

1 Michael Reck, State Bar No. 209895
mreck@andersonadvocates.com
2 Michael G. Finnegan, State Bar No. 241091
mike@andersonadvocates.com
3 Joseph George, Jr., State Bar No. 200999
jgeorgejr@andersonadvocates.com
4 Jennifer E. Stein, State Bar No. 300775
jennifer@andersonadvocates.com
5 **JEFF ANDERSON & ASSOCIATES**
11812 San Vicente Boulevard, Suite 503
6 Los Angeles, California 90049
Telephone: 310.357.2425
7 Facsimile: 651.297.6543

8 Attorneys for Plaintiff TONI MORELAND

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

10 **FOR THE COUNTY OF FRESNO**

11)
12 TONI MORELAND, an individual)
13) Plaintiff,)
14 vs.)
15)
16 DOE 1, a Religious Corporation Sole,)
17)
18 DOE 2, a religious entity form unknown,)
and DOE 3 through DOE 100.)
19) Defendant(s).)

Case No.

COMPLAINT FOR DAMAGES:

1. **NEGLIGENCE—NEGLIGENT SUPERVISION, NEGLIGENT RETENTION**
2. **NEGLIGENCE- NEGLIGENT SUPERVISION OF PLAINTIFF- THEN A MINOR**

**Filed Pursuant to
Code of Civil Procedure Section 340.1,
as amended by Assembly Bill 218**

DEMAND FOR JURY TRIAL

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COMPLAINT FOR DAMAGES

Based upon information and belief available to Plaintiff TONI MORELAND (“Plaintiff”) at the time of the filing of this Complaint, Plaintiff alleges as follows against Defendants DOE 1, a Religious Corporation Sole, DOE 2, a religious entity of form unknown, and DOE 3 through DOE 100 (collectively “Defendants”):

PARTIES

1. Plaintiff is a natural person who was the resident of the County of Fresno, State of California, at all relevant times mentioned herein. Plaintiff was born in 1967. Plaintiff was a minor throughout the period of childhood sexual assault alleged herein. Plaintiff brings this Complaint pursuant to Code of Civil Procedure Section 340.1, as amended by Assembly Bill 218, for damages suffered as a result of childhood sexual assault.

2. Plaintiff is informed and believes and thereon alleges that at all times material hereto, Defendant DOE 1 was and continues to be a Religious Corporation Sole, which includes but is not limited to civil corporations, decision making entities, officials, and employees, authorized to conduct business, incorporated in, and conducting business in the State of California, with its principal place of business in Fresno County, California. Defendant DOE 1 purposely conducts substantial business operations in and throughout the State of California and Fresno County. Defendant DOE 1 is responsible for Roman Catholic Church operations in Fresno County, California. DOE 1 is responsible for the funding, staffing and direction of the parishes, parochial schools, fraternal organizations and other facilities and institutions within the geographic area of the Fresno County, and encompasses other counties in California. Defendant DOE 1 was the primary entity owning, operating and controlling the activities and behavior of its employees and agents at Defendant DOE 2, including Father Anthony Moreno (“PERPETRATOR”), DOE 3 through DOE 100, and all other employees, agents and supervisors of Defendants. Plaintiff is further informed, believes and thereon alleges that Defendant DOE 1 had sole authority and responsibility to control and supervise the ministry of PERPETRATOR from at least 1980 through 1991.

3. Plaintiff is informed and believes and thereon alleges that at all times material hereto, Defendant DOE 1 employed PERPETRATOR as an agent and had the ability to control and

1 supervise PERPETRATOR's activities. Defendant DOE 1 was an entity that supervised its
2 employees and agents, including its priests, teachers, and administrators, who supervised minor
3 children, including those on its premises and in its programs. At all times material hereto,
4 PERPETRATOR was under the direct supervision, employ, and control of Defendant DOE 1, a
5 Corporation sole. PERPETRATOR physically perpetrated acts of childhood sexual assault upon
6 Plaintiff when Plaintiff was a minor.

7 4. Plaintiff is informed and believes and thereon alleges that at all times material
8 hereto, Defendant DOE 2 was and is a religious institution organized under the laws of the State of
9 California as a religious entity of form unknown, which includes but is not limited to civil
10 corporations, decision making entities, officials and employees authorized to conduct business and
11 conducting business in the State of California, with its principle place of business in Bakersfield,
12 California. At all times material, Defendant DOE 2 was and continues to be under the direct
13 authority, control and province of Defendant DOE 1 and the Bishop, DOE 1. DOE 2 includes but is
14 not limited to the parish corporation and entity. Defendant DOE 2 is responsible for the funding,
15 staffing, and direction of a Catholic employees, volunteers and agents located in Fresno, California.

