

**FILED**

IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL DISTRICT  
OF HINDS COUNTY, MISSISSIPPI

OCT 20 2010  
BARBARA DUNN, CIRCUIT CLERK  
BY \_\_\_\_\_ D.C.

**DARRELL LODGE**

**PLAINTIFF**

**VS.**

CIVIL ACTION NO.: 25710-892 CIV

**KEVIN JOSEPH BOYD, SR.; and  
THE APOSTOLIC CHURCH AT JACKSON**

**DEFENDANTS**

**COMPLAINT  
(Jury Trial Demanded)**

COMES NOW Darrell Lodge, Plaintiff in the above-captioned matter, and respectfully states his complaint against Defendants Kevin Joseph Boyd, Sr., and The Apostolic Church at Jackson as follows:

**JURISDICTION AND VENUE**

1.

Defendant KEVIN JOSEPH BOYD, SR. ("Defendant Boyd") is an individual who resides and can be served at 1735 Shady Lane in Jackson, Hinds County, Mississippi.

2.

Defendant, The Apostolic Church at Jackson ("CAJAX"), is a non-profit corporation organized under the Laws of the State of Mississippi, with its principal office located at 1735 Shady Lane Drive, Jackson, Mississippi in Hinds County.

3.

Service of process may be perfected upon CAJAX by serving its registered agent, Kevin J. Boyd, Sr. at 1735 Shady Lane Drive, Jackson, Mississippi 39204 in Hinds County.

4.

Jurisdiction is proper in this Court because the Defendant is located in the First Judicial District of Hinds County, Jackson, Mississippi.

5.

Venue is proper in this Court because the actions alleged in the Complaint all occurred or accrued in the First Judicial District of Hinds County, Jackson, Mississippi.

**FACTUAL ALLEGATIONS**

6.

Defendant Boyd is the Bishop, senior pastor and chief executive officer of Defendant The Apostolic Church at Jackson.

7.

At all times material hereto, Defendant Boyd has established a confidential relationship with Plaintiff Lodge, while acting as Plaintiff Lodge's spiritual advisor and Bishop.

8.

Defendant Boyd has utilized his spiritual authority as Bishop to coerce certain Plaintiff Lodge, who was a male member of Defendant, The Apostolic Church at Jackson, into engaging in sexual acts and relationships for his own personal sexual gratification.

9.

Defendant Boyd has a pattern and practice of singling out a select group of young male church members and using his authority as Bishop over them to ultimately bring them to a point of engaging in a sexual relationship.

10.

Plaintiff Darrell Lodge is one of the young male church members described above.

11.

Darrell Lodge ("Plaintiff Lodge") was born September 12, 1987. He currently resides in Jackson, Mississippi.

12.

CAJAX opened its location at 1735 Shady Lane Drive, Jackson, Mississippi in or around 2006.

13.

Defendant Lodge attended church regularly, sang in the church's choir and played drums.

14.

On many Sundays after Church, Plaintiff Lodge would, at the request of Defendant Boyd, go to Defendant Boyd's office after church.

15.

Initially, Defendant Boyd engaged in sexual touching during their encounters and then escalated the activity to oral sodomy and other acts of sexual gratification.

16.

Defendant Boyd would discuss the Holy Scripture to justify and support the sexual activity.

17.

In or about October 2007, Defendant Boyd texted Plaintiff Lodge advising him that he was in town and needed his assistance in putting up boxes.

18.

Defendant Boyd then drove Plaintiff Lodge to the Comfort Inn on Greenway Drive in Jackson, Mississippi to put up boxes. Defendant Boyd began performing sexual acts with Plaintiff Lodge.

19.

Defendant Boyd would discuss the Holy Scripture to justify and support the sexual activity.

20.

Over the next couple of years, Defendant Boyd would travel to Jackson, Mississippi to engage in sexual relations with Plaintiff Lodge. He would contact Plaintiff and inform him that he would be in town and for him not to let anyone know that he would be in town.

21.

By 2009, Plaintiff Lodge had started to distance himself from the Defendant Boyd and became engaged to the woman who is now his wife.

22.

Once in town, Defendant Boyd would engage in sexual relationships with Plaintiff Lodge in local hotels and at Defendant CAJAX.

23.

On or about June 2010, Plaintiff Lodge informed one of the senior pastors of the church of Defendant Boyd's sexual abuse.

24.

At all times relevant and pertinent to the claims alleged herein, Defendant Boyd was in a confidential relationship with Plaintiff.

25.

At all times relevant and pertinent to the claims alleged herein, Defendant Boyd was Plaintiff's spiritual advisor.

