

**IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA**

LEQUITA JACKSON,

Plaintiff,

v.

LEWIS CLEMONS; CHURCH OF GOD IN
CHRIST, INC.; WYNNTON ROAD
MINISTRIES CHURCH OF GOD IN
CHRIST INC.; AND JOHN DOES 1-5,

Defendants.

Civil Action No.: SU17CV1756-68

FIRST AMENDED COMPLAINT

Plaintiff respectfully amends her Complaint, showing the Court the following:

PARTIES AND PROCEDURAL MATTERS

1.

Plaintiff Lequita Jackson ("Plaintiff") resides in Georgia.

2.

Defendant Lewis Clemons ("Defendant Clemons") can be served with process at his residence at 684 Courtenay Drive, Columbus, Muscogee County, Georgia, 31907.

3.

Defendant Clemons is subject to the jurisdiction of this Court because he is a Georgia resident.

4.

Venue is proper in this Court as to Defendant Clemons because he resides in Muscogee County.

5.

Church of God in Christ, Inc. ("Church Inc.") is a Tennessee corporation that does business in Georgia and that was formerly registered with the Georgia Secretary of State, though Church Inc. has allowed its registration to lapse. Church Inc. can be served with process at its principal office address and World Headquarters at 930 Mason Street, Memphis Tennessee, 38126. *See* O.C.G.A. §§ 14-2-504, 9-11-4(e)(2).



6.

Church Inc. is subject to the specific jurisdiction of this Court because of its participation in the acts described in this Complaint, and to the general jurisdiction of this Court because it did, and does, business in Georgia.

7.

Venue is proper in this Court as to Church Inc. because the cause of action originated in Muscogee County. *See* O.C.G.A. § 14-2-510(b)(3), (4).

8.

Defendant Wynnton Road Ministries Church of God in Christ Inc. (“Wynnton Road Inc.”) is a Georgia corporation and may be served with process by serving Belinda Clemons (who is the corporation’s CEO, CFO, and Secretary) at 684 Courtenay Drive, Columbus, Muscogee County, Georgia, 31907.¹ *See* O.C.G.A. § 9-11-4(e)(1)(A).

9.

Wynnton Road Inc. is subject to the jurisdiction of this Court because it is a Georgia corporation.

10.

Venue is proper in this Court as to Wynnton Road Inc. because its principal office is in Muscogee County, its last registered agent was in Muscogee County, and the cause of action originated in Muscogee County. *See* O.C.G.A. § 14-2-510(b)(1), (3), and (4).

11.

Defendant John Doe(s) # 1- 5 are individuals, churches, or religious entities related to Defendant Clemons, the Clemons churches, or Church Inc. The identities of John Doe(s) are unknown to Plaintiff at this time but are readily ascertainable to Defendants. Once the identities of John Doe(s) are discovered, this Complaint will be amended to substitute any party that is liable.

¹ The relevant page with the Secretary of State’s page refers to “Courtney” Drive. The undersigned believes that is a typographical error, and the street should be “Courtenay.”

12.

Plaintiff intends to name, and to bring this case against, *each and every church where Defendant Clemons has served as pastor* since the year 2000. Upon information and belief, the ‘doing business as’ names of those churches included Faith Unlimited Ministries Church of God in Christ (“Faith Unlimited”), then Wynnton Road Ministries Church of God in Christ, then Wynnton Road Ministries, and then Kingdom Awareness Ministries International (“Kingdom Awareness”). The last of these, Kingdom Awareness, is currently operating. Plaintiff refers to all such churches led by Defendant Clemons since the year 2000 collectively as the “Clemons churches”.

13.

If any of the Clemons churches existed under a different corporate identity than Wynnton Road Inc., that different entity is hereby put on notice—through its pastor, leader, and principal Defendant Lewis Clemons, and through its administrator Belinda Clemons, both of whom will receive service of this complaint—that it is a proper party to this lawsuit and is liable for the misconduct described in this Complaint.

14.

Each of the Clemons churches served as an alter ego for Defendant Clemons and Wynnton Road Inc.

15.

Defendant Clemons, the Clemons churches, Wynnton Road Inc., Church Inc., and John Does 1-5 were engaged in a joint venture.

16.

