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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SONOMA**

11) Case No.
12	JOHN DOE SR 1020, an individual	) COMPLAINT FOR DAMAGES:
13	Plaintiff,	) 1. NEGLIGENCE—NEGLIGENT
14	vs.	) SUPERVISION, NEGLIGENT
15		) RETENTION
16	DOE 1, a Corporation Sole,	) 2. NEGLIGENCE- NEGLIGENT
17	DOE 2, a religious entity form unknown,	) SUPERVISION OF PLAINTIFF,
18	DOE 3, a religious entity form unknown, and	) THEN A MINOR
19	DOE 4 through DOE 100.	) Filed Pursuant to Code of Civil Procedure
20	Defendant(s).	) Section 340.1, as amended by Assembly Bill
		) 218
		) DEMAND FOR JURY TRIAL

21 **COMPLAINT FOR DAMAGES**

22 Based upon information and belief available to Plaintiff JOHN DOE SR 1020 (“Plaintiff”) at
23 the time of the filing of this Complaint, Plaintiff alleges as follows against Defendants DOE 1, a
24 Corporation Sole, DOE 2, a religious entity of form unknown, DOE 3, a religious entity of form
25 unknown, and DOE 4 through DOE 100 (collectively “Defendants”):

26 **PARTIES**

27 1. Plaintiff is a natural person who was the resident of the County of Sonoma, State of
28 California, at all relevant times mentioned herein. The name utilized by Plaintiff in this Complaint

1 is a fictitious name used to protect his privacy as a victim of childhood sexual assault, as defined by
2 section 340.1 of the Code of Civil Procedure. Plaintiff was born in 1970. Plaintiff was a minor
3 throughout the period of childhood sexual assault alleged herein. Plaintiff brings this Complaint
4 pursuant to Code of Civil Procedure Section 340.1, as amended by Assembly Bill 218, for damages
5 suffered as a result of childhood sexual assault.

6 2. Plaintiff is informed and believes and thereon alleges that at all times material
7 hereto, Defendant DOE 1 was and continues to be a Corporation Sole, which includes, but is not
8 limited to, civil corporations, decision making entities, officials, and employees, authorized to
9 conduct business, incorporated in, and conducting business in the State of California, with its
10 principal place of business in Sonoma County, California. Defendant DOE 1 purposely conducts
11 substantial business operations in and throughout the State of California and County of Sonoma,
12 among others. Defendant DOE 1 is responsible for Roman Catholic Church operations in Sonoma
13 County, California. DOE 1 is responsible for the funding, staffing and direction of the parishes,
14 parochial schools, fraternal organizations and other facilities and institutions within the geographic
15 area of the County of Sonoma and encompasses other counties in Northern California. Defendant
16 DOE 1 was the primary entity owning, operating, and controlling the activities and behavior of its
17 employees and agents at Defendant DOE 2 and DOE 3, including Father Gary Timmons
18 (“PERPETRATOR”), DOE 4 through DOE 100, and all other employees, agents and supervisors of
19 Defendants. Plaintiff is further informed, believes and thereon alleges that Defendant DOE 1 had
20 authority and responsibility to control and supervise the ministry of PERPETRATOR from at least
21 1967 through 1994.

22 3. Plaintiff is informed and believes and thereon alleges that at all times material
23 hereto, Defendant DOE 1 employed PERPETRATOR as an agent and had the ability to control and
24 supervise PERPETRATOR’s activities. Defendant DOE 1 was an entity that supervised its
25 employees and agents, including its priests, teachers, and administrators, who supervised minor
26 children, including those on its premises and in its programs. At all times material hereto,
27 PERPETRATOR was under the direct supervision, employ, and control of Defendant DOE 1, a
28 Corporation sole. PERPETRATOR physically perpetrated acts of childhood sexual assault upon

1 Plaintiff when Plaintiff was a minor.

2 4. Plaintiff is informed and believes and thereon alleged that at all times material
3 hereto, Defendant DOE 2, a religious entity of form unknown, was and continues to be a religious
4 order of priests and brothers affiliated with the Roman Catholic Church with its United States
5 headquarters and principal place of business in Leggett, California. At all times material, Defendant
6 DOE 2 was and continues to be under the direct authority, control and province of Defendant DOE
7 1. DOE 2 includes but is not limited to the religious corporation and entity. Defendant DOE 2 is
8 responsible for the funding, staffing, and direction of employees, volunteers and agents located in
9 Leggett California.

