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**JOHN DOE SRFT 11**

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
7 **FOR THE COUNTY OF SONOMA**

8 JOHN DOE SRFT 11,  
9 Plaintiff,

10 v.

11 THE ROMAN CATHOLIC BISHOP OF  
12 SANTA ROSA, a corporation sole,  
13 PASTOR OF ST. FRANCIS SOLANO  
14 CATHOLIC CHURCH SONOMA, a  
corporation sole, and  
DOE 3 through DOE 500, inclusive,  
15 Defendants.

Case Number:

COMPLAINT FOR DAMAGES

1. Fraudulent Transfer  
California Civil Code §3439, Et Seq.

16  
17 **GENERAL ALLEGATIONS**

18 1. Under rights to privacy granted by the Constitution of the State of California due to  
19 the sensitive nature of this case and in this Complaint, Plaintiff is using the fictitious name JOHN  
20 DOE SRFT 11. If, for any reason, Defendants cannot accurately determine the identity of the  
21 Plaintiff JOHN DOE SRFT 11, their attorney can contact Plaintiff's attorney at the address on the  
22 face sheet of the Complaint, and the true name of the Plaintiff will be provided.

23 2. Plaintiff JOHN DOE SRFT 11 is a natural person who was a resident of the County  
24 of Sonoma, at all relevant times mentioned herein. Father Francisco Xavier Ochoa physically  
25 perpetrated acts of childhood sexual abuse upon Plaintiff JOHN DOE SRFT 11 when Plaintiff  
26 JOHN DOE SRFT 11 was a minor. Plaintiff JOHN DOE SRFT 11 is under the age of 40 at the  
27 time of the filing of this action. Plaintiff JOHN DOE SRFT 11 is filing this complaint in  
28

1 compliance with and pursuant to California Code of Civil Procedure section 340.1.

2           3.       Defendant THE ROMAN CATHOLIC BISHOP OF SANTA ROSA, a corporation  
3 sole, (hereinafter “DIOCESE”) is a religious institution organized under the laws of the State of  
4 California as a corporation sole with its principle place of business in Santa Rosa, California.  
5 Defendant DIOCESE is responsible for the funding, staffing and direction of the parishes,  
6 parochial schools, fraternal organizations and other facilities and institutions within the geographic  
7 area of the county of Sonoma, and encompasses six other counties in northwestern California.  
8 From approximately 1987 to 1991, the most reverend John T. Steinbock was the Bishop of  
9 Defendant DIOCESE. From approximately 1992 to 1999, the most reverend G. Patrick Ziemann  
10 was the Bishop of Defendant DIOCESE. From approximately 2000 to 2011, the most reverend  
11 Daniel F. Walsh was the Bishop of Defendant DIOCESE.

12           4.       Defendant PASTOR OF ST. FRANCIS SOLANO CATHOLIC CHURCH  
13 SONOMA, a corporation sole (hereinafter “PARISH”) is a church located within Sonoma County.  
14 Defendant PARISH is a church where Father Francisco Xavier Ochoa’s propensities to commit  
15 acts of childhood sexual abuse were known to Defendant DIOCESE and/or to Defendant  
16 PARISH, was concealed, and was not reported to law enforcement prior to Father Ochoa’s  
17 childhood sexual abuse of Plaintiff JOHN DOE SRFT 11.

18           5.       Each Defendant was the agent, servant, employee and/or representative of each  
19 remaining Defendant, and was at all times acting within the course and scope of said agency,  
20 service, employment and/or representation, and did the acts herein alleged with the permission and  
21 consent of each other Defendant. Defendant DIOCESE, Defendant PARISH, and Defendants  
22 DOE 3 through DOE 500, inclusive and each of them, operated and controlled religious and  
23 educational facilities in Sonoma County and other counties in California, and through such  
24 facilities, provided religious and educational instruction to students, parishioners and others.

25           6.       The true names and capacities, whether individual, corporate, associate or  
26 otherwise, of Defendants DOE 3 through DOE 500 are unknown to Plaintiff, who therefore sues  
27 said DOE Defendants by such fictitious names. When the true names and capacities of said DOE  
28 Defendants have been ascertained, Plaintiff will seek leave of court to amend this Complaint to

1 allege such true names and capacities. Plaintiff is informed and believes and based thereon alleges  
2 that each of the Defendants designated as a DOE herein are liable in some manner for the acts,  
3 occurrences and omissions hereinafter alleged.

4 7. At least one of the Defendants has its primary place of business in Sonoma County;  
5 therefore, venue is properly placed in Sonoma County.

6 8. While religious belief is absolutely protected, conduct is not protected and the  
7 actions below herein alleged were illegal secular motivated conduct that is regulated by the law.

8 9. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops  
9 throughout the world including the Bishop of Santa Rosa. The instruction was binding upon the  
10 Bishop of Santa Rosa. The instruction directed that allegations and reports of Catholic priest's  
11 sexual abuse of children, were required to be kept secret and were required not to be disclosed  
12 either to civil authorities (such as law enforcement), not to be disclosed to co-employees, not to be  
13 disclosed to supervisors of parish priests, and/or not to be disclosed to parishioners generally.

14 10. Canon law requires Bishops to keep subsecreto files also known as confidential  
15 files. These files are not to be made public.

16 11. Sexual abuse by Catholic clergy has been a reality in the Catholic Church for  
17 centuries but has remained covered by deep secrecy. This secrecy is rooted in the official policies  
18 of the Catholic Church which are applicable to all dioceses and, in fact, are part of the practices of  
19 each diocese, including the DIOCESE of Santa Rosa. Catholic clergy and religious leader's  
20 sexual abuse of minors became publicly known in the mid 1980's as a result of media coverage of  
21 a case in Lafayette, Louisiana. Since that time, throughout the United States the media has  
22 continued to expose cases of Catholic clergy and religious leader's sexual abuse of children. In  
23 spite of the media coverage, as well as criminal and civil litigation, the Catholic Church, its  
24 bishops and other Church leaders continue to pursue a policy of secrecy.

