who worked for Defendant CCCSDA at the Fresno Adventist Academy facilities as a  
16 seventh and fourth grade teacher. At all times material hereto, Defendant Bispham was  
17 under the direct supervision, employ and control of Defendant CCCSDA. Defendant  
18 Bispham perpetrated the acts of sexual abuse upon Plaintiff Sepeda set forth herein when  
19 he was a minor. During this time of sexual abuse, Defendant Bispham was directly  
20 employed by Defendant CCCSDA as a teacher for the Fresno Adventist Academy, a K-12  
21 school facility owned and operated by CCCSDA and located on private property owned  
22 by Defendant CCCSDA.

23 3. The Central California Conference of Seventh-Day Adventists  
24 ("*CCCSDA*") is a California non-profit corporation, (formerly known as Central  
25 California Conference Association of the Seventh Day Adventist, a California  
26 Corporation, and sometimes known as the Seventh Day Adventists Church) existing under  
27 the laws of the State of California (having corporate filing number C0068075 issued on  
28 February 17, 1912), and it is headquartered in Clovis, California. CCCSDA is a non-

1 profit corporation that is responsible for holding title to all Seventh-Day Adventist Central  
2 California lands, and for the funding, staffing, and direction of the individual Seventh-Day  
3 Adventist churches, schools, organizations, facilities and other programs, including  
4 Fresno Adventist Academy where Defendant Bispham was employed as a teacher.  
5 CCCSDA was at all relevant times the employer and supervisor of Defendant Bispham.

6 4. Plaintiff is informed and believes and on that information and belief  
7 hereby alleges that each named Defendant and each fictitiously named Defendant acted as  
8 an agent, employee, servant, or representative, of each other Defendant, or in concert with  
9 each other Defendant, and at all times acted in the course and scope of said agency,  
10 employment, service, or representation, and did the acts herein alleged with the  
11 permission and consent of each other Defendant; so that all Defendants are jointly and  
12 severally liable for each other's conduct and omissions.

13 5. The true names and capacities (whether individuals, corporate or  
14 otherwise) of the Defendants who are sued herein as DOES 1 through 100 inclusive  
15 ("Does") are presently unknown to Plaintiff; therefore Plaintiff now sues those  
16 Defendants by fictitious names. Plaintiff will amend this Complaint to state the true  
17 names and capacities of such fictitiously named Doe Defendants, when their names and  
18 identities are ascertained. Plaintiff is informed and believes, and on that basis alleges that  
19 all the fictitiously named Doe Defendants, and each of them, have taken some part in the  
20 acts or omissions complained of herein, or are otherwise responsible in some manner for  
21 the wrongful conduct herein alleged, and have caused injury to Plaintiff.

## 22 **Factual Allegations**

23 6. Defendant Bispham has been an active member of the Central  
24 California Conference of Seventh-Day Adventists (d.b.a. the Church) for many years.  
25 After graduating from the Southern Adventist University in Collegedale, Tennessee in  
26 2011, Bispham began teaching at the local elementary school, A.W. Spalding Elementary  
27 School which was part of the Greater Collegedale School System, also owned by the  
28 Seventh-Day Adventist Church. Thereafter, Bispham was charged with a DUI which was

1 considered grounds for termination by the religious institution as it prohibits its teachers  
2 from drinking. Even though he was released (i.e. fired) and considered “ineligible for  
3 rehire” by A.W. Spalding Elementary School, the Church still permitted him to be rehired  
4 as a teacher at the Fresno Adventist Academy in Fresno, California, which is a private  
5 school owned by the CCCSDA.

6           7.       Bispham accepted the position at the Fresno Adventist Academy and  
7 relocated to Fresno in about July 2013. In his first year teaching, Bispham taught seventh  
8 grade, which is where he met Plaintiff, who was a student in Bispham’s class. Plaintiff  
9 was introduced to Bispham through one of his two friends and classmates, Victim 2  
10 (“V2”) and Victim 3 (“V3”), who knew Bispham from when he taught at A.W. Spalding  
11 Elementary School in Tennessee. Bispham befriended the three boys and methodically  
12 groomed them during the school year by inviting the boys over to his house to play video  
13 games, wrestle, and go swimming.

