

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JOY RYDER,

Plaintiff,

v.

Case No.: \_\_\_\_\_

THE ESTATE OF JACK F. HYLES,  
DAVID HYLES, HYLES-ANDERSON  
COLLEGE, INC., and FIRST BAPTIST  
CHURCH OF HAMMOND, INDIANA, INC.,

Defendants.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, JOY RYDER (“Joy”), by and through his undersigned counsel, sues Defendants, THE ESTATE OF JACK HYLES (“J. Hyles”), DAVID HYLES (“D. Hyles”), HYLES-ANDERSON COLLEGE, INC. (“College”), and FIRST BAPTIST CHURCH OF HAMMOND, INDIANA, INC. (“Church”); and alleges:

**NATURE OF THE CASE**

1. This case is about the rape, sexual assault, and sexual abuse of Plaintiff and the ongoing cover-up of the same by Defendants’ and their officers, personnel, members, agents, and representatives (collectively, “Hyles Employees”), who were serving in active ministry, despite the knowledge of Defendants as to the rape, sexual assault, and sexual abuse.

2. Rather than safeguarding Plaintiff, a minor at the time of the rape, sexual assault, and sexual abuse, as they were charged to do and undertook the duty to do, Hyles Employees protected their own interests, put their own financial interests ahead of the duty to protect the

children they oversaw, and took extraordinary measures to conceal the wrongful conduct and the actions and omissions of the Hyles Employees.

3. Based on its status (a position analogous to a bishop over a particular diocese) as a church organized and identified as the “Independent Fundamental Baptist” (“IFB”), Defendants were in a unique position to conceal the rape, sexual assault, and sexual abuse committed by Hyles Employees.

4. Even worse, Defendants actively concealed the rape, sexual assault, and sexual abuse and protected the offending Hyles Employees, and, shockingly, even promoting Hyles Employees to positions of importance (including positions overseeing children) that had committed or covered up rape, sexual assault, and sexual abuse.

5. As a “Bishop of IFB” Defendants were able to conceal the actions of Hyles Employees and, when the pressure to conceal became too great, they were able to moved the offending Hyles Employee from location to location, church to church, within their “diocese,” so to speak, in order to conceal the he rape, sexual assault, and sexual abuse from law enforcement and government authorities, the parents of the abused, minor children, and other responsible authorities—often moving offending Hyles Employees out of the state of Indiana.

6. The actions of Defendants allowed and even furthered the predatory practices of Hyles Employees.

7. This is a Racketeer Influenced and Corrupt Organizations Act (“RICO”) brought pursuant to 18 U.S. C. § 1961, *et. seq.* Plaintiff’s Complaint is grounded on multiple violations of federal law prohibiting the obstruction of justice (section 1503); prohibiting the obstruction of criminal investigations (section 1510); and prohibiting the obstruction of State or local law enforcement (section 1511).

8. The RICO Enterprise alleged in this Complaint is the First Baptist Church of Hammond, Indiana and Hyles-Anderson College, which include not only the officers, directors, employees, and members of the Church and College, but also the affiliated churches, schools (both elementary and secondary), seminaries, Christian literature publishing companies, and various related ministries, and their corresponding officers, members, and clergy (hereinafter referred to as the “Enterprise”).

9. The College, purported to be a “ministry” of the Church, has existed since 1972 and boasts connections to over 8,000 graduates, many of which are in leadership positions in churches, schools, seminaries, Christian literature publishing companies, etc., in 55 foreign countries, all 50 states (including 1,800 cities within the United States).<sup>1</sup> The Church and College consider themselves to be the “flagship” organization for thousands of affiliated IFB organizations.

10. The individual Defendants and the corporate Defendants, including their officers, directors, employees, and members, jointly conducted and participated, directly and/or indirectly, in the affairs of the Enterprise to injure and harm Plaintiff.

11. Since at least 1972, Defendants, utilizing the Enterprise, have engaged (and continues to engage) in unlawful and intentional: (1) obstruction of justice; (2) obstruction of criminal investigations; and (3) obstruction of State or local law enforcement by subjecting Plaintiff to rape, sexual assault, and sexual abuse then covering it up and concealing the rape, sexual assault, and sexual abuse to maintain Defendants’ reputations and maintain and expand their commercial operations in the United States whereby Defendants and the Enterprise obtained (and continue to obtain) money, funds, assets, and/or other property, and, in the process, cheating and defrauding Plaintiff out of her childhood, youth, innocence, virginity, jobs, finances, assets—

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<sup>1</sup> Last accessed June 28, 2019; available online at: <https://hylesanderson.edu/about/>.

in short, her life. Defendants carried out these intentional acts through the Enterprise in violation of 18 U.S.C. § 1961, *et seq.*

### **JURISDICTION, PARTIES, AND VENUE**

12. This Court has subject-matter jurisdiction over Plaintiff's claims under 28 U.S.C. § 1332 because the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and the controversy is between citizens of different states.

