

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

ARACELI GUEVERA,)

Plaintiff,)

v.)

**MANFRED MALAGON, individually and as
agent of INTERNATIONAL CHRISTIAN
FELLOWSHIP and UNITED PENTECOSTAL
CHURCH INTERNATIONAL, SARAI MALAGON,
individually, INTERNATIONAL CHRISTIAN
FELLOWSHIP, an Illinois not-for-profit corporation,
and UNITED PENTECOSTAL CHURCH
INTERNATIONAL, a Missouri not-for-profit
corporation,**)

Defendants.)

Case No.)
DO NOT WRITE IN THESE SPACES)
CIRCUIT COURT OF COOK)
COUNTY, ILLINOIS)
LAW DIVISION)
CLERK)
2016 DEC 15 AM 11:44)
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PI Other)

COMPLAINT AT LAW

NOW COMES the Plaintiff, ARACELI GUEVERA, by and through her attorneys, Richard R. Gordon of Gordon Law Offices, Ltd., and for her Complaint at Law against the Defendants, MANFRED MALAGON, individually and as agent of INTERNATIONAL CHRISTIAN FELLOWSHIP and UNITED PENTECOSTAL CHURCH INTERNATIONAL, SARAI MALAGON, individually, INTERNATIONAL CHRISTIAN FELLOWSHIP, an Illinois not-for-profit corporation, and UNITED PENTECOSTAL CHURCH INTERNATIONAL, a Missouri not-for-profit corporation, states as follows:

The Parties

1. At all times relevant hereto, Plaintiff, ARACELI GUEVERA ("Plaintiff"), was a resident of Kane County, Illinois.
2. At all times relevant hereto, Defendant, MANFRED MALAGON ("Malagon"), was a resident of Streamwood, Cook County, Illinois.

3. At all times relevant hereto, Defendant, SARAI MALAGON, was a resident of Streamwood, Cook County, Illinois, and was the wife of Manfred Malagon.

4. At all times relevant hereto, Defendant, INTERNATIONAL CHRISTIAN FELLOWSHIP (“ICF”), was a not-for-profit Illinois corporation with its principal place of business operating in Brookfield, Cook County, Illinois.

5. At all times relevant hereto, Defendant, UNITED PENTECOSTAL CHURCH INTERNATIONAL (“UPCI”), was a not-for-profit corporation, with its principal place of business located in Hazelwood, Missouri.

Underlying Relationships

6. UPCI is an umbrella church organization of the Pentecostal Christian denomination representing some three-million parishioners worldwide.

7. UPCI is, and was at all times relevant herein, a supervising entity of ICF.

8. ICF and UPCI (together, hereinafter “the Church”) operate a number of churches, including a church located at 240 Standish Street, Elgin, Illinois.

9. At all times relevant hereto, Malagon was employed by the Church and assigned to the Elgin church as the church pastor and was acting under the direct supervision, control and authority of the Church.

10. At all times relevant hereto, the Church and its agents, personnel and employees monitored, supervised, hired, trained, counseled, employed and otherwise exercised control over the activities of Malagon that involved the public and the members of the Church.

11. Plaintiff was a member of the Church and a congregant of Malagon’s Elgin church from 2008 until May 17, 2016.

**Malagon's Repetitive Sexual, Physical and Verbal Harassment
and Abuse and Defamation of Plaintiff**

12. On or about March 15, 2016, Malagon, without permission and while acting in his capacity as pastor, sent Plaintiff inappropriate text messages containing a number of offensive images, including: (1) a monkey with its hands and feet spread, exposing its penis; (2) a dog with its legs spread to show its genitalia; and (3) a woman with her breasts and buttocks exposed.

13. In or around March 2016, Malagon, without permission and while acting in his capacity as pastor, texted Plaintiff and asked her to send him a photo of her in bed in the nude.

14. In or around March 2016, Malagon, without permission and while acting in his capacity as pastor, texted Plaintiff and told her that he "desired" her.

15. In or around April 2016, Malagon, without permission and while acting in his capacity as pastor, texted Plaintiff and offered to send her a picture of himself nude and asked her to send him a nude picture as well.