26.

At all times relevant and pertinent to the claims alleged herein, Defendant Boyd was in a confidential relationship with Plaintiff Lodge and was thereby situated to exercise a controlling influence over the will, conduct, and interest of Plaintiff.

27.

At all time relevant and pertinent to the claims alleged herein, Defendant Boyd was involved in advising and counseling Plaintiff Lodge in areas of Plaintiff's personal life.

28.

Defendant Boyd, through manipulation, coercion, deception and fraud resulting from the abuse of his confidential relationships with Plaintiff Lodge, convinced Plaintiff Lodge that engaging in a sexual relationship was a healthy component of his spiritual life.

COUNT I  
BREACH OF FIDUCIARY DUTY

29.

Defendant Boyd, as Plaintiff Lodge's pastor, counselor, and bishop, was in a position to exercise a controlling influence over the will, conduct, and interest of Plaintiff Lodge.

30.

Defendant Boyd had a fiduciary duty not to engage in any sexual relations with Plaintiff Lodge.

31.

Defendant Boyd had a fiduciary duty not to request Plaintiff Lodge to engage in any sexual relations with Defendant Boyd.

32.

Defendant Boyd had a fiduciary duty as the spiritual advisor of Plaintiff Lodge not to coerce Plaintiff Lodge to engage in sexual conduct and relationships with Defendant Boyd.

33.

Defendant Boyd had a fiduciary duty as the pastor to Plaintiff Lodge not to mislead or advise Plaintiff Lodge that the sexual conduct with Defendant Boyd was justified by the Holy Scripture and ordained by God.

34.

Defendant Boyd breached his fiduciary duty to Plaintiff Lodge and abused his confidential clerical and pastoral relationship, by requesting and requiring Plaintiff Lodge to participate in sexual acts with Defendant Boyd in such a manner as to be adverse to the interests of Plaintiff Lodge.

35.

As a direct and proximate result of Defendant Boyd's breach of fiduciary duties, Plaintiff Boyd has suffered severe emotional distress, mental pain and suffering and adverse physical consequences.

36.

As a direct and proximate result of Defendant Boyd's breach of fiduciary duties, Plaintiff Boyd has suffered physical pain and suffering.

37.

As a direct and proximate result of Defendant Boyd's breach of fiduciary duties, Plaintiff Boyd has been subjected to public scorn and ridicule.

COUNT II  
NEGLIGENCE PER SE

38.

Defendant Boyd had a legal duty as the spiritual advisor of Plaintiff Lodge not to engage in sexual conduct with Plaintiff Lodge.

39.

Defendant's Breach of said duty constitutes negligence per se.

40.

As a direct and proximate result of Defendant Boyd's Negligence Per Se, Plaintiff Lodge has suffered severe emotional distress, mental pain and suffering, and adverse physical consequences.

41.

As a direct and proximate result of Defendant Boyd's Negligence Per Se, Plaintiff Lodge has been subjected to public scorn and ridicule.

COUNT III  
NEGLIGENCE

42.

Defendant Boyd owed a duty to Plaintiff Lodge to exercise ordinary care under the circumstances created by his pastoral relationship with Plaintiff Lodge.

43.

Defendant breached his duty of care.

44.

As a direct and proximate result of Defendant Boyd's negligence, Plaintiff Lodge has suffered severe emotional distress, mental pain and suffering, and adverse physical consequences.

45.

As a direct and proximate result of Defendant Boyd's negligence, Plaintiff Lodge has been subjected to public scorn and ridicule.

COUNT IV  
FRAUD

46.

Defendant Boyd knowingly and intentionally made false representations of material fact to Plaintiff Lodge by, among other things:

- (a) By representing that sexual contact with Defendant Boyd was a healthy component of Plaintiff Lodge's worship and affiliation with the Church;
- (b) By representing that sexual relations with Defendant Boyd were justified by the Holy Scripture and ordained by God.

47.

As a follower of Bishop Boyd, Plaintiff Lodge justifiably relied on Defendant Boyd's false representations and was thereby coerced into participating in sexual acts and sexual relationships with Defendant Boyd.

48.

As a direct and proximate result of Defendant Boyd's fraudulent representations, Plaintiff Lodge has suffered severe emotional distress, mental pain and suffering, and adverse physical consequences.

49.

As a direct and proximate result of Defendant Boyd's fraudulent representations, Plaintiff Lodge has suffered physical pain and suffering.

50.

As a direct and proximate result of Defendant Boyd's fraudulent representations, Plaintiff Lodge has been subjected to public scorn and ridicule.

