

IN THE CIRCUIT COURT FOR ST. LOUIS COUNTY
STATE OF MISSOURI

STEVE WINGFIELD AND)
FIRST CHRISTIAN CHURCH OF)
FLORISSANT)

Plaintiffs,)

v.)

Cause No.

DOUGLAS LAY)
Serve:)
2409 Lavin Court)
Florissant, MO 63033)

TITUS BENTON)
Serve:)
24122 Nomini Hall)
Katy, TX 77493)

KARI BENTON)
Serve: 24122 Nomini Hall)
Katy, TX 77493)

DAWN VARVIL,)
Serve: 265 Baker St.)
Villa Ridge, MO 63389)

and)

JANE DOE (aka "ANNIE SHANKIN")
and "Reform FCCF"))
Address TBD)

Defendants.)

VERIFIED PETITION

1. Over the past few months, Defendants have been engaged in an escalating pattern of harassment of Plaintiffs Senior Pastor Steve Wingfield and First Christian Church of Florissant ("FCCF").

2. At the center of this harassment is the false claim that, in 2012, Dawn Varvil made allegations to Steve Wingfield and FCCF of sexual abuse by a former FCCF employee, Brandon Milburn, and that Plaintiffs failed to investigate these allegations. Milburn was later convicted of sexual abuse charges stemming from incidents in 2007.

3. This claim about a 2012 report of sexual abuse – repeated in letters, Facebook posts, numerous editions of a “Case Study,” and other assorted documents – is false. While Varvil did meet in 2012 with Wingfield and former pastor Scott Strandell about some concerns she had about Milburn, she specifically denied that any allegations of sexual abuse.

4. Three years after this meeting and one year after Milburn was arrested, Defendants are attempting to rewrite history in order to advance their personal agenda to disparage Wingfield and force him out of FCCF. Their charge of failure to report is false, and given their increasingly hostile and aggressive publication of this false report, injunctive relief is necessary to prevent Defendants from propagating this lie any further.

FACTUAL BACKGROUND

The 2012 Conversation

5. In 2012, Karl Schad, a pastor at Gateway Christian Church in Chesterfield, contacted Wingfield about rumors being circulated about Brandon Milburn, who at that time was working for Gateway Christian Church, regarding concerns that Milburn was spending too much time with a minor. Wingfield agreed to look into the rumors.

6. The source of the rumors was alleged to be Varvil, who operated with Milburn an independent youth ministry program not sponsored by FCCF or Gateway. Because Wingfield knew both Milburn and Varvil, he took it upon himself to reach out to her to set up a meeting to discuss these rumors.

7. Shortly after, Wingfield and Strandell met with Varvil. During the conversation, Varvil expressed concern about Milburn and the amount of time he was spending with one of the minors in the independent ministry program she ran with Milburn.

8. Because Varvil was expressing discomfort with Milburn, Wingfield and Strandell attempted to understand the depth of Varvil's concerns about Milburn. They specifically asked her whether she was concerned that he was inappropriately touching or engaged in any sexual misconduct.

9. Varvil denied any suspicion of sexual abuse by Mr. Milburn and stated, in effect, that Mr. Milburn "would never do that."

10. After the meeting on April 2, 2012, Varvil followed up in a Facebook message with Steve Wingfield. In the communication, Varvil makes no claim about sexual allegations or being upset with the response of Pastors Wingfield and Strandell during their meeting.

11. Instead, she expresses a completely different concern, complaining about the person(s) attributing the rumors to her, stating:

I am still disturbed by the fact that someone has come to you AND Karl Schad distributing information about something that I allegedly said that is just flat out not true... The fact that someone came to you, and ***completely fabricated a report so serious in nature***, and said that it came from me, I just cant [sic] let go." (emphasis added).

See Exhibit A.

Defendants' False Representations

12. In February 2014, Milburn was charged with statutory sodomy for crimes he committed in 2007. See *State v. Brandon W. Milburn*, No. 14SL-CR01101 (St. Louis Co. Cir. Ct.). On March 30, 2015, Milburn was convicted of these crimes and sentenced to 25 years in prison.

13. On February 27, 2015, Plaintiff Titus Benton sent a letter to the FCCF Elders complaining about the leadership of Steve Wingfield. In the letter, he alleged that in 2012 “someone express[ed] grave concern regarding an inappropriate relationship between Brandon and a male student” and that “specific examples were cited to communicate the severity of these concerns.”

14. The statements by Titus Benton regarding the 2012 conversation are false.

15. Notably, Titus Benton was formerly a pastor at FCCF and now is a pastor in Katy, Texas. His relationship with FCCF and Steve Wingfield has been strained for years.

16. On March 6, 2015, Defendant Douglas Lay sent FCCF a 23-paged document entitled “Is It Enough?”. In this document, Lay made additional false statements about the 2012 conversation, stating that Varvil told Wingfield and Strandell that Milburn exposed himself to five minors from the church. Lay also falsely claimed that Wingfield stated he would “stake his career on Brandon’s innocence” and questioned Varvil’s mental capacity. All of these allegations are false.