13. Venue is proper in the Northern District of Illinois pursuant to 28 U.S.C. § 1391 as a substantial part of the events or omissions giving rise to the claim occurred in Cook County, Illinois. Pursuant to 28 U.S.C. § 94, venue is proper in the Eastern Division of the Northern District of Illinois because the acts giving rise to this claim occurred in one of the counties of which the Eastern Division is comprised (Cook County, Illinois).

14. This Court has *in personam* jurisdiction over Defendants because at all relevant times, the Defendants, directly and through their agents and representatives, resided, conducted business, and engaged in substantial and not isolated economic activity in the State of Illinois and have committed acts in violation of the Plaintiff's rights under federal law in the State of Illinois.

15. Defendants have availed themselves of the jurisdiction by specifically recruiting teachers, employees, and prospective students in the jurisdiction, including in Cook County, Illinois.

16. At all times material hereto, D. Hyles was a citizen and resident of the state of Indiana; specifically, a resident of Hammond, Lake County, Indiana.<sup>2</sup>

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<sup>2</sup> D. Hyles now resides in Tennessee and leads Fallen in Grace Ministries, which is affiliated with Family Baptist Church of Columbia, TN. According to its website, "Our story is my story, as well as the story of others like me. I am one who experienced falling and for many years struggled with being restored. I learned the right ways and the wrong ways for restoration through my own experiences. My goal is to share these experiences with others who have fallen and with those who are trying to restore others like myself." - David Hyles" <https://www.falleningrace.com/about/> (accessed Jan. 13, 2020).

17. At all times material hereto, prior to his death, Jack Hyles was a citizen and resident of Indiana; specifically, a resident of Hammond, Lake County, Indiana. At all times material hereto, J. Hyles is or was the probate estate filed for Jack Hyles and was filed in the state of Indiana.

18. The College is or was, at all times material hereto, an Indiana corporation with its principal place of business in Hammond, Lake County, Indiana.

19. The Church is or was, at all times material hereto, an Indiana corporation with its principal place of business in Hammond, Lake County, Indiana.

20. The College and Church engage or have engaged in substantial and not isolated business activity in the jurisdiction, not only regarding the acts complained of herein, but also substantial and not isolated business activity in the jurisdiction to recruit others to market itself in the jurisdiction join its efforts and to raise revenue by soliciting donors and selling its products.

21. Plaintiff is a citizen and resident of the state of Indiana. Plaintiff is a victim and survivor of rape, sexual assault, and sexual abuse. Plaintiff was a minor, United States citizen, and resident of the state of Indiana at the time the rape, sexual assault, and sexual abuse occurred. Plaintiff has suffered (and will continue to suffer) physical and/or mental injury, pain, suffering, and other actual and consequential injury, harm, and economic damages.

22. Plaintiff suffered the rape, sexual assault, and sexual abuse both in Indiana and was transported into Illinois for the rape, sexual assault, and sexual abuse to occur in this jurisdiction.

23. The Church and College are liable for the current and former Hyles Employee's above-described wrongful conduct and rape, sexual assault, and sexual abuse committed during the course and scope of their employment and while the Hyles Employees were under Defendants' employ, command, supervision, direction, and control and the respective representation of Defendants under the doctrine of *respondeat superior* and/or agency theory; since such wrongful

conduct was committed (i) within the Hyles Employee's general authority while the Hyles Employees were under Defendants' employ, command, supervision, direction, and control, (ii) in furtherance of Defendants' operations and commercial activity in the United States, and (iii) while accomplishing the objectives for which the Hyles Employees were hired—all of which directly and proximately caused Plaintiff to suffer (and continue to suffer) physical and/or mental injury, pain, suffering, and other actual and consequential injury, harm, and economic damages.