16 5. Plaintiff is informed and believes and thereon alleges that PERPETRATOR was a
17 cleric with DOE 1, DOE 2, and DOE 3 through DOE 100, and was assigned to DOE 2 between
18 approximately 1979 through in or around 1980.

19 6. Plaintiff is informed and believes and thereon alleges that the true names and
20 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as
21 Defendant DOE 3 through DOE 100, inclusive, are currently unknown to Plaintiff, who therefore
22 sues DOE Defendants by such fictitious names, and who will amend the Complaint to show their
23 true names and capacities when such names have been ascertained. Plaintiff is informed and
24 believes and thereon alleges that DOE Defendants are legally responsible in some manner for the
25 events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages
26 alleged in this Complaint.

27 7. Plaintiff is informed and believes and thereon alleges that at all times material hereto
28 there existed a unity of interest and ownership among Defendants and each of them, such that an

1 individuality and separateness between Defendants ceased to exist. Defendants were the
2 successors-in-interests and/or alter egos of the other Defendants in that they purchased, controlled,
3 dominated and operated each other without any separate identity, observation of formalities, or any
4 other separateness. To continue to maintain the façade of a separate and individual existence
5 between and among Defendants, and each of them, would serve to perpetuate a fraud and injustice.

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

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

18 **FACTS**

19 10. Plaintiff is informed and believes that PERPETRATOR was ordained a Roman
20 Catholic priest in 1979. PERPETRATOR was employed by Defendant
21 DOE 1. PERPETRATOR remained under the direct supervision, employ, and control of
22 Defendants. Defendant DOE 1 and Defendant DOE 2 placed PERPETRATOR in positions where
23 he had access to and worked with children as an integral part of his work.

24 11. PERPETRATOR was a priest at Defendant DOE 2, in Bakersfield, California, in or
25 around 1979. PERPETRATOR served the parishioners and community of Defendants.

26 12. PERPETRATOR is alleged to have abused two other minor children during
27 approximately the same time and/or before, Plaintiff was abused, as alleged herein.

28 13. In approximately 1979 to approximately 1980, Plaintiff's father reported suspect

1 child abuse by PERPETRATOR to Defendants.

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

7 15. Defendant DOE 1's procedure requires Bishops to keep *subsecreto* files also known
8 as confidential files. These files are not to be made public.

9 16. Because of problems of sexual misconduct (including childhood sexual abuse) of
10 Catholic clergy, the Catholic Church and other organizations sponsored treatment centers for priests
11 that had been involved in sexual misconduct. One such treatment center is the Saint John Vianney
12 Center, (founded in 1946) represented on its public website that is/was "the longest running,
13 internationally renowned, behavioral health facility in North America for Clergy and Religious."
14 Similarly, a different treatment center, the Servants of the Paraclete represented that it "is an
15 international religious community founded... in 1947 with a specific ministry to serve fellow priests
16 and brothers who are facing particular challenge in their vocations and lives" with locations in
17 across the country, including in the states of Missouri and New Mexico. The Saint Luke Institute, is
18 a third similar treatment provider for priest who engage in sexual misconduct and has treatment
19 centers in Maryland, Kentucky, and Missouri.

20 17. Sexual abuse of clerics by Catholic clergy has been a reality in the Catholic Church
21 for centuries but has remained covered by deep secrecy. This secrecy is rooted in the official
22 policies of the Catholic Church which are applicable to all DOE 1s and in fact are part of the
23 practices of each DOE 1, including Defendant DOE 1. Sexual abuse of minors by Catholic clergy
24 and religious leaders became publicly known in the mid-1980s as a result of media coverage of a
25 case in Lafayette, Louisiana. Since that time, the media has continued to expose cases of clergy
26 sexual abuse throughout the United States. In spite of these revelations as well as the many criminal
27 and civil litigations the Church has been involved in as a result of clergy sexual abuse of minors, the
28 bishops and other Church leaders continued to pursue a policy of secrecy.

