

STATE OF INDIANA) IN THE TIPPECANOE COUNTY COURT
)
COUNTY OF TIPPECANOE) SS:
) CAUSE NO:

JOHN DOE I and JANE DOE, Individually)
and as Parents and Next Best Friends and)
Legal guardians of JOHN DOE II,)
a Minor)

Plaintiff,)

V.)

JURY DEMAND

JARED OLIVETTI, LISA OLIVETTI,)
Individually, and as Next Best Friends and)
Legal Guardians of E.O., a Minor,)
IMMANUEL REFORMED)
PRESBYTERIAN CHURCH, INC.,)
("IRPC"), and TRUSTEES OF THE)
SYNOD OF THE REFORMED)
PRESBYTERIAN CHURCH OF NORTH)
AMERICA, a Pennsylvania nonprofit)
Corporation ("Synod").)

Defendants.)

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Comes now Plaintiffs, John Doe I and Jane Doe, Individually and as Next Best Friends and Legal Guardians of John Doe II, a Minor, by counsel, and hereby complains against Defendants, Jared Olivetti and Lisa Olivetti, Individually and Immanuel Reformed Presbyterian Church ("IRPC") and Trustees of the Synod of the Reformed Presbyterian Church of North America ("Synod") Defendants, , and in support of said Complaint for Damages, alleges and states the following:

PARTIES

1. At all times relevant herein, Plaintiffs, John Doe I, Jane Doe, and John Doe II were residents of West Lafayette, Tippecanoe County, State of Indiana.

2. John Doe I and Jane Doe are the natural parents and legal guardians of John Doe II, a minor.

3. Given the sensitive nature of the Does' claims against Defendants, a confidential disclosure of the Does' identities will be made to counsel for Defendants.

4. At all times relevant herein, Defendants Jared Olivetti ("Jared"), Lisa Olivetti ("Lisa"), and their minor son E.O., were residents of the State of Indiana.

5. At all times relevant herein, Defendant Jared Olivetti was employed as a Pastor by Defendant Immanuel Reformed Presbyterian Church ("IRPC").

6. At all times relevant herein, Defendant Jared Olivetti was an agent of Defendant IRPC.

7. At all times relevant herein, Defendant IRPC was a Domestic Non-Profit Corporation organized under the laws of the State of Indiana, with its principal place of business in West Lafayette, Tippecanoe County, in the State of Indiana.

8. At all times relevant herein, Defendant Reformed Presbyterian Church of North America ("Synod") is a religious organization whose headquarters is in Pittsburgh, Pennsylvania. At all relevant times, it operated, controlled and supervised Defendant IRPC.

9. The Synod of the Reformed Presbyterian Church of North America is the highest court of the church, and is the bond of organic union, cooperation, and mutual helpfulness, between the presbyteries. The Synod is comprised of and governs a multitude of different congregations, who presides over its many members, and over a host of teaching elders.

10. Immanuel Reformed Presbyterian Church (IRPC) is a congregation within the Great Lakes Gulf Presbytery of the Defendant Reformed Presbyterian Church of North America ("Synod").

FACTS

11. On or about June 2015, Plaintiffs moved into a home in West Lafayette, Indiana.

12. During that same time, Defendants, the Olivetti family, lived across the street from Plaintiffs.

13. Over the next five years, John Doe II and Defendant E.O. became good friends, seeing each other almost daily, playing together at the Olivetti home, the Doe home, or at the homes of other neighborhood kids.

14. On or about September 2020, John Doe I and Jane Doe began to notice changes to the behavior of John Doe II, who was becoming more withdrawn, unhappy, and quiet.

15. On or about January 2021, John Doe II disclosed to his parents that for the past several years, he had been sexually abused by Defendant E.O.

16. Plaintiffs promptly reported the abuse to authorities. John Doe II disclosed to these authorities that E.O. had penetrated him digitally and with his penis and forced John Doe II to touch E.O.'s penis with his hands and mouth.

17. As of January 2021, when the Does reported to authorities that E.O. had been abusing John Doe II for the past several years, neither the Olivettis nor the IRCP nor the Synod had ever warned the Does of E.O.'s propensity to abuse minor children.

18. It is difficult for John Doe II to recall when the abuse started because he was so young, but it is believed to have lasted from approximately 2015 and continued through at least the summer of 2020. John Doe II would have only been five years old when the abuse started and approx. ten years old when the abuse ended.

19. John Doe II did not consent to any sexual acts with Defendant E.O.

20. In engaging in sexual activity with John Doe II, Defendant E.O. committed sexual assault against John Doe II.

21. Upon information and belief, when Plaintiffs notified Defendant Lisa Olivetti about the sexual assaults, they were astonishingly told that this was not the first time E.O. had assaulted another child. Multiple children had complained about being assaulted by and/or inappropriately touched by E.O., and while corrective plans were put in place by both the Olivettis and the IRPC, none of the defendants ensured these “safety plans” were adhered to, allowing E.O. to continue to assault and abuse these children both in and around his own home, at other’s homes, and on the property of the Immanuel Reformed Presbyterian Church.