10 5. Plaintiff is informed and believes and thereon alleges that at all times material
11 hereto, Defendant DOE 3 was and is a religious institution organized under the laws of the State of
12 California as a religious entity of form unknown, which includes but is not limited to civil
13 corporations, decision making entities, officials and employees authorized to conduct business and
14 conducting business in the State of California, with its principle place of business Rohnert Park,
15 California. Defendant DOE 3 includes, but is not limited to, the Defendant DOE 3 organization and
16 any other organizations and/or entities operating under the same or similar name with the same or
17 similar principal place of business. At all times material, Defendant DOE 3 was and continues to be
18 under the direct authority, control and province of Defendant DOE 1. DOE 3 includes, but is not
19 limited, to the parish corporation and entity. Defendant DOE 3 is responsible for the funding,
20 staffing, and direction of a Catholic parish in Rohnert Park, California. At all times material,
21 Defendant DOE 3 and Defendant DOE 1 owned, operated, managed, maintained and controlled
22 Defendant DOE 3. At all times material hereto, PERPETRATOR was assigned to and working at
23 Defendant DOE 3.

24 6. Plaintiff is informed and believes and thereon alleges that PERPETRATOR was a
25 cleric with DOE 1, DOE 2, DOE 3, and DOE 4 through DOE 100, and was assigned to DOE 3 as a
26 priest and for numerous years as Camp Director at DOE 2.

27 7. Plaintiff is informed and believes and thereon alleges that the true names and
28 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as

1 Defendant DOE 4 through DOE 100, inclusive, are currently unknown to Plaintiff, who therefore
2 sues DOE Defendants by such fictitious names, and who will amend the Complaint to show their
3 true names and capacities when such names have been ascertained. Plaintiff is informed and
4 believes and thereon alleges that DOE Defendants are legally responsible in some manner for the
5 events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages
6 alleged in this Complaint.

7 8. Plaintiff is informed and believes and thereon alleges that at all times material hereto
8 there existed a unity of interest and ownership among Defendants and each of them, such that an
9 individuality and separateness between Defendants ceased to exist. Defendants were the
10 successors-in-interests and/or alter egos of the other Defendants in that they purchased, controlled,
11 dominated and operated each other without any separate identity, observance of formalities, or any
12 other separateness. To continue to maintain the façade of a separate and individual existence
13 between and among Defendants, and each of them, would serve to perpetuate a fraud and injustice.

14 9. Plaintiff is informed and believes and thereon alleges that at all times material
15 hereto, Defendants were the agents, representatives and/or employees of each and every other
16 Defendant and were acting within the course and scope of said alternative personality, capacity,
17 identity, agency, representation and/or employment and were within the scope of their authority,
18 whether actual or apparent. At all times material hereto, Defendants were the trustees, partners,
19 servants, joint venturers, shareholders, co-conspirators, contractors, and/or employees of each and
20 every other Defendant, and the acts and omissions alleged herein were done by them, acting
21 individually, through such capacity and within the scope of their authority and with the permission
22 and consent of each and every other Defendant, and that such conduct was thereafter ratified by
23 each Defendant, and that each Defendant is jointly and severally liable to Plaintiff.

24 10. While religious belief is absolutely protected, conduct is not protected and the
25 actions herein below were illegal secular motivated conduct that is regulated by the law.

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FACTS

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2 11. Plaintiff is informed and believes that PERPETRATOR was ordained a Roman
3 Catholic priest in 1967. PERPETRATOR was employed by Defendant DOE 1, Defendant DOE 2,
4 and Defendant DOE 3. PERPETRATOR remained under the direct supervision, employ, and
5 control of Defendants. Defendant DOE 1, Defendant DOE 2, and Defendant DOE 3 placed
6 PERPETRATOR in positions where he had access to and worked with children as an integral part
7 of his work.