24. Defendants took active steps to conceal their above-described wrongful actions, inaction, omissions, cover-up, deception, and concealment, obstructive behavior regarding investigations, conspiracy of silence. The details of Defendants' efforts to conceal their unlawful conduct are in their possession, custody, and control, to the exclusion of Plaintiffs, and await further discovery. When some of this material information was revealed to Plaintiffs, they exercised due diligence by investigating the situation, retaining counsel, and pursuing her claims. Defendants fraudulently concealed their wrongful conduct. Should such be necessary, therefore, all applicable statutes of limitation (if any) are tolled under the fraudulent concealment doctrine.

25. Defendants took active steps to conceal their above-described wrongful actions, inaction, omissions, cover-up, deception, and concealment, obstructive behavior regarding investigations, conspiracy of silence. The details of Defendants' efforts to conceal their unlawful conduct are in their possession, custody, and control, to the exclusion of Plaintiffs, and await further discovery. When some of this material information was revealed to Plaintiff, she exercised due diligence by investigating the situation, retaining counsel, and pursuing her claims. Defendants intentionally concealed their wrongful conduct. Should such be necessary, therefore, all applicable statutes of limitation (if any) are tolled under the doctrine of equitable estoppel.

26. Defendants took active steps to conceal their above-described wrongful actions, inaction, omissions, cover-up, deception, and concealment, obstructive behavior regarding investigations, conspiracy of silence. The details of Defendants' efforts to conceal their unlawful conduct are in their possession, custody, and control, to the exclusion of Plaintiff, and await further discovery. When some of this material information was revealed to Plaintiff, she exercised due diligence by investigating the situation, retaining counsel, and pursuing their claims. Defendants intentionally concealed their wrongful conduct. Should such be necessary, therefore, all applicable statutes of limitation (if any) are tolled under the doctrine of equitable tolling.

27. Plaintiff has engaged the undersigned attorneys to prosecute this action on her behalf and is obligated to pay them a reasonable fee.

28. All conditions precedent to this suit have been performed, have occurred, or have otherwise been satisfied or waived.

29. Just recently, a former head of the Church and College (Jack Schaap) was charged and convicted of sexual abuse of a minor. *United States v. Schaap*, 12-00131-RL-PRC (N. D. Indiana 2013). Of course, Jack Schaap is the son-in-law of J. Hyles and a successor leader of the Church and College after the February 2001 death of J. Hyles.

30. Despite Schaap's best efforts to delete relevant data, the United States was able to determine that Schaap spoke on the phone or texted the minor victim 662 times. *United States v. Schaap*, 12-00131-RL-PRC (N. D. Indiana 2013) (D.E. 37).

31. Like the Plaintiff here, Schaap arranged to have the victim taken across state lines in order to engage in the sexual abuse. Schaap would inform Church and College staff he was going to "spend time with God walking and praying," while, in reality, he was setting up

clandestine trips to engage in sexual activity with a 16/17 year old victim using his position of trust (pastor of the Church). *Id.*

32. Schaap falsely told other Church and College staff he needed the alone time with the victim for “counseling” sessions in order to “save” her; but, in reality, the trips were nothing more than an attempt to engage in sexual activity with a minor. *Id.*

33. Schaap was even so brazen as to engage in sexual activity with a minor in his office at the Church while a youth conference was going on at the Church’s property. *Id.*

34. The Government rightly concluded Schaap, while a leader of the Church and College, “abused [his] position of trust” in order to take advantage of a vulnerable victim, not unlike the Plaintiff. *Id.* The Government also rightly pointed out the enormous amount of influence the leaders of the Church and College have over individuals in their organizations; the Government noted members are “practically [] taught to worship” the leadership. *Id.*

35. The victim’s parents related this same evidence of unwavering trust individuals were taught to place in the leadership of the Church and College (*Id.* at 14).

36. Schaap was so brazen in his desires toward the minor victim he would pen the following words:

Through you, I have felt very loved by God. I gave Him my heart when I was 5, I gave Him my life when I was 17. And yes I love Him + know Him + understand much about Him, but, sometimes I just need to "feel" His love in a way that only He can provide... and this week, through you, I have "felt" His love. I absolutely cannot thank you enough!! It is obvious to me that God must trust you very much. He gave you the work of caring or ministering to His servant—just as the angel ministered to Jesus in the Garden of Gethsemine. Of course, you have been given enormous responsibility. The Scriptures do not tell us what the Angel said, how he arrived or how he left + apparently no one knows to this day—2000 years later—what happened. That's a very wise Angel! And so are you, Baby!

*Id.* (Citing Pre-Sentence Report, ¶ 42-43).

