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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
COUNTY OF MARION

JANE DOE 1, an individual, and JANE DOE 2, an individual,	Case No. 23CV39413
Plaintiffs,	COMPLAINT FOR SEXUAL ABUSE OF A CHILD; NEGLIGENCE; BATTERY
v.	
SALEM-KEIZER PUBLIC SCHOOLS, a public body; and JOSHUA RIST, an individual,	Claim Is Not Subject to Mandatory Arbitration
Defendant.	<b>TOTAL PRAYER: \$10,000,000</b>
	Filing Fee \$1,178 pursuant to ORS 21.160(1)(e)

FOR PLAINTIFF’S CLAIM FOR RELIEF HEREIN, Plaintiff alleges as follows:

**GENERAL ALLEGATIONS**

1.

The amount presently in controversy exceeds the sum of \$50,000; and, therefore, the present action is not subject to mandatory arbitration.

2.

Jane Doe 1 is now an adult individual but was an unemancipated minor female, born in the year 2001.

///

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3.

1- COMPLAINT FOR CHILD ABUSE AND REQUEST FOR JURY TRIAL

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1 Jane Doe 2 is now an adult individual but was an unemancipated minor female, born in  
2 the year 2002.

3 4.

4 Defendant Salem-Keizer School District (hereinafter “the District”) is a public education  
5 institution within the State of Oregon that includes McNary High School. McNary High School  
6 is located in the City of Keizer, Marion County, Oregon.

7 5.

8 Defendant Joshua Rist (hereinafter “Rist”) is an adult male. At all times material herein,  
9 Defendant Rist was an employee and/or agent of Defendant the District as a choir teacher at  
10 McNary High School.

11 6.

12 Jane Doe 1 was a student at McNary High School from 2015 through 2019. Jane Doe 2  
13 was a student at McNary High School from 2016 through 2020.

14 7.

15 Jane Doe 1 and Jane Doe 2 were students of Defendant Rist during their time at McNary  
16 High School. Plaintiffs’ enrollment at McNary High School and Defendant Rist’s class gave rise  
17 to both the school district/student and the teacher/student special relationships. The District had  
18 the duty to protect Plaintiffs from foreseeable harm.

19 8.

20 While fulfilling his duties as a choir teacher at McNary High School, Defendant Rist  
21 demonstrated particular interest in Plaintiffs, expressed extraordinary praise and flattery toward  
22 them, and made special efforts to befriend them. Defendant Rist acted as an educator, role  
23 model, and friend to Plaintiffs and gradually gained their trust and confidence. Defendant Rist  
24 made calculated efforts to ingratiate himself with Plaintiffs and their families, causing Plaintiffs  
25 to become conditioned to trust and respect, confide in, and succumb to Defendant Rist’s  
26 authority and ultimate abuse.

1 9.

2 Defendant Rist began to engage in grooming conduct toward Plaintiffs that far exceeded the  
3 bounds of propriety between teacher and student. This conduct included inappropriate and  
4 unsolicited communications upon the school messaging platform, Remind, and via text  
5 message. Defendant Rist exhibited extraordinarily favorable treatment toward Plaintiffs in class,  
6 and met up with Plaintiffs outside of school and off school grounds.

7 10.

8 Defendant Rist sought out each Plaintiff in turn to recruit them to serve as his teaching  
9 assistant. Plaintiffs both served, at separate times, as Defendant Rist’s teaching assistant not  
10 during any classes he taught, but during his preparatory period when no other students or  
11 employees were present. This unsupervised time alone with Plaintiffs allowed Defendant Rist to  
12 groom and manipulate Plaintiffs.

13 11.

14 Defendant Rist solicited highly inappropriate communication from Plaintiffs: discussing  
15 their sexual experiences and his own, discussing his experience with adultery in his relationship,  
16 he discussed and encouraged polyamory, his affinity for pornography, and Defendant Rist  
17 encouraged Plaintiffs to masturbate and engage in sexual conduct with multiple partners,  
18 encouraged polyamory, and asked Plaintiffs about their experience with orgasms.

19 12.

20 Defendant Rist began messaging Plaintiffs with increasing frequency and often steered  
21 the conversation to sexual topics.

22 ///

23 ///

24 ///

25 13.