17. Over the next few weeks, the obsession with publishing these false allegations has escalated out of control. Lay and Titus Benton have turned the original 23-paged “Is It Enough?” document into what is now a 41-page “case study,” sending out *eight* revised editions in the span of a few weeks. See Exhibit B.

18. The newer editions of the purported “case study” include numerous pages of allegations about the 2012 conversation, including many alleged details that were shared by Varvil to Lay and Titus Benton. See Exhibit B at 8-15. The document repeats, in greater detail, the false claims that Varvil reported allegations of sexual abuse to Wingfield and Strandell and that they failed to report these allegations to the authorities. During a conversation with Varvil

in April 2015, Varvil confirmed that she provided to Lay and Titus Benton the statements attributed to her in the “case study.”

19. On March 20, 2015, Defendant Kari Benton, who is married to Titus Benton, published on Facebook a note entitled “An Open Letter to Steve Wingfield.” In that note, she states:

Most disturbing is the fact that in 2012 you were made aware by a concerned adult that Brandon was having an inappropriate relationship with a teenage boy and this adult was very confident that Brandon was abusing this boy. Your response to this adult was basically - That’s not true, you’re crazy for even suggesting that (I’m paraphrasing here. **You failed in that moment.** Not only should you have believed this concerned adult, but you also should have gotten on the phone and reported these allegations to the authorities. You did neither.

20. These allegations in the Open Letter regarding the 2012 conversation are also false. The Open Letter has been shared on Facebook at dozens, if not hundreds of times, and Kari Benton has republished the note on her page numerous times.

21. On April 7, 2015, not content with publishing eight editions of his purported “case study” in a matter of weeks, Lay also authored and published another 16-page document titled “What’s Going On At FCCF?”. This document repeats the same false allegations about the 2012 conversation with Varvil.

22. Around the same time, Defendant Jane Doe created a fake Facebook account with the name “Annie Shankin,” complete with an alleged, since-deleted photograph of the alleged user’s child doing homework, which is actually a stock photograph located elsewhere on various internet pages. Notably, harassing someone through a false identification is a crime in Florissant. *See* Florissant Code § 210.250.

23. On March 31, the person behind the user “Annie Shankin” shared the Open Letter from Kari Benton on her Facebook page. The person behind the user “Annie Shankin” has also

spread the same false sexual abuse allegations in Facebook comments, charging Wingfield and FCCF with “mishandling of the information that could have protected future victims.”

24. Moreover, in recent days, the person behind the user Annie Shankin has been targeting church members on social media and urging them to disrupt church services and demand Wingfield’s resignation.

VENUE AND JURISDICITON

25. Venue and jurisdiction are appropriate in this Court because Plaintiffs were injured by the wrongful acts of Defendants in St. Louis County.

COUNT I INJUNCTIVE RELIEF (Against All Defendants)

26. Plaintiff reincorporates the allegations in Paragraphs 1-25 above.

27. Defendants’ conduct has been escalating out of control since they first started making these false claims a few months ago.

28. What started as a few letters to the Church has evolved into the publication of various lengthy, hyperbolic and false documents (including *eight different editions* of a so-called “case study”), a sustained social media attack intended to disrupt the Church, and at least one fake Facebook account that is being used to further spread Defendants’ false accusations.

29. Without injunctive relief, Plaintiffs will be irreparably harmed. Defendants are consciously and systematically attempting to harm the reputation of Plaintiffs, sow discord within the Church, and create distrust between the members of the church and the leadership, all based on completely false accusations of the cover-up of sexual abuse allegations.

30. Plaintiffs have no adequate remedy at law to prevent this continued, unwarranted damage to their reputation and their ministry.

31. Unless Defendants are restrained from spreading these lies, Plaintiffs' reputation may be permanently damaged.

32. On the other hand, if Defendants are restrained, they will not be damaged. They will simply be prevented from propagating a serious and unsubstantiated claim. The balance of harm is weighed heavily in favor of Plaintiffs.

33. The public interest weighs in favor of Plaintiffs because Defendants are attempting to use false claims of criminal conduct to destroy a man's reputation and disrupt his relationship with his ministry.

COUNT II
DEFAMATION
(Against All Defendants)

34. Plaintiff reincorporates the allegations in Paragraphs 1-33 above.

35. Defendants published or caused to be published the false statements regarding the September 2012 conversation, including the false claims that Defendants were told of sexual abuse allegations and failed to report them to authorities.

36. Varvil initially made the false statements and approved them to be published in the documents of Titus Benton and Lay.

37. Titus Benton and Lay published, separately and jointly, numerous documents repeating the false statements.

38. Kari Benton and the person behind the user "Annie Shankin" published the false statements on Facebook posts and comments.