37. The letter from Schaap, thankfully preserved in this digital age, shows the type of thinking the leader of the Church and College used in order to trick a 16/17 year old victim into

having sexual relations with him—including using God and other references to Christianity in order to pretend as if her having sexual relations with him was somehow God’s plan, pleasing to God, or required by God, even comparing himself to Jesus in the process.

38. Despite the egregious nature of the charges against Schaap, 141 letters were written by officers, directors, and other Hyles Employees begging the district court to be *lenient* in their sentencing of an admitted sexual abuser. *United States v. Schaap*, 12-00131-RL-PRC (N. D. Indiana 2013) (D.E. 19-1). The College President, President Emeritus, Vice-Chancellor, Vice-President, and on down the line, took their turn to ask the district court to show leniency in its sentencing.

39. Dr. Robert Hooker (“Hooker”), a former Vice-President of the College, opined in his experience as a “police officer and investigator” that he “never saw... any sign of deception” in Schaap. *Id.*, Exhibit 8. Further, Hooker went on to paint a picture of a system out to get Schaap; rather than a man finally brought to justice for the unspeakable acts committed on a minor. *Id.* Without explaining the leap in logic, Hooker opined those requesting a sentence fitting the crime committed are only doing so because “they hate Christianity, morality, and decency” that Schaap allegedly stood for. *Id.* Hooker even noted Schaap’s position as a leader of the IFB movement and opined his position as a leader in the IFB movement was the true motivation for the sentence he was facing. *Id.* Hooker concluded by “begging” the Court to give him mercy and not to impose a jail sentence. *Id.*

40. The then President of the College, Stuart Mason, and a former President of the College, Wendell Evans, wrote, on College letterhead, letters requesting the Court be lenient in its sentencing of Schaap. *Id.*, Exhibits 11, 12.

41. It is against this backdrop the Plaintiff raises the allegations of rape, sexual assault, sexual abuse, and the Herculean efforts to excuse, cover-up, silence victims, and ensure the perpetrators are not brought to justice.

### **GENERAL ALLEGATIONS**

42. Plaintiff was fifteen (15) years old when D. Hyles, a leader in the Church and College, and son of J. Hyles, then president of the Church and College, pinned her to the floor in his office and raped her.

43. D. Hyles had begun grooming Plaintiff from the time she was 14 years old.

44. Despite Plaintiff bringing the “grooming” by D. Hyles to the attention of J. Hyles and requesting assistance and help with this abuse—no action was taken. In fact, when Plaintiff was 14 or 15 years old, she approached J. Hyles, the lead pastor of the Church, because D. Hyles had been calling her constantly. In response, J. Hyles laughed and told Plaintiff she “wasn’t special” and that “he did that with everyone.”

45. Despite these allegations, J. Hyles did not fire D. Hyles, or terminate his role with the Church and College; rather, he was promoted to greater positions of influence.

46. Multiple other girls accused D. Hyles of sexual misconduct, similarly to no avail.

47. Plaintiff would suffer sexual abuse by D. Hyles for approximately two years.

48. Plaintiff would suffer sexual abuse by D. Hyles in his office located inside the buildings owned by the Church and College.

49. D. Hyles selected Plaintiff to join a traveling music group, Strength and Beauty, that was sponsored by the Church and College.

50. Plaintiff paid fees to the Church for participation in Strength and Beauty, as well as for participation in various youth activities.

51. At the age of fifteen, Plaintiff paid money to the Church as a tithe and as offerings.

52. Plaintiff attended Hammond Baptist Schools from 1972 to 1980, at which time she graduated high school.

53. Plaintiff also attended Hyles-Anderson College from 1980 to 1982, and then transferred to Tennessee Temple.

54. During her travels with Strength and Beauty, D. Hyles would sexually abuse Plaintiff.

55. In order to maintain his control over Plaintiff, after each encounter of sexual abuse, D. Hyles would threaten to “expose” Plaintiff to the Church and College as a “whore” and a “slut” and terminate her parents employment with the Church and College, if Plaintiff ever revealed the sexual abuse and/or rape.

56. Plaintiff suffered sexual abuse by D. Hyles over fifty (50) discrete instances. Some of these instances included sexual abuse at a Holiday Inn hotel in Cook County, Illinois.

57. During one of these instances, D. Hyles demanded Plaintiff immediately come to his residence, since his wife was out of town, and, should Plaintiff not comply, he would terminate Plaintiff’s parent’s employment with the Church and College and “reveal” to the world that Plaintiff is a “slut.”

