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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF LOS ANGELES**

10
11 AIMEE GALICIA TORRES, an individual

12 Plaintiff,

13 vs.

14 THE ROMAN CATHOLIC ARCHBISHOP OF
15 LOS ANGELES A/K/A ARCHDIOCESE OF
16 LOS ANGELES, a Corporation Sole, and DOES
2-100.

17 Defendant(s).

) Case No. **19STCV41115**

) **COMPLAINT FOR DAMAGES:**

) **1. NEGLIGENCE—NEGLIGENT
SUPERVISION, NEGLIGENT
HIRING/RETENTION**

) **DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

2 Based upon information and belief available to Plaintiff AIMEE GALICIA TORRES
3 (“Plaintiff”) at the time of the filing of this Complaint, Plaintiff alleges as follows against Defendant
4 THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES A/K/A ARCHDIOCESE OF LOS
5 ANGELES, a Corporation Sole, and DOES 2-100 (collectively “Defendants”):

6 **PARTIES**

7 1. Plaintiff is a natural person who was the resident of the County of Los Angeles, State
8 of California, at all relevant times mentioned herein. Plaintiff was born in 1985. Plaintiff was a
9 minor throughout the period of child sexual abused alleged herein. Plaintiff brings this Complaint
10 pursuant to Code of Civil Procedure Section 340.1, as amended by California Assembly Bill 218,
11 for the child abuse Plaintiff suffered at the hands of Defendants.

12 2. Plaintiff is informed and believes and thereon alleges that at all times material
13 hereto, Defendant THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES A/K/A
14 ARCHDIOCESE OF LOS ANGELES (“DIOCESE”) was and continues to be a Corporation Sole,
15 which includes but is not limited to civil corporations, decision making entities, officials, and
16 employees, authorized to conduct business, incorporated in, and conducting business in the State of
17 California, with its principal place of business in Los Angeles County, California. Defendant
18 DIOCESE purposely conducts substantial business operations in and throughout the State of
19 California and County of Los Angeles. Defendant DIOCESE is responsible for Roman Catholic
20 Church operations in Los Angeles County, California. DIOCESE is responsible for the funding,
21 staffing and direction of the parishes, parochial schools, fraternal organizations and other facilities
22 and institutions within the geographic are of the County of Los Angeles, and encompasses multiple
23 other counties in Southern California. Defendant DIOCESE was the primary entity owning,
24 operating and controlling the activities and behavior of its employees and agents, including Fr.
25 Honesto Bayranta Bismonte, DOES 2-100, and all other employees, agents and supervisors of
26 Defendants. Plaintiff is further informed, believes and thereon alleges that Defendant DIOCESE
27 had sole authority and responsibility to control and supervise the ministry of Fr. Honesto Bayranta
28 Bismonte, from at least 1982 through 2007.

1 3. Plaintiff is informed and believes and thereon alleges that at all times material
2 hereto, At all times material hereto, Defendant DIOCESE employed Fr. Honesto Bayranta Bismonte
3 (“Fr. Bismonte”) as an agent and had the ability to control and supervise Fr. Bismonte’s activities.
4 Defendant DIOCESE was an entity that supervised its employees and agents, including its priests,
5 teachers, and administrators, who supervised minor children, including those on its premises and in
6 its programs. At all times material hereto, Fr. Bismonte was under the direct supervision, employ,
7 and control of Defendant DIOCESE, a Corporation sole. Fr. Bismonte physically perpetrated acts of
8 sexual abuse upon Plaintiff when Plaintiff was a minor.

9 4. Plaintiff is informed and believes and thereon alleges that Fr. Bismonte was a priest
10 with Defendant DIOCESE and DOES 2-100.

11 5. DIOCESE, and DOES 2-100 are hereby referred to as “Defendants.”

12 6. Plaintiff is informed and believes and thereon alleges that that true names and
13 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as
14 Defendant DOES 2 through 100, inclusive, are unknown to Plaintiff, who therefore sues Defendants
15 DOES 2 through 100 by such fictitious names, and who will amend the Complaint to show their
16 true names and capacities when such names have been ascertained. Plaintiff is informed and
17 believes and thereon alleges that DOES 2 through 100 are legally responsible in some manner for
18 the events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages
19 alleged in this Complaint.