“Defendants,” as used in this Complaint, refers collectively to Defendant Clemons, Church Inc., Wynnton Road Inc., the Clemons churches, and John Does 1-5.

FACTS

General Facts

17.

Beginning in the early 1990s or before, Defendant Clemons created a series of churches in which he was the pastor and that he led with his wife, Belinda Clemons. These churches collectively constitute the “Clemons churches.”

18.

Many or all of these churches were affiliated with, and controlled in part by, Church Inc.

19.

Many or all of these churches were run by, or run through, Wynnton Road Inc., a small company that Defendant Clemons and his wife Belinda controlled.

20.

Defendant Clemons is now the pastor and leader of Kingdom Awareness Ministries International (“Kingdom Awareness”), a church in Columbus, Georgia.

21.

Kingdom Awareness is the most recent Clemons church.

22.

Defendant Clemons refers to himself as “Apostle Lewis Clemons.”



23.

In all of the Clemons churches, Defendant Clemons preyed upon women and girls in his congregation, including Plaintiff, intending to exploit and abuse them sexually.

24.

Defendant Clemons's plan was to find women or girls who were vulnerable for some reason—for instance, because they had been prior victims of sexual abuse—and take advantage of their vulnerability, his position within the church, and his fraudulent misuse of scripture to exploit and abuse them sexually.

25.

Defendant Clemons formulated, executed, completed, and fulfilled this plan with many women and girls, including Plaintiff and multiple married women.

26.

Church Inc., Wynnton Road Inc., the Clemons churches, and John Does 1-5 knew about Defendant Clemons's sexual misconduct and the danger he posed.

27.

As early as 1993, members of Defendant Clemons's congregation had expressly warned Church Inc. about Defendant Clemons's exploitative conduct.

28.

Before, during, and after the misconduct directed at Plaintiff and other victims of Defendant Clemons, Church Inc. knew from other occasions with other church officials that Church Inc. had a problem with sexual misconduct by its pastors and other church officials.

29.

Church Inc. was motivated to conceal the danger because it did not want to damage its reputation or prestige, which would diminish its ability to generate revenue.

30.

Church Inc. was motivated to conceal the danger because Church Inc. was already facing scandals arising out of the sexual misconduct of its church officials, and it feared that further scandal would seriously weaken the church and its ability to generate revenue.

31.

Wynnton Road Inc., the Clemons churches, and John Does 1-5 were partially controlled and managed by Defendant Clemons, who constituted an integral part of their operations, such that the knowledge of Defendant Clemons *constituted* the knowledge of Wynnton Road Inc., the Clemons churches, and John Does 1-5. Therefore, there was never a time at which Wynnton Road Inc., the Clemons churches, and John Does 1-5 *did not know* about Defendant Clemons's sexual misconduct and the dangers he posed.

32.

Church Inc., Wynnton Road Inc., the Clemons churches, John Does 1-5, and Defendant Clemons (collectively, "Defendants") purposefully, knowingly, wantonly, willfully, and fraudulently concealed the dangers posed by Defendant Clemons.

33.

Defendants fraudulently represented that they were safe for girls and women to be around and were safe sources for spiritual guidance.

34.

Some of Defendants' fraudulent representations were made using U.S. mail.

35.

By fraudulently pretending to be safe sources for spiritual guidance, Defendants deliberately served their own financial interests by furthering their efforts to collect tithes, donations, and money from congregation members, worshippers, and others.

36.

Defendants thereby enriched themselves through their misconduct.

37.

Plaintiff did not learn until 2017 that Defendant Clemons had sexually exploited and abused other women and girls who attended Kingdom Awareness and other Clemons churches.

38.

Plaintiff did not learn until 2017 that Church Inc. had known *since 1993* about Defendant Clemons's sexual misconduct and the dangers he posed.

Facts as to Plaintiff Jackson

39.

In the early 2000s, when she was fourteen years old, Plaintiff became involved in Faith Unlimited.

40.

The Music Director of Faith Unlimited began having inappropriate sexual contact with Plaintiff.

41.

Plaintiff went to Defendant Clemons, the pastor, for help.

42.

Defendant Clemons indicated that he would help Plaintiff and would put an end to the music director's sexual abuse of Plaintiff.

43.