58. Plaintiff complied and went to his house in order to prevent the threats from coming to fruition.

59. After Plaintiff arrived, D. Hyles grabbed her arm and pushed her onto a bed and literally shoved his penis into her mouth. D. Hyles forcibly held Plaintiff’s head in as he continued to force his penis into her mouth. Despite Plaintiff choking and struggling to breathe, D. Hyles refused to let up. It only concluded as D. Hyles ejaculated into Plaintiff’s mouth, causing her to

choke even worse. Despite the obvious trauma of the situation, D. Hyles just laughed and stated, “bet you didn't expect that did you?”

60. D. Hyles would also secretly put drugs and/or alcohol into food or drink being consumed by Plaintiff in order to be able to more easily force Plaintiff to comply with his sexual abuse.

61. On one occasion, after a Church event one Saturday, D. Hyles brought Plaintiff to his office in the Church building and gave Plaintiff something to drink, which Plaintiff later discovered had concealed some type of drug and/or alcohol. After Plaintiff drank this drink, D. Hyles raped Plaintiff in his office.

62. After enduring two (2) years of this abuse, Plaintiff informed her parents of the sexual abuse and brought her father to one of the meetings with D. Hyles, a Holiday Inn in Lansing, Illinois.

63. At this meeting, rather than engaging in sexual intercourse as D. Hyles wanted, Plaintiff informed D. Hyles she would no longer perform any sexual acts with him ever again and informed him she had brought her father to the secret rendezvous.

64. After this meeting, Plaintiff's father brought the allegations, and details regarding the meeting in Illinois, personally to the attention of J. Hyles, then president of the Church and College.

65. Plaintiff's father was given a long-term lucrative job at the College in exchange for his silence and agreement not to take the allegations to law enforcement.

66. Plaintiff's father continued, and continues to this day, to receive payments from the College for many years and kept his silence in return.

67. After this incident regarding Plaintiff and her father, D. Hyles was moved from the Church and sent to Texas to join the staff of Miller Road Baptist Church, the church J. Hyles pastored prior to taking over the Church.

68. At this church, D. Hyles would again be accused of sexual misconduct.

69. As the “Bishop” of the IFB, the sexual misconduct at the Texas church was reported to J. Hyles, but he refused to take any action and failed to report this information to the police.

70. Instances of child rape and sexual abuse by clergy, including IFB clergy, are widely known and have, fortunately, led to numerous investigations, trials, and convictions. These investigations have also shed light on the elaborate attempts many organizations have made to cover-up reported incidents.

71. Only in recent years have these instances of child sexual abuse received such significant media and public attention—bringing much needed sunlight to an otherwise clouded area of abuse, hurt, and deception.

72. For instance, in August 2018, a Pennsylvania grand jury determined the Catholic Church of Pennsylvania covered up sexual abuse by more than 300 priests and victimized more than 1,000 individuals. The grand jury report reflected similar characteristics to the actions of the Defendants in the instant case—encouraging victims not to report the abuse to law enforcement; failing to properly investigate allegations of abuse; and sending offending clergy to other parishes in order to “fix” the situation.

73. Recent investigations have uncovered there are hundreds, if not thousands, of victims, men, women, and children, that have suffered rape, sexual assault, and sexual abuse in the past few decades by IFB affiliated entities.

74. A recent investigation by the Fort Worth Star-Telegram uncovered over “412 allegations of sexual misconduct in 187 [IFB] churches and their affiliated institutions, spanning 40 states and Canada.”<sup>3</sup>

75. Shockingly, scores of abusers remained in their position of authority in their organization despite the accusations of sexual misconduct. *Id.*

76. Many victims share the same background—abuse by a “spiritual” leader in a position of influence (whether pastor, teacher, counselor, etc.) over the individual compounded by the “cult-like power” IFB leaders hold in their organizations. *Id.*

77. In this case, the Enterprise treated rape, sexual abuse, and sexual assault as an internal matter and “dealt” with these serious allegations internally, rather than bringing in outside investigators or bringing the information to law enforcement. In fact, great lengths were taken to prevent law enforcement from learning of the rape, sexual abuse, and sexual assault.

78. The Enterprise routinely moved offending Hyles Employees, including, but not limited to, Defendant, D. Hyles, to other entries related to the Church and/or the College, without reporting the incident(s) to law enforcement, where the individuals would continue working in a capacity that would involve interaction with children.