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

27 8. Plaintiff is informed and believes and thereon alleges that at all times material
28 hereto, Defendants were the agents, representatives and/or employees of each and every other

1 Defendant and were acting within the course and scope of said alternative personality, capacity,
2 identity, agency, representation and/or employment and were within the scope of their authority,
3 whether actual or apparent. At all times material hereto, Defendants were the trustees, partners,
4 servants, joint venturers, shareholders, co-conspirators, contractors, and/or employees of each and
5 every other Defendant, and the acts and omissions alleged herein were done by them, acting
6 individually, through such capacity and within the scope of their authority and with the permission
7 and consent of each and every other Defendant, and that such conduct was thereafter ratified by
8 each Defendant, and that each Defendant is jointly and severally liable to Plaintiff.

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

11 **FACTS**

12 10. Plaintiff is informed and believes that Fr. Bismonte was ordained a Roman Catholic
13 priest in 1954, employed by Defendant DIOCESE. Fr. Bismonte remained under the direct
14 supervision, employ and control of Defendants. Defendants placed Fr. Bismonte in positions where
15 he had access to and worked with children as an integral part of his work.

16 11. Fr. Bismonte became priest with Defendant Diocese, in Los Angeles, California, in
17 or around 1982. Previously, Fr. Bismonte is believed to have been a priest in the Philippines. Fr.
18 Bismonte served the parishioners and community of Defendants. Fr. Bismonte' continued to work
19 at various of Defendants' facilities including, but not limited to St. Agatha's in Los Angeles; St.
20 Anthony of Padua, Gardena; St Joseph, Pomona.

21 12. Fr. Bismonte is believed to have sexually assaulted previously, victims other than
22 Plaintiff, prior to the time Plaintiff was sexually assaulted by Fr. Bismonte.

23 13. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops
24 throughout the world, including the Bishop of DIOCESE. The instruction was binding upon the
25 Bishop of DIOCESE until 2001. The instruction directed that allegations and reports of sexual
26 abuse of children by priests were required to be kept secret and not disclosed either to civil
27 authorities such as law enforcement, to co-employees or supervisors of parish priests, or to
28 parishioners generally.

1 14. Defendant's protocols require Bishops to keep *subsecreto* files also known as
2 confidential files. These files are not to be made public.

3 15. Because of problems of sexual misconduct of Catholic clergy, the Catholic Church
4 and other organizations sponsored treatment centers for priests that had been involved in sexual
5 misconduct. One such treatment center is the Saint John Vianney Center, founded in 1946, and
6 touted on their website as "the longest running, internationally renowned, behavioral health facility
7 in North America for Clergy and Religious." Similarly, the Servants of the Paraclete "is an
8 international religious community founded... in 1947 with a specific ministry to serve fellow priests
9 and brothers who are facing particular challenge in their vocations and lives" with locations in
10 across the country, including in the states of Missouri and New Mexico. A third similar treatment
11 provider for priest who engage in sexual misconduct is the Saint Luke Institute, with locations in
12 the United States located in Maryland, Kentucky, and Missouri.

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

22 17. All of the procedures required in the so-called "Dallas Charter" have been previously
23 mandated by Defendants in both the 1922 and 1962 documents, but were consistently ignored by
24 Catholic bishops. In place of the required processes, which would have kept a written record of
25 cases of clergy sexual abuse, the bishops applied a policy of clandestine transfer of accused priests
26 from one local or diocesan assignment to another or from one diocese to another. The receiving
27 parishioners and often the receiving pastors were not informed of any accusations of sexual abuse of
28 minors.

1 18. Refusal to disclose sexually abusing clerics to parishioners and even fellow clerics
2 has been one way utilized by Defendants to maintain secrecy. Another has been to use various
3 forms of persuasion on victims or their families to convince them to remain silent about incidents of
4 abuse. These forms of persuasion have included methods that have ranged from sympathetic
5 attempts to gain silence to direct intimidation to various kinds of threats. In so doing, the clergy
6 involved, from bishops to priests, have relied on their power to overwhelm victims and their
7 families.

