

CAUSE NO. _____

CARLA SWEET and ED GOMEZ,	§	IN THE DISTRICT COURT OF
Individually and as Personal	§	
Representatives of the Estate of JOHN	§	
JEREMY SWEET-GOMEZ, Deceased,	§	
	§	
Plaintiffs,	§	
	§	
V.	§	DALLAS COUNTY, TEXAS
	§	
FIRST BAPTIST CHURCH OF	§	
ROCKWALL and BILLY BOB	§	
BURGE	§	
	§	
Defendants.	§	___ JUDICIAL DISTRICT

**PLAINTIFFS’ ORIGINAL PETITION AND
REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE:

COMES NOW, Plaintiffs Carla Sweet and Ed Gomez, Individually and as Personal Representatives of the Estate of John Jeremy Sweet-Gomez, Decedent, and file this Original Petition and Request for Disclosure, complaining of Defendants First Baptist Church of Rockwall and Billy Bob Burge, and allege as follows:

I.

DISCOVERY CONTROL PLAN

Plaintiffs intend to conduct discovery under Level III of Rule 190.4 of the Texas Rule of Civil Procedure because they seek monetary relief aggregating more

than \$50,000 and requests the Court enter a Discovery Control Plan to place this case under Level III.

II.

PARTIES

1. Plaintiff Carla Sweet is an individual who resides in Dallas County, Texas, and Bay County, Florida, and is the mother of the Decedent, John Jeremy Sweet-Gomez.

2. Plaintiff Ed Gomez is an individual who resides in Dallas County, Texas, and is the father of the Decedent, John Jeremy Sweet-Gomez.

3. Defendant First Baptist Church of Rockwall is an unincorporated religious association or entity in Rockwall, Texas, and service of process may be had on this Defendant by serving the petition and citation on its registered agent, Don French, at 610 South Goliad Street, Rockwall, Texas 75087, or wherever this Defendant may be found.

4. Defendant Billy Bob Burge is an individual, and service of process may be had on this Defendant by serving the petition and citation on him at his place of residence, 3204 Bonham Street, Greenville, Texas 75402, or wherever this Defendant may be found.

III.

VENUE AND JURISDICTION

1. Venue is proper in Dallas County pursuant to §15.001 *et seq.* of the Texas Civil Practice & Remedies Code because a substantial part of the acts or omissions giving rise to the wrongful death and survival causes of action occurred in Dallas County, Texas.

2. Jurisdiction is proper because the amount in controversy exceeds the minimum jurisdictional limits of this Court.

IV.

CLAIM FOR RELIEF

1. In accordance with Rule 47(c) of the Texas Rules of Civil Procedure, Plaintiff Carla Sweet, Individually, seeks monetary relief over \$1,000,000.

2. In accordance with Rule 47(c) of the Texas Rules of Civil Procedure, Plaintiff Ed Gomez, Individually, seeks monetary relief over \$1,000,000.

3. In accordance with Rule 47(c) of the Texas Rules of Civil Procedure, Plaintiffs Carla Sweet and Ed Gomez, as Personal Representatives of the Estate of John Jeremy Sweet-Gomez, seek monetary relief over \$1,000,000.

V.

FACTS

1. In the early to mid-1990s, Billy Bob Burge—a Youth Pastor at First Baptist Church of Rockwall—engaged in repeated sexual conduct with John Jeremy Sweet-Gomez, a minor. This sexual conduct began when Mr. Sweet-Gomez was approximately twelve to thirteen years old.

2. Pastor Burge’s sexual abuse of Mr. Sweet-Gomez included sodomy, oral sex, and inappropriate sexual touching. These abuses occurred at various locations and times: including on church property and during church-sponsored religious trips.

3. At all relevant times, Burge served as Youth Pastor of Defendant First Baptist Church of Rockwall in Rockwall, Texas, in the 1990s and 2000s. He served and/or was employed with First Baptist Church of Rockwall: remaining under its retention, supervision, employ, agency, and control.

4. First Baptist Church of Rockwall knew or should have known that Pastor Burge often engaged in forbidden sexual conduct with Mr. Sweet-Gomez, a minor. First Baptist Church of Rockwall plainly knew or should have known that such abuse would be damaging to Mr. Sweet-Gomez. The abuse Mr. Sweet-Gomez suffered left a lasting painful impact on him: culminating in his taking his own life

on January 19, 2015, in Dallas, Texas.

5. As devout and loyal Christians, John Jeremy Sweet-Gomez and his family trusted First Baptist Church of Rockwall, its leaders, its servants, and its representatives. They believed that this Church and its personnel would always act as holy and chaste servants with him and his family's best interests in mind. They trusted this religious institution to warn them of known and potential dangers: including a pedophilic youth pastor.