25 12. All of the procedures required in the so-called "Dallas Charter" have been  
26 previously mandated in the Code of Canon Law and in the 1922 and 1962 documents but were  
27 consistently ignored by Catholic bishops. In place of the required processes, which would have  
28 kept a written record of cases of clergy sexual abuse, the bishops applied a policy of clandestine

1 transfer of accused priests from one local or diocesan assignment to another or from one diocese to  
2 another. The receiving parishioners (and even the receiving parish pastors) were not informed of  
3 any accusations of the sexual abuse of minors. Refusal to disclose (to parishioners and even  
4 fellow clerics) a Catholic priest's history of sexually abusing children, has been one way to  
5 maintain secrecy utilized by Defendant DIOCESE and/or Defendant PARISH. Another has been  
6 to use various forms of persuasion on victims of childhood sexual abuse (and their families) to  
7 convince them to remain silent about incidents of childhood sexual abuse. These forms of  
8 persuasion have included methods that have ranged from sympathetic attempts to gain silence to  
9 direct intimidation to various kinds of threats. In so doing, the clergy involved, from bishops to  
10 priests, have relied on their power to overwhelm victims and their families.

11 13. At all times material hereto, Father Ochoa was under the direct supervision,  
12 employ and control of Defendant DIOCESE and its representatives including the Bishop  
13 Steinbock, Bishop Ziemann and also Bishop Walsh. In addition, Father Ochoa was under the  
14 direct supervision, employ and control of Defendant PARISH. In or around November 2009, at  
15 age 71, Father Ochoa is believed to have died in Zapopan, Jalisco, Mexico. Throughout the period  
16 that Father Ochoa was managed, assigned, and supervised by Defendant DIOCESE and Defendant  
17 PARISH, Defendant DIOCESE granted Father Ochoa powers of unfettered access to children, a  
18 power which Father Ochoa continually abused to commit acts of sexual harassment, childhood  
19 sexual abuse, and sexual assault of such children. Father Ochoa's assignments within Defendant  
20 DIOCESE and/or Defendant PARISH were as follows:

21 St. Francis Solano-Sonoma, Associate Pastor 1/88 – 8/89;  
22 St. Leo the Great – Sonoma, Associate Pastor 1/88 – 8/89;  
23 St. John the Baptist – Napa, Associate Pastor 8/89 – 3/19/91;  
24 Yountville – St. Helena – Calistoga, Associate Pastor 8/89 – 3/91;  
25 Centro Pastoral Hispano-Hispanic Ministry Director 3/91 – 11/99;  
26 Resurrection Parish / St. Rose Parish, Santa Rosa, Associate. Pastor 6/91 – 7/94;  
27 Our Lady of Guadalupe, Windsor, Associate Pastor 7/94 – 12/96;  
28 St. Joseph Parish, Cotati, Associate Pastor 1/97 – 11/99; and  
St. Francis Solano, Sonoma, Associate Pastor 5/00 – 8/12/05.

14. Throughout the period that Father Ochoa was managed, assigned, and supervised  
by Defendant DIOCESE and Defendant PARISH, Defendant DIOCESE granted Father Ochoa

1 powers of unfettered access to children, a power which Father Ochoa continually abused to  
2 commit acts of sexual harassment, childhood sexual abuse, and sexual assault of such children.

3 15. From approximately 1988 through May 2006, Father Ochoa was assigned to  
4 positions of leadership in the Defendant DIOCESE and Defendant PARISH ministry to those  
5 parishioners whose language of origin was Spanish. Many of the parishioners (including Plaintiff  
6 and his family) to whom Father Ochoa ministered, lived and worked in communities in which  
7 Spanish was the primary language and had limited language skills in English. Throughout this  
8 period of time, under the supervision and control of Defendant DIOCESE, Father Ochoa was  
9 assigned and reassigned to multiple different parishes, where Father Ochoa's responsibilities  
10 included ministry to Spanish-speaking congregations, and the direct supervision of children  
11 (minor parishioners).

12 16. During the period of time when Father Ochoa was serving Defendant DIOCESE  
13 and/or Defendant PARISH, Father Ochoa resided in living quarters "homes" which were owned,  
14 controlled, managed, maintained and/or paid for by Defendant DIOCESE and/or Defendant  
15 PARISH. These homes simultaneously housed other priests under the supervision of Defendant  
16 DIOCESE and/or Defendant PARISH. Plaintiff is informed and believes and on that basis alleges  
17 that, during many of the incidents of child abuse described in this civil complaint, agents and  
18 employees of Defendant DIOCESE and/or Defendant PARISH were physically present on the  
19 premises. Such agents and employees of Defendant DIOCESE and/or Defendant PARISH had, at  
20 a minimum, had reason to know of conduct by Father Ochoa with minor parishioners to support a  
21 reasonable suspicion that such minors were at risk for serious harm in the custody and control of  
22 Father Ochoa. Also, during those periods of time, Father Ochoa frequently shared those homes  
23 with children (minor parishioners).

24 17. By placing Father Ochoa in churches throughout the DIOCESE to serve as a priest,  
25 associate pastor and/or pastor, Father Ochoa's position with his collar as the a representative of the  
26 DIOCESE and also the PARISH, the DIOCESE, its Bishop and the PARISH made the  
27 representation to parishioners that Father Ochoa was fit to serve them and act in their best  
28 interests. Defendant DIOCESE and Defendant PARISH affirmatively represented to minor

1 children and their families at Defendant PARISH, including Plaintiff and his family, that Father  
2 Ochoa wore a collar, which was a representation of his fitness to be a priest and therefore he was  
3 expected by Defendant DIOCESE to be viewed by parishioners as being safe, celibate, and  
4 trustworthy, and based on those representations, was in fact so viewed by parishioners.