8 19. Plaintiff was raised in Los Angeles, California, in a devoutly Catholic family. When
9 Plaintiff was a young girl, she and her family attended Catholic parishes and schools, which were
10 owned, operated, controlled and run by Defendants. Plaintiff and Plaintiff's family came in contact
11 with Fr. Bismonte as an agent and representative of Defendants.

12 20. Plaintiff participated in youth activities and church activities at Defendants'
13 facilities. Plaintiff therefore developed great admiration, trust, reverence and respect for the Roman
14 Catholic Church, including Defendants and their agents, including Fr. Bismonte.

15 21. During and through religious and spiritual activities provided by Defendants and Fr.
16 Bismonte, including but not limited to the spiritual direction and guidance to Plaintiff and Plaintiff's
17 family, Plaintiff, as a minor and vulnerable child, was dependent on Defendants and their agents,
18 including Fr. Bismonte. Defendants and their agents had custody of Plaintiff and accepted the
19 entrustment of Plaintiff. Defendants have responsibility for Plaintiff and authority over her.

20 22. In approximately 1993 and through approximately 1997, when Plaintiff was
21 approximately 8 years old and a parishioner and (at times) altar server of Defendants, Fr. Bismonte
22 repeatedly sexually molested, assaulted, and abused Plaintiff. While performing his duties as a
23 priest, and for the purpose of furthering the duties required in that role, Fr. Bismonte befriended
24 Plaintiff and gained Plaintiff's trust and confidence as a spiritual guide, authority figure, and
25 trustworthy mentor.

26 23. Seeing Fr. Bismonte as a trustworthy mentor, Plaintiff was conditioned to comply
27 with Fr. Bismonte's direction and to respect him as a person of authority in spiritual, ethical, and
28 educational matters. Fr. Bismonte's conduct constituted "grooming" of Plaintiff and culminated in

1 his repeated sexual assault and abuse of Plaintiff.

2 24. Fr. Bismonte utilized Defendants' facilities and institutions to gain access to
3 Plaintiff. At all relevant times, Fr. Bismonte was referred to as "Father" and wore the priest collar
4 and attire. This signified to people that Fr. Bismonte was in good standing and authorized by
5 Defendants to act as a priest and agent of the Church. It was by virtue of Fr. Bismonte's position as
6 a priest of Defendants that he met and groomed Plaintiff, established trust with Plaintiff, and
7 manipulated that trust in order to sexually assault and abuse Plaintiff.

8 25. Fr. Bismonte's sexual abuse of Plaintiff included, but was not limited to childhood
9 sexual assault including, but not limited to the repeated groping, manipulating and fondling of
10 Plaintiff's breast under his clothes. Fr. Bismonte's sexual abuse of Plaintiff began when Plaintiff
11 was approximately 8 years old and lasted for approximately four years, until Plaintiff was
12 approximately 12 years old.

13 26. Fr. Bismonte sexually abused Plaintiff for sexual gratification and was, at least in
14 part, based on the Plaintiff's gender, who was a minor girl at the time.

15 27. This child sexual abuse constitutes "childhood sexual assault" pursuant to Code of
16 Civil Procedure section 340.1(d) as amended by Assembly Bill 218, including any act committed
17 against Plaintiff that occurred when the Plaintiff was under the age of 18 years and that would have
18 been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1)
19 or (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or
20 (b) of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c),
21 of Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section
22 289 of the Penal Code; any sexual conduct as defined in paragraph (1) of subdivision (d) of Section
23 311.4 of the Penal Code; Section 647.6 of the Penal Code; and/or any prior laws of this state of
24 similar effect at the time the act was committed.

25 28. Plaintiff did not, and was unable to give free or voluntary consent to the sexual acts
26 perpetrated against him by Fr. Bismonte, as Plaintiff was a minor child at the time of the abuse
27 alleged herein.

28 29. By using his position within Defendants' institutions, Defendants demanded and

1 required that Plaintiff respect Fr. Bismonte in his position as a priest, teacher, spiritual advisor,
2 confidant, counselor and mentor for Defendants.