14           8.       From 2013, when Plaintiff was just 14 years old, to 2014, Bispham  
15 sexually molested Plaintiff as well as his two friends, V2 and V3. The inappropriate  
16 touching started “innocently” at first. Bispham would brush his hand across the boys  
17 private parts while they were wrestling, swimming and playing basketball. It eventually  
18 escalated and Bispham began pulling their pants down and groping their genitals and  
19 buttocks while they were rough-housing. In addition to the wrestling, Bispham would  
20 also ask the boys to accompany him into a private closet in his classroom where they  
21 could be alone. Although Plaintiff did not enter the closet with Bispham, he is now  
22 informed and believes that his two friends did on several occasions where Bispham  
23 performed sexual acts upon them, including oral copulation. On at least one occasion,  
24 Bispham locked Plaintiff in the classroom closet while he engaged in sexual activity with  
25 one of other two boys in the classroom while Plaintiff witnessed the acts through a metal  
26 vent in the closet door.

27           9.       Throughout the school year, CCCSDA permitted Bispham to take the  
28 students on overnight field trips. During these overnight trips, Bispham arranged it so that

1 the three boys (including Plaintiff) would stay in his hotel room while his wife stayed in  
2 another room. On one field trip to the Albion Field Station located at the Pacific Union  
3 College, which college is owned by the Seventh Day Adventist Church, Plaintiff was  
4 awakened in the middle of the night to Bispham straddling him and swirling a frozen  
5 popsicle stick on Plaintiff's nipples to try to sexually arouse himself. Plaintiff jumped out  
6 of bed and locked himself in the bathroom where he slept the remainder of the night.

7           10. Thereafter on another night of the same field trip, Bispham and the  
8 three boys wrestled in the hotel room, and Bispham pulled down their pants and touched  
9 their genitals and squeezed buttocks as he frequently did. That evening when Bispham  
10 and Plaintiff were alone in the room together, Bispham drugged Plaintiff and molested  
11 him.

12           11. The following 2014-2015 school year, Plaintiff transferred from the  
13 Fresno Adventist Academy to a public school. Bispham was moved from seventh grade  
14 classroom to teaching the fourth grade. Bispham brought V2 and V3, on as classroom  
15 aides to help him grade papers and so that he would continue to have access to the boys.  
16 He also stayed in contact with Plaintiff by attending his sporting events and functions at  
17 his new school. Bispham continued to molest the boys whenever the opportunity arose  
18 throughout the school year.

19           12. For several years thereafter, Plaintiff kept quiet about what had  
20 happened to him and his friends as he felt too ashamed and embarrassed to talk about it.  
21 Finally in 2017, another male victim who had been a fourth grader in Bispham's class  
22 came forward and reported the incident to the Fresno Police Department. The Fresno  
23 Police Department opened an investigation and took statements from the fourth grade  
24 victim as well as other students. Plaintiff and his friends, V2 and V3, eventually came  
25 forward and disclosed that they too had been sexually molested by Bispham.

26           13. At the time news of the police investigation broke, Bispham was in  
27 the process of moving back to Collegedale, Tennessee. Plaintiff is informed and believes  
28 that a pastor within the CCCSDA, who had been Bispham's pastor in both Collegedale

1 and Clovis, contacted Bispham to “pray for him” but secretly tipped him off that the  
2 police were looking for him. Bispham thereafter fled the State and went into hiding.