8 12. For numerous years, PERPETRATOR served as the Camp Director at Defendant
9 DOE 2 and as a priest at Defendant DOE 3. PERPETRATOR served the parishioners and
10 community of Defendants.

11 13. DOE 1 publicly identified (on the world wide web) PERPETRATOR as one of 35+
12 priests whom accusations of childhood sexual assault were “deemed” to be “well founded and
13 credible.”

14 14. PERPETRATOR is known to have sexually assaulted children, other than Plaintiff.

15 15. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops
16 throughout the world, including the Bishop of DOE 1. The instruction was binding upon the Bishop
17 of DOE 1 until 2001. The instruction directed that allegations and reports of childhood sexual
18 abuse by priests were required to be kept secret and not disclosed either to civil authorities such as
19 law enforcement, to co-employees or supervisors of parish priests, or to parishioners generally.

20 16. Defendant DOE 1’s procedure requires Bishops to keep *subsecreto* files also known
21 as confidential files. These files are not to be made public.

22 17. Because of problems of sexual misconduct (including childhood sexual assault) of
23 Catholic clergy, the Catholic Church and other organizations sponsored treatment centers for priests
24 that had been involved in sexual misconduct. One such treatment center is the Saint John Vianney
25 Center, (founded in 1946) represented on its public website that is/was “the longest running,
26 internationally renowned, behavioral health facility in North America for Clergy and Religious.”
27 Similarly, a different treatment center, the Servants of the Paraclete represented that it “is an
28 international religious community founded... in 1947 with a specific ministry to serve fellow priests

1 and brothers who are facing particular challenge in their vocations and lives” with locations in
2 across the country, including in the states of Missouri and New Mexico. The Saint Luke Institute, is
3 a third similar treatment provider for priest who engage in sexual misconduct and has treatment
4 centers in Maryland, Kentucky, and Missouri.

5 18. Sexual abuse of minors by Catholic clergy has been a reality in the Catholic Church
6 for centuries but has remained covered by deep secrecy. This secrecy is rooted in the official
7 policies of the Catholic Church which are applicable to all dioceses and in fact are part of the
8 practices of each diocese, including Defendant DOE 1. Sexual abuse of minors by Catholic clergy
9 and religious leaders became publicly known in the mid-1980s as a result of media coverage of a
10 case in Lafayette, Louisiana. Since that time, the media has continued to expose cases of clergy
11 sexual abuse throughout the United States. In spite of these revelations as well as the many criminal
12 and civil litigations the Church has been involved in as a result of clergy sexual abuse of minors, the
13 bishops and other Church leaders continued to pursue a policy of secrecy.

14 19. All of the procedures required in the so-called “Dallas Charter” have been previously
15 mandated by Defendant DOE 1 and in the 1922 and 1962 documents, but were consistently ignored
16 by Catholic Bishops. In place of the required processes, which would have kept a written record of
17 cases of clergy sexual abuse, the Bishops applied a policy of clandestine transfer of accused priests
18 from one local or diocesan assignment to another or from one diocese to another. The receiving
19 parishioners and often the receiving pastors were not informed of any accusations of sexual abuse of
20 minors.

21 20. Refusal to disclose sexually abusive clerics to parishioners and even fellow clerics
22 has been on way utilized by Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE
23 Defendants to maintain secrecy. Another has been to use various forms of persuasion on victims or
24 their families to convince them to remain silent about incidents of abuse. These forms of persuasion
25 have included methods that have ranged from sympathetic attempts to gain silence to direct
26 intimidation to various kinds of threats. In so doing, the clergy involved, from Bishops to priests,
27 have relied on their power to overwhelm victims and their families.

28 21. Plaintiff was sexually assaulted by PERPETRATOR. PERPETRATOR’s childhood

1 sexual assault of Plaintiff is a result of Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and
2 DOE 4 through 100's cover up, as statutorily defined by Code of Civil Procedure section 340.1 (b).