3 30. As a direct and proximate result of her sexual abuse by Fr. Bismonte, which was
4 enabled and facilitated by Defendants, Plaintiff has suffered and will continue to suffer severe
5 mental and emotional distress including, but not limited to symptoms of PTSD, severe anxiety,
6 depression lost interest and pleasure in activities, an inability to concentrate, feelings of self-blame,
7 feelings of estrangement from friends and/or family, hypervigilance, a lost sense of worth, a sense
8 of being tainted, suicidal ideation and a loss of sexual desire.

9 31. As a direct and proximate result of Plaintiff's sexual abuse by Fr. Bismonte, which
10 was enabled and facilitated by Defendants, Plaintiff has suffered economic injury, all to Plaintiff's
11 general, special and consequential damage in an amount to be proven at trial, but in no event less
12 than the minimum jurisdictional amount of this Court.

13 32. Fr. Bismonte at all times material hereto was an employee, agent and/or
14 representative of Defendants. Fr. Bismonte engaged in unlawful sexual conduct with Plaintiff when
15 Plaintiff was a minor. Defendants are vicariously liable for the abuse committed by Fr. Bismonte,
16 including but not limited to through the theories of respondent superior, ratification, and
17 authorization. Fr. Bismonte's sexual misconduct with Plaintiff occurred while he was functioning
18 on behalf of Defendants, and was made possible because of that agency.

19 33. Under Church protocol and practice, in return for the vow of obedience by a priest,
20 the Bishop accepts responsibility for the care and welfare of a priest as well as to supervise the
21 priest's ministry. A diocesan priest may not engage in any form of public ministry without the
22 permission of his Bishop. By allowing a priest to engage in public ministry, such as by allowing
23 him to wear his religious/priestly attire and hold himself out as a priest, the Bishop is certifying that
24 the priest is in good standing and sexually safe.

25 34. The Defendants ratified and authorized Fr. Bismonte's sexual abuse of Plaintiff by
26 (1) failing to discharge, dismiss, discipline, suspend and/or supervise Fr. Bismonte or other priests
27 known by Defendants to have sexually abused children, or to have been accused of sexually abusing
28 children, (2) actively shielding Fr. Bismonte from responsibility for his/her sexual assault of

1 Plaintiff and other minors, (3) failing to acknowledge the existence of complaints against Fr.
2 Bismonte of sexual assault on Plaintiff and minors, (4) failing to report such complaints to civil or
3 criminal authorities, (5) providing financial support to Fr. Bismonte during and/or after the sexual
4 abuse of Plaintiff and/or others, and (6) failing to take steps to timely remove Fr. Bismonte from the
5 priesthood so as to permanently prevent him from using his authority bestowed upon him by
6 Defendants to gain access to minors and sexually abuse them.

7 35. By taking the above wrongful, negligent, and/or intentional actions and/or failing to
8 act after having knowledge or reason to know of such sexual abuse of Plaintiff and/or other minors,
9 Defendants ratified and authorized Fr. Bismonte's sexual abuse of minors. By ratifying Fr.
10 Bismonte's sexual abuse of minors, Defendants in legal effect committed and caused the sexual
11 abuse of Plaintiff when she was a minor.

12 36. Defendants have failed to uphold numerous mandatory duties imposed upon them by
13 state and federal law, and by written policies and procedures applicable to Defendants, including
14 but not limited to:

- 15 a. Duty to protect minor children in their care;
- 16 b. Duty to provide adequate supervision to minor children in their care;
- 17 c. Duty to ensure that any direction given to employees is lawful and that adults act
18 fairly, responsibly and respectfully toward other adults and minor children;
- 19 d. Duty to train teachers, mentors, advisors, priest, and administrators so that they are
20 aware of their individual responsibility for creating and maintaining a safe
21 environment;
- 22 e. Duty to supervise employees and minor children in their care, enforce rules and
23 regulations prescribed for childcare organizations and exercise reasonable control
24 over minor children to protect their health and safety;
- 25 f. Duty to properly monitor minor children, prevent and/or correct harmful situations or
26 call for help when a situation is beyond their control;
- 27 g. Duty to ensure that personnel are actually on-hand and supervising minors;
- 28 h. Duty to provide enough supervision to minor children, including Plaintiff;

- i. Duty to supervise diligently;
- j. Duty to act promptly and diligently;
- k. Duty to abstain from injuring the person or property of Plaintiff, or infringing upon any of her rights (Civil Code Section 1708); and
- l. Duty to report suspected incidents of child abuse and more specifically childhood sexual abuse.

