

1 Michael G. Finnegan, State Bar No. 241091  
mike@andersonadvocates.com  
2 Michael J. Reck, State Bar No. 209895  
mreck@andersonadvocates.com  
3 JEFF ANDERSON & ASSOCIATES  
12100 Wilshire Blvd., 8<sup>th</sup> Floor  
4 Los Angeles, California 90025  
Tel: 310-357-2425  
5 Fax: 651-297-6543

6 ATTORNEY FOR PLAINTIFF, Manuel Vega

7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 MANUEL VEGA, an Individual,

11 Plaintiff,

12 v.

13 HOLY SEE (STATE OF VATICAN  
14 CITY; THE VATICAN),

15 Defendant.  
16  
17

) Docket No.: 18-8512

18 **COMPLAINT FOR:**

- 19 **1. PUBLIC NUISANCE**
- 20 **2. PRIVATE NUISANCE**
- 21 **3. VIOLATION OF BUSINESS AND**
- 22 **PROFESSIONS CODE §17200**
- 23 **4. VIOLATION OF CUSTOMARY**
- 24 **INT’L LAW OF HUMAN RIGHTS**
- 25 **5. ADDITIONAL INJUNCTIVE**
- 26 **RELIEF**

27 DEMAND FOR JURY TRIAL

28 Plaintiff, for his cause of action against Defendant, alleges that:

**PARTIES**

1. Plaintiff is an adult male resident of the State of California. Plaintiff was a minor resident of the State of California and a citizen of the United States at the time of the sexual abuse alleged herein. Plaintiff brings this action both in his individual capacity and on behalf of the general public.

2. At all times material, Defendant Holy See (State of Vatican City; The Vatican) (hereinafter “Holy See”) is a foreign country.

///

///

1 JURISDICTION AND VENUE

2 3. Plaintiff brings his complaint under federal diversity jurisdiction, 28  
3 U.S.C. §1332, as the parties are completely diverse in citizenship and the amount in  
4 controversy exceeds \$75,000.

5 4. This Court has both personal and subject matter jurisdiction over all  
6 matters in this action with respect to 28 U.S.C. §1330, as a claim for relief with  
7 respect to a foreign state not entitled to immunity under §§ 1604-1607.

8 5. This Court has jurisdiction over Defendant Holy See because Defendant  
9 Holy See engaged in commercial activity in California and throughout the United  
10 States.

11 6. This Court has personal jurisdiction over Defendant Holy See because a  
12 tort was committed by Defendant Holy See against Plaintiff in this district. The acts  
13 Plaintiff complains of involve an activity for which the law provides an exception to  
14 sovereign immunity.

15 7. Venue is proper in this district pursuant to 28 U.S.C. §1391 because a  
16 substantial part of the events or omissions giving rise to the claim occurred within  
17 this district.

18 8. Plaintiff reached a settlement with the Archdiocese of Los Angeles in  
19 2007. Plaintiff did not sue or assert a claim against Defendant Holy See in those  
20 proceedings and the settlement does not release Defendant Holy See. Plaintiff brings  
21 this case because Defendant Holy See has not adequately addressed child sexual  
22 abuse by its priests, leaving numerous children at risk.

23 FACTS

24 9. At all times material, Father Fidencio Silva-Flores, M.Sp.S (hereinafter  
25 “Fr. Silva-Flores”) was a Roman Catholic priest, counselor and teacher educated by  
26 and under the direct supervision, authority, employ and control of Defendant Holy  
27 See.

28 ///

1           10. Defendant Holy See is the sovereign nation located in the Vatican City  
2 State, Italy and the ecclesiastical, governmental, and administrative capital of the  
3 Roman Catholic Church and seat of the Supreme Pontiff. Defendant Holy See is the  
4 composite of the authority, jurisdiction, and sovereignty vested in the Supreme  
5 Pontiff and his delegated advisors and/or agents to direct the activities and business  
6 of the worldwide Roman Catholic Church. Defendant Holy See has unqualified  
7 power over the Catholic Church including each and every individual and section of  
8 the church, including but not limited to all priests, Bishops, Archbishops,  
9 Metropolitans, Cardinals, and all other church workers, as well as dioceses,  
10 archdioceses, ecclesiastical provinces, and orders.

11           11. Defendant Holy See directs, supervises, supports, promotes and engages  
12 in the oversight of the sovereign nation, the organization, and its employees for the  
13 purpose of the business, foreign affairs, and employees of the worldwide Roman  
14 Catholic Church, and provides religious and pastoral guidance, education and  
15 counseling to Roman Catholics worldwide in exchange for all or a portion of the  
16 revenues collected from its members.