1 Defendant Rist insisted to each Plaintiff separately that they needed to share vulnerability  
2 with him and he needed to be vulnerable with them. Defendant Rist gave Plaintiffs books and  
3 podcast recommendations about increasing vulnerability.

4 14.

5 Defendant Rist insisted that Plaintiffs delete all text and Remind messages from him, and  
6 requested screenshots of their empty dialogue box to prove that his messages were deleted.

7 15.

8 Defendant Rist frequently commented on Jane Doe 1's personal appearance and met with  
9 her outside of school for choir discussions and discussions on personal and sexual topics.

10 16.

11 Plaintiffs each confided in Defendant Rist about struggles, trauma, and difficult situations  
12 they were dealing with. At no time did Defendant Rist direct Plaintiffs to school counselors, one  
13 of whom was Defendant Rist's own wife. Instead, he chose to use that information to further  
14 manipulate and groom Plaintiffs.

15 17.

16 During Plaintiff Jane Doe 1's junior year of high school, she wanted to transfer schools  
17 because of an assault by a fellow student. Defendant Rist told Plaintiff Jane Doe 1 that he didn't  
18 want her to leave, and he called her parents to insist that Jane Doe 1 not be permitted to transfer  
19 schools.

20 18.

21 During the extensive alone time Defendant Rist had with each Plaintiff, Defendant Rist  
22 would give lingering hugs to Plaintiffs, place his hand on their legs, and give them massages.  
23 Defendant Rist would frequently tell Plaintiffs how beautiful and attractive they were.

24 ///

25 ///

26 19.

1 Prior to a choir performance at the Elsinore Theater in Salem, during Jane Doe 2's  
2 sophomore year, Defendant Rist brushed his hand along Jane Doe 2's breasts. Plaintiff Jane Doe  
3 2 pushed his hand away, then Defendant Rist grabbed Plaintiff Jane Doe 2's hand and held it  
4 while entering the theater.

5 20.

6 During Jane Doe 2's junior year, she spent time with Defendant Rist alone in his office  
7 every day with the door closed and no other adults or students present.

8 21.

9 Defendant Rist began telling Jane Doe 2 that he loved her, that she was mature, and he  
10 perceived her as a "woman."

11 22.

12 After the COVID lockdown, Jane Doe 2 did not see Defendant Rist on a daily basis  
13 anymore. He began sending her text messages and calling her for several hours at a time,  
14 expressing how much he missed her and wished they could be together.

15 23.

16 Defendant Rist told Jane Doe 2 that he wanted to see her once she turned 18, and invited  
17 her to his house on her 18<sup>th</sup> birthday, which she accepted.

18 24.

19 Defendant Rist gave Jane Doe 2 a book called *The Course of Love* about a married man  
20 who has sexual fantasies about an 18-year-old.

21 25.

22 Defendant Rist showed Plaintiff Jane Doe 1 the Netflix documentary series *Wild Wild*  
23 *Country*, about the Rajneesh cult in 1981 centered around sexual liberation and universal love.  
24 Defendant Rist expressed to Plaintiff Jane Doe 1 that he would have liked to join the Rashneesh  
25 cult with Jane Doe 1.

26 26.

1 Defendant Rist repeatedly told Plaintiffs individually that their “relationships” would  
2 escalate after they each graduated from high school, and this eventuality became a frequent topic  
3 of conversation.

4 27.

5 Defendant Rist indeed escalated his behavior toward Plaintiffs immediately after their  
6 graduation from high school. Defendant Rist asked Jane Doe 1 to send him music for him to  
7 listen to while he had sexual intercourse with his wife. Defendant Rist also began a tradition  
8 called “bath time book club” wherein Defendant Rist and Jane Doe 1 would read the same book  
9 in the bath and text message each other from the bathtub.

10 28.

11 Defendant’s grooming behavior and abuse caused Plaintiffs to espouse feelings of  
12 romanticization and idolization toward Defendant Rist. After breaking away from his influence,  
13 Plaintiffs have come to recognize the painful, damaging consequences of the grooming they were  
14 subjected to. Plaintiffs have suffered, guilt, confusion, shame, anxiety, depression, fear, and  
15 mistrust of authority.

16 29.