5 18. In addition to his role as a priest serving in the Defendant DIOCESE, Father  
6 Ochoa enjoyed a special stature in the community of Spanish-speaking Catholics in Northern  
7 California. Father Ochoa's origins in Mexico and fluency in Spanish caused him to be highly  
8 regarded in the community and in the Defendant DIOCESE as an authority figure with substantial  
9 power and ability to mediate on behalf of members of the Spanish-speaking community with  
10 employers, government agencies and other institutions, and within the society at large. Father  
11 Ochoa established close relationships with many families within the parishes in the DIOCESE in  
12 which Father Ochoa was assigned. These families were proud to receive Father Ochoa as a guest  
13 in their homes and granted Father Ochoa their unwavering trust and devotion. Many parishioners,  
14 (including the Plaintiff and his family) relied on Father Ochoa for assistance with such issues as  
15 immigration and legal residency. Defendant DIOCESE and Defendant PARISH knowingly  
16 encouraged Father Ochoa to assume this role in the community, encouraged parishioners to regard  
17 Father Ochoa as an authority figure, and to rely on Father Ochoa's assistance with personal,  
18 business, and legal matters. Defendant DIOCESE and Defendant PARISH enjoyed the increased  
19 devotion to the church associated with the parishioners' reliance and dependence upon Father  
20 Ochoa.

21 19. Under the auspices of Father Ochoa's religious authority, Father Ochoa carefully  
22 cultivated relationships with Plaintiff's family to secure access to Plaintiff (a child). During the  
23 period of time when Father Ochoa was serving the Defendant DIOCESE and/or Defendant  
24 PARISH Plaintiff's family viewed Father Ochoa as an important and trusted adult. Father Ochoa  
25 maintained his trusted relationship with Plaintiff's family while Father Ochoa committed acts of  
26 childhood sexual abuse against Plaintiff. Through these means and by directly exhorting Plaintiff  
27 (a child) not to discuss the childhood sexual abuse, Father Ochoa ensured that Plaintiff's family  
28 was unaware that Plaintiff was being subjected to ongoing childhood sexual abuse. Through these

1 means, Father Ochoa also misled and manipulated Plaintiff (a child) to believe he must not  
2 complain of mistreatment and/or the childhood sexual abuse by Father Ochoa so that Plaintiff's  
3 family would continue to receive valuable assistance from Father Ochoa.

4         20. Defendant DIOCESE and/or Defendant PARISH and/or Father Ochoa, as  
5 well as Plaintiff's family encouraged Plaintiff to participate in religious activities and youth group  
6 activities with Father Ochoa, to perform maintenance chores at Father Ochoa's living quarters,  
7 engage in private social activities with Father Ochoa, and to travel with Father Ochoa. At no time  
8 prior to Plaintiff's discovery of the facts supporting this civil complaint, did any of the parents or  
9 other legal guardians of the Plaintiff learn that Father Ochoa was abusing their trust to commit acts  
10 of childhood sexual abuse against their son. When Plaintiff participated in these activities,  
11 Plaintiff's custody and control was relinquished by Plaintiff's parents and legal guardians and  
12 entrusted exclusively to Defendant DIOCESE and/or Defendant PARISH and/or Father Ochoa,  
13 each of whom were responsible for Plaintiff's safety.

14         21. Because Defendants were in a position of superiority and influence over them,  
15 Plaintiff and his parents believed and relied on these misrepresentations.

16         22. In reliance on the Defendants' misrepresentations, Father Ochoa was able to gain  
17 unsupervised access to Plaintiff and to committing acts of criminal childhood sexual abuse against  
18 him in Father Ochoa's living quarters at the rectory of Defendant PARISH.

19         23. Had Plaintiff and his family known what Defendants knew—that Father Ochoa had  
20 sexually molested other minor children who were altar boys before he molested Plaintiff and that  
21 he was a danger to children—Father Ochoa would not have committed acts of childhood sexual  
22 abuse against Plaintiff.

23         24. Using the power, authority and trust of his positions, Father Ochoa enticed,  
24 induced, directed and coerced Plaintiff to engage in acts of criminal childhood sexual abuse and  
25 Defendant DIOCESE and Defendant PARISH and DOE 3 through DOE 500, are vicariously  
26 liable for the acts and omissions of their agent Father Ochoa based upon the public policy of  
27 respondeat superior and also because said Defendants ratified the conduct of the individual  
28 committing the foreseeable criminal childhood sexual abuse of Plaintiff.

1           25.     Plaintiff was raised in a devoutly religious family, was baptized, confirmed, and  
2 regularly celebrated weekly mass, went to confession with Father Ochoa, and received the  
3 sacraments through his church.

4           26.     Plaintiff first met and came to know Father Ochoa as his parish priest and spiritual  
5 and secular counselor while attending Defendant PARISH.

6           27.     Father Ochoa committed acts of childhood sexual assault against Plaintiff while  
7 while Father Ochoa was assigned to Defendant PARISH.

8           28.     As a result of Plaintiff's position as a minor, together with Father Ochoa's position  
9 as a holy man and authority figure, Father Ochoa was able to have control and influence over  
10 Plaintiff. By his words and actions, Father Ochoa represented to Plaintiff that the object of his  
11 relationship with Plaintiff was to provide counseling, comfort and advice. This representation was  
12 untrue and intended by Father Ochoa to deceive Plaintiff, to gain Plaintiff's trust and confidence  
13 and to obtain control over him. By his words and actions, Father Ochoa assured Plaintiff that his  
14 conduct was proper.

15           29.     Plaintiff regularly attended mass and engaged in confession with priests employed  
16 by Defendant DIOCESE. Accordingly, a special relationship was formed between Plaintiff and  
17 Defendant. As delineated in California Evidence Code sections 1030-1034, codifying the  
18 clergyman-penitent privilege, the fact that a special relationship between Defendants and  
19 parishioners not only exists, but extends to non-spiritual matters.

20           30.     For years and years, the DIOCESE of Santa Rosa, by and through its Bishops,  
21 Vicars, Priests and agents has displayed a long and troubled pattern of conduct of protecting  
22 priests serving in the DIOCESE who were known to and/or admitted to acts of childhood sexual  
23 abuse against minor children in the DIOCESE. Over and over again the DIOCESE negligently  
24 and/or recklessly failed to supervise and/or terminate priests serving in the DIOCESE. Over and  
25 over again the DIOCESE negligently and/or recklessly failed to protect children in the DIOCESE.  
26 Over and over again the DIOCESE negligently and/or reckless failed to disclose and/or actively  
27 concealed information known to the DIOCESE (about dangerous and abusive priests).