3 22. Plaintiff was raised in a devoutly Catholic family, When Plaintiff was a minor child,
4 Plaintiff was a parishioner of Defendants and a camp participant of DOE 2's, which was owned,
5 operated, controlled, and run by Defendant DOE 1, DOE 2, and/or Defendant DOE 3. Defendants'
6 agents, including PERPETRATOR, were employed and assigned to work at DOE 2 and DOE 3,
7 within DOE 1. Plaintiff and Plaintiff's family came in contact with PERPETRATOR as an agent
8 and representative of Defendants.

9 23. Plaintiff participated in youth activities and church activities at DOE 3 and through
10 Defendants' facilities and programs. Plaintiff was educated and taught the theology and tenets of the
11 Roman Catholic Church on matters of faith, morals and religious doctrine. Plaintiff therefore
12 developed great admiration, trust, reverence, respect for, and obedience to the Roman Catholic
13 Church and clergy who occupied positions of great influence and persuasion as holy men and
14 authority figures. Plaintiff was encouraged to trust, respect, and obey PERPETRATOR by and
15 through Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and Defendants DOE 4 through
16 100.

17 24. As a minor, Plaintiff regularly participated in religious activities with priests
18 employed by Defendant DOE 1, Defendant DOE 2, and Defendant DOE 3. Accordingly, a special
19 relationship was formed between Plaintiff, then a minor, and Defendants. As delineated in
20 California Evidence Code sections 1030-1034, codifying the clergymen-penitent privilege, the fact
21 that a special relationship between Defendants and parishioners not only exists, but extends to non-
22 spiritual matters.

23 25. During and through these activities, Plaintiff, as a minor and vulnerable child, was
24 dependent on Defendants and their agents, including PERPETRATOR. Plaintiff was under the
25 custody and control of Defendant DOE 1, Defendant DOE 2, and Defendant DOE 3 who had
26 control over Plaintiff's welfare and who were responsible for running DOE 2 and DOE 3 with a
27 duty to protect Plaintiff because he was in a special relationship with Defendant DOE 1, Defendant
28 DOE 2, Defendant DOE 3, and DOE Defendants. Defendant DOE 1, Defendant DOE 2, and

1 Defendant DOE 3 had accepted the entrustment of Plaintiff and had responsibility for Plaintiff and
2 authority over Plaintiff.

3 26. In approximately 1981 and/or 1982, when Plaintiff was approximately 11 years old
4 years old and a member and participant of Defendant DOE 1, Defendant DOE 2, and Defendant
5 DOE 3's, PERPETRATOR committed acts of childhood sexual assault against Plaintiff. While
6 performing the duties required in his role, PERPETRATOR befriended Plaintiff and gained
7 Plaintiff's trust and confidence as a spiritual guide, authority figure, and trustworthy mentor.

8 27. Seeing PERPETRATOR as a trustworthy mentor, Plaintiff was conditioned to
9 comply with PERPETRATOR's direction and to respect him as a person of authority in spiritual,
10 ethical, and educational matters. PERPETRATOR's conduct constituted "grooming" of Plaintiff
11 and culminated in his sexual assault and abuse of Plaintiff.

12 28. PERPETRATOR utilized Defendants' facilities and institutions to gain access to
13 Plaintiff. At all relevant times, PERPETRATOR was referred to as "Father" and help himself out
14 as a priest of Defendants. This signified to people that PERPETRATOR was in good standing and
15 authorized by Defendants to act as a priest and agent of Defendants'. It was by virtue of
16 PERPETRATOR's position as a priest of Defendants that he met and groomed Plaintiff, established
17 trust with Plaintiff, and manipulated that trust in order to sexually assault and abuse Plaintiff.

18 29. PERPETRATOR sexually molested, assaulted and abused Plaintiff on the premises
19 owned, operated, and controlled by Defendant Defendants. PERPETRATOR's sexual abuse of
20 Plaintiff included, but was not limited to: sexual touching. PERPETRATOR's sexual abuse of
21 Plaintiff began when Plaintiff was approximately eleven years old.