16. In or around April 2016, Malagon, without permission and while acting in his capacity as pastor, texted Plaintiff and asked her to make and send him a short video of herself posing nude.

17. On or about May 6, 2016, Malagon, without permission and while acting in his capacity as pastor, kissed and hugged Plaintiff and fondled Plaintiff's breasts under a set of stairs at the Elgin church.

18. Malagon's son and his son's girlfriend witnessed Malagon's May 6, 2016 sexual assault of Plaintiff.

19. On or about May 15, 2016, Malagon, without permission and while acting in his capacity as pastor, physically forced Plaintiff into a room in the Elgin church and touched her breasts and hips and pressed his body against hers so that she could feel his erect penis.

20. In or around May 2016, Malagon, while acting in his capacity as pastor, asked Plaintiff to have sex with him and told Plaintiff that he could not stop thinking about her, that he wanted her “in his arms” and that he “wanted to make love” to her “again and again.”

21. On other occasions in and around April and May 2016, on Thursdays and Sundays when Plaintiff attended services at the Elgin church, Malagon, without permission and while acting in his capacity as pastor, would routinely hug and kiss Plaintiff, put his body on Plaintiff’s body, grab Plaintiff’s hips, and caress Plaintiff’s hands, hair and arms.

22. On other occasions in and around May 2016, Malagon, without permission and while acting as pastor, sent Plaintiff additional text messages of a lewd and lascivious nature.

23. On multiple occasions in May and June 2016, Malagon, without permission and while acting as pastor, sent Plaintiff text messages instructing her to delete his previous inappropriate text messages.

24. In or around June 2016, Malagon falsely claimed at a meeting of Church pastors that Plaintiff had been trying to engage in sexual relations with him and that Plaintiff was a “prostitute” and a “witch.”

25. On or about June 30, 2016, Malagon, without permission and in his capacity as pastor, made a video telephone call to Plaintiff and told her that he had dreamed of having sex with her. Malagon then instructed Plaintiff to leave her husband.

26. In or around July 2016, Malagon falsely claimed in a sermon to Church members that Plaintiff was a “prostitute” and a “witch.”

27. In or around August 2016, Malagon falsely claimed in a conversation with Church member(s) that Malagon had engaged in sexual relations with Plaintiff.

28. On or about September 4, 2016, Malagon falsely claimed in a conversation with Church members that: (1) Plaintiff had tried to engage in sexual relations with him; (2) Plaintiff had “sexually imposed” herself on him; (3) Plaintiff was “seducing all the men in the Church;” (4) Plaintiff was a “witch;” (5) Plaintiff had engaged in sexual relations with her husband’s sister; and (6) Plaintiff and her family are not “good members” of the Church.

28. In the same September 4, 2016 conversation with Church members, Malagon revealed, without Plaintiff’s permission, that Plaintiff had engaged in an extramarital affair, information that Malagon had learned in confidential counseling sessions with Plaintiff in his capacity as pastor.

29. On or about September 13, 2016, Malagon instructed Church members to go to Plaintiff’s home and “convince” Plaintiff not to publically confront Malagon or the Church about Malagon’s actions of sexual assault, physical assault, defamation and harassment.

30. In or around September 2016, Malagon threatened Plaintiff that he would have Plaintiff’s sister deported from the United States if Plaintiff made any claims against him regarding his actions of sexual assault, physical assault, defamation and harassment.

31. In or around September 2016, Malagon falsely claimed in a conversation with Church member(s) that he and Plaintiff had engaged in sexual relations.

32. In or around September 2016, Sarai Malagon claimed to another Church member that Manfred Malagon and Plaintiff had engaged in sexual relations.

33. At no time has Plaintiff ever engaged in sexual relations with Malagon.

34. At no time did Plaintiff ever accept any sexual advances of from Malagon.

35. On multiple occasions from March 2016 through September 2016, Plaintiff texted Malagon and commanded him to stop his sexual assault, physical assault, defamation and harassment of Plaintiff.

36. On multiple occasions from March 2016 through September 2016, Plaintiff confronted Malagon and commanded him to stop his sexual assault, physical assault, defamation and harassment of Plaintiff.