6. John Jeremy Sweet-Gomez and his family had the utmost trust and confidence in First Baptist Church of Rockwall. Defendants betrayed this trust through their actions and omissions which left Mr. Sweet-Gomez unprotected from a sexual predator and resulted in him enduring numerous incidents of sexual abuse. These abuses ultimately led to his injuries and death.

VI.

CAUSES OF ACTION AGAINST FIRST BAPTIST CHURCH OF ROCKWALL

a. NEGLIGENCE

1. Pastor Burge worked as and/or was employed as a Youth Pastor with First Baptist Church of Rockwall, which had direct supervision and control over him when he sexually abused children, including John Jeremy Sweet-Gomez. First Baptist Church of Rockwall delegated authority to its Youth Pastor, Defendant Burge, as its agent, representative, and/or employee.

2. Through his position as a Youth Pastor, Pastor Burge came to know and gained access to minors and their families. Pastor Burge then used his position to sexually molest, abuse, and assault minors, including Mr. Sweet-Gomez.

3. Pastor Burge engaged in this wrongful conduct while in the course and scope of his employment with Defendant. Therefore, First Baptist Church of Rockwall is liable for his wrongful conduct. Plaintiffs plead *respondeat superior*, agency, apparent agency, agency by estoppel, and ratification.

4. Furthermore, First Baptist Church of Rockwall directly and vicariously caused foreseeable harm to John Jeremy Sweet-Gomez, his family, and others, by:

- a. aiding, abetting, and ratifying child abuse by religious leadership, including Pastor Burge;
- b. failing to report sexual abuse, including abuse of Mr. Sweet-Gomez, to law enforcement and governmental child welfare agencies;
- c. negligently misrepresenting to and/or failing to warn Mr. Sweet-Gomez, his family, and others of Pastor Burge's propensities to sexually abuse children;
- d. failing to train religious leadership, such as Pastor Burge, and others associated with the church, to prevent, identify, investigate, respond to, and/or report child abuse;
- e. failing to adopt adequate policies and procedures to protect children;
- f. failing to implement and comply with policies and procedures to protect children, if such policies and procedures existed;

- g. failing to properly investigate matters brought to their attention involving child abuse and/or suspicions of child abuse;
- h. concealing from Mr. Sweet-Gomez, his family, and others information indicating that Pastor Burge and potentially other leaders were behaving inappropriately with children and/or abusing children;
- i. failing to undertake a sexual offender evaluation, provide sexual offender treatment, and/or obtain psychiatric evaluation and treatment of known pedophiles, even after they knew of their propensities to sexually abuse children;
- j. failing to properly supervise Pastor Burge and potentially other leadership in the organization or to monitor their activities when they knew or should have known of their propensities to use their positions of trust, authority, and leadership to engage in sexual abuse; and
- k. failing to properly supervise Pastor Burge and potentially other leadership in the organization or to monitor their activities when it knew or should have known of their propensities to use their positions of trust, authority and leadership to conceal child sexual abuse.

5. Furthermore, First Baptist Church of Rockwall negligently hired, retained, and supervised Pastor Burge, who used his position of trust, leadership, and authority to sexually abuse and assault children, including Mr. Sweet-Gomez. Likewise, First Baptist Church of Rockwall negligently hired, trained, retained, and supervised leadership that could and should have investigated, reported, overseen, and protected the children entrusted to their care, custody, and control.

6. First Baptist Church of Rockwall had a duty to protect Mr. Sweet-Gomez and other children from sexual predators within church leadership. In particular, First Baptist Church of Rockwall plainly had a duty to protect children from Pastor Burge: a known sexual predator working as a Youth Pastor. First Baptist Church of Rockwall knew that minors, such as Mr. Sweet-Gomez, were at risk of foreseeable harm by Pastor Burge and potentially others within the leadership. First Baptist Church of Rockwall breached its duty to these children, including Mr. Sweet-Gomez, when it failed to protect them from this foreseeable risk of harm.

7. First Baptist Church of Rockwall—a religious organization in a special fiduciary relationship with Mr. Sweet-Gomez—owed him the highest duty of trust and confidence and was required to act in his best interest. First Baptist Church of Rockwall knowingly breached this duty when it failed to act with the highest degree of trust and confidence to protect Mr. Sweet-Gomez from its pedophilic and abusive Youth Pastor. This knowing breach of a fiduciary duty proximately caused Mr. Sweet-Gomez’s injuries and death.