37. As a minor Plaintiff was a parishioner; and altar server within Defendants' organization where Fr. Bismonte was employed, retained, and worked. Plaintiff was under Defendants' direct supervision, care and control. This constituted a special relationship, fiduciary relationship and/or special care relationship between Plaintiff and Defendants. Additionally, as a minor child under the custody, care and control of Defendants, Defendants stood *in loco parentis* with respect to Plaintiff. As the responsible parties and/or employers controlling Fr. Bismonte, the Defendants were also in a special relationship with Plaintiff, and owed special duties to Plaintiff.

38. Defendants knew or should have known, or were otherwise on notice, that Fr. Bismonte had engaged in unlawful sexual-related conduct with minors in the past, and/or was continuing to engage in such conduct with Plaintiff, and failed to take reasonable steps, and to implement reasonable safeguards, to avoid acts of unlawful sexual conduct in the future by Fr. Bismonte.

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

40. Instead, Defendants ignored and/or concealed the sexual abuse of Plaintiff and others by Fr. Bismonte and continued to allow numerous children, including the Plaintiff, to be in private, secluded areas with Fr. Bismonte, despite knowledge of Fr. Bismonte's prior sexually abusive acts toward minors.

1 41. Plaintiff is informed, believes and thereon alleges that Defendants were given notice
2 of inappropriate conduct committed by Fr. Bismonte, including the facts alleged herein. During Fr.
3 Bismonte's grooming and abuse of Plaintiff, an agent of Defendants and former principal of
4 Plaintiff's took issue with and witnessed Fr. Bismonte spending inordinate amounts of time with
5 Plaintiff and Plaintiff's family, including Fr. Bismonte spending nights in the home of Plaintiff's
6 family.

7 42. At one point, Plaintiff, while still a minor, reported Fr. Bismonte's inappropriate
8 conduct to a priest within Defendant's organization. Subsequently law enforcement become
9 involved and Fr. Bismonte was subject to criminal prosecution for his abuse of Plaintiff and/or other
10 minors. Fr. Bismonte was criminally convicted for her conduct in approximately 2003.

11 43. Defendants failed to report and hid and concealed from Plaintiff, Plaintiff's parents,
12 other minor children in their care and their parents, law enforcement authorities, civil authorities,
13 and others, the true facts and relevant information necessary to bring Fr. Bismonte and other clerical
14 perpetrators to justice earlier for the sexual misconduct he committed with minors and to protect
15 those entrusted in their care, including Plaintiff.

16 44. Defendants also implemented various measures designed to make or which
17 effectively made Fr. Bismonte's conduct harder to detect, including but not limited to:

- 18 a. Permitting Fr. Bismonte to remain in a position of authority and trust after
19 Defendants knew that she/he was a pedophile;
- 20 b. Holding Fr. Bismonte out to Plaintiff, her parents, other children and parents, the
21 community and the public as being in good standing and trustworthy;
- 22 c. Permitting Fr. Bismonte to come into contact with minors, including Plaintiff,
23 without adequate supervision;
- 24 d. Failing to inform or otherwise concealing from Plaintiff's parents and law
25 enforcement the fact that Plaintiff and others were or may have been sexually abused
26 after Defendants knew or should have known that Fr. Bismonte may have sexually
27 abused Plaintiff or others, thereby enabling Plaintiff to continue to be endangered
28 and sexually abused, and/or creating the circumstances where Plaintiff and others

1 were less likely to receive medical/mental health care and treatment, thus
2 exacerbating the harm to Plaintiff; and

3 e. Failing to take reasonable steps and to implement reasonable safeguards to avoid
4 acts of unlawful sexual conduct by Fr. Bismonte with minor children, including
5 students, altar servers and parishioners.