17 Plaintiffs were not Defendant Rist’s first grooming victims. Prior to coming to McNary  
18 High School, Defendant Rist taught at Hermiston High School, wherein he groomed several  
19 students for a relationship following graduation. After joining McNary, Defendant Rist engaged  
20 in grooming behavior toward another female student prior to the incidents with Plaintiffs.

21 30.

22 The District knew or should have known of this prior inappropriate behavior and  
23 Defendant Rist’s propensity to groom students. District employees observed the extraordinarily  
24 favorable treatment and inappropriate level of attention Plaintiffs received from Defendant Rist  
25 yet took no action to stop it or intervene. The District’s indifference to this substantial risk of  
26 harm and its inaction directly and proximately led to Plaintiff’s harm. The District had the

1 opportunity to prevent the abuse, yet unreasonably chose not to do so.

2 31.

3 Defendant Rist's actions as a teacher toward Plaintiffs were committed in direct  
4 connection with and for the purpose of fulfilling his agency and employment with the District.  
5 Defendant Rist's actions toward Plaintiffs were committed within the time and space limitation  
6 of his agency as a teacher and employee, and were partly motivated by a desire to serve the  
7 District's interests. Defendant Rist's actions toward Plaintiff consisted generally of a kind which  
8 he was to perform as a teacher and act pursuant to the power vested in him by the District.

9 32.

10 The Teacher's Standards and Practices Commission was referred the case, and on June 8,  
11 2023, found that Defendant Rist engaged in "gross neglect of duty," and Defendant Rist  
12 stipulated to the same.

13 33.

14 The Teacher's Standards and Practices Commission suspended Defendant Rist's license  
15 for sixty (60) days, followed by three years of probation.

16 34.

17 Defendant Rist suffered virtually no consequences for this finding of professional  
18 misconduct. His suspension ran during the summer, when he would not have been teaching  
19 anyway. He was paid during his suspension, and remained an employee of Defendant Salem-  
20 Keizer School District.

21 35.

22 Despite the professional misconduct findings, Defendant Salem-Keizer School District  
23 chose to retain Defendant Rist as an employee and decided to place Defendant Rist in an  
24 elementary school within the district, giving him access to even younger children. Upon  
25 information and belief, no parents of his students have been notified of his license suspension or  
26 the reasons therefor.

1 36.

2 The decision by Defendant District to retain Defendant Rist as an employee and to place  
3 him in a school with even younger children caused a second trauma to Plaintiffs. Plaintiffs have  
4 experienced anxiety, depression, fear, invalidation, and hopelessness, and they fear constantly for  
5 his elementary students.

6 37.

7 Defendant Rist is currently employed as a teacher at Kalapuya Elementary School.  
8

9 **PLAINTIFFS’ FIRST CLAIM FOR RELIEF AGAINST DEFENDANT**  
10 **SALEM-KEIZER SCHOOL DISTRICT**

11 (Negligence)

12 38.

13 Plaintiffs re-allege all paragraphs above and incorporate the same as though fully set  
14 forth herein.

15 39.

16 A special and fiduciary relationship existed between the District and Plaintiffs by virtue  
17 of Plaintiffs’ enrollment as students at McNary High School. The District had the duty to ensure  
18 that the education it offered was reasonably safe and to protect Plaintiffs from foreseeable harm.

19 40.

20 In addition to the District’s duties owed in accordance with its special relationship, the  
21 District also owed the duty to immediately report suspected child abuse to authorities, pursuant  
22 to ORS 419B.010.

23 41.

24 The District was negligent in one or more of the following particulars:

- 25 (a) In hiring a teacher with a known history of grooming behavior;  
26 (b) In failing to uncover the history of grooming behavior during the hiring process;