8. Because of this special relationship, Mr. Sweet-Gomez and his family trusted that First Baptist Church of Rockwall would always act in their best interests, would warn them of any known danger, and would never knowingly subject Mr. Sweet-Gomez to danger. First Baptist Church of Rockwall breached

Mr. Sweet-Gomez's and his family's trust when it failed to act with the highest degree of trust and confidence to protect them from Defendant Burge's known habit of sexually abusing minors and by concealing that conduct.

9. The negligent acts and omissions on the part of First Baptist Church of Rockwall, by and through its employees, and specifically Pastor Burge, proximately caused the sexual abuse and death of Mr. Sweet-Gomez.

b. FRAUD AND FRAUDULENT CONCEALMENT

1. First Baptist Church of Rockwall solicited and encouraged individuals to become and remain members of their Church. First Baptist Church of Rockwall claimed that it was a safe, loving and wholesome religious environment for families and children. During Pastor Burge's tenure, First Baptist Church of Rockwall represented him to the public as a wholesome, safe and positive influence for children.

2. First Baptist Church of Rockwall made these representations with the intent that the public and church members, including Mr. Sweet-Gomez and his parents, would join and remain in the Church and continue allowing their children to be around Youth Pastors, including Pastor Burge. These representations materially affected Mr. Sweet-Gomez's parents' decision to allow him to spend time with Youth Pastors, such as Pastor Burge, and often alone.

3. These representations were false. Pastor Burge was a pedophile who abused Mr. Sweet-Gomez and other minors through his position at First Baptist Church of Rockwall. This proximately caused the sexual abuse of Mr. Sweet-Gomez, which culminated in his death.

c. FRAUD BY NON-DISCLOSURE

1. Defendants committed fraud by non-disclosure and misrepresentation when they represented to Mr. Sweet-Gomez and his family that its Youth Pastor was safe and wholesome, despite knowing of Pastor Burge's habit of sexually abusing children. This proximately caused Mr. Sweet-Gomez's abuses and death and Plaintiffs' damages,

2. First Baptist Church of Rockwall failed to disclose to Mr. Sweet-Gomez, his family, and the general public, that Pastor Burge was engaging in conduct that was wrong, hurtful, and harmful to children for their lifetimes. Plaintiffs entrusted Defendants with the care and safety of Mr. Sweet-Gomez. Defendants owed a duty to take all reasonably necessary steps to protect minors from injury and harm—including Pastor Burge's foreseeable sexual misconduct.

3. Had Defendants told Mr. Sweet-Gomez, a minor at the time, and/or his parents that sexual conduct with Pastor Burge was against the law and harmful, Mr. Sweet-Gomez would not have been manipulated into suffering abuse, and Mr. Sweet-Gomez's family would not have allowed him to be alone with his abuser.

4. Instead, Defendants did everything possible to avoid disclosing Pastor Burge's inappropriate sexual conduct and abuses. Mr. Sweet-Gomez, who was a minor at the time of the abuses, had no opportunity to discover that Pastor Burge's conduct was criminal and wrong, that it was hurtful and/or injurious, and that it would ultimately lead to Mr. Sweet-Gomez's death.

VII.

DEFENDANTS' CONSPIRACY

1. Defendants entered into a civil conspiracy, accompanied by a meeting of the minds regarding concerted actions, the purposes of which were to conceal and minimize public knowledge of sexual misconduct and/or abuse by Pastor Burge. This conspiracy and concerted action was carried out by Defendants to conceal the fact that they individually and collectively committed acts of neglect, gross neglect, concealment, fraud, and breached fiduciary duties. Officials and agents or representatives of First Baptist Church of Rockwall, acting in concert, engaged in this conspiracy to avoid prosecution, to cover up sexual misconduct and abuse, and to conceal claims arising from crimes or conduct of their Youth Pastor.

VIII.

CAUSES OF ACTION AGAINST BILLY BOB BURGE

1. Pastor Burge was a Youth Pastor of the First Baptist Church of Rockwall in the early 1990s and 2000s. He knew of his own dangerous

propensities—sexual and otherwise—to minor children.

2. While acting as a Youth Pastor for the First Baptist Church of Rockwall, Pastor Burge sexually molested and abused Mr. Sweet-Gomez and others.

3. Pastor Burge groped and sodomized Mr. Sweet-Gomez, and thereby, assaulted him. Pastor Burge knew or should have reasonably believed or known that such contact would be provocative, offensive, and/or illegal.

4. Mr. Sweet-Gomez suffered emotional distress due to the sexual abuse he suffered at the hand of Pastor Burge.

5. Pastor Burge violated Sections 21.11, 22.011, 22.021, 22.041, and 43.25 of the Texas Penal Code when he engaged in the above-described sexual conduct. Such violations constitute negligence *per se*.