6 45. During the period of abuse of Plaintiff at the hands of Fr. Bismonte, the Defendants
7 had the authority and ability to stop Fr. Bismonte's sexual abuse of Plaintiff, but negligently and/or
8 willfully failed to do so, thereby allowing the abuse to occur and continue unabated. This failure
9 was part of Defendants' plan and arrangement to conceal wrongful acts, to avoid or interfere with
10 detections, to block public disclosure, to avoid scandal, to avoid disclosure of their tolerance of
11 child sexual abuse, to preserve a false appearance of propriety, and to avoid investigation and action
12 by public authority, including law enforcement.

13 46. At the time of Fr. Bismonte's violations of the Penal Code and other provisions of
14 California law, Defendants knew or should have known, or were otherwise on notice of prior acts of
15 child sexual abuse committed by Fr. Bismonte, and despite such knowledge and/or notice, failed to
16 take reasonable steps or implement reasonable safeguards to protect Plaintiff from Fr. Bismonte
17 sexual abuse. These acts and/or omissions on the part of Defendants were committed in spite of
18 their ability to exercise control over the personal and business affairs of Fr. Bismonte. Accordingly,
19 Defendants are liable for Fr. Bismonte's sexual abuse of Plaintiff in that their wrongful, intentional
20 and/or negligent acts were a legal cause of Plaintiff's abuse.

21 **FIRST CAUSE OF ACTION**
22 **NEGLIGENCE**
23 **(As to ALL Defendants and DOE Defendants)**

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

26 48. Defendants' conduct, actions, and omissions served to create an environment in
27 which Fr. Bismonte was afforded years of continuous secluded access to minor children, including
28 Plaintiff, who was approximately 8 years of age at the time she was initially sexually abused,

1 molested and assaulted by Fr. Bismonte.

2 49. At the time Fr. Bismonte performed the acts alleged herein it was or should have
3 been reasonably foreseeable to Defendants that by continuously exposing and making Plaintiff
4 available to Fr. Bismonte, Defendants were placing Plaintiff at grave risk of being sexually abused
5 by Fr. Bismonte. By knowingly subjecting Plaintiff to this foreseeable danger, Defendants were
6 duty-bound to take reasonable steps and implement reasonable safeguards to protect Plaintiff from
7 Fr. Bismonte. Further, at all times alleged herein, Defendants possessed a sufficient degree of
8 control over Fr. Bismonte's personal and business affairs so as to keep Fr. Bismonte away from
9 Plaintiff and other minor children, and prevent any sexual molestation or abuse against them.
10 Defendants, however, failed to take reasonable steps or implement reasonable safeguards for
11 Plaintiff's protection.

12 50. As a direct and proximate result of Defendants' failure to protect Plaintiff from Fr.
13 Bismonte, Plaintiff has suffered and will continue to suffer severe mental and emotional distress
14 including, but not limited to symptoms of PTSD, severe anxiety, lost interest and pleasure in
15 activities, an inability to concentrate, feelings of self-blame, feelings of estrangement from friends
16 and/or family, hypervigilance, a lost sense of worth, a sense of being tainted, suicidal ideation, and a
17 loss of sexual desire, expenses for mental health professionals and other medical treatment, and loss
18 of past and future earnings and other economic benefits according to proof at the time of trial.

19 **NEGLIGENT SUPERVISION**

20 51. Defendants owed Plaintiff a duty to provide reasonable supervision over Fr.
21 Bismonte, to use reasonable care in investigating Fr. Bismonte's background, and to provide
22 adequate warning to the Plaintiff, and others, of Fr. Bismonte's dangerous propensities.

23 52. Defendants, by and through their respective agents, servants and employees, knew or
24 should have known of Fr. Bismonte's dangerous and exploitive propensities. Despite such
25 knowledge, Defendants negligently failed to supervise Fr. Bismonte, a supervisor of minor children
26 with the propensity and ability to commit wrongful acts against Plaintiff. Defendants failed to
27 provide reasonable supervisions of Fr. Bismonte, failed to use reasonable care in investigating Fr.
28

1 Bismonte, and failed to provide adequate warning to Plaintiff and others of Fr. Bismonte's
2 dangerous propensities and unfitness. Defendants further failed to take reasonable measures to
3 prevent the sexual abuse, molestation and harassment of minor children, including Plaintiff.