17           12. Defendant Holy See engages in some of its activities and business  
18 through its agents, cardinals, bishops and clergy, including religious order priests,  
19 brothers and sisters, and lay employees who work under its authority.

20           13. Defendant Holy See actively engages in commercial activity in the  
21 United States by collecting contributions from members. Moreover, Plaintiff's  
22 claims are based in part on his perpetrator's commercial employment relationship  
23 with Defendant Holy See and its agents. The relevant employment relationship is not  
24 peculiar to a sovereign as the employment is not part of civil service, the diplomatic  
25 corps, or the military. Nor was the perpetrator privy to governmental policy  
26 deliberations or engaged in legislative work.

27           14. Defendant Holy See also actively engages in commercial and business  
28 activity in the United States by recruiting and soliciting people to become members

1 and contribute to the financial operation of the Roman Catholic Church, including  
2 overseeing the Society for the Propagation of the Faith in every diocese, including the  
3 Archdiocese of Los Angeles.

4 15. Defendant Holy See is a unique entity, with an organizational structure  
5 and chain of command that mandates that Defendant Holy See and its head of state,  
6 the Supreme Pontiff, have a significantly high level of involvement in the routine and  
7 day-to-day activities of its agents and instrumentalities, particularly with respect to  
8 the handling of clergy who have engaged in certain specified conduct, including child  
9 sex abuse.

10 16. Defendant Holy See enters into treaties and conventions with other  
11 foreign states, including but not limited to the Universal Declaration of Human  
12 Rights, the Convention on the Rights of the Child and the Convention against  
13 Torture; maintains diplomatic relations with other foreign states, including the United  
14 States; and has observer status in the United Nations. Defendant Holy See occupies  
15 its own sovereign territory located within the city of Rome.

16 17. Defendant Holy See, engages in commercial and business activity in the  
17 State of California, the United States and throughout the world.

18 18. As part of its fundraising activities, Defendant Holy See oversees a  
19 pontifical mission society, the Pontifical Society for the Propagation of the Faith.  
20 The Society for the Propagation of the Faith was founded in 1822 and has a central  
21 office in Rome under the oversight and control of Defendant Holy See. Through  
22 offerings in California, the United States, and worldwide, “the Society for the  
23 Propagation of the Faith provides ongoing support for the pastoral and evangelizing  
24 programs of the Catholic Church in Africa, Asia, the Pacific Islands and remote  
25 regions of Latin America.” ([https://missionsla.org/programs/the-society-for-the-](https://missionsla.org/programs/the-society-for-the-propagation-of-the-faith/)  
26 [propagation-of-the-faith/](https://missionsla.org/programs/the-society-for-the-propagation-of-the-faith/); last visited August 27, 2018).

27 19. Each diocese has a separate Society for the Propagation of the Faith  
28 under the control and oversight of Defendant Holy See, including the Archdiocese of

1 Los Angeles. Money donated to the Society for the Propagation of the Faith is sent to  
2 the Pontifical Mission Societies in the United States headquartered in New York,  
3 which is also under the direction and control of Defendant Holy See. The Society for  
4 the Propagation of Faith takes donations and has special collections specifically for  
5 the mission.

6 20. Defendant Holy See's business or private operation, in addition to  
7 overseeing its employees not engaged in work peculiar to a sovereign, performs acts  
8 that are commercial in nature, including extensive financial operations and  
9 fundraising activities throughout the United States. Consistent with its corporate  
10 structure, Defendant Holy See has instituted worldwide, mandatory policies that  
11 perpetuate its financial strength and stability, particularly through the Society for the  
12 Propagation of the Faith.

13 21. Also as part of its fundraising activities, Defendant Holy See has  
14 continued the long and entrenched tradition of Peter's Pence. Peter's Pence  
15 fundraising for Defendant Holy See has been active since 1871 when it was created  
16 by the "Saepe Venerabilis" encyclical authored by Supreme Pontiff Pius IX.  
17 Members are encouraged to send their donations throughout the year directly to the  
18 Office of the Holy Father in Vatican City, but Defendant Holy See also directs and  
19 coordinates an international campaign each and every year on June 29 or the closest  
20 Sunday to the Solemnity of Saints Peter and Paul for its subdivisions, agencies,  
21 and/or instrumentalities to take up a specific collection for the benefit of Defendant  
22 Holy See.