22. Specifically:

- a. In his role as Pastor at IRPC, Jared Olivetti was informed multiple times in October of 2019 that E.O. had sexually abused various children in the congregation. Jared did not disclose these incidents to the IRPC or to the police.
- b. On or about April 21, 2020, Jared Olivetti was informed of multiple additional victims of E.O.
- c. On or about April 23, 2020, Jared Olivetti informed IRPC of some instances of abuse. The IRPC met to discuss the alleged abuse.
- d. On May 1, 2020, the IRPC Session appointed two members to conduct its investigation. Jared Olivetti moderated this meeting.
- e. On May 10, 2020, the IRPC Session implemented the safety precaution that E.O. would not be allowed to be around other children without a monitor. This precaution was not followed.

- f. In July 2020, Jared Olivetti admitted to Josh Greiner that safety precautions at home were not working. E.O. was allowed to attend a pool party without supervision. The Olivettis still had not contacted the police to report the abuse allegations against E.O.
- g. In September 2020, Jared Olivetti and the IRPC Session agreed that E.O.'s identity would not be disclosed to the congregation. For the first time, the congregation was informed by letter that sexual abuse had occurred. E.O. was not identified. Against his counselor's advice, E.O. was allowed back around IRPC youth.
- h. At no point prior to October 2019, had the Olivettis, IRPC or Synod implemented policies and procedures that would reasonably protect the safety of its youth congregants and other minors exposed to E.O, or taken steps to ensure that any such policies that had been promulgated were being followed.
- i. Even after learning that E.O had a propensity to abuse minors, there were no steps taken by the Olivettis, IRPC or the Synod to implement policies and procedures that would reasonably protect the safety of its youth congregants, its member presbyteries and/or church members, and other minors exposed to E.O.
- j. At no time whatsoever did Lisa Olivetti in her role as E.O.'s mother, Jared Olivetti in his role as E.O.'s father or in his role as Pastor and agent of IRPC, or any other agent of IRPC or Synod

disclose to John Doe I or Jane Doe that E.O. had an extensive history of sexually abusing children.

- k. As a result of this failure to implement reasonable safety policies and failure to warn others of E.O.'s propensities, John Doe II continued to play unsupervised with E.O.

COUNT I – CIVIL LIABILITY

Against Defendants Jared Olivetti, Lisa Olivetti, as parents and next best friends of E.O., a Minor

23. Plaintiffs reincorporate each of the foregoing paragraphs as if they were fully set forth herein.

24. In sexually assaulting John Doe II, Defendant E.O. committed a civil assault upon John Doe II, as he acted with intent to cause harmful or offensive contact and such contact with John Doe II did, in fact, take place.

25. Defendant E.O.'s harmful contact with John Doe II caused John Doe II to suffer physical harm, and caused Plaintiffs to suffer financial, mental, and emotional damages, and such damages are expected to continue into the future.

26. Some of Defendant E.O.'s actions were intentional and/or reckless, and defendant E.O.'s intentional and/or reckless behavior caused John Doe II to suffer physical damage and severe emotional distress.

27. Some of Defendant E.O.'s actions were also negligent and as a direct and proximate result of such negligence, John Doe II has suffered physical and severe emotional damages.

28. As a direct and proximate result of Defendant E.O.'s negligent acts, John Doe II has suffered and will in the future continue to suffer mental anguish, loss of enjoyment of life, medical expenses, counseling expenses, and other past, present, and future damages.

COUNT II – NEGLIGENCE

Against Defendants Jared Olivetti, Lisa Olivetti, IRPC and Synod

29. Plaintiff reincorporates each of the foregoing paragraphs as if they were fully set forth herein.

30. In molesting John Doe II, Defendant E.O. committed a civil assault upon John Doe II, as he acted with intent to cause harmful or offensive contact and such contact with John Doe II did, in fact, take place.

31. Some of Defendant E.O.'s actions were intentional and/or reckless, and Defendant E.O.'s intentional and/or reckless behavior caused John Doe II to suffer physical damage and severe emotional distress.

32. Defendants Jared Olivetti, Lisa Olivetti, IRPC and Synod knew for months and potentially years before January 2021, when John Doe II disclosed to his parents that E.O. had committed acts of sexual abuse against him.

33. When Plaintiffs reported this abuse to authorities, they learned that E.O. was alleged to have abused as many as nine different children.

34. Defendants, Jared Olivetti, Lisa Olivetti, IRPC and Synod had a duty to implement policies and procedures to keep children who were likely to be exposed to E.O. safe and Defendants either failed to implement such policies, or otherwise failed to enforce any such policies and procedures.

35. Pursuant to I.C. 31-33-5-1, each of these defendants also had a legal obligation to report the abuse to the authorities. Not only did they fail to do so in a timely manner, but they also never disclosed to parents of children who continued to play unsupervised with E.O.

36. Defendants Jared Olivetti, Lisa Olivetti, IRPC and Synod's failure to warn John Doe I and Jane Doe of E.O.'s proclivity to sexually abuse children was negligent and as a direct and proximate result of such negligence, John Doe II has suffered physical damage and severe emotional damages.