6. Pastor Burge was in a position of trust, confidence, and authority as a Youth Pastor and leader at First Baptist Church of Rockwall. At a minimum, he negligently misused this trust, confidence, and/or fiduciary relationship to sexually violate Mr. Sweet-Gomez and other children.

IX.

PLAINTIFFS' TEXAS WRONGFUL DEATH AND SURVIVAL CLAIMS

1. Plaintiffs Carla Sweet and Ed Gomez, Individually and as Personal Representatives of the Estate of John Jeremy Sweet-Gomez, deceased, are the

statutory beneficiaries of Decedent and are entitled to bring these causes of action against Defendants pursuant to the Texas Wrongful Death Act, as codified in Section 71.001 of the Texas Civil Practice & Remedies Code, and pursuant to Section 16.0045 of the Texas Civil Practice & Remedies Code. Plaintiffs' claims under these Sections are brought to provide compensation for losses sustained because of their son's abuses and death. Further, pursuant to the Texas Survival Statute, Texas Civil Practice & Remedies Code Section 71.021, Plaintiffs, as heirs and representatives of the Estate of John Jeremy Sweet-Gomez, seek damages incurred by him due to the injuries he sustained and death as a result of his sexual abuse incidents. All conditions precedent to the filing of this lawsuit bringing said causes of action have been performed or have occurred.

X.

DAMAGES

1. Plaintiff Carla Sweet is the 59-year-old surviving mother of Decedent John Jeremy Sweet-Gomez. Decedent was 37 years old at the time of his wrongful death. His mother has lost all support she would have received from him for the remainder of her life. In addition, she has lost the love and companionship they would have shared for the remainder of her life. Furthermore, she has suffered unusual and severe mental anguish and grief over her son's sudden and unexpected death.

2. Plaintiff Ed Gomez is the 64-year-old surviving father of Decedent John Jeremy Sweet-Gomez. Decedent was 37 years old at the time of his wrongful death. His father has lost all support he would have received from him for the remainder of his life. In addition, he has lost the love and companionship they would have shared for the remainder of his life. Furthermore, he has suffered unusual and severe mental anguish and grief over his son's sudden and unexpected death.

3. Further, as a result of the wrongful death of John Jeremy Sweet-Gomez, his Estate has incurred damages for medical expenses, funeral and burial expenses, pain, suffering, and mental anguish prior to his death.

XI.

EXEMPLARY DAMAGES

1. Plaintiffs seek punitive or exemplary damages in order to punish and deter the outrageous conduct taken in heedless and reckless disregard for the safety of Mr. Sweet-Gomez and others, as a result of Defendants' conscious indifference to the rights, welfare and safety of Mr. Sweet-Gomez and others in violation of the laws of the State of Texas. Plaintiffs allege that Defendants' conduct amounted to fraud, gross neglect, and/or malice.

XII.

CLAIM FOR PREJUDGMENT AND POST-JUDGMENT INTEREST¹.

1. Plaintiffs claim interest in accordance with Texas Finance Code §304.001 *et seq.* and any other applicable law.

XIII.

JURY DEMAND

1. Plaintiffs demand a jury trial and tender the appropriate fee with the Original Petition.

XIV.

NOTICE PURSUANT TO T.R.C.P. 193.7

1. Plaintiffs provide notice to Defendants pursuant to Rule 193.7 of the Texas Rules of Civil Procedure that Plaintiffs may utilize as evidence during the trial of this lawsuit all documents exchanged by the parties in written discovery in this case.

XV.

**REQUEST FOR INITIAL DISCLOSURE
AND NOTICE OF PRESERVATION**

1. Under Rule 194 of the Texas Rules of Civil Procedure, Plaintiffs request that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2 to be produced to the Turley Law

Firm, 1000 Turley Law Center, 6440 North Central Expressway, Dallas, Texas 75206, during normal business hours.

2. Defendants are hereby given notice that any document or other material, including electronically stored information, that may be evidence or relevant to any issue in this case is to be preserved in its present form until this litigation is concluded.

XVI.

PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein and upon final hearing of this cause, Plaintiffs have judgment against Defendants, jointly and severally, for damages described, for costs of suit, pre-judgment and post judgment interest permitted by law, and for such other relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

TURLEY LAW FIRM

/s/ Steven S. Schulte

Steven S. Schulte

State Bar No. 24051306

Lacey Turley Stutz

State Bar No. 24093225

6440 North Central Expressway

1000 Turley Law Center

Dallas, Texas 75206

Telephone No. 214/691-4025

Telecopier No. 214/361-5802

Email: stevens@wturley.com

ATTORNEYS FOR PLAINTIFFS