22 30. PERPETRATOR sexually abused Plaintiff for sexual gratification and was, at least
23 in part, based on the Plaintiff's gender and age, who was a minor child at the time.

24 31. This childhood sexual abuse constitutes "childhood sexual assault" pursuant to Code
25 of Civil Procedure section 340.1(d) as amended by Assembly Bill 218, including any act committed
26 against Plaintiff that occurred when the Plaintiff was under the age of 18 years and that would have
27 been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1) or
28 (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or (b)

1 of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c), of
2 Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section 289
3 of the Penal Code; any sexual conduct as defined in paragraph (1) of subdivision (d) of Section
4 311.4 of the Penal Code; Section 647.6 of the Penal Code; and/or any prior laws of this state of
5 similar effect at the time the act was committed.

6 32. Plaintiff did not, and was unable to give free or voluntary consent to the sexual acts
7 perpetrated against Plaintiff by PERPETRATOR, as Plaintiff was a minor child at the time of the
8 abuse alleged herein.

9 33. By using his position within Defendants' institutions, Defendant DOE 1, Defendant
10 DOE 2, Defendant DOE 3, DOE Defendants and PERPETRATOR, demanded and required that
11 Plaintiff respect PERPETRATOR in his position as a priest, teacher, spiritual advisor, confidant,
12 counselor and mentor for Defendants.

13 34. As a direct and proximate result of PERPETRATOR's childhood sexual assault
14 against Plaintiff, which was enabled and facilitated by Defendants, and each of them, Plaintiff has
15 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
16 to be proven at the time of trial.

17 35. As a direct and proximate result of Plaintiff's sexual abuse by PERPETRATOR,
18 which was enabled and facilitated by Defendants, and each of them, Plaintiff has suffered economic
19 injury, all to Plaintiff's general, special and consequential damage in an amount to be proven at
20 trial, but in no event less than the minimum jurisdictional amount of this Court.

21 36. PERPETRATOR at all times material hereto was an employee, agent and/or
22 representative of Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE Defendants.
23 PERPETRATOR engaged in unlawful sexual conduct with Plaintiff when Plaintiff was a minor.
24 Defendants are vicariously liable for the childhood sexual abuse committed by PERPETRATOR,
25 including, but not limited to, through the theories of respondent superior, ratification, and
26 authorization. PERPETRATOR's childhood sexual misconduct with Plaintiff occurred while he
27 was functioning on behalf of Defendants, and was made possible because of that agency.

28 37. Under Church protocol and practice, in return for the vow of obedience by a priest,

1 the Bishop accepts responsibility for the care and welfare of a priest as well as to supervise the
2 priest's ministry. A priest may not engage in any form of public ministry without the permission of
3 his Bishop. By allowing a priest to engage in public ministry, such as by allowing him to wear his
4 religious/priestly attire and hold himself out as a priest, the Bishop is certifying that the priest is in
5 good standing and sexually safe.

6 38. The Defendants ratified and authorized PERPETRATOR's childhood sexual abuse
7 of Plaintiff by (1) failing to discharge, dismiss, discipline, suspend and/or supervise
8 PERPETRATOR or other priests known by Defendants to have sexually abused children, or to have
9 been accused of sexually abusing children, (2) actively shielding PERPETRATOR from
10 responsibility for his childhood sexual assault of Plaintiff and other minors, (3) failing to
11 acknowledge the existence of complaints against PERPETRATOR of childhood sexual assault on
12 Plaintiff and minors, (4) failing to report such complaints to civil or criminal authorities, (5)
13 providing financial support to PERPETRATOR during and/or after the childhood sexual abuse of
14 Plaintiff and/or other minors, and (6) failing to take steps to timely remove PERPETRATOR from
15 the priesthood so as to permanently prevent him from using his authority bestowed upon him by
16 Defendants to gain access to minors and sexually abuse them.

17 39. By taking the above wrongful, negligent, and/or intentional actions and/or failing to
18 act after having knowledge or having reason to know of such childhood sexual abuse of Plaintiff
19 and/or other minors, Defendants ratified and authorized PERPETRATOR's sexual abuse of minors.
20 By ratifying PERPETRATOR's sexual abuse of minors, Defendants in legal effect committed and
21 caused the childhood sexual abuse of Plaintiff when Plaintiff was a minor.

