

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

B.B.,)	No. ED104969
)	
Appellant,)	Appeal from the Circuit Court
)	of Shelby County
vs.)	13SB-CC00002
)	
METHODIST CHURCH OF SHELBY, MISSOURI, and MISSOURI ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH,)	Honorable John J. Jackson
)	
)	
Respondents.)	Filed: December 19, 2017

B.B. (“Appellant”) appeals the trial court’s grant of summary judgment in favor of the Methodist Church of Shelby, Missouri (“the Shelby Church” or “the Church”) and the Missouri Annual Conference of the United Methodist Church (“the Conference”) (collectively, “Respondents”) on Appellant’s action seeking compensatory and punitive damages relating to sexual abuse he suffered at the hands of the Shelby Church’s former youth director, Christopher Sprinkel (“Sprinkel”).

AFFIRMED.

Division Three holds: The trial court did not err in granting summary judgment in favor of Respondents, because:

- (1) The Establishment Clause of the First Amendment to the United States Constitution bars Appellant’s negligence-based claims and his claim for breach of fiduciary/confidential relationship against Respondents because we cannot resolve these claims without interfering with and interpreting the doctrine, policy, polity, practice, and administration of the Respondents.
- (2) Appellant has not and will not be able to present sufficient evidence to prove an element of his claim for intentional failure to supervise Sprinkel against the Shelby Church. Specifically, Appellant failed to establish the sexual abuse he suffered occurred on property possessed by the Church.
- (3) Appellant’s claims for child sexual abuse and battery against the Church fail as a matter of law, because:
 - a. Sprinkel’s misconduct was completely outside the course and scope of his employment with the Church;
 - b. Appellant’s argument the trial court erred in not imposing liability on the Church based on its employee’s failure to act on information given to her fails

to describe an intentional act as alleged in Counts I and II but rather is nothing more than a reconstituted claim of negligence against the Church, which is not cognizable pursuant to precedent from Missouri courts;

- c. Appellant cannot now complain the trial court erred in considering section 562.056.1 RSMo 2000¹ in granting summary judgment on these claims because Appellant invited the error by pleading his claims under this statutory provision; and
- d. The Shelbina Church, as a “nonperpetrator” of childhood sexual abuse, could not be subject to liability under section 537.046 RSMo Supp. 2005.²

Opinion by: Robert M. Clayton III, J.
Gary M. Gaertner, Jr., P.J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Danieal H. Miller

Attorney for Respondent: William J. Foland Jr., Patricia A. Mullins, Thomas M. Ward

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.

¹ Section 562.056.1 RSMo 2000 was the version of the statute in effect at the time the events giving rise to Appellant’s claims occurred.

² Section 537.046 RSMo Supp. 2005 incorporates legislative amendments through 2004, is the latest version of the statute, and was the version of the statute in effect at the time the events giving rise to Appellant’s claims occurred.