28



1           31.     The obvious result of the DIOCESE's pattern of conduct was and is that the  
2 DIOCESE's (by and through its bishops and managing agents) decision to protect priests who  
3 were known to have committed acts of childhood sexual abuse, the DIOCESE's decision to  
4 conceal its knowledge from innocent families and minor parishioners, was that the DIOCESE  
5 exposed those known dangers to minor parishioners. As a further direct result, minor parishioners,  
6 including JOHN DOE SRFT 11, were needlessly sexually abused by priests serving in the  
7 DIOCESE.

8           32.     Not less than some seventeen (17) Santa Rosa DIOCESE priests have been accused  
9 of sexual misconduct. Eight (8) DIOCESE priests have been accused and identified by victims of  
10 childhood sexual abuse. Nine (9) others have not been identified (by name) by the DIOCESE.  
11 Instead, the DIOCESE's Bishop Daniel Walsh stated (in 2005) that "...no purpose would be  
12 served identifying those priests because they were either dead or no longer serving in the Santa  
13 Rosa Diocese..."

14           33.     The DIOCESE has paid more than \$26,000,000.00 to settle civil claims arising  
15 from acts of childhood sexual abuse committed by DIOCESE priests against minor parishioners  
16 and also arising from the DIOCESE's failures to protect youth parishioners.

17           34.     Defendant DIOCESE, Defendant PARISH and Defendants DOE 3 through DOE  
18 500 and all of them, had actual knowledge and also had reason to know of Father Ochoa's prior  
19 acts of criminal childhood sexual abuse. Nevertheless, Defendants failed to take reasonable steps  
20 to prevent future criminal childhood sexual abuse by Father Ochoa upon minor children, including  
21 Plaintiff JOHN DOE SRFT 11. These failures included, but were not limited to, preventing or  
22 avoiding placement of Father Ochoa in a function or environment in which contact with children  
23 is an inherent part of that function or environment.

24           35.     Because Father Ochoa was known to commit acts of criminal childhood sexual  
25 abuse, it was foreseeable to Defendant DIOCESE, Defendant PARISH and Defendants DOE 3  
26 through DOE 500, that Father Ochoa would entice, induce, direct and coerce minors, including  
27 Plaintiff JOHN DOE SRFT 11 to engage in Father Ochoa's criminal childhood sexual abuse  
28 during the course of Father Ochoa's normal duties and assignments of counseling, academic

1 tutoring, secular counseling, and face-to-face confessions of minors and their parents.

2 36. By placing Father Ochoa and/or allowing him to remain in his position and  
3 function as parish priest, Defendant DIOCESE, Defendant PARISH and Defendants DOE 3  
4 through DOE 500 affirmatively represented to minor children and their families at Defendant  
5 DIOCESE and Defendant PARISH including Plaintiff JOHN DOE SRFT 11 and his family, that  
6 Father Ochoa did not have a history of committing acts of criminal childhood sexual abuse against  
7 minor children and that he was not a danger to minor children, and that Defendants had no  
8 information to the contrary.

9 37. In 1991, the DIOCESE's Bishop John Steinbock, (who was obligated to supervise  
10 and failed to supervise Father Ochoa) received a credible complaint and information that Father  
11 Ochoa "kissed an altar boy on the lips in Napa." Thereafter, Bishop Steinbock sent Father Ochoa  
12 "for a psychological evaluation" by Jose J. LaCalle, Ph.D. The DIOCESE Bishop Steinbock  
13 decided to conceal the DIOCESE's knowledge that Father Ochoa "kissed an altar boy on the lips  
14 in Napa" from law enforcement. The DIOCESE Bishop Steinbock decided to conceal the  
15 DIOCESE's knowledge that Father Ochoa "kissed an altar boy on the lips in Napa" from  
16 parishioners. Instead, the DIOCESE Bishop Steinbock transferred Father Ochoa from Napa (St.  
17 John the Baptist Parish) to Santa Rosa (Resurrection Parish). As a direct result of the DIOCESE  
18 Bishop Steinbock's decision, additional children were sexually abused by DIOCESE priest Father  
19 Ochoa.

20 38. The DIOCESE Bishop Steinbock displayed an alarming pattern of conduct of  
21 protecting DIOCESE priests who were known to have committed acts of childhood sexual abuse.  
22 In or around 1987, after DIOCESE priest Father Kimball admitted sexual contact with multiple  
23 children, the DIOCESE Bishop Steinbock decided to send Father Kimball to "counseling" and to  
24 allow Father Kimball to go back to an assigned parish. As a direct result of the DIOCESE Bishop  
25 Steinbock's decision, additional children were sexually abused by DIOCESE priest Father  
26 Kimball.

27 39. When questioned during deposition about Bishop Steinbock's decision to instead of  
28 withdrawing the faculties (termination) to transfer and re-assign Santa Rosa Diocese priest Father

1 Kimball (who admitted sexual contact with six (6) girls), Bishop Steinbock testified "... You try to  
2 save a person's priesthood if possible."

3 40. For years and years, the DIOCESE of Santa Rosa has engaged in an effort to  
4 conceal the truth that the DIOCESE's priests were committing acts of childhood sexual abuse  
5 against children. In 1995, the DIOCESE Bishop Mark Hurley testified in deposition that "I've  
6 never gone to the police. I think there is a danger in that and therefore, I have never reported  
7 anything on anybody to the police." Bishop Hurley also testified, that prior to leaving the Diocese  
8 (in 1987) that Bishop Hurley "...tore up all confidential personnel records..."

9 41. At the time (and for years prior) the DIOCESE Bishop Ziemann was obligated to  
10 supervise and failed to supervise Father Ochoa. In 1999, a DIOCESE priest, Father Jorge Salas  
11 sued the DIOCESE and also named Bishop of Santa Rosa Diocese, G. Patrick Ziemann, in a  
12 Sonoma County civil complaint alleging sexual battery and defamation.