3 14. On September 13, 2017, the District Attorney filed a Criminal  
4 Complaint against Bispham in the Fresno County Superior Court, Case No. F17905209,  
5 alleging multiple counts for lewd and lascivious acts upon a child, oral copulation and  
6 sexual penetration. A warrant for Bispham’s arrest was issued by the Court concurrently  
7 with the filing of the complaint. Thereafter, state and federal authorities conducted a  
8 nationwide search for Bispham. After weeks of searching, police finally received a tip  
9 that he was hiding out in Florida. On October 14, 2017, Bispham was arrested in Florida  
10 and extradited back to California. He is currently being held in the Fresno County Jail on  
11 a \$1,015,000 bond awaiting trial.

12 15. Plaintiff is informed and believes based on the nature and extent of  
13 Bispham’s conduct, which spanned for many years, that Defendant CCCSDA was aware  
14 of Bispham’s sexual proclivity towards minors as a longtime member of the Seventh Day  
15 Adventist Church. Furthermore, Plaintiff is informed and believes that Bispham engaged  
16 in other incident(s) of sexual misconduct prior to coming to work for the Fresno Adventist  
17 Academy while he was employed at A.W. Spalding Elementary School and a summer  
18 camp in Tennessee, both owned by the Seventh Day Adventist church. Rather than  
19 permanently terminating him as it should have done, the Church transferred him to Fresno  
20 to work for CCCSDA as a teacher at the Fresno Adventist Academy.

21 16. Finally, even if (assuming for the sake of argument) Defendant  
22 CCCSDA somehow did not have advance knowledge of Bispham’s dangerous sexual  
23 propensities, Plaintiff is informed and believes that CCCSDA authorized and ratified  
24 Bispham’s sexual abuse after the fact by failing to take appropriate remedial and/or  
25 preventative action upon learning of his abuse of Plaintiff and other children by failing to  
26 properly notify parents of current and former students of the ongoing police investigation  
27 and by aiding and abetting Bispham to avoid his arrest.

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**FIRST CAUSE OF ACTION**  
**(Assault – Against All Defendants)**

17. Plaintiff hereby incorporates as if fully set forth herein, all the factual allegations contained within this Complaint.

18. In so engaging in series of acts and incidents set forth herein, Defendant Bispham in each instance acted with the intent to cause harmful and/or offensive contact to Plaintiff, or intended to put Plaintiff in imminent apprehension of such harmful or offensive conduct. Such conduct was undertaken while Bispham was an employee, representative, and agent of Defendant CCCSDA and while in the course and scope of his employment with CCCSDA. Furthermore, Plaintiff is informed and believes that CCCSDA authorized and ratified Bispham's sexual abuse by failing to properly notify parents of current and former students of the ongoing police investigation and by aiding and abetting Bispham to avoid his arrest.

19. In each instance, Plaintiff was either physically touched in a harmful and offensive manner, or was reasonably led to believe that he was about to be physically touched in a harmful and/or offensive manner.

20. At no time during any of the aforementioned instances did Plaintiff ever consent to Bispham's conduct. Nor could Plaintiff have consented to such conduct because Plaintiff was a minor during the time alleged herein, and he lacked the capacity to consent to sexual contact with any person, especially an adult.

21. Plaintiff was harmed as a direct and proximate result of Defendant Bispham's conduct in that Defendant's physical attacks and threats offended Plaintiff's reasonable sense of personal dignity, embarrassed Plaintiff, caused Plaintiff to reasonably fear for his safety. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, loss of self-esteem, disgrace, and loss of enjoyment of life; and he has and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

22. Furthermore, Plaintiff is informed and believes and thereon alleges that Defendant Bispham acted intentionally, willfully, maliciously, and oppressively, and that Defendant's despicable conduct was in conscious disregard of Plaintiff's rights, and improperly intended to cause injury, harm, embarrassment, and oppression to Plaintiff. In addition to any actual damages in an amount to be proven at trial, Plaintiff is entitled to recover exemplary and punitive damages against the Defendants in accordance with California Civil Code § 3294. Upon Bispham's conviction in the pending criminal proceeding, Plaintiff is also entitled to an award of reasonable attorney's fees pursuant to Code of Civil Procedure section 1021.4.