COUNT V  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Defendant Boyd)

51.

Defendant Boyd intentionally exercised undue influence and abused his position of power as Plaintiff Lodge's spiritual counselor, advisor and pastor to induce and coerce Plaintiff Lodge into engaging in sexual relations and prolonged sexual relationships with Defendant Boyd.

52.

Defendant Boyd physically impacted Plaintiff Lodge by inducing and coercing him into engaging in sexual acts with Defendant Boyd.

53.

The sexual abuse, coercion and inducement perpetrated by Defendant Boyd against Plaintiff Lodge were extreme and outrageous.

54.

As a direct and proximate result of Defendant Boyd's conduct, Plaintiff Lodge has suffered severe emotional distress, mental pain and suffering, and adverse physical consequences.

55.

As a direct and proximate result of Defendant Boyd's conduct, Plaintiff Lodge has suffered physical pain and suffering.

56.

As a direct and proximate result of Defendant Boyd's conduct, Plaintiff Lodge has been subjected to public scorn and ridicule.

COUNT VI  
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

(All Defendants)

57.

Defendants were negligent as described above and below in exercising undue influence or allowing Defendant Boyd to exercise undue influence to coerce Plaintiff Lodge into engaging in sexual relations and prolonged sexual relationships with Defendant Boyd.

58.

Defendant's conduct was extreme and outrageous and directly caused Plaintiff Lodge to suffer severe psychological and emotional distress.

59.

Plaintiff Lodge suffered and continues to suffer damages as a result of Defendant's Boyd conduct.

60.

As a direct and proximate result of Defendant Boyd's actions, Plaintiff Lodge has suffered severe emotional distress, mental pain and suffering, and adverse physical consequences.

61.

As a direct and proximate result of Defendant Boyd's actions, Plaintiff Lodge has suffered physical pain and suffering.

62.

As a direct and proximate result of Defendant Boyd's actions, Plaintiff Lodge has been subjected to public scorn and ridicule.

**COUNT VII**  
**NEGLIGENT FAILURE TO WARN**

(Defendant The Apostolic Church at Jackson)

63.

Defendant The Apostolic Church at Jackson, by and through their agents, servants, and employees, knew or should have known of Defendant Boyd's dangerous and exploitative propensities as a sexual predator and unfit agent.

64.

Despite knowledge of Defendant Boyd's dangerous and exploitative propensities as a sexual predator and unfit agent, Defendant CAJAX failed to warn those, including Plaintiff Lodge and his family, who came in contact with Defendant Boyd.

65.

Defendant CAJAX's failure to warn Plaintiff Lodge and his family of Defendant Boyd's propensities allowed Defendant Boyd to assume an unfettered position of trust and authority as Plaintiff Lodge's spiritual counselor and pastor.

66.

Defendant CAJAX's failure to warn Plaintiff Lodge of Defendant Boyd's propensities allowed Defendant to coerce and induce Plaintiff into engaging in sexual relationships with him.

67.

As a direct and proximate result of Defendant CAJAX's failure to warn, Plaintiff Lodge has suffered severe emotional distress, mental pain and suffering, and adverse physical consequences.

68.

As a direct and proximate result of Defendant Boyd's failure to warn, Plaintiff Lodge has suffered physical pain and suffering.

69.

As a direct and proximate result of Defendant CAJAX's failure to warn, Plaintiff Lodge has been subjected to public scorn and ridicule.

**COUNT VIII**  
**NEGLIGENT FAILURE TO INTERVENE**

70.

Agents and employees of Defendant CAJAX knew or should have known that Defendant Boyd acted negligently and/or coercively as the spiritual advisor to young male church members such as the Plaintiff and negligently failed to intervene to prevent said conduct.

71.

As a direct and proximate result of Defendant Boyd's negligence, Plaintiff Lodge has suffered severe emotional distress, mental pain and suffering, and adverse physical consequences.

72.

As a direct and proximate result of Defendant Boyd's negligence, Plaintiff Lodge has suffered physical pain and suffering.

73.

As a direct and proximate result of Defendant Boyd's negligence, Plaintiff Lodge has been subjected to public scorn and ridicule.

**COUNT IX**  
**NEGLIGENT FAILURE TO PROTECT**

**(Defendants Kevin Joseph Boyd, Sr. and The Apostolic Church at Jackson)**

74.

Defendants Boyd and CAJAX undertook the spiritual care and protection for Plaintiff Lodge within its church and ministries.

75.

Defendant CAJAX failed to protect the Plaintiff from Defendant Boyd's known propensity to coerce young male church members to engage in sexual acts with him.