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

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

15 20. Plaintiff was sexually assaulted by PERPETRATOR. PERPETRATOR’s sexual
16 assault of Plaintiff is a result of Defendant DOE 1 and Defendant DOE 2 cover up, as statutorily
17 defined by Code of Civil Procedure section 340.1 (b).

18 21. Plaintiff was raised in a devoutly Catholic family, went to confession and
19 participated in religious activities through their Church. When Plaintiff was a young child, Plaintiff
20 and Plaintiff’s family attended DOE 2, which was owned, operated, controlled and run by
21 Defendant DOE 1 and Defendant DOE 2. Plaintiff and Plaintiff’s family came in contact with
22 PERPETRATOR as an agent and representative of Defendants, and at DOE 2.

23 22. Plaintiff participated in youth activities and church activities at DOE 2. Plaintiff was
24 educated and taught the theology and tenets of the Roman Catholic Church on matters of faith,
25 morals and religious doctrine. Plaintiff therefore developed great admiration, trust, reverence,
26 respect for, and obedience to the Roman Catholic Church and clergy who occupied positions of
27 great influence and persuasion as holy men and authority figures. Plaintiff was encouraged to trust,
28 respect, and obey PERPETRATOR by and through Defendant DOE 1 and Defendant DOE 2.

1 23. As a minor, Plaintiff regularly attended mass and engaged in confession with priests
2 employed by Defendant DOE 1, Accordingly, a special relationship was formed between Plaintiff,
3 then a minor, and Defendants. As delineated in California Evidence Code sections 1030-1034,
4 codifying the clergymen-penitent privilege, the fact that a special relationship between Defendants
5 and parishioners not only exists, but extends to non-spiritual matters.

6 24. During and through these activities, Plaintiff, as a minor and vulnerable child, was
7 dependent on Defendants and their agents, including PERPETRATOR. Plaintiff was under the
8 custody and control of Defendant DOE 1 and Defendant DOE 2, who had control over Plaintiff's
9 welfare and who were responsible for running the DOE 2 with a duty to protect Plaintiff because
10 Plaintiff was in a special relationship with Defendant DOE 1, Defendant DOE 2, and DOE
11 Defendants. Defendant DOE 1 and Defendant DOE 2 had accepted the entrustment of Plaintiff and
12 had responsibility for Plaintiff and authority over Plaintiff.

13 25. In approximately 1979 and through approximately 1980, when Plaintiff was
14 approximately twelve years old and member of Defendant DOE 1 and Defendant DOE 2,
15 PERPETRATOR sexually assaulted Plaintiff, a minor. While performing his duties as a priest, and
16 for the purpose of furthering the duties required in that role, PERPETRATOR befriended Plaintiff
17 and gained Plaintiff's trust and confidence as a spiritual guide, authority figure, and trustworthy
18 mentor.

19 26. Seeing PERPETRATOR as a trustworthy mentor, Plaintiff was conditioned to
20 comply with PERPETRATOR's direction and to respect him as a person of authority in spiritual,
21 ethical, and educational matters. PERPETRATOR's conduct constituted "grooming" of Plaintiff
22 and culminated in his sexual assault and abuse of Plaintiff.

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

1 28. PERPETRATOR sexually molested, assaulted and abused Plaintiff on the premises
2 owned, operated, and controlled by Defendant DOE 1 and Defendant DOE 2. PERPETRATOR's
3 sexual abuse of Plaintiff included, but was not limited to: sexual touching. PERPETRATOR's
4 sexual abuse of Plaintiff when Plaintiff was approximately twelve years old.

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

7 30. This childhood sexual abuse constitutes "childhood sexual assault" pursuant to Code
8 of Civil Procedure section 340.1(d) as amended by Assembly Bill 218, including any act committed
9 against Plaintiff that occurred when the Plaintiff was under the age of 18 years and that would have
10 been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1)
11 or (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or
12 (b) of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c),
13 of Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section
14 289 of the Penal Code; any sexual conduct as defined in paragraph (1) of subdivision (d) of Section
15 311.4 of the Penal Code; Section 647.6 of the Penal Code; and/or any prior laws of this state of
16 similar effect at the time the act was committed.

17 31. Plaintiff did not, and was unable to give free or voluntary consent to the sexual acts
18 perpetrated against Plaintiff by PERPETRATOR, as Plaintiff was a minor child at the time of the
19 abuse alleged herein.