WHEREFORE, Plaintiff prays for Judgment against Defendants as hereinafter set forth below.

**SECOND CAUSE OF ACTION  
(Battery and Sexual Battery (Cal. Civ. Code § 1708.5) –  
Against All Defendants)**

23. Plaintiff hereby incorporates as if fully set forth herein, all the factual allegations contained within this Complaint.

24. In so engaging in series of acts and incidents set forth herein, Defendant Bispham sexually molested and abused Plaintiff from 2013 through 2014. The sexual touching and molestation of the buttocks and genitals, as set forth above, were against Plaintiff's will and were done for the purpose of Bispham's sexual arousal or his desire to make unwanted touching or to engage in sexual abuse. Such conduct was undertaken while Bispham was an employee, representative, and agent of Defendant CCCSDA and while in the course and scope of his employment with CCCSDA. Furthermore, Plaintiff is informed and believes that CCCSDA authorized and/or ratified Bispham's sexual abuse by failing to properly notify parents of current and former students of the ongoing police investigation and by aiding and abetting Bispham to avoid his arrest.

25. At no time during any of the aforementioned instances did Plaintiff



1 ever consent to Defendant Bispham's conduct. Nor could Plaintiff ever have consented to  
2 such conduct because Plaintiff was a minor during all the relevant time alleged herein, and  
3 he lacked the legal capacity to consent to contact and/or sexual contact with any person,  
4 especially an adult.

5           26. Plaintiff was harmed as a direct and proximate result of Defendant  
6 Bispham's conduct in that Defendant's physical attacks and threats offended Plaintiff's  
7 reasonable sense of personal dignity, embarrassed Plaintiff, caused Plaintiff to reasonably  
8 fear for his safety and/or caused him to suffer unwanted offensive contact. As a result of  
9 the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of  
10 mind and body, shock, emotional distress, physical manifestations of emotional distress,  
11 loss of self-esteem, disgrace and loss of enjoyment of life; and he has and will continue to  
12 incur expenses for medical and psychological treatment, therapy and counseling.

13           27. Furthermore, Plaintiff is informed and believes and thereon alleges  
14 that Defendant Bispham acted intentionally, willfully, maliciously, and oppressively, and  
15 that Defendant's despicable conduct was in conscious disregard of Plaintiff's rights, and  
16 improperly intended to cause injury, harm, embarrassment and oppression to Plaintiff. In  
17 addition to any actual damages in an amount to be proven at trial, Plaintiff is entitled to  
18 recover exemplary and punitive damages against the Defendants in accordance with  
19 California Civil Code §§ 1708.5(b) and 3294.

20           28. This matter involves the eventual conviction for a felony and/or  
21 enforcement of an important public interest. Thus, Plaintiff is therefore entitled to an  
22 award of reasonable attorney's fees pursuant to Code of Civil Procedure section 1021.4,  
23 and CCP 1021.5.

24           WHEREFORE, Plaintiff prays for Judgment against Defendants as  
25 hereinafter set forth below.

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**THIRD CAUSE OF ACTION**  
**(Negligence – Against Defendants CCCSDA, and Does 1-100)**

29. Plaintiff hereby incorporates as if fully set forth herein, all the factual allegations contained within this Complaint.

30. Defendants, and each of them, had a duty to protect Plaintiff while he was a minor, and particularly while he was a student attending Defendant CCCSDA's Fresno Adventist Academy. This duty is a heightened one, imposing an even greater degree of care than normal because of the special relationship that exists between children and the owners and/or operators of private educational institutions entrusted with their care.

31. Plaintiffs are informed and believe that, Defendants, and each of them, actually knew or had reason to know, were otherwise on notice, and/or had a duty to take reasonable measures to discover, Defendant Bispham's history of child molestation and other dangerous propensities.