Malagon's Excommunication of Plaintiff

37. On or about May 17, 2016, Malagon, as pastor of the Church, excommunicated Plaintiff and her family from the Church.

38. Plaintiff felt shame and degradation due to being excommunicated from the Church and its community.

39. Even after kicking Plaintiff out of the Church, Malagon, without permission and in his capacity as pastor, continued to send Plaintiff text messages of a lewd and lascivious nature.

Notice to the Church of Malagon's Sexual, Physical and Verbal Harassment and Abuse and Defamation of Plaintiff

40. On or about June 1, 2016, Plaintiff orally notified Pastor Nava, another pastor and employee of the Church, that Malagon had been and was continuing to verbally and physically harass and sexually assault Plaintiff on multiple occasions.

41. In or around June 27, 2016, Plaintiff orally notified Bishop Ricardo Gonzalez, Malagon's supervisor and an employee of the Church, that Malagon had been responsible for harassing and sexually assaulting Plaintiff on multiple occasions.

42. Bishop Gonzalez, acting as agent of the Church, refused to intervene in the matter.

43. On information and belief, Malagon had, prior to March 2016, engaged in verbal and/or physical harassment and/or sexual assault of other Church members.

44. On information and belief, Bishop Gonzalez knew, prior to March 2016, that Malagon had engaged in verbal and/or physical harassment and/or sexual assault of other Church members.

45. On information and belief, other agents of the Church knew, prior to March 2016, that Malagon had engaged in verbal and/or physical harassment and/or sexual assault of other Church members.

Count I – Negligent Supervision (International Christian Fellowship)

46. Plaintiff repeats and realleges Paragraphs 1 through 45 as and for Paragraph 46 of this Count I as though fully set forth herein.

47. At all relevant times, ICF owed a duty of care to its members/parishioners at its churches, including the Elgin church, to provide an environment free from sexual, physical and verbal harassment and abuse and defamation.

48. At all relevant times, ICF owed a duty of care to enforce its own policies and procedures to prevent sexual, physical and verbal harassment and abuse and defamation of its congregants.

49. ICF was negligent in one or more of the following ways:

(a) Failed to monitor and supervise Malagon when it knew or should have known prior to March 2016 that Malagon had engaged in sexual, physical and verbal harassment and abuse and defamation of other Church members.

(b) Failed to properly investigate Malagon after Plaintiff provided notice to its agents that Malagon had engaged in sexual, physical and verbal harassment and abuse and defamation of Plaintiff.

(c) Failed to prevent Malagon from engaging in sexual, physical and verbal harassment and abuse and defamation of Plaintiff.

(d) Failed to implement and enforce rules, regulations and guidelines regarding supervision of employees known to engage in sexual, physical and verbal harassment and abuse and defamation of Church members.

(e) Failed to enforce its own rules, regulations guidelines, and procedures with respect to the investigation and prevention of sexual, physical and verbal harassment and abuse and defamation at its churches.

(f) Was otherwise careless and negligent.

50. As a direct and proximate result of one or more of the aforementioned negligent acts or omissions of ICF, Plaintiff suffered severe personal injuries that are permanent in nature and will in the future endure tremendous mental suffering and will in the future incur sums for counseling services.

WHEREFORE, Plaintiff, ARACELI GUEVERA, respectfully requests that judgment be entered in her favor and against the Defendant, INTERNATIONAL CHRISTIAN FELLOWSHIP, in an amount in excess of \$50,000.00 plus the costs of this lawsuit.

Count II - Negligent Supervision (United Pentecostal Church International)

51. Plaintiff repeats and realleges Paragraphs 1 through 45 as and for Paragraph 51 of this Count II as though fully set forth herein.

52. At all relevant times, UPCI owed a duty of care to its members/parishioners at its churches, including the Elgin church, to provide an environment free from sexual, physical and verbal harassment and abuse and defamation.

53. At all relevant times, UPCI owed a duty of care to enforce its own policies and procedures to prevent sexual, physical and verbal harassment and abuse and defamation of its congregants.