79. Sexual abuse has been tolerated and ignored by the Enterprise, and its leadership, for decades. Despite Plaintiff’s pleas, the Enterprise refused to take action to correct the wrong that had occurred to her and continued to cover-up the terrible acts committed against her.

80. As the spiritual leaders of Plaintiff in positions of authority and power, Defendants knew that Plaintiff put her faith, trust, and confidence in them (and the Hyles Employees).

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<sup>3</sup> *Hundreds of Sex Abuse Allegations Found In Fundamental Baptist Churches Across U.S.*, Sarah Smith, Fort Worth Star-Telegram, December 9, 2018 (last accessed June 28, 2019; available online at: <https://www.star-telegram.com/living/religion/article222576310.html>).

81. After the Schaap debacle identified above, the Enterprise retained David Gibbs, Jr. to conduct an “investigation” to determine if there were other incidents of inappropriate conduct with a minor.

82. David Gibbs, Jr. is/was, at all times material hereto, a basically retired attorney from Ohio and a life-long friend of J. Hyles, D. Hyles, Jack Schaap, and John Wilkerson.

83. David Gibbs, Jr. is/was, at all times material hereto, a Christian speaker who promotes pastoral authority and autonomy over all local church matters. He is known to have helped many child abusers, racists, and adulterers remain in leadership roles in churches despite the moral and criminal failings of the people involved.

84. David Gibbs, Jr. is/was, at all times material hereto fully aware of the abuse that occurred at the Enterprise, but never took any action or encouraged the Enterprise’s leaders to take corrective action.

85. Luke Lukenhoff, a leader (deacon) of the Church, identified this investigation and wrote in his December 2, 2012 correspondence, that his “fear” that other victims would come forward did not come to fruition.

86. Plaintiff attempted to participate in the “investigation” performed by David Gibbs, Jr., but her allegations were rejected, and no action was taken.

87. To date, the Enterprise has refused to conduct a *meaningful* investigation into the sexual abuse complained of by Plaintiff.

88. Plaintiff approached Wilkerson on March 7, 2014, and continued to request the Enterprise turn over the relevant documents and evidence of the sexual assault, sexual abuse, and rape conducted by its employees/officers; perform a *meaningful* investigation into the sexual abuse

complained of by Plaintiff; and provide the information to law enforcement in order to hold the responsible individuals accountable.

89. On March 8, 2014, Wilkerson provided Plaintiff an ambiguous, equivocated response “thanking” her for bringing to his attention the abuse she suffered but refusing to acknowledge Plaintiff’s request to conduct a meaningful investigation.

90. 18 U.S.C. § 2243 provides: “Whoever, in the special maritime and territorial jurisdiction of the United States . . . knowingly engages in a sexual act with another person who— (1) has attained the age of 12 years but has not attained the age of 16 years; and (2) is at least four years younger than the person so engaging; or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.”

91. 18 U.S.C. § 3283 provides: “No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse . . . of a child under the age of 18 years shall preclude such prosecution during the life of the child . . . .”

92. D. Hyles committed violations of the United States Criminal Code with respect to the sexual abuse of Plaintiff.

93. D. Hyles violated 18 U.S.C. § 2421, in that he knowingly transported Plaintiff in interstate commerce, with the intent that Plaintiff engage in sexual conduct for which any person (i.e., D. Hyles) could be charged with a criminal offense.

94. D. Hyles violated 18 U.S.C. § 2423 when he knowingly transported Plaintiff, who had not attained the age of 18 years, in interstate commerce, with the intent that Plaintiff engage in sexual activity for which any person (i.e., D. Hyles) could be charged with a criminal offense.

95. D. Hyles violated 18 U.S.C. § 2241 when, while in the territorial jurisdiction of the United States, he knowingly caused a child to engage in sexual acts with hi by threatening or

placing that child (i.e., Plaintiff) in fear and by engaging in sexual acts with her when she was incapable of appraising the nature of the conduct and/or physically incapable of declining participation in those sexual acts.

96. D. Hyles violated 18 U.S.C. § 2244 on numerous occasions.

97. When D. Hyles began to sexually abuse Plaintiff, she was enrolled as a student in Hammond Baptist Schools, which was a ministry of First Baptist Church, and controlled by the Enterprise.

98. At all material times, the Enterprise not only had actual knowledge that D. Hyles had violated, and was continuing to violate, numerous state and federal criminal statutes, including those cited above, with respect to the sexual abuse of a child, but conspired to conceal and cover-up those violations.