23 ([http://www.vatican.va/roman\\_curia/secretariat\\_state/obolo\\_spietro/documents/index](http://www.vatican.va/roman_curia/secretariat_state/obolo_spietro/documents/index)  
24 [en.htm](http://www.vatican.va/roman_curia/secretariat_state/obolo_spietro/documents/index_en.htm) last visited February 13, 2018).

25 22. Peter's Pence raises funds that are required to be sent directly to  
26 Defendant Holy See. Dioceses, Bishops, Archbishops and other agents are ordered  
27 to send the funds directly to "His Holiness Supreme Pontiff Francis, 00120, Vatican  
28 City." As part of Peter's Pence, Defendant Holy See is involved in the United States

1 in creating materials to advertise for its campaign and benefits directly from  
2 solicitation letters sent to members of its organization throughout the United States. It  
3 is also directly involved in and authorizes and supports appeals at parishes throughout  
4 the United States for members to give money to Defendant Holy See and the creation  
5 and distribution of materials to help its agents recruit funds for the Peter's Pence  
6 Collection. Defendant Holy See also uses other forms of media such as ads and  
7 posters to solicit funds in the United States.

8 23. On information and belief the Peter's Pence operation has provided  
9 Defendant Holy See with millions of dollars each year from the United States. The  
10 Peter's Pence collection brought in almost \$80 million for Defendant Holy See in  
11 2007 and over \$100 million in 2006, with the United States providing the largest  
12 percentage of the funds. Defendant Holy See's business divisions in the United  
13 States facilitate the largest portion of money collected for Defendant Holy See in the  
14 Peter's Pence Collection.

15 24. A part of this campaign Defendant Holy See and its agents recruit and  
16 solicit people to become paying members of the organization.

17 25. Defendant Holy See also assesses each Bishop, Archbishop, and  
18 Cardinal a tax for certain activities. This is money that is required to be sent to  
19 Defendant Holy See.

20 26. Defendant Holy See also assesses a monetary amount that each Diocese,  
21 Archdiocese, Bishop, Archbishop and Cardinal must pay annually to Defendant Holy  
22 See. Generally this amounts to thousands of dollars from each Diocese.

23 27. As part of its business and private operation Defendant Holy See  
24 requires its agents in charge of its operation in a particular geographical location to  
25 come to Rome and report about the state of Defendant Holy See's operations,  
26 including any problems involving issues that are commercial in nature, including  
27 financial status and business issues. Defendant Holy See calls these Ad Limina  
28 visits. These agents, as appointed leaders of the local business and private operations

1 including those in the United States, are required to make this visit at least once every  
2 five years. As part of its business and private operation, Defendant Holy See also  
3 requires its divisions to write detailed reports about the status of the operation  
4 including but not limited to personnel issues, finances, and real estate holdings. With  
5 respect to the income of pastors and their supervisors, Defendant Holy See requires  
6 information regarding whether it is from real estate, public funds, or from a  
7 contribution made by the faithful or by the diocese. These reports are sometimes  
8 called “quinquennial reports.”

9 28. Defendant Holy See has direct involvement with seminaries in the  
10 United States including California, where it trains agents in its organization and  
11 operation. On August 15, 1990, Supreme Pontiff John Paul II issued an apostolic  
12 constitution on Catholic higher education entitled *Ex corde Ecclesiae*. The Apostolic  
13 Constitution described, in detail, the top-down relationship between Defendant Holy  
14 See and its educational institutions like seminaries. According to the Catholic  
15 Church Extension Society, no matter where it's located or how it's structured, every  
16 institution within the organization answers to Defendant Holy See. Defendant Holy  
17 See's Congregation for Catholic Education has jurisdiction over all Catholic  
18 institutions of higher learning, including seminaries. As a result, it oversees and  
19 controls the admissions requirements and curricula to ensure that candidates are  
20 properly prepared. In addition, since 1971, U.S. seminaries have adhered to the  
21 Program of Priestly Formation (PPF) promulgated by the U.S. bishops' conference  
22 and also approved by Rome. Defendant Holy See has a vast enterprise in the United  
23 States which recruits and solicits members in order to support its business operations  
24 in the United States and worldwide.

25 29. Defendant Holy See is solely responsible for creating new divisions of  
26 its business and private enterprise (called a “Diocese” or “Archdiocese”) around the  
27 world. Only Defendant Holy See has this power. Defendant Holy See created all of  
28 the dioceses in California, including the Archdiocese of Los Angeles. It creates,

1 divides and re-aligns dioceses, archdioceses and ecclesiastical provinces. It also  
2 gives final approval to the creation, division or suppression of provinces of religious  
3 orders and it is solely responsible for modification or elimination of one of the  
4 divisions of its business enterprise.