Defendant Clemons began to have inappropriate sexual contact with Plaintiff.

44.

Defendant Clemons used his position within the church to make Plaintiff do what he wanted, and to justify his actions.

45.

Defendant Clemons subjected Plaintiff to a practice that he called "body anointing" in which he took off Plaintiff's clothes and rubbed her body with oil.

46.

Defendant Clemons told Plaintiff that she should submit to him.

47.

Defendant Clemons told Plaintiff that his actions were authorized by the Bible and other authorities.

48.

Defendant Clemons was physically violent toward Plaintiff.

49.

Defendant Clemons had sexual intercourse with Plaintiff.

50.

Defendant Clemons falsely and fraudulently told Plaintiff that Plaintiff was his “spiritual wife,” that their relationship was authorized by the Bible and other religious authorities, and that Defendant Clemons did not have similar sexual relationships with other girls or women.

51.

On two occasions, Defendant Clemons got Plaintiff pregnant.

52.

On both of those occasions, although Defendant Clemons had preached against abortion, Defendant Clemons told Plaintiff that it was morally, medically, and spiritually proper for her to have an abortion.

53.

On both of those occasions, Defendant Clemons drove Plaintiff to Atlanta, where he paid (or one of Defendants paid) for her to have an abortion.

54.

On the first of those occasions, Plaintiff was sixteen, so Defendant Clemons falsely told the clinic that he was Plaintiff’s father so he could sign the consent form for the abortion.

55.

Defendant Clemons’s sexual abuse and exploitation of Plaintiff, including intercourse,

began and occurred when Plaintiff was *fifteen years old*—i.e., under the age of consent.

56.

When Plaintiff tried to break off the relationship with Defendant Clemons during the years that followed, Defendant Clemons re-initiated it using coercion, persuasion, and by falsely claiming that the Bible and other religious authorities justified his actions.

57.

Defendant Clemons's sexual abuse of Plaintiff went on for years and years, in various Clemons churches, even as the church changed names, continuing until 2009.

58.

Defendant Clemons's long-term pattern of abuse, spanning many years and many victims, shows that as long as he is able to remain a pastor or church leader, he will sexually abuse those who accept him as a religious leader.

59.

Plaintiff wants to stop Defendant Clemons from sexually abusing others in his churches.

Facts as to Certain Other Known Victims

60.

Defendants' misconduct continued, without termination, at least until December 2015. It may have continued longer than that.

61.

Defendant Clemons made unwanted sexual touches, kisses, suggestions, and advances on other women or girls in the Clemons churches.

62.

Defendant Clemons performed “body anointings” on other women or girls in his congregation.

63.

Defendant Clemons offered money in exchange for sexual favors from other women or girls in his congregation.

64.

Defendant Clemons made unwanted sexual advances on the wives and daughters of members of his congregation, sometimes in the presence of their husbands or parents.

STATUTES OF LIMITATION

65.

Defendants’ misconduct, generally, continued until at least December 2015.

66.

Defendants’ sexual misconduct toward Plaintiff, which began when Plaintiff was fifteen and ended in 2009, constituted a continuous course or pattern. *See Painter v. State*, 219 Ga. App. 290, 292-93 (1995); *Murphy v. State*, 195 Ga. App. 878, 879 (1990); *see also Stroud v. Hall County*, 339 Ga. App. 37, 42-43 (2016) (continuing misconduct restarts statute of limitation).

67.

Because Plaintiff is a crime victim and Defendant Clemons “has yet to be arrested or prosecuted,” the statute of limitation was tolled for six years pursuant to O.C.G.A. § 9-3-99.

Harrison v. McAfee, 338 Ga. App. 393, 394, 402 (2016) (en banc).

68.

The discovery rule governs the application of the statute of limitation to these claims.

King v. Seitzingers, Inc., 160 Ga. App. 318, 219 (1981).

69.

As Plaintiff's religious leaders and spiritual counselors, Defendants occupied a position of trust and confidence, and "[a] failure to exercise ordinary diligence may be excused when there exists an ongoing relationship of trust and confidence that deters the discovery of the fraud." *McClure v. Raper*, 266 Ga. 60, 60 (1995).

70.

In no event could the statute of limitation for childhood sexual abuse begin to run until Plaintiff reached the age of twenty-three. O.C.G.A. § 9-3-33.1(b)(2).