54. UPCI was negligent in one or more of the following ways:

(a) Failed to monitor and supervise Malagon when it knew or should have known prior to March 2016 that Malagon had engaged in sexual, physical and verbal harassment and abuse and defamation of other Church members.

(b) Failed to properly investigate Malagon after Plaintiff provided notice to its agents that Malagon had engaged in sexual, physical and verbal harassment and abuse and defamation of Plaintiff.

(c) Failed to prevent Malagon from engaging in sexual, physical and verbal harassment and abuse and defamation of Plaintiff.

(d) Failed to implement and enforce rules, regulations and guidelines regarding supervision of employees known to engage in sexual, physical and verbal harassment and abuse and defamation of Church members.

(e) Failed to enforce its own rules, regulations guidelines, and procedures with respect to the investigation and prevention of sexual, physical and verbal harassment and abuse and defamation at its churches.

(f) Was otherwise careless and negligent.

55. As a direct and proximate result of one or more of the aforementioned negligent acts or omissions of UPCI, Plaintiff suffered severe personal injuries that are permanent in nature and will in the future endure tremendous mental suffering and will in the future incur sums for counseling services.

WHEREFORE, Plaintiff, ARACELI GUEVERA, respectfully requests that judgment be entered in her favor and against the Defendant, UNITED PENTECOSTAL CHURCH INTERNATIONAL, in an amount in excess of \$50,000.00 plus the costs of this lawsuit.

Count III - Negligent Retention (International Christian Fellowship)

56. Plaintiff repeats and realleges Paragraphs 1 through 45 as and for Paragraph 56 of this Count III as though fully set forth herein.

57. At all times relevant hereto, ICF employed Malagon in a position of trust as pastor of its Elgin church.

58. On and after June 1, 2016, ICF knew or should have known, through the knowledge of its agents, Bishop Ricardo Gonzalez, pastor Nava and other pastors of the Church, that Malagon had sexually and physically assaulted Plaintiff, had verbally, physically and sexually harassed Plaintiff and had defamed Plaintiff.

59. ICF owed a duty of care to Plaintiff to immediately terminate any employee which it knew to engage in unwanted sexual and physical touching, harassment and/or defamation of any Church members.

60. ICF owed a duty of care to investigate any employee which it had a belief or suspicion was engaging in unwanted sexual and physical touching, harassment and/or defamation of any Church members.

61. ICF owed a duty of care to Plaintiff to terminate Malagon when it knew or should have known that Malagon was a sexual predator and a threat to Church members.

62. On and after June 1, 2016, ICF knew or should have known that Malagon had engaged in unwanted sexual and physical touching, verbal harassment and/or defamation of a Church member, which caused him to possess a particular unfitness for his position at the Church so as to create a risk of harm to Church members.

63. On information and belief, prior to the incidents of sexual assault, harassment and defamation between Malagon and Plaintiff, employees of ICF had actual and/or constructive knowledge that Malagon had engaged in unwanted sexual touching of other Church members.

64. On and after June 1, 2016, agents and employees of ICF knew or should have known that Malagon was:

- (a) Engaging in unwanted sexual touching with a Church member on multiple occasions;
- (b) Engaging in defamation of a Church member on multiple occasions;
- (c) Assaulting and battering a Church member on multiple occasions;
- (d) Sexually harassing a Church member on multiple occasions.
- (e) Verbally harassing a Church member on multiple occasions.

65. ICF was negligent in one or more of the following ways:

- (a) Failing to properly investigate the background of Malagon prior to or after hiring him;
- (b) Failing to supervise Malagon;
- (c) Failing to investigate Malagon when it knew or should have known that Malagon was engaging in unwanted sexual touching, defamation, assault, battery and sexual and verbal harassment of a Church member.
- (d) Failing to terminate Malagon when it knew or should have known that Malagon was engaging in unwanted sexual touching, defamation, assault, battery and sexual and verbal harassment of a Church member.

66. As a direct and proximate result of one or more of the aforementioned negligent acts or omissions of ICF, Plaintiff suffered severe personal injuries that are permanent in nature and will in the future endure tremendous mental suffering and will in the future incur sums for counseling services.