- 1 (c) In failing to respond to obvious signs, public displays and indications that Defendant  
2 Rist's relationship with students was inappropriate;
- 3 (d) In maintaining Defendant Rist as an employee after receiving credible reports that  
4 Defendant Rist was behaving inappropriately toward Plaintiffs, and placing him with  
5 even younger children;
- 6 (e) In failing to intervene to protect Plaintiffs from Defendant Rist's inappropriate  
7 conduct, thereby allowing Plaintiff to be sexually abused;
- 8 (f) In permitting Jane Doe 1 to act as a teaching assistant during Defendant Rist's  
9 preparatory period where they would have hours alone and unsupervised;
- 10 (g) In allowing the school messaging app to be misused to send private, inappropriate  
11 messages to Plaintiff Jane Doe 1;
- 12 (h) In failing to adequately supervise Defendant Rist, including, without limitation,  
13 monitoring his text messages to students and allowing him to maintain a relationship  
14 that went beyond a student/teacher relationship;
- 15 (i) In failing to implement policies and procedures for the interactions between teachers  
16 and students and/or failing to abide by those policies and/or ensure their enforcement;
- 17 (j) In failing to implement policies and procedures for child abuse prevention and/or  
18 failing to abide by those policies;
- 19 (k) In failing to immediately report Defendant Rist's sexual abuse of Plaintiff in the face  
20 of reasonable cause that such abuse was occurring, in violation of ORS 419B.010;
- 21 (l) In retaining Defendant Rist as an employee after the Teachers Standards and Practices  
22 Commission found Defendant Rist had engaged in gross neglect of duty; and
- 23 (m) In permitting Defendant Rist to work with elementary age children despite his known  
24 history of grooming behavior and abuse.

25 42.

26

1 As a victim of child abuse, Plaintiffs fall within the class of persons sought to be  
2 protected by ORS 419B.010. Plaintiff suffered the precise harm that the statute sought to  
3 prevent.

4 43.

5 As a direct and proximate result of Defendant's negligence, Plaintiffs have suffered and  
6 will suffer in the future pain, anguish, guilt, shame, emotional distress, depression, anxiety, fear,  
7 post-traumatic stress disorder, trust problems, and relationship problems; all of said injuries are  
8 to Plaintiffs' non-economic damage in a reasonable amount to be determined at the time of trial,  
9 but not to exceed the amount of \$5,000,000 each.

10  
11 **PLAINTIFFS' SECOND CLAIM FOR RELIEF AGAINST DEFENDANT SALEM-**  
12 **KEIZER SCHOOL DISTRICT**

13 (Intentional Infliction of Emotional Distress)

14 44.

15 Plaintiffs re-allege all prior paragraphs, and incorporate the same as though fully set forth  
16 herein.

17 45.

18 Defendant Rist's acts of sexual abuse and abhorrent harassment constitute outrageous and  
19 egregious conduct that far exceeds the bounds of socially tolerable conduct and was intentionally  
20 inflicted on Plaintiffs.

21 46.

22 In explicitly and implicitly sanctioning Defendant Rist's abuse of Plaintiffs, and in failing  
23 to prevent or intercede the abuse, and in placing Defendant Rist back into the classroom after the  
24 Teachers Standards and Practices Commission found he had engaged in professional misconduct,  
25 the District intended to inflict severe emotional distress on Plaintiffs and/or was wantonly  
26 indifferent to whether severe emotional distress was inflicted upon Plaintiffs.

1 47.

2 The District's aforementioned actions and inaction directly and proximately caused  
3 Plaintiffs severe emotional distress.

4 48.

5 The District's actions were extreme, outrageous, and transgressed all bounds of socially  
6 tolerable conduct.

7 49.

8 As a direct and proximate result of Defendants' actions, Plaintiffs have suffered and will  
9 suffer in the future pain, anguish, guilt, shame, emotional distress, depression, anxiety, fear, post-  
10 traumatic stress disorder, trust problems, and relationship problems; all of said injuries are to  
11 Plaintiffs' non-economic damage in a reasonable amount to be determined at the time of trial, but  
12 not to exceed the amount of \$5,000,000 each.

13  
14 **PLAINTIFFS' THIRD CLAIM FOR RELIEF AGAINST DEFENDANT SALEM-**  
15 **KEIZER SCHOOL DISTRICT**  
16 (Negligent Infliction of Emotional Distress)

17 50.

18 Plaintiffs re-allege all prior paragraphs, and incorporate the same as though fully set forth  
19 herein.

20 51.

21 Defendant Rist's acts of sexual abuse and abhorrent harassment constitute outrageous and  
22 egregious conduct that far exceeds the bounds of socially tolerable conduct and was inflicted on  
23 Plaintiff.

24 52.

25 As a direct and proximate result of Defendants' actions, Plaintiffs have suffered and will  
26 suffer in the future pain, anguish, guilt, shame, emotional distress, depression, anxiety, fear, post-

1 traumatic stress disorder, trust problems, and relationship problems; all of said injuries are to  
2 Plaintiffs' non-economic damage in a reasonable amount to be determined at the time of trial, but  
3 not to exceed the amount of \$5,000,000 each.