71.

As to Church Inc., the statute of limitations was tolled in 2008 because by allowing itself to be administratively dissolved by the Georgia Secretary of State, Church Inc. removed itself from the state. *See* O.C.G.A. § 9-3-94.

72.

As to Wynnton Road Inc., the statute of limitations was tolled in 2015 because by allowing itself to be administratively dissolved by the Georgia Secretary of State, Wynnton Road Inc. removed itself from the state. *See* O.C.G.A. § 9-3-94.

73.

Plaintiff's claims were timely filed as to Defendant Clemons. O.C.G.A. § 9-3-33.1(d).

74.

Defendants' fraudulent concealment tolled the statute of limitations. O.C.G.A. § 9-3-96.

75.

(RICO's specific statute of limitations rules are addressed in Count V below.)

LIABILITY OF DEFENDANTS

76.

Each of the below Counts incorporates by reference all other paragraphs in this Complaint as if restated verbatim therein.

Count I: Claims Against Defendant Lewis Clemons

77.

Defendant Clemons is liable *per se* for:

- a) O.C.G.A. § 16-5-20 (assault);
- b) O.C.G.A. §§ 16-5-23, 16-5-23.1 (battery);
- c) O.C.G.A. § 16-6-4 (child molestation);
- d) O.C.G.A. § 16-6-5 (enticing a child for indecent purposes);
- e) O.C.G.A. § 16-6-3 (statutory rape); and
- f) O.C.G.A. § 16-6-22.1 (sexual battery).

78.

Defendant Clemons intentionally, knowingly, recklessly, and negligently harmed Plaintiff Jackson.

Count II: Vicarious Liability

79.

Church Inc., Wynnton Road Inc., the Clemons churches, and John Does 1-5 are vicariously liable for the misconduct of Defendant Clemons.

80.

Church Inc., Wynnton Road Inc., the Clemons churches, and John Does 1-5 are liable for the misconduct of Defendant Clemons under a theory of *respondeat superior*.

Count III: Hidden Predator Act

81.

Church Inc., Wynnton Road Inc., the Clemons churches, and John Does 1-5 are liable under the Hidden Predator Act because they were negligent. O.C.G.A. § 9-11-33.1(c)(2).

Count IV: Failure to Warn

82.

Defendants failed to warn Plaintiff and others like her about the sexual misconduct of Defendant Clemons and the dangers he posed.

83.

Church Inc. failed to warn Plaintiff and others like her about the sexual misconduct of its pastors and other church officials and the dangers they posed.

Count V: Georgia RICO and Conspiracy

84.

Defendants are liable under Georgia's Racketeer Influenced and Corrupt Organizations Act ("RICO"). *See* O.C.G.A. § 16-14-1 *et seq.*

85.

Defendants engaged in a pattern of racketeering activity.

86.

Defendants' racketeering activity (or predicate acts) included, but were not limited to:

- a) wire or mail fraud in violation of 18 U.S.C. § 1341, which constitutes racketeering activity pursuant to O.C.G.A. § 16-4-3(5)(C) and 18 U.S.C. § 1961l;
- b) theft by deception in violation of O.C.G.A. § 16-8-3, which constitutes racketeering activity pursuant to O.C.G.A. § 16-4-3(5)(B);
- c) assault in violation of O.C.G.A. § 16-5-20, which constitutes racketeering activity pursuant to O.C.G.A. § 16-4-3(5)(A)(v);
- d) battery in violation of O.C.G.A. § 16-5-23 and § 16-5-23.1, which constitutes racketeering activity pursuant to O.C.G.A. § 16-4-3(5)(A)(v);
- e) soliciting prostitution in violation of O.C.G.A. § 16-6-9, which constitutes racketeering activity pursuant to O.C.G.A. § 16-4-3(5)(A)(vii); and
- f) forgery in violation of O.C.G.A. § 16-9-1, which constitutes racketeering activity pursuant to O.C.G.A. § 16-4-3(5)(A)(xvi).

87.

Defendants committed and/or concealed these racketeering activities in order to acquire

money through tithes, donations, and other gifts from church members, worshippers, and others.

88.