WHEREFORE, Plaintiff, ARACELI GUEVERA, respectfully requests that judgment be entered in her favor and against the Defendant, INTERNATIONAL CHRISTIAN FELLOWSHIP, in an amount in excess of \$50,000.00 plus the costs of this lawsuit.

Count IV - Negligent Retention (United Pentecostal Church International)

67. Plaintiff repeats and realleges Paragraphs 1 through 45 as and for Paragraph 67 of this Count III as though fully set forth herein.

68. At all times relevant hereto, UPCI employed Malagon in a position of trust as Pastor of its Elgin church.

69. On and after June 1, 2016, UPCI knew or should have known, through the knowledge of its agents, Bishop Ricardo Gonzalez, Pastor Nava and other pastors of the Church, that Malagon had sexually and physically assaulted Plaintiff, had verbally, physically and sexually harassed Plaintiff and had defamed Plaintiff.

70. UPCI owed a duty of care to Plaintiff to immediately terminate any employee which it knew to engage in unwanted sexual or physical touching, harassment and/or defamation of any Church members.

71. UPCI owed a duty of care to investigate any employee which it had a belief or suspicion was engaging in unwanted sexual or physical touching, harassment and/or defamation of any Church members.

72. UPCI owed a duty of care to Plaintiff to terminate Malagon when it knew or should have known that Malagon was a sexual predator and a threat to Church members.

73. On and after June 1, 2016, UPCI knew or should have known that Malagon had engaged in unwanted sexual and physical touching, harassment and/or defamation of a Church member, which caused him to possess a particular unfitness for his position at the Church so as to create a risk of harm to Church members.

74. On information and belief, prior to the incidents of sexual assault, harassment and defamation between Malagon and Plaintiff, employees of UPCI had actual and/or constructive knowledge that Malagon had engaged in unwanted sexual touching of other Church members.

75. On and after June 1, 2016, agents and employees of UPCI knew or should have known that Malagon was:

- (a) Engaging in unwanted sexual touching with a Church member on multiple occasions;
- (b) Engaging in defamation of a Church member on multiple occasions;
- (c) Assaulting and battering a Church member on multiple occasions;
- (d) Sexually harassing a Church member on multiple occasions.
- (e) Verbally harassing a Church member on multiple occasions.

76. UPCI was negligent in one or more of the following ways:

- (a) Failing to properly investigate the background of Malagon prior to or after hiring him;
- (b) Failing to supervise Malagon;
- (c) Failing to investigate Malagon when it knew or should have known that Malagon was engaging in unwanted sexual touching, defamation, assault, battery and sexual and verbal harassment of a Church member.
- (d) Failing to terminate Malagon when it knew or should have known that Malagon was engaging in unwanted sexual touching, defamation, assault, battery and sexual and verbal harassment of a Church member.

77. As a direct and proximate result of one or more of the aforementioned negligent acts or omissions of UPCI, Plaintiff suffered severe personal injuries that are permanent in nature and will in the future endure tremendous mental suffering and will in the future incur sums for counseling services.

WHEREFORE, Plaintiff, ARACELI GUEVERA, respectfully requests that judgment be entered in her favor and against the Defendant, UNITED PENTECOSTAL CHURCH INTERNATIONAL in an amount in excess of \$50,000.00 plus the costs of this lawsuit.

Count V - Defamation (Manfred Malagon)

78. Plaintiff repeats and realleges Paragraphs 1 through 45 as and for Paragraph 78 of this Count V as though fully set forth herein.

79. On multiple occasions from March 2016 through September 2016, Malagon published false statements about Plaintiff that: (1) Plaintiff had tried to engage in sexual relations with him; (2) Plaintiff and Malagon had engaged in sexual relations; (3) Plaintiff was a "prostitute;" (4) Plaintiff was a "witch;" (5) Plaintiff was seducing all the men in the Church; and (6) Plaintiff had engaged in sexual relations with her husband's sister.

80. The above statements were published and broadcasted to multiple members of the Church and on multiple occasions.

81. Malagon knew that each of the above statements were false when he published them on multiple occasions to multiple members of the Church.

82. As a direct and proximate result of Malagon's knowingly false statements, Plaintiff suffered severe personal injuries that are permanent in nature and will in the future endure tremendous mental suffering and will in the future incur sums for counseling services.