22 40. Defendants have failed to uphold numerous mandatory duties imposed upon them by
23 state and federal law, and by written policies and procedures applicable to Defendants.

24 41. As a minor at DOE 2, which was owned, operated, and controlled by the Defendants,
25 and where PERPETRATOR was employed, retained, and worked, Plaintiff was under Defendants'
26 direct supervision, care, and control. This constituted a special relationship, fiduciary relationship
27 and/or special care relationship between Plaintiff and Defendants. Additionally, as a minor child
28 under the custody, care, and control of Defendants, Defendants stood *in loco parentis* with respect

1 to Plaintiff while Plaintiff was at DOE 2. As the responsible parties and/or employers controlling
2 PERPETRATOR, the Defendants were also in a special relationship with Plaintiff, and owed
3 special duties to Plaintiff.

4 42. Defendants knew or had reason to know, or were otherwise on notice, that
5 PERPETRATOR had engaged in unlawful sexual-related conduct with minors in the past, and/or
6 was continuing to engage in such conduct with Plaintiff, and failed to take reasonable steps, and to
7 implement reasonable safeguards, to avoid acts of unlawful sexual conduct in the future by
8 PERPETRATOR.

9 43. Defendants had a duty to disclose these facts to Plaintiff, Plaintiff's parents and
10 others, but negligently and/or intentionally suppressed, concealed, or failed to disclose this
11 information for the express purposes of maintaining PERPETRATOR's image as an ethical,
12 wholesome, safe, and trusted spiritual leader at and within the institution run by the Defendants.
13 The duty to disclose this information arose from the special, trusting, confidential, fiduciary, and *in*
14 *loco parentis* relationship between Defendants and Plaintiff.

15 44. Instead, Defendants ignored and/or concealed the childhood sexual abuse of Plaintiff
16 and others by PERPETRATOR and continued to allow numerous children, including the Plaintiff,
17 to be in private, secluded areas with PERPETRATOR, despite knowledge of or reasons to suspect
18 PERPETRATOR's prior sexually abusive acts toward minors.

19 45. Plaintiff is informed, believes and thereon alleges that Defendants were given notice
20 of inappropriate conduct committed by PERPETRATOR, including the facts alleged herein.

21 46. Defendants failed to report and hid and concealed from Plaintiff, Plaintiff's parents,
22 other minor children in their care and their parents, law enforcement authorities, civil authorities,
23 and others, the true facts and relevant information necessary to bring PERPETRATOR to justice for
24 the sexual misconduct he committed with minors and to protect those entrusted in their care,
25 including Plaintiff.

26 47. During the period of abuse of Plaintiff at the hands of PERPETRATOR, the
27 Defendants had the authority and ability to stop PERPETRATOR's childhood sexual assault of
28 Plaintiff, but negligently and/or willfully failed to do so, thereby allowing the abuse to occur and

1 continue unabated. This failure was part of Defendants' plan and arrangement to conceal wrongful
2 acts, to avoid or interfere with detections, to block public disclosure, to avoid scandal, to avoid
3 disclosure of their tolerance of childhood sexual abuse, to preserve a false appearance of propriety,
4 and to avoid investigation and action by public authority, including law enforcement.

5 48. At the time of PERPETRATOR's childhood sexual assault of Plaintiff, as defined by
6 Code of Civil Procedure section 340.1(d), Defendants knew or had reason to know, or were
7 otherwise on notice of prior acts of childhood sexual abuse committed by PERPETRATOR, and
8 despite such knowledge and/or notice, failed to take reasonable steps or implement reasonable
9 safeguards to protect Plaintiff from childhood sexual abuse. These acts and/or omissions on the part
10 of Defendants were committed in spite of their ability to exercise control over the personal and
11 business affairs of PERPETRATOR. Accordingly, Defendants are liable for PERPETRATOR's
12 childhood sexual assault of Plaintiff in that their wrongful, intentional and/or negligent acts were a
13 legal cause of Plaintiff's sexual assault.