76.

As a direct and proximate result of Defendant CAJAX's failure to protect Plaintiff Lodge, Plaintiff Lodge has suffered severe emotional distress, mental pain and suffering, and adverse physical consequences.

77.

As a direct and proximate result of Defendant's failure to protect Plaintiff Lodge, Plaintiff Lodge has suffered physical pain and suffering.

78.

As a direct and proximate result of Defendant's failure to protect Plaintiff Lodge, Plaintiff Lodge has been subjected to public scorn and ridicule.

**COUNT X**  
**NEGLIGENT RETENTION**

**(Defendant The Apostolic Church at Jackson)**

79.

Defendant CAJAX knew, or should have known, that Defendant Boyd had a propensity to sexually contact and exploit young male members of the CAJAX congregation.

80.

Defendant Boyd, at all times pertinent and relevant to this Count of the Complaint, was acting under color of employment as an employee and officer of Defendant CAJAX.

81.

Defendant CAJAX was negligent in retaining Defendant Boyd as an employee and officer of CAJAX, as said Defendant knew or should have known that Defendant Boyd was incompetent or otherwise unable to perform his job duties in an ordinary, reasonable, and lawful manner.

82.

Defendant CAJAX was negligent in retaining Defendant Boyd as an employee and officer of CAJAX, as said Defendants knew or should have known that Defendant Boyd was engaged in sexually inappropriate conduct with CAJAX parishioners and employees including but not limited to the Plaintiff Lodge.

83.

Defendant CAJAX was negligent in retaining Defendant Boyd as an employee and officer of CAJAX as said Defendants knew or should have known that Defendant Boyd had a propensity to engage in sexually inappropriate conduct with congregants, employees and pupils he counseled.

84.

As a direct and proximate result of Defendant's negligence, Plaintiff Lodge has suffered severe emotional distress, mental pain and suffering, and adverse physical consequences.

85.

As a direct and proximate result of Defendant's negligence, Plaintiff Lodge has suffered physical pain and suffering.

86.

As a direct and proximate result of Defendant's negligence, Plaintiff Lodge has been subjected to public scorn and ridicule.

**COUNT XI**  
**NEGLIGENT FAILURE TO SUPERVISE**

**(Defendant The Apostolic Church at Jackson)**

87.

Defendant CAJAX negligently failed to supervise Defendant Boyd as an employee and officer of CAJAX, as said Defendants knew or should have known that Defendant Boyd was incompetent or otherwise unable to perform his job duties in an ordinary, reasonable, and lawful manner.

88.

Defendant CAJAX negligently failed to supervise Defendant Boyd as an employee and officer of CAJAX, as said Defendants knew or should have known that Defendant Boyd was engaged in sexually inappropriate conduct with CAJAX parishioners such as Plaintiff Lodge.

89.

As a direct and proximate result of Defendant's negligence, Plaintiff Lodge has suffered severe emotional distress, mental pain and suffering, and adverse physical consequences.

90.

As a direct and proximate result of Defendant's negligence, Plaintiff Lodge has suffered physical pain and suffering.

91.

As a direct and proximate result of Defendant's negligence, Plaintiff Lodge has been subjected to public scorn and ridicule.

## PUNITIVE DAMAGES

92.

The purpose of punitive damages is to punish and deter the Defendants from engaging in harmful conduct to others both now and in the future.

93.

The Defendants acted with willful misconduct, malice, fraud, oppression, wantonness and an entire want of care raising the presumption of conscience indifference to the consequences. Defendants by and through their conduct, have acted willfully, with malice, intending and achieving fraud such that Plaintiff is entitled to an award of punitive damages in accordance with the enlightened conscience of an impartial jury.

94.

The conduct of the Defendants amounts to a specific intent to cause harm.

WHEREFORE, Plaintiff Lodge prays for the following relief:

- (a) That process and summons issue against Defendants;
- (b) For trial by jury of twelve (12);
- (c) That judgment for compensatory and special damages be entered against

Defendants in an amount to be decided by a fair and impartial jury;

- (d) That Plaintiff be awarded all attorney's fees;
- (e) That Plaintiff be awarded all costs of Court;
- (f) That Plaintiff be awarded punitive damages in an amount to be determined by the

enlightened conscience of a fair and impartial jury; and

(g) That Plaintiff recovers such other relief as may be just and proper under the facts and circumstances of this case.

Respectfully submitted this 20<sup>th</sup> day of October, 2010.

  
WINSTON J. THOMPSON, III (MSB: 100157)

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