WHEREFORE, Plaintiff, ARACELI GUEVERA, respectfully requests that judgment be entered in her favor and against the Defendant, MANFRED MALAGON, in an amount in excess of \$50,000.00 plus the costs of this lawsuit.

Count VI - Defamation (Sarai Malagon)

83. Plaintiff repeats and realleges Paragraphs 1 through 45 as and for Paragraph 83 of this Count VI as though fully set forth herein.

84. In or around September 2016, Sarai Malagon claimed to another Church member that Manfred Malagon and Plaintiff had engaged in sexual relations.

85. The above statement was published and broadcasted to a third party.

86. Sarai Malagon knew that the above statement was false when she published it to a third party.

87. As a direct and proximate result of Sarai Malagon's knowingly false statements, Plaintiff suffered severe personal injuries that are permanent in nature and will in the future endure tremendous mental suffering and will in the future incur sums for counseling services.

WHEREFORE, Plaintiff, ARACELI GUEVERA, respectfully requests that judgment be entered in her favor and against the Defendant, SARAI MALAGON, in an amount in excess of \$50,000.00 plus the costs of this lawsuit.

Count VII - Battery (Manfred Malagon)

88. Plaintiff repeats and realleges Paragraphs 1 through 45 as and for Paragraph 88 of this Count VII as though fully set forth herein.

89. Plaintiff did not consent to Malagon's actions as alleged herein.

90. As a direct and proximate result of Malagon's actions as alleged herein, Plaintiff suffered severe personal injuries that are permanent in nature and will in the future endure tremendous mental suffering and will in the future incur sums for counseling services.

WHEREFORE, Plaintiff, ARACELI GUEVERA, respectfully requests that judgment be entered in her favor and against the Defendant, MANFRED MALAGON, in an amount in excess of \$50,000.00 plus the costs of this lawsuit.

Count VIII - Assault (Manfred Malagon)

91. Plaintiff repeats and realleges Paragraphs 1 through 45 as and for Paragraph 91 of this Count VIII as though fully set forth herein.

92. Plaintiff did not consent to Malagon's actions as alleged herein.

93. As a direct and proximate result of Malagon's actions as alleged herein, Plaintiff suffered severe personal injuries that are permanent in nature and will in the future endure tremendous mental suffering and will in the future incur sums for counseling services.

WHEREFORE, Plaintiff, ARACELI GUEVERA, respectfully requests that judgment be entered in her favor and against the Defendant, MANFRED MALAGON, in an amount in excess of \$50,000.00 plus the costs of this lawsuit.

Count IX - Negligent Infliction of Emotional Distress (Manfred Malagon)

94. Plaintiff repeats and realleges Paragraphs 1 through 45 as and for Paragraph 94 of this Count IX as though fully set forth herein.

95. At all times relevant hereto, Malagon had a duty not to cause harm to Plaintiff through his verbal and physical actions.

96. The multiple acts of sexual assault, assault, battery, verbal abuse, defamation and sexual harassment by Malagon caused severe emotional distress to Plaintiff.

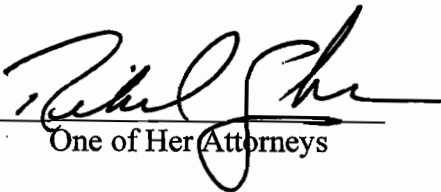
97. Malagon's actions of revealing to Church members that Plaintiff had engaged in an extramarital affair, information that Malagon had learned in confidential counseling sessions with Plaintiff, caused severe emotional distress of Plaintiff.

98. As a direct and proximate result of the negligent infliction of emotional distress by Malagon, Plaintiff suffered severe personal injuries that are permanent in nature and will in the future endure tremendous mental suffering and will in the future incur sums for counseling services.

WHEREFORE, Plaintiff, ARACELI GUEVERA, respectfully requests that judgment be entered in her favor and against the Defendant, MANFRED MALAGON, in an amount in excess of \$50,000.00 plus the costs of this lawsuit.

Respectfully submitted,

ARACELI GUEVERA

By: 
One of Her Attorneys

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