4  
5 **PLAINTIFFS' FIRST CLAIM FOR RELIEF AGAINST**

6 **DEFENDANT JOSHUA RIST**

7 (Sexual Battery of a Child)

8 53.

9 Plaintiffs re-allege all prior paragraphs, and incorporate the same as though fully set forth  
10 herein.

11 54.

12 Defendant Rist's sexual abuse of Plaintiffs, described above, was offensive, unwanted,  
13 and harmful touching of Plaintiffs' person. Furthermore, Defendant Rist's conduct was in order  
14 to sexually groom, manipulate, and control Plaintiff.

15 55.

16 Plaintiff could not and did not, consent to this offensive, unwanted, and harmful touching  
17 of their persons.

18 56.

19 Defendant Rist perpetrated this battery while acting in the course and scope of his agency  
20 and employment with the District.

21 57.

22 As a direct and proximate result of Defendants' actions, Plaintiffs have suffered and will  
23 suffer in the future, pain, anguish, guilt, shame, emotional distress, depression, anxiety, fear,  
24 post-traumatic stress disorder, trust problems, and relationship problems; all of said injuries are  
25 to Plaintiffs' non-economic damage in a reasonable amount to be determined at the time of trial,  
26 but not to exceed the amount of \$5,000,000 each.

1  
2 **PLAINTIFFS' SECOND CLAIM FOR RELIEF AGAINST**  
3 **DEFENDANT JOSHUA RIST**

4 (Negligence and Negligence Per Se)

5 58.

6 Plaintiffs re-allege all prior paragraphs, and incorporate the same as though fully set forth  
7 herein.

8 59.

9 Defendant Rist was negligent in one or more of the following particulars:

10 (a) In failing to use professional judgment in his interactions with Plaintiffs, in violation  
11 of OAR 584-020-0040(4);

12 (b) In failing to use and abide by District rules and regulations as it pertains to student  
13 contact, in violation of OAR 584-020-0025(2)(e);

14 (c) In demonstrating inappropriate interest in Plaintiffs' personal life, in violation of  
15 OAR 584-020-0035(1)(c)(A); and

16 (d) In violating appropriate boundaries with Plaintiffs, his students, in conversations, in  
17 violation of OAR 584-020-0035(1)(c)(D)

18 60.

19 Plaintiffs, as students within the District, were members of the class of persons sought to  
20 be protected by the above-referenced regulations, and suffered the harm these regulations sought  
21 to protect.

22 61.

23 As a direct and proximate result of Defendant's actions, Plaintiffs have suffered and will  
24 suffer in the future pain, anguish, guilt, shame, emotional distress, depression, anxiety, fear, post-  
25 traumatic stress disorder, trust problems, and relationship problems; all of said injuries are to  
26 Plaintiffs' non-economic damage in a reasonable amount to be determined at the time of trial, but

1 not to exceed the amount of \$5,000,000 per plaintiff.

2  
3 **PUNITIVE DAMAGES**

4 62.

5 The conduct of the defendants, and each of them, represented a conscious indifference to,  
6 or disregard of, a highly probable risk of severe harm to others. Defendants' conduct was also of  
7 a kind that can be deterred by an award of punitive damages. Plaintiff hereby reserves the right to  
8 amend this complaint to include a claim for punitive damages.

9 63.

10 Plaintiffs request a jury trial.

11  
12 WHEREFORE, Plaintiff Jane Doe 1 prays for judgment against Defendants, and each of  
13 them, as follows:

- 14 (a) For non-economic damages in an amount to be determined at time of trial, but  
15 not to exceed the sum of \$5,000,000; and  
16 (b) For Plaintiff's costs and disbursements incurred herein.

17  
18 WHEREFORE, Plaintiff Jane Doe 2 prays for judgment against Defendants, and each of  
19 them, as follows:

- 20 (a) For non-economic damages in an amount to be determined at time of trial, but  
21 not to exceed the sum of \$5,000,000; and  
22 (b) For Plaintiff's costs and disbursements incurred herein.

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26 DATED this 27th day of September, 2023.

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THE GATTI LAW FIRM

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