32. Defendants entirely failed to take reasonable steps and failed to implement reasonable safeguards to prevent and avoid acts of unlawful sexual conduct by Defendant Bispham. This includes, but is not limited to, hiring Bispham as a teacher in which contact with children is an inherent and unavoidable aspect of his job duties, and which he is put into a position of power over those minor children. Furthermore, at no time during the periods alleged did Defendants have in place a system or procedure to supervise and/or monitor its teachers, employees, representatives or agents to ensure that they did not molest or abuse minors under Defendants' care or supervision. As a result of said acts and omissions, Defendants breached their duty to Plaintiff while he was a minor.

33. Plaintiff's sexual abuse by Bispham was a direct and proximate result of CCCSDA's and the remaining Defendants' breach of their duties owed to him, including, but not limited to, their duty to take reasonable steps to prevent Bispham from perpetrating further acts of abuse upon Plaintiff and other victims at Fresno Adventist Academy and other Seventh-Day Adventist-owned and operated facilities. As a result of

1 Defendants' breach of duty, Plaintiff has suffered, and continues to suffer great pain of  
2 mind and body, shock, emotional distress, physical manifestations of emotional distress,  
3 loss of self-esteem, disgrace, and loss of enjoyment of life; and he has and will continue to  
4 incur expenses for medical and psychological treatment, therapy and counseling.

5 WHEREFORE, Plaintiff prays for Judgment against Defendant as  
6 hereinafter set forth below.

7 **FOURTH CAUSE OF ACTION**  
8 **(Negligent Hiring and Retention – Against Defendants**  
9 **CCCSDA and Does 1-100)**

10 34. Plaintiff hereby incorporates as if fully set forth herein, all the factual  
11 allegations contained within this Complaint.

12 35. Based on the facts set forth herein, Plaintiff is informed and believes  
13 and based thereon alleges that Defendants, and each of them, by and through their agents,  
14 servants and employees, knew or reasonably should have known of Defendant Bispham's  
15 dangerous sexual propensities and that Bispham was an unfit employee and/or agent, and  
16 despite such knowledge, Defendants nevertheless negligently hired and retained Bispham  
17 as a teacher at CCCSDA's Fresno Adventist Academy which directly enabled him to  
18 sexually abuse Plaintiff and other young boys. Plaintiff is further informed and believes  
19 that no reasonable employer would have hired and/or retained Bispham given his prior  
20 DUI arrest and history of sexual abuse.

21 36. Defendants also failed to use reasonable care in investigating  
22 Defendant Bispham before hiring him so as to ascertain his history of sexual misconduct  
23 and prior DUI arrest, which Plaintiff is informed and believes was known by Seventh Day  
24 Adventist Church in Tennessee, which is associated with the CCCSDA.

25 37. Plaintiff's sexual abuse by Bispham was a direct and proximate result  
26 of CCCSDA's and the remaining Defendants' breach of their duties owed to him, as set  
27 forth above. As a result of Defendants' breach of duty, Plaintiff has suffered, and  
28 continues to suffer great pain of mind and body, shock, emotional distress, physical

1 manifestations of emotional distress, loss of self-esteem, disgrace and loss of enjoyment  
2 of life; and he has and will continue to incur expenses for medical and psychological  
3 treatment, therapy and counseling.

4 38. Plaintiff is informed and believes that Defendant CCCSDA, by and  
5 through its agents, managers, and employees, had advance knowledge of Defendant  
6 Bispham's dangerous propensities and unfitness as an employee, yet hired him  
7 nonetheless in conscious disregard of the rights and safety of Plaintiff and others.  
8 Therefore, Plaintiff is entitled to punitive and exemplary damages pursuant to California  
9 Civil Code § 3294(b).