13 42. The civil complaint alleged that after Father Jorge Salas admitted he stole  
14 \$1,200.00 from St. Mary of the Angels Parish in Ukiah, the DIOCESE Bishop Ziemann re-  
15 assigned Father Salas and used the threat of reporting Father Salas to law enforcement, to force  
16 Father Salas into a two-year (1997 and 1998) sexual relationship with the DIOCESE Bishop  
17 Ziemann, wherein Bishop Ziemann and Father Salas engaged in sexual contact at the Bishop's  
18 home, at other diocesan residences and also hotel rooms. In addition, Father Salas alleged that he  
19 contracted a sexually transmitted disease from the DIOCESE Bishop Ziemann.

20 43. One of the DIOCESE's lawyers issued a statement that said (in part):

21 As you all know, serious allegations of misconduct have been  
22 filed against our Bishop G. Patrick Ziemann by Father Jorge Salas,  
23 a priest in this diocese.

24 However, the Bishop did regretfully have a personal consensual  
25 relationship that was inappropriate for both of them as priests.

26 44. In 1999, the DIOCESE agreed to settle the civil claims and pay \$535,000.00 to  
27 Father Salas and the DIOCESE Bishop of Santa Rosa Diocese, G. Patrick Ziemann, resigned in  
28 scandal.

1           45.     In addition to the DIOCESE's (Bishop Steinbock) 1991 actual knowledge that  
2 Father Ochoa "kissed an altar boy on the lips in Napa" the DIOCESE had actual knowledge that  
3 Father Ochoa had a significant and ongoing alcohol abuse problem.

4           46.     Father Ochoa habitually drank alcohol to excess. Father Ochoa had a reputation in  
5 the community for conducting mass and other church business under the influence of alcohol.  
6 Defendant DIOCESE and/or Defendant PARISH received multiple complaints about Father  
7 Ochoa's excessive and inappropriate consumption of alcohol. At all relevant times, all Defendants  
8 had actual and/or constructive knowledge that Father Ochoa conducted church business and  
9 supervised minor parishioners during the time Father Ochoa experienced a significant and ongoing  
10 alcohol abuse problem evidenced by the following:

- 11                   a. In 1996, the DIOCESE Bishop Zeimann asked Father Ochoa to get counseling  
12 for alcohol, because complaints had been received from parishioners at Our  
13 Lady of Guadalupe parish that Father Ochoa smelled of alcohol.
- 14                   b. In 1999, Archbishop Levada, (the Apostolic Administrator of the DIOCESE at  
15 the time), sent Father Ochoa for alcohol treatment in Guadalajara, Mexico at  
16 "Project Genesis." Father Ochoa participated in that alcohol treatment program  
17 from approximately December 1999 to May 2000.
- 18                   c. On July 20 2001, *Isiah Doe* (a 15 year old minor), was visiting Father Ochoa's  
19 DIOCESE living residence and Father Ochoa provided *Isiah Doe* alcohol.  
20 At the time, providing alcohol to a 15 year old minor was a violation of the  
21 California Penal Code. At the time, providing alcohol to a 15 year old minor  
22 was child abuse. At the time, the DIOCESE Bishop Walsh was a mandated  
23 reporter of reasonable suspicion of child abuse. The DIOCESE Bishop Walsh  
24 failed to report that Father Ochoa provided *Isiah Doe* (a 15 year old minor)  
25 alcohol.
- 26                   d. In addition, the night of July 20, 2001, Father Ochoa asked *Isiah Doe* (a 15 year  
27 old minor and an unlicensed driver) to drive Father Ochoa's car. While driving,  
28 *Isiah Doe* collided with a parked car, causing substantial property damage.  
Father Ochoa directed and urged *Isiah Doe* to flee the scene of the accident.  
*Isiah Doe* complied with Father Ochoa's direction and shortly thereafter was  
stopped by Santa Rosa Police Officer. As instructed by Father Ochoa, *Isiah*  
*Doe* said he was Father Ochoa's nephew. In July 2001, the DIOCESE Bishop  
Walsh was informed about Father Ochoa being drunk and allowing a under the  
influence *Isiah Doe* (a minor) to drive Father Ochoa and his car. (see Santa  
Rosa Police Department Supplemental Report Number 01-1121)

- 1 e. *Isiah Doe's* (a minor) mother was greatly concerned and from 2001 through  
2 2005, authored numerous letters to the DIOCESE (Bishop Walsh) specifically  
3 expressing her concerns of Father Ochoa's inappropriate illegal and dangerous  
4 behavior with minors, including *Isiah Doe* (a minor). *Isiah Doe's* mother  
5 specifically asked the Bishop Walsh to help protect her son, *Isiah Doe*, and her  
6 family. *Isiah Doe's* mother specifically asked Father Ochoa to not have any  
7 contact with her family, no further contact with *Isiah Doe*, and no more  
8 Mexican vacations with *Isiah Doe* or *Isiah Doe's* brother and to never visit her  
9 home. Father Ochoa ignored the directions and continued to contact the family,  
10 continued to have contact with *Isiah Doe* and continued to visit the home. On  
11 multiple occasions Father Ochoa used physical force to physically remove *Isiah*  
12 *Doe* from the family home. *Isiah Doe's* mother specifically asked the  
13 DIOCESE (Bishop Walsh) to help protect her son *Isiah Doe* and her family and  
14 disclosed that Father Ochoa was infatuated with *Isiah Doe* and asked the  
15 DIOCESE (Bishop Walsh) to help protect her son *Isiah Doe* and her family  
16 from the suspicious, inappropriate and dangerous behavior. The DIOCESE, by  
17 and through Bishop Walsh, failed to take any protective action, failed to  
18 discipline Father Ochoa, failed to supervise Father Ochoa and expressly  
19 permitted Father Ochoa to remain in active ministry with full faculties.  
20 Apparently the DIOCESE, by and through Bishop Walsh, said to *Isiah Doe's*  
21 mother and stated the Bishop had "spoken to Fr. Ochoa regarding his  
22 'irresponsibility' and 'suggested' Fr. Ochoa take adult responsibility for the  
23 harm Father Ochoa caused to *Isiah Doe* and his family." Bishop Walsh's  
24 "response" was tortious, inadequate and specifically exposed *Isiah Doe* and  
25 other minor parishioners (including JOHN DOE SRFT 11) to the actively  
26 dangerous Father Ochoa.
- 27 f. In August 2002, the DIOCESE Father Kelly informed Bishop Walsh  
28 that Father Ochoa was arrested for driving under the influence.
- g. In June 2005, Father Epperson reported to Monsignor Whelton that  
parishioners complained to Father Epperson about Father Ochoa  
acting weird during mass and smelled of alcohol.