4 53. As an institution entrusted with the care of minors, where staff, employees, agents,
5 and management, such as Fr. Bismonte, were placed in contact with minor children, the Defendants
6 expressly and implicitly represented that these individuals, including Fr. Bismonte, were not a threat
7 to children and others who would fall under Fr. Bismonte's influence, control, direction, and
8 guidance.

9 54. Defendants were aware or should have been aware of how vulnerable children were
10 to sexual harassment, molestation and abuse by mentors, advisors, teachers, counselor and other
11 persons of authority within the Defendants.

12 55. Defendants breached their duty to Plaintiff by, *inter alia*, failing to adequately
13 monitor and supervise Fr. Bismonte and failing to stop Fr. Bismonte from committing wrongful
14 sexual acts with minors, including Plaintiff. Plaintiff is informed and believes that employees, staff
15 and agents of Defendants knew and/or suspected the abuse was occurring at the time and failed to
16 investigate the matter further.

17 56. As a result of the above-described conduct, Plaintiff has suffered and will continue to
18 suffer severe mental and emotional distress including, but not limited to symptoms of PTSD severe
19 anxiety, lost interest and pleasure in activities, an inability to concentrate, feelings of self-blame,
20 feelings of estrangement from friends and/or family, hypervigilance, a lost sense of worth, a sense
21 of being tainted, and a loss of sexual desire, and will sustain loss of earnings and earning capacity,
22 and/or has incurred and and/or will continue to incur expenses for medical and psychological
23 treatment, therapy, and counseling.

24 **NEGLIGENT HIRING/RETENTION**

25 57. Defendants owed Plaintiff a duty not to hire and/or retain Fr. Bismonte given his/her
26 pedophile propensities, which Defendants knew or should have known had they engaged in a
27 meaningful and adequate investigation of his/her background.

28

1 58. As institutions entrusted with the care of minors, where staff, employees, agents and
2 management, such as Fr. Bismonte were placed in contact with minors, Defendants expressly and
3 implicitly represented that these individuals, including Fr. Bismonte, were not a sexual threat to
4 children and others who would fall under Fr. Bismonte's influence, control, direction and guidance.

5 59. Nevertheless, although Defendants knew that Fr. Bismonte was a pedophile, that he
6 had sexually assaulted other minors, Defendants accepted Fr. Bismonte from the Philippines and
7 allowed him to access children including, but not limited to Plaintiff.

8 60. As a result, Plaintiff has suffered and will continue to suffer severe mental and
9 emotional distress including, but not limited to symptoms of PTSD, severe anxiety, lost interest and
10 pleasure in activities, an inability to concentrate, feelings of self-blame, feelings of estrangement
11 from friends and/or family, hypervigilance, a lost sense of worth, a sense of being tainted, suicidal
12 ideation, and a loss of sexual desire; will sustain loss of earnings and earning capacity, and/or has
13 incurred and/or will continue to incur expenses for medical and psychological treatment, therapy,
14 and counseling.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief against Defendants:

1. For damages for past and future medical, psychotherapy, and related expenses according to proof at the time of trial;
2. For general damages for physical and mental pain and suffering and emotional distress in a sum to be proven at the time of trial;
3. For damages for past loss wages and past earning capacity and/or future list wages and loss of earning capacity according to proof at the time of trial;
4. For interest as allowed by law;
5. For costs of suit herein; and
6. For such other and further relief as the Court deems proper.

DATED: November 14, 2019

JEFF ANDERSON & ASSOCIATES



MICHAEL RECK
MICHAEL G. FINNEGAN
JENNIFER E. STEIN
Attorneys for Plaintiff
AIMEE GALICIA TORRES

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DEMAND FOR TRIAL

Plaintiff AIMEE GALICIA TORRES hereby demands a trial by jury in this matter.

DATED: November 14, 2019

JEFF ANDERSON & ASSOCIATES



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