10 WHEREFORE, Plaintiff prays for Judgment against Defendants as  
11 hereinafter set forth below.

12 **FIFTH CAUSE OF ACTION**  
13 **(Negligent Supervision – Against Defendants CCCSDA and Does 1-100)**

14 39. Plaintiff hereby incorporates as if fully set forth herein, all the factual  
15 allegations contained within this Complaint.

16 40. Defendant CCCSDA, as Bispham's employer, had the authority to  
17 supervise and monitor him. Furthermore, based on the facts alleged herein, Plaintiff is  
18 informed and believes that CCCSDA knew of Bispham's history of sexually abusing  
19 children and knew or reasonably should have known that assigning him to work as a  
20 teacher at a private educational institution on a daily basis created an extreme and  
21 unreasonable risk of harm to said children, including Plaintiff.

22 41. Defendants, and each of them, failed to provide reasonable  
23 supervision of Defendant Bispham, which directly enabled him to sexually molest  
24 Plaintiff and other young boys over a period of at least four years at the Fresno Adventist  
25 Academy.

26 42. Plaintiff is informed and believes that Defendant CCCSDA, by and  
27 through its agents, managers, and employees, had advance knowledge of Defendant  
28 Bispham's dangerous propensities and unfitness as an employee, yet hired him

1 nonetheless in conscious disregard of the rights and safety of Plaintiff and others.  
2 Therefore, Plaintiff is entitled to punitive and exemplary damages pursuant to California  
3 Civil Code § 3294(b).

4 WHEREFORE, Plaintiff prays for Judgment against Defendant as  
5 hereinafter set forth below.

6 **SIXTH CAUSE OF ACTION**  
7 **(Negligent Failure to Warn – Against Defendants CCCSDA and Does 1-100)**

8 43. Plaintiff hereby incorporates as if fully set forth herein, all the factual  
9 allegations contained within this Complaint.

10 44. Defendants, and each of them, had a duty to provide reasonable  
11 supervision of Defendant Bispham; to use reasonable care in investigating Bispham  
12 before retaining him or allowing him to work with or near children at CCCSDA's private  
13 educational institution; and to provide adequate warning to Plaintiff, the Plaintiff's family,  
14 and other minor students and their families of Bispham's dangerous propensities and  
15 history of sexual abuse.

16 45. Plaintiff is informed and believes that Defendants, and each of them,  
17 by and through their agents, managers and employees, knew or reasonably should have  
18 known of Bispham's dangerous propensities and history of sexual abuse. Despite such  
19 knowledge, Defendants failed to use reasonable care in investigating Bispham, failed to  
20 provide any warning to Plaintiff or his family of Bispham's propensity to sexually abuse  
21 children, and otherwise failed to take any reasonable measures to prevent the sexual abuse  
22 that perpetrated on Plaintiff and other young boys.

23 46. Plaintiff's sexual abuse by Bispham was a direct and proximate result  
24 of CCCSDA's and the remaining Defendants' breach of their duties owed to Plaintiff, as  
25 set forth above. As a result of Defendants' breach of duty, Plaintiff has suffered, and  
26 continues to suffer great pain of mind and body, shock, emotional distress, physical  
27 manifestations of emotional distress, loss of self-esteem, disgrace and loss of enjoyment  
28 of life; and he has and will continue to incur expenses for medical and psychological

1 treatment, therapy and counseling.

2 47. Plaintiff is informed and believes that Defendant CCCSDA, by and  
3 through its agents, managers, and employees, had advance knowledge of Defendant  
4 Bispham's dangerous propensities and unfitness as an employee, yet hired him  
5 nonetheless in conscious disregard of the rights and safety of Plaintiff and others.  
6 Therefore, Plaintiff is entitled to punitive and exemplary damages pursuant to California  
7 Civil Code § 3294(b).

8 WHEREFORE, Plaintiff prays for Judgment against Defendants as  
9 hereinafter set forth below.

10 **SEVENTH CAUSE OF ACTION**  
11 **(Negligence Per Se – Against All Defendants)**

12 48. Plaintiff hereby incorporates as if fully set forth herein, all the factual  
13 allegations contained within this Complaint.

