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 ATTORNEY FOR (Name): Rev. Dr. Cheryl D. Elliott, Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
 STREET ADDRESS: 1225 Fallon Street
 MAILING ADDRESS:
 CITY AND ZIP CODE: Oakland 94612
 BRANCH NAME:

PLAINTIFF: Rev. Dr. Cheryl D. Elliott

DEFENDANT: Randy G. Keyes, an individual; The United Pentecostal Church of Modesto, a California corporation; and

DOES 1 TO 25

COMPLAINT—Personal Injury, Property Damage, Wrongful Death
 AMENDED (Number):
 Type (check all that apply):
 MOTOR VEHICLE OTHER (specify):
 Property Damage Wrongful Death
 Personal Injury Other Damages (specify):

Jurisdiction (check all that apply):
 ACTION IS A LIMITED CIVIL CASE
 Amount demanded does not exceed \$10,000
 exceeds \$10,000, but does not exceed \$25,000
 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)
 ACTION IS RECLASSIFIED by this amended complaint
 from limited to unlimited
 from unlimited to limited

FILED
ALAMEDA COUNTY

MAR 02 2009

CLERK OF THE SUPERIOR COURT
 By Thelma Deputy

CASE NUMBER:
RG09438883

SUMMONS ISSUED

1. Plaintiff (name or names): Rev. Dr. Cheryl D. Elliott alleges causes of action against defendant (name or names): Randy G. Keyes, The United Pentecostal Church of Modesto ("Church"), and DOES 1 to 25
2. This pleading, including attachments and exhibits, consists of the following number of pages:
3. Each plaintiff named above is a competent adult
 - a. except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):
 - b. except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

| | |
|---|--------------|
| SHORT TITLE: Elliott v. Keyes et al. | CASE NUMBER: |
|---|--------------|

4. Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. except defendant (name): Church
 (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):
 (4) a public entity (describe):
 (5) other (specify):
- b. except defendant (name):
 (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):
 (4) a public entity (describe):
 (5) other (specify):
- c. except defendant (name):
 (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):
 (4) a public entity (describe):
 (5) other (specify):
- d. except defendant (name):
 (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):
 (4) a public entity (describe):
 (5) other (specify):
- Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
 a. Doe defendants (specify Doe numbers): 1-15 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
 b. Doe defendants (specify Doe numbers): 16-25 are persons whose capacities are unknown to plaintiff.
7. Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
 a. at least one defendant now resides in its jurisdictional area.
 b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
 c. injury to person or damage to personal property occurred in its jurisdictional area.
 d. other (specify):
9. Plaintiff is required to comply with a claims statute, and
 a. has complied with applicable claims statutes, or
 b. is excused from complying because (specify):

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| SHORT TITLE: <p style="text-align: center;">Elliott v. Keyes et al.</p> | CASE NUMBER: |
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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (specify):
 Battery, Negligent and Intentional Infliction of Emotional Distress

11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (specify):

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Attachment 12.
- b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) compensatory damages
- (2) punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

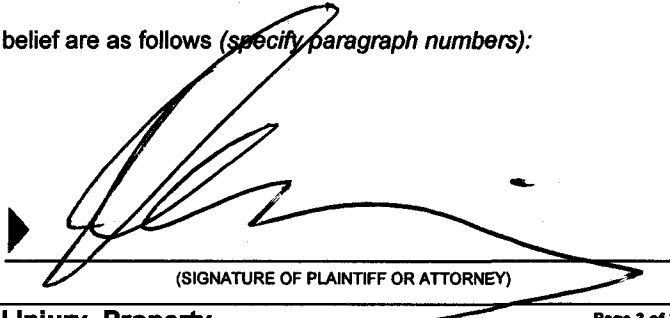
- (1) according to proof
- (2) in the amount of: \$

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: February 20, 2009

Vernon C. Goins II

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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| SHORT TITLE: Elliott v. Keyes et al. | CASE NUMBER: |
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Exemplary Damages AttachmentPage 4ATTACHMENT TO Complaint Cross - Complaint

EX-1. As additional damages against defendant (name): Randy G. Keyes, an individual

Plaintiff alleges defendant was guilty of

- malice
 fraud
 oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant Keyes, in doing the wrongful acts described in paragraph GN-1 of this complaint, acted despicably, with a willful and conscious disregard of the rights or safety of others. Such acts were deliberate and intentional, without just cause or excuse, and thereby justify the award of exemplary and punitive damages to Plaintiff.

EX-3. The amount of exemplary damages sought is

- a. not shown, pursuant to Code of Civil Procedure section 425.10.
b. \$

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Exemplary Damages Attachment

Page 4

ATTACHMENT TO Complaint Cross - Complaint

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| SHORT TITLE: Elliott v. Keyes et al. | CASE NUMBER: |
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FIRST
(number)

CAUSE OF ACTION—General Negligence

Page 5

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Cheryl Elliott

alleges that defendant (name): The United Pentecostal Church of Modesto, Randy G. Keyes, and

Does 1 to 25

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): March 4, 2007

at (place): The United Pentecostal Church of Modesto, 825 - 7th Street, Modesto, California.