14 **FIRST CAUSE OF ACTION**
15 **NEGLIGENCE**
16 **(As to ALL Defendants)**

17 49. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
18 paragraphs of this Complaint as if fully set forth herein.

19 50. Defendants' conduct, actions, and omissions served to create an environment in
20 which PERPETRATOR was afforded years of continuous secluded access to minor children,
21 including Plaintiff, who was approximately 11 years of age at the time PERPETRATOR committed
22 acts of childhood sexual assault against Plaintiff.

23 51. At the time PERPETRATOR performed the acts alleged herein it was or should have
24 been reasonably foreseeable to Defendants that by continuously exposing and making Plaintiff
25 available to PERPETRATOR, Defendants were placing Plaintiff at grave risk of being sexually
26 assaulted by PERPETRATOR. By knowingly subjecting Plaintiff to this foreseeable danger,
27 Defendants were duty-bound to take reasonable steps and implement reasonable safeguards to
28 protect Plaintiff from PERPETRATOR. Further, at all times alleged herein, Defendants possessed a

1 sufficient degree of control over PERPETRATOR's personal and business affairs so as to keep
2 PERPETRATOR away from Plaintiff and other minor children, and prevent any childhood sexual
3 assault against them. Defendants, however, failed to take reasonable steps or implement reasonable
4 safeguards for Plaintiff's protection.

5 52. As a direct and proximate result of Defendants' acts and omissions Plaintiff has
6 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
7 to be proven at the time of trial.

8 **NEGLIGENT SUPERVISION OF PERPETRATOR**

9 53. Defendants owed Plaintiff a duty to provide reasonable supervision over
10 PERPETRATOR, to use reasonable care in investigating PERPETRATOR's background, and to
11 provide adequate warning to the Plaintiff, and others, of PERPETRATOR's dangerous propensities.

12 54. Defendants, by and through their respective agents, servants and employees, knew or
13 had reason to know of PERPETRATOR's dangerous and exploitive propensities. Despite such
14 knowledge, Defendants negligently failed to supervise PERPETRATOR, a supervisor of minor
15 children with the propensity and ability to commit wrongful acts against Plaintiff. Defendants
16 failed to provide reasonable supervisions of PERPETRATOR, failed to use reasonable care in
17 investigating PERPETRATOR, and failed to provide adequate warning to Plaintiff and others of
18 PERPETRATOR's dangerous propensities and unfitness. Defendants further failed to take
19 reasonable measures to prevent the childhood sexual assault, abuse and harassment of minor
20 children, including Plaintiff.

21 55. As an institution entrusted with the care of minors, where staff, employees, agents,
22 and management, such as PERPETRATOR, were placed in contact with minor children, the
23 Defendants expressly and implicitly represented that these individuals, including PERPETRATOR,
24 were not a threat to children and others who would fall under PERPETRATOR's influence, control,
25 direction, and guidance.

26 56. Defendants were aware or had reason to have been aware of how vulnerable children
27 were to sexual harassment, assault, and abuse by mentors, clerics, advisors, teachers, counselor and
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1 other persons of authority within the Defendants.

2 57. Defendants breached their duty to Plaintiff by, *inter alia*, failing to adequately
3 monitor and supervise PERPETRATOR and failing to stop PERPETRATOR from committing
4 wrongful sexual acts with minors, including Plaintiff. Plaintiff is informed and believes that
5 employees, staff and agents of Defendants knew and/or suspected the abuse was occurring at the
6 time and failed to investigate the matter further.

7 58. As a direct and proximate result of Defendants' acts and omissions Plaintiff has
8 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
9 to be proven at the time of trial.

10 **NEGLIGENT RETENTION OF PERPETRATOR**

11 59. Defendants owed Plaintiff a duty not to retain PERPETRATOR given his pedophile
12 propensities, which Defendants knew or had reason to know had they engaged in a meaningful and
13 adequate investigation of his background.