Through a pattern of racketeering activity, Defendants acquired money in violation of O.C.G.A. § 16-14-4(a).

89.

Church Inc., Wynnton Road Inc., the Clemons churches, and John Does 1-5 conspired and endeavored with Defendant Clemons in the commission of the crimes and tortious acts he committed. *See* O.C.G.A. § 16-14-4(c) (RICO conspiracy liability).

90.

Church Inc., Wynnton Road Inc., the Clemons churches, and John Does 1-5 aided and abetted Defendant Clemons in the commission of the crimes and tortious acts he committed. *See Brannon v. State*, 243 Ga. App. 28, 32-33 (2000) (RICO aiding and abetting liability); *Seale v. Miller*, 698 F. Supp. 883, 898-99 (N.D. Ga. 1988) (same).

91.

Church Inc., Wynnton Road Inc., the Clemons churches, and John Does 1-5 are liable for Defendant Clemons's crimes and tortious acts because those acts were committed in the scope of, and in furtherance of, the conspiracy.

92.

The RICO statute of limitation did not begin to run until December 2015, because Defendants' misconduct did not terminate until then² pursuant to the current and pre-2015 versions of O.C.G.A. § 16-14-8, which establish that the statute of limitation does not begin to

² At the earliest—the misconduct may have continued after that.

run until “the conduct in violation of a provision of this chapter terminates.”

93.

Alternatively, the RICO statute of limitation did not begin to run until Plaintiff discovered that what had happened to her was part of a pattern, because that is when “the cause of action accrue[d]” pursuant to the pre-2015 version of O.C.G.A. § 16-14-8.

Count VI: Fraud

94.

Defendants fraudulently represented that the Clemons churches were safe places to worship and receive guidance.

95.

Defendants fraudulently concealed Defendant Clemons’s sexual misconduct and the dangers he posed.

96.

Church, Inc. had known the truth about Defendant Clemons—including his sexual misconduct and the dangers he posed—since 1993 at the latest.

97.

Church Inc. knew about the sexual misconduct of its church officials, and the dangers they posed, before and during the exploitation of Plaintiff

98.

Wynnton Road Inc., the Clemons churches, and John Does 1-5 were so closely tied with Defendant Clemons that his knowledge was their knowledge, so they knew about Defendant

Clemons's sexual misconduct and the dangers he posed immediately, at all times.

99.

Defendants fraudulently represented to Plaintiff, and knowingly induced Plaintiff to believe, that Defendant Clemons's misconduct was authorized by the Bible and other authorities, including by inducing Plaintiff to believe that she was the one and only "spiritual wife" with whom Defendant Clemons engaged in sexual activity outside of his marriage.

100.

Plaintiff justifiably relied upon Defendants' misrepresentations.

Count VII: Joint Venture and Alter Ego

101.

Wynnton Road Inc., the Clemons churches, and John Does 1-5 were engaged in a joint venture with Defendant Clemons.

102.

Wynnton Road Inc., the Clemons churches, and John Does 1-5 served as Defendant Clemons's alter egos.

Count VIII: Breach of Duty

103.

Defendants owed Plaintiff a heightened duty because Defendants occupied a position of trust and confidence as Plaintiff's purported counselors and confidants.

104.

Alternatively, Defendants owed Plaintiff a duty of reasonable care.

105.

Defendants intentionally, knowingly, recklessly, and negligently breached the duty they owed to Plaintiff.

Count IX: Punitive Liability

106.

Defendants showed that entire want of care that raises the presumption of conscious indifference to the consequences of their actions. *See* O.C.G.A. § 51-12-5.

DAMAGES

107.

The psychological consequences caused by Defendants' misconduct are grave.

PRAYER FOR RELIEF

108.

Plaintiff requests:


- a) a permanent injunction prohibiting Defendant Clemons from serving as a pastor or church official ever again,
- b) trial by jury,
- c) compensatory damages,

- d) punitive damages, and
- e) such other relief as the Court deems just.

This 28th day of July, 2017.

Respectfully submitted,

BUTLER TOBIN LLC

BY: 
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ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I hereby certify that **FIRST AMENDED COMPLAINT** was served upon all parties by depositing it through the U.S. Mail with adequate postage affixed thereon and addressed as follows:


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This 27th day of July, 2017.

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BY: 
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