20 32. By using his position within Defendants' institutions, Defendant DOE 1, Defendant
21 DOE 2, DOE Defendants and PERPETRATOR, demanded and required that Plaintiff respect
22 PERPETRATOR in his position as a priest, teacher, spiritual advisor, confidant, counselor and
23 mentor for Defendants.

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

28 34. As a direct and proximate result of Plaintiff's sexual abuse by PERPETRATOR,

1 which was enabled and facilitated by Defendants, and each of them, Plaintiff has suffered economic
2 injury, all to Plaintiff's general, special and consequential damage in an amount to be proven at
3 trial, but in no event less than the minimum jurisdictional amount of this Court.

4 35. PERPETRATOR at all times material hereto was an employee, agent and/or
5 representative of Defendant DOE 1, Defendant DOE 2, and DOE Defendants. PERPETRATOR
6 engaged in unlawful sexual conduct with Plaintiff when Plaintiff was a minor. Defendants are
7 vicariously liable for the childhood sexual abuse committed by PERPETRATOR, including but not
8 limited to through the theories of respondent superior, ratification, and authorization.
9 PERPETRATOR's childhood sexual misconduct with Plaintiff occurred while he was functioning
10 on behalf of Defendants, and was made possible because of that agency.

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

17 37. The Defendants ratified and authorized PERPETRATOR's childhood sexual abuse
18 of Plaintiff by (1) failing to discharge, dismiss, discipline, suspend and/or supervise
19 PERPETRATOR or other priests known by Defendants to have sexually abused children, or to have
20 been accused of sexually abusing children, (2) actively shielding PERPETRATOR from
21 responsibility for his childhood sexual assault of Plaintiff and other minors, (3) failing to
22 acknowledge the existence of complaints against PERPETRATOR of childhood sexual assault on
23 Plaintiff and minors, (4) failing to report such complaints to civil or criminal authorities, (5)
24 providing financial support to PERPETRATOR during and/or after the childhood sexual abuse of
25 Plaintiff and/or other minors, and (6) failing to take steps to timely remove PERPETRATOR from
26 the priesthood so as to permanently prevent him from using his authority bestowed upon him by
27 Defendants to gain access to minors and sexually abuse them.

28 38. By taking the above wrongful, negligent, and/or intentional actions and/or failing to

1 act after having knowledge or having reason to know of such childhood sexual abuse of Plaintiff
2 and/or other minors, Defendants ratified and authorized PERPETRATOR's sexual abuse of minors.
3 By ratifying PERPETRATOR's sexual abuse of minors, Defendants in legal effect committed and
4 caused the childhood sexual abuse of Plaintiff when Plaintiff was a minor.

5 39. As a minor at DOE 2, which was owned, operated, and controlled by the Defendants,
6 and where PERPETRATOR was employed, retained, and worked, Plaintiff was under Defendants'
7 direct supervision, care, and control. This constituted a special relationship, fiduciary relationship
8 and/or special care relationship between Plaintiff and Defendants. Additionally, as a minor child
9 under the custody, care, and control of Defendants, Defendants stood *in loco parentis* with respect
10 to Plaintiff while Plaintiff was at DOE 2. As the responsible parties and/or employers controlling
11 PERPETRATOR, the Defendants were also in a special relationship with Plaintiff, and owed
12 special duties to Plaintiff.

13 40. Defendants knew or had reason to know, or were otherwise on notice, that
14 PERPETRATOR had engaged in unlawful sexual-related conduct with minors in the past, and/or
15 was continuing to engage in such conduct with Plaintiff, and failed to take reasonable steps, and to
16 implement reasonable safeguards, to avoid acts of unlawful sexual conduct in the future by
17 PERPETRATOR.

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

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

28 43. Plaintiff is informed, believes and thereon alleges that Defendants were given notice

1 of inappropriate misconduct conduct committed by PERPETRATOR.

2 44. Defendants failed to report and hid and concealed from Plaintiff, Plaintiff's parents,
3 other minor children in their care and their parents, law enforcement authorities, civil authorities,
4 and others, the true facts and relevant information necessary to bring PERPETRATOR to justice for
5 the sexual misconduct he committed with minors and to protect those entrusted in their care,
6 including Plaintiff.