47. In addition, the DIOCESE knew or had reason to know that Father Ochoa  
frequently engaged in social activities in the sole company of minor parishioners, that Father  
Ochoa furnished alcoholic beverages to children, including minor parishioners, that Father Ochoa  
frequently traveled throughout the state in the sole company of minor parishioners, and that Father  
Ochoa traveled to and from Mexico in the sole company of minor parishioners.

48. In April 2006, the DIOCESE associate pastor Father Ochoa again admitted  
childhood sexual abuse to a DIOCESE Bishop (this time to Bishop Daniel Walsh, also to  
Monsignor Whelton, to Monsignor Pulskamp and also to Father Epperson) Defendants were

1 required by law to make an immediate report of such child abuse conduct to public authorities.  
2 However, no immediate report of child abuse was made. Defendants failed to make an immediate  
3 report of child abuse even though these Defendants were concurrently engaged in the litigation of  
4 numerous lawsuits arising from the alleged breach of their duty to protect minor parishioners from  
5 childhood sexual abuse by various agents and employees of Defendants.

6 49. At the time of Father Ochoa's admitting to committing multiple acts of childhood  
7 sexual abuse Bishop Daniel Walsh, Monsignor Whelton, Monsignor Pulskamp and Father  
8 Epperson were all mandated reporters of reasonable suspicion of child abuse, as expressly stated  
9 in the California Penal Code. The Child Abuses and Neglect Reporting Act (California Penal  
10 Code sections 11164 – 11174.3) expressly required:

11 The mandated reporter shall make an intital report by telephone to  
12 the agency immediately or as soon as is practically possible, and  
13 shall prepare and send, fax, or electronically transmit a written  
14 follow up report within 36 hours of receiving the information  
15 concerning the incident. 11166(a).

16 50. As a direct result of the DIOCESE's Bishop Daniel Walsh, Monsignor Whelton,  
17 Monsignor Pulskamp and Father Epperson's failure to (comply with the express requirements of  
18 the California Penal Code) immediately report Father Ochoa's admitted childhood sexual abuse,  
19 Father Ochoa left the DIOCESE and traveled to Mexico and thereafter successfully avoided  
20 criminal prosecution for Father Ochoa's admitted acts of childhood sexual abuse. Defendants had  
21 actual and/or constructive knowledge that Father Ochoa was going to flee from the jurisdiction of  
22 the local authorities during the time Defendants delayed reporting the admitted childhood sexual  
23 abuse. In failing to make the immediate report (as required by the Penal Code) of childhood  
24 sexual abuse to law enforcement authorities, Defendants allowed Father Ochoa to avoid and evade  
25 enforcement of the criminal law, and adopted, condoned, and ratified the criminal childhood  
26 sexual abuse conduct by DIOCESE associate pastor Father Ochoa.  
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1           51.     On June 23, 2006 the Bishop of Santa Rosa, The Most Reverend Daniel F. Walsh,  
2 published a 2 page “set the record straight” letter addressed to “My Dear Brothers and Sisters in  
3 Christ”, stating (in part):

4                     “As I have stated in the past, I maintain a zero tolerance  
5 policy for child sexual abuse....

6                     When Fr. Ochoa admitted to the recent incident  
7 as well as two previous incidents, I immediately placed him  
8 on administrative leave, removed him from all ministries  
9 and removed his ability to function as a priest...

10                    Contrary to some media reports, I assure you that neither I  
11 nor any member of the Chancery Staff had any prior knowledge  
12 of this or any previous incidents involving Fr. Ochoa. In fact,  
13 we personally reviewed Fr. Ochoa’s personnel file in 2002  
14 and again when these allegations came to light, and found  
15 no evidence of these incidents.”

16           52.     In addition to the “set the record straight” letter, DIOCESE Bishop Walsh  
17 published a “CHRONOLOGY OF OCHOA REPORT” which actually confirmed numerous  
18 DIOCESE mandated reporters’ absolute failures to follow the California Penal Code requirements  
19 for reporting reasonable suspicion of child abuse (PC 11166 et seq).

20                    **Day 1**

21                    Thursday April 27, 2006

22                    Bishop Walsh received a voicemail from Father Whelton  
23 “advising of a meeting Friday afternoon with Fr. Ochoa  
24 on a sensitive matter.”

25                    **Day 2**

26                    Friday April 28, 2006

27                    “Bishop receives a memo from Msgr. Whelton providing  
28 some details of the alleged incidents and confirming the  
meeting.” Meeting held with Bishop, Fr. Ochoa, Fr. Epperson  
and Msgr Pulskamp. Fr. Ochoa admit the truth of the Sonoma incident,  
and reveals 2 prior incidents in Napa and Mexico...”

29                    **Day 3**

30                    Saturday April 28, 2006

31                    “Bishop consults with Diocesan Attorney and determines  
32 that the Diocesan Attorney will make the report on the Sonoma  
33 incident on Monday morning in a manner consistent with  
34 prior reports.”

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**Day 4**  
Sunday April 29, 2006  
The DIOCESE does nothing.

**Day 5**  
Monday April 28, 2006  
“Diocesan Attorney’s office phones Child Protective Services (CPS) to advise that a report is coming and gets address and fax number. Diocesan Attorney’s report is faxed to CPS...”