14 49. At all times relevant times herein mentioned, there was in full force  
15 and effect Civil Code §§ 43 and 1708.5, and Penal Code §§ 11166; 243.4; 288; and 647.6,  
16 or any prior laws of California of similar effect at the time these acts described herein  
17 were committed. These laws make unlawful certain acts relating to the sexual abuse of  
18 minors.

19 50. At the times relevant herein, Defendants were in violation of the  
20 aforesaid statutes in doing the acts set forth herein.

21 51. Plaintiff was within the class of persons to be protected by Civil  
22 Code §§ 43, 49 and 1708.5, and Penal Code §§ 11166; 243.4; 288; and 647.6, or any prior  
23 laws of California of similar effect at the time these acts described herein were committed.

24 52. Plaintiff's sexual abuse by Bispham was a direct and proximate result  
25 of Defendants' violation of these statutes and any other applicable statutes, as set forth  
26 above. As a result of Defendants' breach of duty, Plaintiff has suffered, and continues to  
27 suffer great pain of mind and body, shock, emotional distress, physical manifestations of  
28 emotional distress, loss of self-esteem, disgrace and loss of enjoyment of life; and he has

1 and will continue to incur expenses for medical and psychological treatment, therapy and  
2 counseling.

3 WHEREFORE, Plaintiff prays for Judgment against Defendants as  
4 hereinafter set forth below.

5 **EIGHTH CAUSE OF ACTION**  
6 **(Respondeat Superior – Against Defendant CCCSDA)**

7 53. Plaintiff hereby incorporates as if fully set forth herein, all the factual  
8 allegations contained within this Complaint.

9 54. At all times relevant herein, Defendant Bispham and each fictitiously  
10 named Defendant acted as an agent, employee, servant, or representative, of CCCSDA. In  
11 doing the acts herein described and referred to in this Complaint, each of said Defendants  
12 were acting in the course and scope of said agency, employment, service, or  
13 representation. Defendant CCCSDA is therefore liable to Plaintiffs for the acts of such  
14 Defendants herein regardless of whether said tortious conduct was authorized by the  
15 corporation. See CACI 3722; See also *Lisa M. v. Henry Mayo Newhall Memorial*  
16 *Hospital* (1995) 12 Cal.4<sup>th</sup> 291 [*“an employee’s willful, malicious and even criminal torts*  
17 *may fall within the scope of his or her employment for purposes of respondeat superior,*  
18 *even though the employer has not authorized the employee to commit crimes or*  
19 *intentional torts.”*]

20 WHEREFORE, Plaintiff prays for Judgment against Defendants as  
21 hereinafter set forth below.

22 **NINTH CAUSE OF ACTION**  
23 **(Premises Liability – Against Defendants CCCSDA and Does 1-10)**

24 55. Plaintiff hereby incorporates as if fully set forth herein, all the factual  
25 allegations contained within this Complaint.

26 56. At all times relevant herein, Defendant CCCSDA owned and was in  
27 control and possession of Fresno Adventist Academy property and facilities where  
28 Plaintiff and other young boys were assaulted by Defendant Bispham.

57. Plaintiff is informed and believes that, at all times relevant herein, Defendant CCCSDA knew that Bispham had a history of committing sexual assaults on children, which occurred at other facilities owned by the Seventh Day Adventist Church, and it was therefore foreseeable that any child at Fresno Adventist Academy was at risk of being sexually assaulted by Bispham, who was employed as a teacher there.

58. At all relevant times, Defendant CCCSDA held the Fresno Adventist Academy property as a private educational institution for children of grades K through 12. On one or more occasions when Plaintiff was sexually abused by Bispham, the incidents occurred upon the premises of the school or properties owned by CCCSDA and Seventh Day Adventist Church.