14 60. As institutions entrusted with the care of minors, where staff, employees, agents and
15 management, such as PERPETRATOR were placed in contact with minors, Defendants expressly
16 and implicitly represented that these individuals, including PERPETRATOR, were not a sexual
17 threat to children and others who would fall under PERPETRATOR's influence, control, direction
18 and guidance.

19 61. Nevertheless, although Defendants knew or had reason to know, suspected or
20 otherwise had been on notice that PERPETRATOR was a pedophile, that he had sexually assaulted
21 other minors, that PERPETRATOR was and had sexually assaulted Plaintiff, Defendants refused to
22 defrock PERPETRATOR and/or report him to law enforcement.

23 62. As a direct and proximate result of Defendants' acts and omissions Plaintiff has
24 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
25 to be proven at the time of trial.

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SECOND CAUSE OF ACTION
NEGLIGENCE
(As to ALL Defendants)

NEGLIGENT SUPERVISION OF PLAINTIFF, THEN A MINOR

63. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent paragraphs of this Complaint as if fully set forth herein.

64. Plaintiff's Second Cause of action is an alternative additional theory of liability as alleged as against DOE 1, DOE 2, DOE 3, and DOE 4 through DOE 100.

65. Defendant DOE 1, a corporation sole, Defendant DOE 2, DOE 3, and DOE 4 through DOE 100 are liable for the acts and omissions of their employees and agents, including PERPETRATOR, acting within the course and scope of their employment and/or agency. At all times herein, Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE 100's employees, including PERPETRATOR, were acting within the course and scope of their employment.

66. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE 100 had a duty to provide supervision of Plaintiff, a minor, and to use reasonable care in supervising Plaintiff, a minor, when Plaintiff was involved in activities sponsored, supervised, organized, directed, and/or operated by Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE 100, or their agents and employees.

67. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE 100 breached their duty of care.

68. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE 100 negligently failed to properly and/or adequately supervise Plaintiff, a minor, and failed to use reasonable care in protecting Plaintiff, a minor, from PERPETRATOR's misconduct that created a risk of childhood sexual assault while Plaintiff, a minor, was involved in activities sponsored, supervised, organized, directed, and/or operated by Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE 100's and their agents and/or employees.

69. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE

1 100's breach was a substantial factor in PERPETRATOR's childhood sexual assault of Plaintiff.

2 70. As a direct, legal, and proximate cause of Defendant DOE 1, Defendant DOE 2,
3 DOE 3, and DOE 4 through DOE 100's acts, omissions and/or negligence, PERPETRATOR
4 committed acts of childhood sexual assault against Plaintiff.

5 71. As a direct and proximate result of Defendants' acts and omissions Plaintiff has
6 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
7 to be proven at the time of trial.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for the following relief against Defendants:

- 10 1. For damages for past and future medical, psychotherapy, and related expenses
11 according to proof at the time of trial;
- 12 2. For general damages for physical and mental pain and suffering and emotional
13 distress in a sum to be proven at the time of trial;
- 14 3. For damages for past loss wages and past earning capacity and/or future lost wages
15 and loss of earning capacity according to proof at the time of trial;
- 16 4. For treble damages against Defendant DOE 1, a corporation sole, Defendant DOE 2,
17 a religious entity form unknown, Defendant DOE 3, a religious entity form unknown, and
18 Defendants DOE 4 through DOE 100, as authorized by section 340.1 of the Code of Civil
19 Procedure, as amended by Assembly Bill 218;
- 20 5. For interest as allowed by law;
- 21 6. For costs of suit herein; and
- 22 7. For such other and further relief as the Court deems proper.

23 DATED: December 27, 2019

JEFF ANDERSON & ASSOCIATES

24
25 

26 MICHAEL RECK
27 MICHAEL G. FINNEGAN
28 JOSEPH GEORGE, JR.
JENNIFER E. STEIN
Attorneys for Plaintiff JOHN DOE SR 1020

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DEMAND FOR TRIAL

Plaintiff JOHN DOE SR 1020 hereby demands a trial by jury in this matter.

DATED: Decemeber 27, 2019

JEFF ANDERSON & ASSOCIATES



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MICHAEL G. FINNEGAN
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