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April 27, 2015

Via E-Mail and U.S. Mail

James R. Wyrsh
Khazaeli Wyrsh Stock, LLC
911 Washington Avenue, Suite 211
St. Louis, Missouri 63101

**Re: Steven Wingfield and First Christian Church of Florissant vs. Douglas Lay,
et al.; Cause Number: 15SL-CC01320**

Dear Mr. Wyrsh:

Enclosed with this letter please find a copy of our motion to dismiss in the above-styled cause on behalf of our client, Doug Lay. We are going to call it up at the earliest opportunity. As we advised both you and the Judge at the TRO hearing on April 17, 2015, we think there is a strong likelihood that the motion will be granted. You would be wise to dismiss your petition against our client, with prejudice, and save the time and expense in litigating this matter piecemeal.

We made a decision to move forward with this after it became apparent to us late last week that you and your client have absolutely no intention of meeting with Mr. Lay to try to resolve this matter. This conclusion has been punctuated over the weekend when your clients decided to place a series of documents on the FCCF website in an attempt to justify their lawsuit against Mr. Lay, the Bentons and Ms. Varvil. The website information contains multiple misstatements and material omissions. I will hit a few of the high points, or low points, depending on your perspective:

FCCF leaders “have been falsely accused of having knowledge of Brandon Milburn’s despicable acts” and failing to report same

This appears on the first bullet point of the document entitled “Questions and Answers” that was posted on April 24, 2015. Although this has been a recurrent theme in your lawsuit and in the latest communication, I know of no accusation against any FCCF leader of criminal activity, nor has anybody alleged that Dawn Varvil ever explicitly told Pastor Wingfield that Brandon Milburn was engaging in acts of criminal sexual abuse with young men. Based on our information and belief, Mr. Varvil gave some very disturbing information about Mr. Milburn to Pastor Steve Wingfield and Executive Pastor Scott Strandell in early 2012. Everyone agrees that

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this information stopped short of an allegation of criminal sexual abuse. However, it should have been enough to at least generate further inquiry or investigation from Pastor Wingfield. Despite the fact that I believe everyone would now agree that the information Ms. Varvil was providing was likely all true, information that has recently been developed indicates that Ms. Varvil's communication with Pastor Wingfield was not the first time that he was told of inappropriate conduct involving Mr. Milburn and teenage boys. In 2011 a former FCCF elder, Scott Seppelt, told Pastor Wingfield that he had observed Milburn travel alone from St. Louis to Joplin on a Church-sponsored mission trip with a young boy. He also observed Milburn sleep with the young boy at a location away from the other children and leaders. This concerned Mr. Seppelt enough that he advised Pastor Wingfield. To the best of our knowledge, nothing was done about this report and your client makes no mention of this in the recent website disclosures.

Additionally, you mention in your lawsuit that my client has accused Steve Wingfield of criminal behavior for his failure to report. At no place in any of my client's communication have we been able to locate this allegation and I have not seen it in anybody else's communication. It either needs to be clearly identified or stricken from your lawsuit, assuming you are not going to dismiss it.

FCCF has attempted to resolve this situation and is "currently reaching out to meet with our accusers" to see if we can resolve this matter without additional litigation.

This is completely untrue, and you and Mr. Wingfield both know it. My client's criticism of the handling of the entire situation regarding Milburn is directed primarily at one person: Steve Wingfield. To the best of our knowledge, none of the current session members were involved in any of the meetings regarding Milburn, and it is Pastor Wingfield who has directed the response. My client, following the Biblical admonishments in Matthew 18, repeatedly attempted to get a response from Pastor Wingfield to his initial concerns. The Case Study document was first provided in March 2015 to a very small audience. Mr. Lay invited comments from any and all leaders to correct any inaccuracies in it and made several explicit efforts to meet with Steve about it. On March 28, 2015, he and Kari Benton, one of the individuals that you have sued went to a meeting that they thought was going to include a number of the elders and Steve. Instead they were advised that Pastor Wingfield was too busy preparing the sermon for the following day to appear at the meeting. Mr. Lay and Ms. Benton laid out their concerns to the session members who did attend and were told by the session members that they would confer and "get back" with Mr. Lay and Ms. Benton. None of the elders contacted my client or, to the best of my knowledge, Ms. Benton, who had traveled over 800 miles to attend the meeting.

The next communication my client received was a threatening letter from you on April 7, 2015, accusing him of threatening and harassing Steve Wingfield. The letter also advised my client that you had contacted law enforcement authorities based upon his professed threats, and that Steve Wingfield revoked his permission to enter the property and to enter the church. As my client was in the process of finalizing the retention of legal counsel in this matter, you filed your lawsuit. When I attempted to inquire of you at the April 17 hearing what exactly my client had

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done of a threatening or criminal nature, you were unable to give me a coherent response. Apparently in Steve Wingfield's mind, anyone who criticizes him has committed a crime.

Since the filing of your lawsuit, I have made three direct overtures to you to attempt to arrange a meeting between my client and Steve Wingfield two of them in writing. Our first post-suit offer to meet with you and your client was on Friday, April 17, at the hearing after your TRO was denied. This offer was declined. On Monday, April 20, I e-mailed you and told you that we would like to arrange a meeting with you and your client at the absolute earliest opportunity. Two days later I received a phone call from you in which you told me that your client did not want to meet individually with Doug Lay because it would be "too expensive" to meet with each of the defendants individually and he preferred a group meeting. When I advised you that two of the defendants lived more than 800 miles away and had already come to St. Louis for one aborted meeting, you told me that you would contact counsel for the other defendants and then get back with me but you never did. On Thursday, April 23, 2015, I sent you yet another e-mail asking for a meeting with your client. As a token of good faith, I also asked that your client remove the ban on Doug Lay's presence at FCCF so that he could attend the graduation ceremonies of St. Louis Christian College that are to be held on Saturday, May 2, 2015, at FCCF. Among other things, Mr. Lay is slated to receive an award as Teacher of the Year at SLCC. Once again, you failed to respond to this request.

The statements that FCCF is "currently reaching out" to meet with my client are simply untruthful.

At this time Mr. Wingfield and FCCF "are seeking zero financial penalties" against the defendants in the lawsuit and only seek to "clear our name"

This statement, again made in the Question and Answer version of the website response from April 24, 2015, is also false. The lawsuit seeks actual and punitive damages against our client.

Conspicuously absent from the website communication was any mention of the fact that Mr. Wingfield and the Church lost the temporary restraining order motion on April 17, 2015. As you know, you lost that motion because there are clear constitutional preclusions against injunctions in defamation litigation. Additionally, we presented to the Court information and case citations indicating that it was highly unlikely you were going to prevail on the merits of this claim.

These facts, together with the recent representation by your clients that they are not seeking any monetary damages but only want to "clear (their) name," make clear what we have suspected from the beginning: you have no intention of taking this suit to its conclusion but are only using it in an effort to silence Steve Wingfield's accusers.

I renew my demand to you that you dismiss your petition against Douglas Lay, with prejudice, at the earliest opportunity.

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Sincerely,



Al W. Johnson

AWJ/jc

Enclosure