53. Subsequent law enforcement investigation of Father Ochoa’s sexual abuse of children revealed that:

- a. Father Ochoa sexually abused multiple children.
- b. One child disclosed that Father Ochoa showed him sexually explicit recorded videos.
- c. On Friday April 28, 2006, at approximately 1400 hours, Father Ochoa and Father Frank Epperson met with Bishop Walsh. Prior to Father Ochoa saying anything, Bishop Walsh asked Ochoa if he wanted an attorney present and Bishop Walsh explained to Father Ochoa that “if” the incident was a reportable offense, Bishop Walsh was going to report the offense to the proper authorities.
- d. The DIOCESE Bishop Walsh was specifically informed that the incident in question involved a 12 year old boy doing a “strip tease” to music in front of Father. Ochoa. The 12 year old boy was offered \$100 to perform the “strip tease” The 12 year old boy removed all of his clothes and danced in front of Father Ochoa.
- e. Father Ochoa admitted to Bishop Walsh that he kissed the 12 year old boy 3 times on the month previous to this incident, and had given gifts of money and candy to the 12 year old boy and his younger brother.
- f. Father Ochoa advised Bishop Walsh that he subsequently told Mr. and Mrs. REDACTED NAME what had happened.
- g. Father Ochoa disclosed that back when he was stationed in Napa, he kissed an altar boy and gave him money.

54. On June 22, 2006, the Sonoma County district attorney filed ten (10) felony sexual abuse charges against Father Ochoa, then a fugitive of the California Criminal Justice system.

55. In 2006, the Santa Rosa DIOCESE spokeswoman stated, “There was nothing prior in his (Ochoa) file,” and claimed “There’s no indication of any past complaints or suspicious



1 incidents.”

2 56. On August 12, 2006, the DIOCESE’s Bishop Daniel Walsh issued an apology,  
3 saying, “I made an error in judgment by waiting to report Rev. Ochoa’s admission.”

4 57. In 2006, the DIOCESE’s lawyer disclosed to reporters that he “did not think the  
5 Child Protective Services office was open that day, a Saturday, and faxed the letter to the agency  
6 on Monday, May 1.” In addition, the DIOCESE’s lawyer claimed that “We reacted as quickly as  
7 we could and did what we felt we needed to do” and stated “If it wasn’t totally in compliance with  
8 the law, I guess we’ll have to live with that mistake.”

9 58. At all times, as an associate pastor of Defendant PARISH and as a priest serving  
10 Defendant DIOCESE, Father Ochoa intended to act on behalf of Defendant DIOCESE. By and  
11 through its agents, (including but not limited to Santa Rosa Bishop John Steinbock, Bishop Daniel  
12 Walsh) Defendant DIOCESE had actual knowledge that of Father Ochoa’s admission (in 1991)  
13 that Father Ochoa kissed an altar boy on the lips, that Father Ochoa provided alcohol to a minor  
14 (*Isiah Doe*), enticed *Isiah Doe* (an under age unlicensed driver) to drive Father Ochoa’s  
15 automobile while under the influence of alcohol, actual knowledge that Father Ochoa refused  
16 direct requests (from *Isiah Doe’s* mother) to no longer communicate with *Isiah Doe* and with  
17 physical force removed *Isiah Doe* from the family residence.

18 59. After Defendant DIOCESE, Defendant PARISH and DOE 3 through DOE 500, had  
19 actual knowledge of Father Ochoa’s childhood sexual abuse of minors and misconduct with  
20 minors, at the minimum Bishop John Steinbock and Bishop Daniel Walsh approved Father  
21 Ochoa’s conduct (childhood sexual abuse and misconduct with minors) after the conduct  
22 occurred. Defendant DIOCESE’s, Defendant PARISH’s and Defendants DOE 3 through DOE  
23 500’s, approval was shown by the continued employment of Father Ochoa (without any  
24 restriction, discipline, or warning to minors or families) as an associate pastor of Defendant  
25 PARISH and as a priest serving Defendant DIOCESE.

26 60. During the approximate six years preceding December 31, 2022, all parishes within  
27 the Diocese of Santa Rosa were incorporated separately for the first time according to publicly  
28 available records. In addition, and as indicated by available records, attorney for the DIOCESE,

1 Daniel J. Galvin, oversaw the effort to separately incorporate all parishes and schools within the  
2 DIOCESE. As of approximately July 31, 2022, Mr. Galvin, Esq. was the registered agent for 44  
3 parishes, missions, and convents, each of which were incorporated in California between 2016 and  
4 2018 and listed in the Diocese of Santa Rosa Official Catholic Directory. Also, Mr. Galvin was  
5 also the registered agent for the Catholic Charities of the Diocese of Santa Rosa.

6 61. In 2003, the Diocese of Santa Rosa reported total revenue of \$22.3 million and  
7 assets totaling \$28.8 million. In 2021, the Diocese of Santa Rosa reported total revenue of \$15.6  
8 million assets totaling \$19.4 million.

9 62. The Catholic Charities of the Diocese of Santa Rosa was incorporated in California  
10 as a public benefit nonprofit corporation in 1979. In 2011, the Catholic Charities of the Diocese of  
11 Santa Rosa reported total revenue of \$6.1 million and total assets of \$8.5 million. In 2020, the  
12 Catholic Charities of the Diocese of Santa Rosa reported total revenue of \$23 million and total  
13 assets of \$31 million.

14 63. In addition, county assessment records indicate the aggregate, assessed value of  
15 properties associated with parishes within the DIOCESE of Santa Rosa totals over \$48 million and  
16 the aggregate, assessed value of properties associated with private and parochial schools within the  
17 DIOCESE totals over \$31 million.

18 **FIRST CAUSE OF ACTION**

19 **Fraudulent Transfer, California Civil Code §3439, Et Seq.  
Against Defendant DIOCESE, Defendant PARISH and DOE 3 through DOE 500**

20 64. Plaintiff repeats, re-alleges and incorporates herein by reference all prior  
21 paragraphs, as though fully set forth herein.