(description of reasons for liability):

On March 4, 2007, plaintiff Cheryl Elliott ("Plaintiff") was a guest attending services at The United Pentecostal Church of Modesto ("Church"). At some point during the service, Plaintiff approached the altar and closed her eyes to pray and give thanks. It was at this time that defendant Randy G. Keyes ("Defendant" or "Pastor Keyes"), the pastor of the Church, without invitation, approached Plaintiff and performed the practice of "laying hands" on her by striking Plaintiff's forehead with the palm of his open hand and forcefully pushing Plaintiff backwards. As a result of this unexpected and uninvited action by Defendant, Plaintiff fell onto her back and slammed the back of her head onto the floor so hard that it bounced. Plaintiff, who felt as though she would lose consciousness, was unable to help herself up, and her pain was immediate. Although Plaintiff was alarmed by what had taken place and voiced strong concern about her resulting physical condition, she was told by other partitioners, who were attempting to get Plaintiff back on her feet, that she would be fine. Not only did Defendant fail to assist Plaintiff after causing her injury, he failed to acknowledge that the incident had taken place.

Defendants owed a duty of care to Plaintiff, as a guest at the Church, to take reasonable steps to ensure Plaintiff's safety while attending services at the Church. The Church and Pastor Keyes breached this duty of care when Pastor Keyes directly and intentionally caused physical harm to Plaintiff's person. The Church, Pastor Keyes, and DOES 1-25 further breached this duty of care by unreasonably failing and refusing to provide Plaintiff with immediate requisite medical care, and by exposing her to the likelihood of further injury. As a direct and proximate result of the defendants' breach, Plaintiff has suffered considerable damage to her body and mind, has lost wages and earning capacity, and has been required to employ physicians and others, all to her damage, in an amount to be proven at trial of this matter.

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| SHORT TITLE: Elliott v. Keyes | CASE NUMBER |
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SECOND
(number)

CAUSE OF ACTION—Intentional Tort

Page 6

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Rev. Dr. Cheryl D. Elliott

alleges that defendant (name):

Randy G. Keyes

Does _____ to _____

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): March 4, 2007

at (place): The United Pentecostal Church of Modesto, 825 - 7th Street, Modesto, California.

(description of reasons for liability):

While attending services at the Church, defendant Randy G. Keyes ("Defendant"), the pastor of the Church, intentionally and without Plaintiff's invitation, approached Plaintiff and performed the practice of "laying hands" on her by striking Plaintiff's forehead with the palm of his open hand and forcefully pushing Plaintiff backwards. As a result of this intentional, unexpected and uninvited action by Pastor Keyes, Plaintiff fell onto her back and slammed the back of her head onto the floor.

Defendant acted intentionally to injure Plaintiff; he or she intended to commit the act which led to the injury. In some states an intentional tort may also be defined as an act which a reasonable person knew or should have known would have led to an injury to a person or property.

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| SHORT TITLE: <p style="text-align: center;">Elliott v. The United Pentecostal Church of Modesto</p> | CASE NUMBER: |
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THIRD CAUSE OF ACTION—Premises Liability

(number)

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): The United Pentecostal Church of Modesto ("Church") alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): March 4, 2007 plaintiff was injured on the following premises in the following fashion (description of premises and circumstances of injury):

While attending services at the Church, defendant Randy G. Keyes, the pastor of the Church, without Plaintiff's invitation, approached Plaintiff performed the practice of "laying hands" on her by striking Plaintiff's forehead with the palm of his open hand and forcefully pushing Plaintiff backwards. As a result of this unexpected and uninvited action by Pastor Keyes, Plaintiff fell onto her back and slammed the back of her head onto the floor.

Prem.L-2. **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):

Does _____ to _____

Prem.L-3. **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names): The United Pentecostal Church of Modesto

Does _____ to _____

Plaintiff, a recreational user, was an invited guest a paying guest.

Prem.L-4. **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

Does _____ to _____

- a. The defendant public entity had actual constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
- b. The condition was created by employees of the defendant public entity.

Prem.L-5. a. **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names): Randy G. Keyes and DOES 1-15.

Does _____ to _____

- b. The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are described in attachment Prem.L-5.b as follows (names):

FOURTH CAUSE OF ACTION

Battery

(Against Defendant Keyes)

16. Plaintiff incorporates herein by reference, repleads and realleges each and every allegation contained in paragraphs 1 through 15 of the Complaint and paragraph GN-1 of the first cause of action as though the same were set forth at length herein.

17. In doing the acts alleged in paragraph GN-1, above, defendant Keyes acted with the intent to, and, indeed, did make contact with Plaintiff's person.

18. At no time did Plaintiff consent to, nor was she aware of defendant Keyes' intention to, make such contact with her person.

19. As a proximate result of the afore-described conduct of defendant Keyes, Plaintiff suffered injury and damages in an amount to be proven at trial of this matter.

FIFTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

(Against All Defendants)

20. Plaintiff incorporates herein by reference, repleads and realleges each and every allegation contained in paragraphs 1 through 15 of the Complaint, paragraph GN-1 of the first cause of action, and paragraphs 16-19 of the second cause of action as though the same were set forth at length herein.

21. In doing the acts alleged in paragraphs GN-1, above, Keyes acted with a reckless disregard for the likelihood of causing Plaintiff, a guest at the Church, to suffer shock, mental anguish, and severe emotional and physical distress.

22. Defendants Keyes, the Church, and DOES 1 to 25 acted with a further reckless disregard for the likelihood of causing Plaintiff emotional distress by unreasonably failing and refusing to provide Plaintiff with immediate requisite medical care for her injuries, and by exposing her to the likelihood of further injury, as alleged in paragraph GN-1 of the first cause of action.

23. As a proximate result of the Defendants' conduct, which was done with a wanton and reckless disregard for the consequences to Plaintiff, Plaintiff suffered shock, mental anguish, and emotional and physical distress, all to Plaintiff's damage according to proof.

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