39. The false statements regarding the September 2012 conversation specifically identify and concern Steve Wingfield and FCCF.

40. The false statements are *per se* defamatory and libelous because they involve false accusations of criminal conduct.

41. The false statements also exposed Plaintiffs to contempt and ridicule, and tended to deprive Plaintiffs of the benefit of public confidence and social and business associations.

42. Defendants published these statements intentionally and knowing the statements were false or, at the very least, were negligent and did not exercise reasonable care to determine the veracity of these allegations before publishing them.

43. The false statements damaged Plaintiffs' reputations and caused loss of association as some members have left and/or stopped providing financial support to the church.

44. The false statements have interfered with Wingfield's ability to perform his ministry work and has sowed discord and doubt into his church.

45. The false statements have caused Wingfield to suffer significant emotional injury.

46. Defendants' conduct in publishing the false statements was done with knowledge that the statements were false or with reckless disregard for whether they were true or false at a time when Defendants had serious doubt as to whether they were true, thereby warranting an award of punitive damages.

**COUNT III
INJURIOUS FALSEHOOD
(Against All Defendants)**

47. Plaintiff reincorporates the allegations in Paragraphs 1-46 above.

48. Defendants published or caused to be published the false statements regarding the September 2012 conversation, including the false claims that Defendants were told of sexual abuse allegations and failed to report them to authorities.

49. Defendants intended for publication of the false statements to result in harm to interests of Plaintiffs.

50. Alternatively, Defendants recognized or should have recognized that publishing the false statements was likely to result in harm to the interests of Plaintiffs.

51. Plaintiffs knew that the statements are false and/or acted in reckless disregard of the truth or falsity of the statements.

52. The false statements damaged Plaintiffs' reputations and caused loss of association as some members have left and/or stopped providing financial support to the church.

53. The false statements have interfered with Wingfield's ability to perform his ministry work and has sowed discord and doubt into his church.

54. The false statements have caused Wingfield to suffer significant emotional injury.

55. Defendants' conduct in publishing the false statements was done with knowledge that the statements were false or with reckless disregard for whether they were true or false at a time when Defendants had serious doubt as to whether they were true, thereby warranting an award of punitive damages.

**COUNT IV
SLANDER
(Against Defendant Varvil)**

56. Plaintiff reincorporates the allegations in Paragraphs 1-55 above.

57. Defendant Varvil verbally uttered to Titus Benton and Lay the false statements regarding the September 2012 conversation, including the false claims that Defendants were told of sexual abuse allegations and failed to report them to authorities.

58. The false statements are slanderous *per se* because they include false allegations of criminal conduct and affect Plaintiffs' occupation and ministry.

59. The false statements are prejudicial to Plaintiffs' reputation and means of making a living.

60. Varvil uttered these statements knowing them to be false.

61. The false statements damaged Plaintiffs' reputations and caused loss of association as some members have left and/or stopped providing financial support to the church.

62. The false statements have interfered with Wingfield's ability to perform his ministry work and has sowed discord and doubt into his church.

63. The false statements have caused Wingfield to suffer significant emotional injury.

64. Varvil's conduct in publishing the false statements was done with knowledge that the statements were false or with reckless disregard for whether they were true or false at a time when Varvil had serious doubt as to whether they were true, thereby warranting an award of punitive damages.

COUNT V
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)

65. Plaintiff reincorporates the allegations in Paragraphs 1-64 above.

66. The publication and dissemination of the false statements described above was negligent and tortious.

67. Defendants should have realized that the conduct involved an unreasonable risk of causing emotional distress to Plaintiff Wingfield.

68. The Defendants' conduct caused medically diagnosable and medically significant emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

(a) For compensatory damages in excess of \$25,000;

- (b) For punitive damages;
- (c) For their cost of suit, including reasonable attorneys' fees incurred herein;
- (d) For an order
 - a. Barring Defendants from making or publishing false statements regarding the September 2012 conversation, including the false claims that Plaintiffs were told of sexual abuse allegations and failed to report them to authorities;
 - b. Requiring Defendants to delete any posts, comments, articles or other publications of the false statements; and
 - c. Requiring Defendants to formally retract the statements regarding the September 2012 conversation and admit that they are false; and
- (e) For such other and further relief as this Court deems just and proper.

Respectfully submitted,

KHAZAELI WYRSCH STOCK LLC

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Attorney for Plaintiffs

STATE OF MISSOURI)
) SS.
ST. LOUIS COUNTY)

I, Steve Wingfield, of lawful age, being duly sworn upon his oath, acknowledges that I have read the foregoing Petition, that I am the Plaintiff named herein, that the facts and statements contained in the foregoing Petition are true according to my best knowledge and belief, and that I executed the same as my free act and deed.



Steve Wingfield

Subscribed and sworn to before me, a Notary Public, this 16th day of April, 2015.



Notary Public

My Commission Expires: *6/10/18*