22 65. During the period of time when Defendant DIOCESE, Defendant PARISH and  
23 Defendants DOE 3 through DOE 500, committed acts of misconduct resulting in Father Ochoa's  
24 childhood sexual assault of Plaintiff, Defendant DIOCESE, Defendant PARISH and Defendants  
25 DOE 3 through DOE 500, owned, operated and or controlled financial assets.

26 66. After the period of time when Defendant DIOCESE, Defendant PARISH and  
27 Defendants DOE 3 through DOE 500 committed acts of misconduct resulting in Father Ochoa's  
28 childhood sexual assault of Plaintiff, Defendant DIOCESE, Defendant PARISH and Defendants

1 DOE 3 through DOE 500, transferred, (in whole and or in part), interests in financial assets  
2 (“Transfer of Asset(s)”).

3 67. Plaintiff is informed and believes that Defendant DIOCESE, Defendant PARISH  
4 and Defendants DOE 3 through DOE 500, did not receive reasonably equivalent value for the  
5 Transfer of Asset(s).

6 68. At the time of said Transfer of Asset(s), Defendant DIOCESE, Defendant PARISH  
7 and Defendants DOE 3 through DOE 500, knew that Plaintiff, as a survivor of childhood sexual  
8 assault committed by Father Ochoa, was and is a creditor.

9 69. Notwithstanding this knowledge, Defendant DIOCESE, Defendant PARISH and  
10 Defendants DOE 3 through DOE 500 intentionally transferred the interests in financial assets with  
11 the actual intent to prevent Plaintiff from collecting from said assets after the Transfer of Asset(s)  
12 was complete.

13 70. By reason of the foregoing, the Transfer of Asset(s) is voidable pursuant to  
14 California *Civil Code* §§ 3439.04(a)(1) and (2) and § 3439.05, and § 3439.07. Pursuant to  
15 California *Civil Code* § 3439.07, Plaintiff requests:

- 16 a. a judgment avoiding the Transfer of Asset(s); and/or  
17 b. a money judgment against Defendant DIOCESE, Defendant PARISH, and  
18 Defendants DOE 3 through DOE 500 for the value of the Transfer of Asset(s).

19 71. The recipient(s) of said Transfer of Asset(s), is not yet known by Plaintiff. Plaintiff  
20 will seek to amend the Complaint to allege their true names and capacities when such have been  
21 ascertained. As a result of the conduct herein alleged, Plaintiff JOHN DOE SRFT 11 has been  
22 harmed and suffered economic, physical, emotional and psychological injuries as more fully set  
23 forth below.

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**DAMAGES**

72. As a direct, legal and proximate result of each and all of the Causes of Action hereinabove alleged, Plaintiff JOHN DOE SRFT 11 has been damaged as herein below set forth.

73. Plaintiff JOHN DOE SRFT 11 has suffered psychological and emotional injuries and harm, including not only the immediate distress caused by Defendant DIOCESE, Defendant PARISH and Defendants DOE 3 through DOE 500, and their conduct, but also long-term psychological injuries which were, to a large extent, only latent at the time of the wrongful conduct, and which have developed and occurred, and will in the future continue to develop and occur in Plaintiff JOHN DOE SRFT 11 all to Plaintiff JOHN DOE SRFT 11's general damages in a sum to be proven. Plaintiff JOHN DOE SRFT 11 has further suffered an exacerbation of any emotional difficulties which were pre-existing the harmful treatment they received from Defendants.

74. Plaintiff JOHN DOE SRFT 11 has suffered physical, mental and emotional health problems as a result of which they have had to employ, and will in the future continue to have to employ, medical and mental health professionals for diagnosis and treatment and have incurred and will in the future continue to incur expenses therefore, in a sum as yet unascertained. Plaintiff JOHN DOE SRFT 11 will ask leave of Court to amend this Complaint to state the exact amount of expenses when they are ascertained.

75. Plaintiff JOHN DOE SRFT 11 has suffered and will in the future continue to suffer a loss of earnings and of earning capacity, in a sum as yet unascertained. Plaintiff JOHN DOE SRFT 11 will ask leave of Court to amend this Complaint to state the exact amount of such losses when the sums are ascertained.

1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiff JOHN DOE SRFT 11 prays for judgment against Defendants as  
3 follows as follows:

4 1. For damages for past and future medical, psychotherapy, and related expenses  
5 according to proof at the time of trial;

6 2. For general damages for physical and mental pain and suffering and emotional  
7 distress in a sum to be proven at the time of trial;

8 3. For damages for past and future lost wages and loss of earning capacity according  
9 to proof at the time of trial;

10 4. For past, present and future special damages, including but not limited to past,  
11 present and future lost earnings, economic damages and others, in an amount to be determined at  
12 trial;

13 5. For prejudgment interest pursuant to statute;

14 6. For attorney's fees pursuant to the aforementioned statutes and otherwise allowable  
15 by law:

16 7. For costs of suit herein; and

17 8. With regard to the First Cause of Action for Fraudulent Transfer, Plaintiff request:

18 a. A judgment declaring that the Transfer(s) of Asset(s) were void and invalid;

19 b. A money judgment against the transferees of the Assets for the value of the  
20 Transferred Asset(s);

21 c. Imposition and enforcement of a lien in favor of Plaintiff on the Transfer of  
22 Asset(s);

22 d. Other appropriate legal or equitable relief, including an attachment lien or  
23 other provisional remedy, an injunction against further disposition of the  
24 Transfer of Asset(s) or its proceeds, and/or the appointment of a receiver to  
25 take charge of the asset(s) transferred or its proceeds; and/or


24 e. In the alternative, that the Transfer of Asset(s) were void and invalid, a  
25 judgment declaring that the purported creation and purpose of the Transfer  
26 of Asset(s) was void and invalid, and that all assets held or previously held  
27 are subject to the claims of Plaintiff.  
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9. For such other and further relief as the court may deem proper.

Dated: February 27, 2023

**JOSEPH GEORGE, JR. LAW CORPORATION**

By:  \_\_\_\_\_  
Joseph George, Jr.  
Maricar A. Pascual  
Attorneys for Plaintiff  
**JOHN DOE SRFT 11**