

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

JANE DOE, BY AND THROUGH HER FATHER AND NEXT FRIEND, JACK DOE v.
MICHAEL L. BAKER, ET AL.
(Record Number 200386)

From

The Circuit Court of the City of Waynesboro; C. Ricketts, Judge.

Counsel

Jeffrey R. Adams and Lucas I. Pangle (Wharton, Aldhizer & Weaver, P.L.C.) for appellant.

John L. Cooley (Law Office Of Cooley And Associates PLC) and Deborah E. Kane for appellees.

Assignments of Error

1. The trial court erred in finding, as a matter of law at the demurrer stage of this litigation, that King was not an agent or employee of the Church of God ("COG") at the time that he alleged[ly] sexually assaulted Jane.
2. The trial court erred in dismissing the claims against the COG, the Virginia COG, Michael L. Ba[k]er, Thomas Jammes, Daniel Keith Gunter, Lowell Allen Roberson, and Mitchell Corder (collectively, "Defendants") based on vicarious liability and apparent authority at the demurrer stage of this litigation. The trial court erred because those grounds were not stated in the Defendants' Demurrers, and the Complaint adequately pled claims based on vicarious liability and apparent authority. Moreover, if the Court construes the trial court's dismissal to be a grant of summary judgment, the trial court erred because a genuine issue of material fact remained as to King's agency/employment and the scope of that agency/employment.
3. The trial court erred in finding, as a matter of law at the demurrer stage of this litigation, that the alleged acts and omissions of Defendants were not a proximate cause of the alleged injuries sustained by Jane as a result of King's alleged sexual assault.
4. The trial erred in dismissing the Complaint, at the demurrer stage of this litigation, for failure to state claims for negligent/grossly negligent hiring, negligent/grossly negligent retention, negligent/grossly negligent failure to warn, negligent/grossly negligent failure to protect, wanton

and willful negligence, negligent infliction of emotional distress, intentional infliction of emotional distress, fraud by omission/concealment, vicarious liability, and vicarious liability/apparent authority against Defendants.

5. The trial court erred in denying leave to amend the Complaint.