37. Defendants Jared Olivetti, Lisa Olivetti, IRPC and Synod's actions were also negligent and as a direct and proximate result of such negligence, John Doe II has suffered physical damage and severe emotional damages.

38. As a direct and proximate result of Defendants Jared Olivetti, Lisa Olivetti, IRPC and Synod's negligent acts, John Doe I, John Doe II and Jane Doe have all suffered, and will in the future continue to suffer, mental anguish, loss of enjoyment of life, medical expenses, counseling expenses, economic losses and other past, present, and future damages.

COUNT III – NEGLIGENT SUPERVISION

Against Defendants Jared Olivetti and Lisa Olivetti

39. Plaintiffs reincorporate each of the foregoing paragraphs as if they were fully set forth herein.

40. Much of Defendant E.O.'s deviate sexual conduct with John Doe II occurred in the Olivetti's residence in Tippecanoe County, Indiana.

41. Plaintiff, John Doe II was an invitee to the property owned by Defendants.

42. Defendants Jared and Lisa Olivetti had known for years that E.O. had a proclivity and propensity to abuse minors.

43. Defendants Jared and Lisa Olivetti owed John Doe II a duty to supervise, control, or protect John Doe II from Defendant E.O.'s actions, but failed to take reasonable precautions to do so.

44. Defendants Jared and Lisa Olivetti breached the duty owed to John Doe II and were negligent when they knew, or with due care should have known, that supervision was required to protect John Doe II from the actions of Defendant E.O.

45. At all times relevant herein, Defendants acted recklessly and with conscious disregard of the health, safety, and well-being of a minor who was an invited guest at their home, and they are therefore liable for punitive damages.

46. John Doe II was free of fault which proximately caused or contributed to his injuries.

47. Upon information and belief, Defendants Jared and Lisa Olivetti knew of their son E.O.'s propensity to sexually abuse and assault minor children by at least 2019, if not earlier, and did nothing to protect John Doe II.

COUNT IV – PREMISES LIABILITY

Against Defendants Jared Olivetti and Lisa Olivetti

48. Plaintiff reincorporates each of the foregoing paragraphs as if they were fully set forth herein.

49. It was Defendants Jared and Lisa Olivetti's duty to exercise reasonable care to protect their invitees, including John Doe II, by inspection and other affirmative acts, from the danger of reasonably foreseeable injury occurring from reasonably foreseeable acts of harm by others, including Defendant E.O.

50. At all times relevant herein, Defendants Jared and Lisa Olivetti were aware that their son, Defendant E.O., posed a significant risk of harm directed toward minor invitees on their premises.

51. Defendants Jared and Lisa Olivetti failed to prevent Defendant E.O. from assaulting John Doe II when John Doe II was a minor invitee into their home.

52. By failing to exercise reasonable care to prevent the sexual assault of a minor invitee at their home, Defendants Jared and Lisa Olivetti negligently breached the duties that they owed John Doe II as a minor invitee at their home.

53. As a result of Defendants Jared and Lisa Olivetti's negligence, Plaintiffs John Doe I, John Doe II, and Jane Doe suffered, and continue to suffer injuries of a personal nature including but not limited to, pain, suffering, physical, mental and emotional trauma, loss of enjoyment of life, medical expenses, counseling expenses, economic losses and other damages.

54. The statute of limitations applicable to Plaintiff's cause of action is tolled by Plaintiff's minority at the time of the injury. *See LaCava v. LaCava*, 907 N.E.2d 154, 162 (Ind. Ct. App. 2009).

COUNT V – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

Against Defendants Jared and Lisa Olivetti and IRPC

55. Plaintiff reincorporates each of the foregoing paragraphs as if they were fully set forth herein.

56. Defendants Jared Olivetti, Lisa Olivetti, and IRPC, through their negligence, did cause an infliction of emotional distress upon John Doe I, Jane Doe, and John Doe II.

57. As a result of Defendants Jared Olivetti, Lisa Olivetti, IRPC's and Synod's negligence, John Doe II was harmed and suffered severe psychological injuries.

58. John Doe II:

- a. Was directly impacted by Defendants' negligence;

- b. Suffered serious emotional distress of the type that a reasonable person would expect to occur; and
- c. Defendants' negligence was the cause of the emotional distress.

59. As a direct and proximate result of Defendants' negligence, John Doe I, Jane Doe, and John Doe II have become injured, incurred humiliation and psychological harm, and have suffered damages, including requiring the need for mental health professionals; and will require these services into the future.

WHEREFORE, Plaintiffs, John Doe I, Jane Doe, and John Doe II pray for the Court to enter judgment against Defendants Jared Olivetti, Lisa Olivetti, and IRPC for the damages suffered by John Doe, Jane Doe, and John Doe II in an amount to be proven at trial including compensatory damages, general and special damages, punitive damages, for the costs of this action, and for all other relief just and proper in the premises.

DEMAND FOR JURY TRIAL

Come now the Plaintiffs, John Doe, Jane Doe, and John Doe II, by counsel, and demand that the above Complaint and all issues therein be tried by jury.

Respectfully submitted,

COHEN & MALAD, LLP

/s/ Gregory L. Laker

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