99. The Enterprise is presumed to have knowledge of federal laws prohibiting the rape, sexual assault, and sexual abuse described above; including the federal laws allowing the prosecution of these crimes with no statute of limitation.

100. This underscores the continued and ongoing attempts to cover-up and hide the rape, sexual assault, and sexual abuse of the Enterprise and Hyles Employees in order to prevent the ever-present danger of criminal prosecution.

#### **CONTINUITY**

101. Defendants' acts constitute a pattern of racketeering activity because they involve a threat of continuing activity, which was realized.

102. The predicate acts of the Defendants, which extended for a period of time greater than three (3) years, demonstrate the existence of "closed-ended continuity" in that said acts refer to a closed period of repeated conduct.

103. In addition, the predicate acts of the Defendants demonstrate the existence of “open-ended continuity” in that the racketeering acts themselves include specific threats of repetition extending into the future, are part of the Enterprise’s regular way of doing business, and did, tragically, extend into the future.

### STANDING

104. As stated *supra*, Plaintiff was injured in her “business or property” as a direct and proximate result of the predicate acts and RICO violations of the Defendants.

105. Upon information and belief, the damages and injuries to Plaintiff, caused directly by the Defendants’ RICO violations were a reasonably foreseeable consequence of Defendants’ RICO violations and are clear and definite.

106. In addition to the injuries to business or property identified *supra*, Plaintiff has suffered additional injuries to her “business or property” by reason of her lost opportunity to sue Defendants for her personal and emotional injuries which were incurred as a result of Defendants’ acts and omissions.<sup>4</sup>

107. Defendants knew, at all material times, that Plaintiff would suffer numerous and severe injury to her “business or property” by reason of their ongoing misconduct, racketeering activities, self-concealing fraud, fraudulent misrepresentations and concealments.

108. At all times material hereto, the Defendants knew that the specific injuries, particularly to Plaintiff’s “business or property,” which Plaintiff incurred as the result of

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<sup>4</sup> Under 18 U.S.C. § 1964(c) it is appropriate to look to state law to determine whether an interest is property within the meaning of 18 U.S.C. § 1964(c). Illinois law provides that unliquidated personal injury claims are considered “property.” *See Barnes v. Lolling*, 80 N.E. 3d 727 (Ill.App. 3 Dist. 2017).

Defendants' acts or omissions, were reasonably foreseeable and a natural consequence of said acts or omissions.

109. At all material times, Plaintiff was the specific target of the Defendants' racketeering Enterprise.

110. Defendants' misconduct, as alleged herein, was the proximate cause of Plaintiff's injuries, particularly to her "business or property," as there was a direct relationship between Plaintiff's injuries and Defendant's injurious conduct.

111. The Defendants' racketeering activities, and Civil RICO predicate acts, as alleged herein, were a proximate cause of Plaintiff's injuries, particularly to her "business or property," as there was a direct relationship between Plaintiff's injuries and Defendant's racketeering activities and Civil RICO predicate acts.

#### **CORPORATE CONSIDERATIONS**

112. The racketeering activities of Defendants First Baptist Church of Hammond, Indiana, Inc., and Hyles Anderson College, Inc., are distinct from those of Defendants D. Hyles and J. Hyles, inasmuch as J. Hyles and D. Hyles used their positions of influence in the Church and College to persuade the Hyles Employees to conceal, cover-up, condone and facilitate D. Hyles' sexual abuse of Plaintiff.

113. Defendants J. Hyles and D. Hyles had interest and control over the Enterprise, and their interest and control was connected to the racketeering activity of the Defendants, and said interest and control was not undertaken in the ordinary course of the business of either the Church or the College. The Hyles Employees carried out the Racketeering Activities at the direction of Defendants J. Hyles and D. Hyles, and worked with other Independent Fundamental Baptist

Churches to relocate abusers, such as D. Hyles, in an attempt to conceal, cover-up, condone and facilitate the sexual abuse of minors.

**STATUTE OF LIMITATIONS CONSIDERATIONS**

114. The statute of limitations period for Civil RICO actions is four (4) years from accrual.

115. The Statute of Limitations on Plaintiff's Civil RICO claim should, as a matter of both estoppel and equity, be tolled because: 1.) by reason of the foregoing acts and omissions, Defendants wrongfully and fraudulently concealed, conspired to conceal, and continue to conceal, facts which indicate that Defendants were negligent, recklessly indifferent to the rights, health and safety of Plaintiff, and were malicious, culpable, and engaged in a pattern of racketeering activity with respect to the concealment, cover-up, condonation and facilitation of D. Hyles' sexual abuse of Plaintiff, a minor; 2). Plaintiff did exercise due diligence in the fact of Defendants' fraudulent conspiracy to ascertain the facts as alleged herein; and 3.) due to Defendants' prolonged, systematic and successful concealment of the facts pleaded herein, and many facts which are only known to Defendants, Plaintiff could not have earlier discovered the existence of her Civil RICO claim by exercising any additional or different due diligence as described supra.