59. Defendant CCCSDA, as owner and possessor of Fresno Adventist Academy and other facilities, failed to exercise reasonable care to discover that Bispham was molesting children and/or was likely to molest children, and/or failed to give any warning to Plaintiff, his family, and other students regarding Bispham to enable them to avoid the harm, or otherwise protect them against it.

60. As a direct and proximate result of Defendant CCCSDA's failures and omissions regarding the danger posed by Bispham at Fresno Adventist Academy and other facilities owned by the Church, Plaintiff was sexually abused. He has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, loss of self-esteem, disgrace, and loss of enjoyment of life; and he has and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, Plaintiff prays for Judgment against Defendants as hereinafter set forth below.

**TENTH CAUSE OF ACTION**  
**(Intentional Infliction of Emotional Distress – Against All Defendants)**

61. Plaintiff hereby incorporates as if fully set forth herein, all the factual allegations contained within this Complaint.



62. Defendant Bispham's sexual molestation and abuse of Plaintiff, and sexual assault of Plaintiff's friends in Plaintiff's presence, is outrageous conduct beyond the bounds of anything tolerable in a civilized community. Furthermore, in abusing Plaintiff, Bispham intended to cause Plaintiff emotional distress, or at the very least acted with reckless disregard of the probability that such abuse would cause Plaintiff emotional distress.

63. Moreover, Defendant CCCSDA's act of hiring and retaining a serial pedophile and child molester to work in and among children as a teacher at its private school is similarly outrageous conduct that is beyond the bounds of anything tolerable in a civilized community. In so hiring and retaining Bispham, Defendant CCCSDA acted with complete and reckless disregard of the probability that Plaintiff and other children would be sexually abused and would thereby suffered severe emotional distress as a result.

64. Plaintiff has in fact suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, loss of self-esteem, disgrace, and loss of enjoyment of life. Defendants' conduct, as set forth above, was the direct and proximate cause of Plaintiff's severe emotional distress.

65. WHEREFORE, Plaintiff prays for Judgment against Defendants as hereinafter set forth below.

**ELEVENTH CAUSE OF ACTION  
(Negligent Infliction of Emotional Distress – Against Defendants  
CCCSDA and Does 1-100)**

66. Plaintiff hereby incorporates as if fully set forth herein, all the factual allegations contained within this Complaint.

67. As set forth above, Defendant CCCSDA was negligent in hiring and retaining Defendant Bispham as a teacher at the Fresno Adventist Academy, in failing to use reasonable care in investigating Bispham, in failing to warn Plaintiff and others of Bispham's dangerous propensities, and in otherwise failing to supervise and take any measures to prevent Bispham from sexually abusing Plaintiff and other children.

68. A preexisting special relationship between Plaintiff and Defendant CCCSDA existed at the time the sexual abuse occurred because Plaintiff was a student at the Fresno Adventist Academy for whom CCCSDA was charged with his custody and care.

69. As a direct and proximate result of Defendant CCCSDA's negligence, Plaintiff was sexually abused, and thereby suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, loss of self-esteem, disgrace, and loss of enjoyment of life.

WHEREFORE, Plaintiff prays for Judgment against Defendants as hereinafter set forth below.

## PRA YER

WHEREFORE, Plaintiff prays as follows:

1. That the Court enters a money judgment against Defendants, as follows:

a. For general damages for physical and mental pain and suffering and emotional distress in an exact amount to be determined at trial;

b. For damages for past and future medical therapy, psychotherapy, and related expenses in an amount to be determined at trial;

c. For punitive and exemplary damages in an amount to be determined at trial;

d. For an award of reasonable attorney's fees and costs of suit incurred herein;

e. For such other further relief as this Court may deem just and proper.

Dated: April 30, 2018

Respectfully submitted,

Campagne & Campagne,  
A Professional Corporation

By Thomas E. Campagne  
Thomas E. Campagne

By Eric M. Kapigian  
Attorneys for Plaintiff James Sepeda