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

14 46. At the time of PERPETRATOR's childhood sexual assault of Plaintiff, as defined by
15 Code of Civil Procedure section 340.1(d), Defendants knew or had reason to know, or were
16 otherwise on notice of prior acts of childhood sexual abuse committed by PERPETRATOR, and
17 despite such knowledge and/or notice, failed to take reasonable steps or implement reasonable
18 safeguards to protect Plaintiff from childhood sexual abuse. These acts and/or omissions on the part
19 of Defendants were committed in spite of their ability to exercise control over the personal and
20 business affairs of PERPETRATOR. Accordingly, Defendants are liable for PERPETRATOR's
21 childhood sexual abuse of Plaintiff in that their wrongful, intentional and/or negligent acts were a
22 legal cause of Plaintiff's abuse.

23 **FIRST CAUSE OF ACTION**
24 **NEGLIGENCE**
(As to ALL Defendants)

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

27 48. Defendants' conduct, actions, and omissions served to create an environment in
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1 which PERPETRATOR was afforded years of continuous secluded access to minor children,
2 including Plaintiff, who was approximately twelve years of age at the time Plaintiff was sexually
3 abused, molested and assaulted by PERPETRATOR.

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

14 50. As a direct and proximate result of Defendants' acts and omissions 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 **NEGLIGENT SUPERVISION OF PERPETRATOR**

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

21 52. Defendants, by and through their respective agents, servants and employees, knew or
22 had reason to know of PERPETRATOR's dangerous and exploitive propensities. Despite such
23 knowledge, Defendants negligently failed to supervise PERPETRATOR, a supervisor of minor
24 children with the propensity and ability to commit wrongful acts against Plaintiff. Defendants
25 failed to provide reasonable supervisions of PERPETRATOR, failed to use reasonable care in
26 investigating PERPETRATOR, and failed to provide adequate warning to Plaintiff and others of
27 PERPETRATOR's dangerous propensities and unfitness. Defendants further failed to take
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1 reasonable measures to prevent the childhood sexual abuse, molestation and harassment of minor
2 children, including Plaintiff.

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

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

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

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

19 **NEGLIGENT RETENTION OF PERPETRATOR**

20 57. Defendants owed Plaintiff a duty not to retain PERPETRATOR given his pedophile
21 propensities, which Defendants knew or had reason to know had they engaged in a meaningful and
22 adequate investigation of his background.

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

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1 59. Nevertheless, although Defendants knew or had reason to know, suspected or
2 otherwise been on notice of PERPETRATOR’s misconduct and or that PERPETRATOR had
3 sexually assaulted minors

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

7 **SECOND CAUSE OF ACTION**
8 **NEGLIGENCE**
9 **(As to ALL Defendants)**

10 **NEGLIGENT SUPERVISION OF PLAINTIFF, THEN A MINOR**

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

13 62. Plaintiff’s Second Cause of action is an alternative additional theory of liability as
14 alleged as against DOE 1, DOE 2, and DOE 3 through DOE 100.

15 63. Defendant DOE 1, a corporation sole, Defendant DOE 2, and DOE 3 through DOE
16 100 are liable for the acts and omissions of their employees and agents, including
17 PERPETRATOR, acting within the course and scope of their employment and/or agency. At all
18 times herein, Defendant DOE 1, Defendant DOE 2, and DOE 3 through DOE 100’s employees,
19 including PERPETRATOR, were acting within the course and scope of their employment.

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

25 65. Defendant DOE 1, Defendant DOE 2, and DOE 3 through DOE 100 breached their
26 duty of care.

27 66. Defendant DOE 1, Defendant DOE 2, and DOE 3 through DOE 100 negligently
28 failed to properly and/or adequately supervise Plaintiff, a minor, and failed to use reasonable care in

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

5 67. Defendant DOE 1, Defendant DOE 2, and DOE 3 through DOE 100's breach was a
6 substantial factor in PERPETRATOR's childhood sexual assault of Plaintiff.

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

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

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1 **PRAYER FOR RELIEF**

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

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

15 DATED: December 31, 2019

JEFF ANDERSON & ASSOCIATES

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18 MICHAEL RECK
19 MICHAEL G. FINNEGAN
20 JOSEPH GEORGE, JR.
21 JENNIFER E. STEIN
22 Attorneys for Plaintiff **TONI MORELAND**

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DEMAND FOR TRIAL

Plaintiff hereby demands a trial by jury in this matter.

DATED: December 31, 2019

JEFF ANDERSON & ASSOCIATES



MICHAEL RECK
MICHAEL G. FINNEGAN
JOSEPH GEORGE, JR.
JENNIFER E. STEIN
Attorneys for Plaintiff **TONI MORELAND**