**COUNT I**

**VIOLATIONS OF RICO, 18 U.S.C. §§ 1961, ET SEQ.**

116. Plaintiff re-alleges and incorporates by reference the above paragraphs as if fully set herein.

117. Plaintiff is a "person" within the meaning of 18 U.S.C. §§ 1961(3).

118. Defendants are "persons" within the meaning of 18 U.S.C. § 1961(3).

119. The Enterprise is an “enterprise” within the meaning of 18 U.S.C. §§ 1961(4) and 1962(c) and, at all relevant times, were engaged in, and the activities of which affected, interstate commerce within the meaning of 18 U.S.C. §§ 1961(4); 1962(c).

120. Defendants conducted and/or participated in the business and financial affairs of the Enterprise through a pattern of unlawful activity within the meaning of 18 U.S.C. §§ 1961(1)(B); 1961(5); 1962(c)—to wit, the above-described multiple, repeated, and continuous acts of (1) obstruction of justice; (2) obstruction of criminal investigations; and (3) obstruction of State or local law enforcement.

121. Defendants’ pattern of unlawful activity and corresponding violations of 18 U.S.C. § 1962(c) through the Enterprise directly and/or proximately caused Plaintiff and to suffer injury to their businesses and/or property within the meaning of 18 U.S.C. § 1964(c)—to wit, Plaintiff was damaged (and will continue to be damaged) by Defendants engaging in the above-described (1) obstruction of justice; (2) obstruction of criminal investigations; and (3) obstruction of State or local law enforcement.

122. As a direct and proximate result of Defendants’ (and the Hyles Employees’) above-referenced wrongful actions, inaction, omissions, cover-up, deception, concealment, obstructive behavior regarding investigations, and conspiracy of silence: (i) Plaintiff has suffered (and will continue to suffer) physical and/or mental injury, pain, suffering, and other actual and consequential injury, harm, and economic damages; (ii) Defendants have maintained (and will continue to maintain) their reputations and maintained and expanded (and will continue to expand and maintain) their commercial operations in the United States whereby Defendants and the Enterprise obtained (and will continue to obtain) money, funds, assets, and/or other property; and

(iii) Defendants wrongfully shifted the risk, expense, and pain, and suffering of the rape, sexual assault and sexual abuse to Plaintiff.

123. Defendants intentionally engaged (and continue to engage) in these wrongful actions, inaction, omissions, cover-up, deception, and concealment, obstructive behavior regarding investigations, and conspiracy of silence to their financial and reputational benefit, and to Plaintiff's personal, mental, psychological, and financial detriment.

124. Defendants' above-described unlawful and intentional (1) obstruction of justice; (2) obstruction of criminal investigations; and (3) obstruction of State or local law enforcement violated (and continue to violate) 18 U.S.C. § 1962 by violating 18 U.S.C. §§ 1510(a); 1511(a).

125. Pursuant to 18 U.S.C. § 1964(c), Plaintiff is entitled to automatic treble damages for Defendants' above-described unlawful and intentional schemes and conspiracy to defraud and to cheat, and commit the above-referenced wrongful actions, inaction, omissions, cover-up, deception, and concealment, obstructive behavior regarding investigations, in violation of 18 U.S.C. §§ 1962.

126. Defendants' above-described wrongful actions, inaction, omissions, cover-up, deception, and concealment, obstructive behavior regarding investigations, conspiracy of silence were committed willfully, wantonly, and with reckless disregard for Plaintiff's rights and interests. Accordingly, Plaintiff is entitled to punitive damages from Defendants as punishment and to discourage such wrongful conduct in the future.

WHEREFORE Plaintiff demands judgment against Defendants, for compensatory and liquidated damages to be determined, punitive damages, together with Plaintiff's attorneys' fees, costs, prejudgment interest, and such further relief as this Court deems proper.

**DEMAND FOR JURY TRIAL**

Plaintiff requests trial by jury on all issues so triable.

Respectfully submitted this \_\_\_\_ day of February, 2020.

Respectfully submitted,