5 30. Defendant Holy See reserves the exclusive right to perform numerous  
6 local activities within its business operation within the United States including, but  
7 not limited to, overseeing and managing the Society for the Propagation of the Faith,  
8 laicization of clerics, dispensations from its rules and regulations, and appeals of a  
9 bishop's decision.

10 31. Defendant Holy See has control over and involvement with property  
11 owned by all Catholic entities in California. Defendant Holy See's permission is  
12 required for the alienation (sale, gift, etc.) of much of the property owned by Catholic  
13 Entities in California.

14 32. Defendant Holy See directly and definitively controls the standards,  
15 morals, and obligations of the clergy of the Catholic Church. Defendant Holy See  
16 also does this by and through its agents and instrumentalities, including the  
17 Congregation for the Clergy and the Congregation for Religious, both delegated by  
18 the Supreme Pontiff and acting on his behalf and under his authority. Defendant  
19 Holy See interacts with its local business units including those in the United States in  
20 a manner that controls their day-to-day business and provides for no discretion on  
21 numerous issues, and in particular the handling of child sex abuse by clergy and the  
22 determinations whether clergy remain in Defendant Holy See's employ. Defendant  
23 Holy See routinely promulgates its policies through various means including  
24 encyclical, canon law, and Papal pronouncements.

25 33. Defendant Holy See controls where its agents live and prohibits certain  
26 conduct. At times, Defendant Holy See has prohibited clerics from gambling,  
27 carrying arms, hunting, or spending time at a tavern without just cause. Defendant  
28 Holy See has also prohibited clerics from practicing medicine or surgery, from being



1 a legislator, or volunteer for the army.

2 34. Defendant Holy See promotes the sacred liturgy, directs and coordinates  
3 the spreading of its doctrine, and undertakes other actions necessary to promote its  
4 doctrine. It creates, appoints, assigns and re-assigns bishops, superiors of religious  
5 orders, and through the bishops and superiors of religious orders has the power to  
6 directly assign. Defendant Holy See has the final and sole power to remove  
7 individual clergy. All bishops, clergy, and priests, including religious order priests,  
8 vow to show respect and obedience to the Supreme Pontiff and their bishop.

9 35. Defendant Holy See also examines and is responsible for the work and  
10 discipline and all those things which concern bishops, superiors of religious orders,  
11 priests and deacons of the religious clergy. In furtherance of this duty, Defendant  
12 Holy See requires bishops to file a report, on a regular basis, outlining the status of  
13 and any problems with clergy. Defendant Holy See promulgates and enforces the  
14 laws and regulations regarding the education, training and standards of conduct and  
15 discipline for its members and those who serve in the governmental, administrative,  
16 judicial, educational and pastoral workings of the Catholic Church worldwide.  
17 Defendant Holy See is also directly and solely responsible for removing superiors of  
18 religious orders, bishops, archbishops and cardinals from service in the various  
19 divisions and offices of the Catholic Church.

20 36. Defendant Holy See buys and sells real and personal property, and  
21 purchases and supplies goods and services in pursuit of its private and business  
22 activities.

23 37. Defendant Holy See—even beyond its collection through Peter's Pence  
24 and other means—is supported through the contributions of its parishioners, which  
25 are received as part of a regular course of commercial conduct in the form of  
26 donations of money, real property and personal property.

27 38. A major source of funds for Defendant Holy See is monies received  
28 from its parishioners in the form of tithing. The amount of money flowing to the

1 Defendant from the United States is directly affected by the beliefs of its parishioners  
2 in the righteousness of the Defendant and its conduct. As members of the Church,  
3 they are obligated to revere, respect, and obey the edicts issued from Defendant Holy  
4 See, and are under threat of a denial of the sacraments or excommunication if they do  
5 not follow those edicts.

6 39. Another major source of funding that Defendant Holy See and its agents  
7 receive is in the form of tuition for attendance at its Catholic Schools.

8 40. Defendant Holy See directs and mandates the morals and standards of  
9 conduct of all clergy of the Roman Catholic Church. Defendant Holy See ostensibly  
10 does this by and through its agents and instrumentalities, by enforcement of its rules  
11 and regulations written and promulgated by Defendant Holy See and used as the  
12 employee manual for clergy.

13 41. Defendant Holy See creates, appoints, assigns, reassigns and retires all  
14 clerics, bishops, archbishops and cardinals. It accords definitive approval to the  
15 election of the heads of religious orders and, through the religious superiors and the  
16 bishops of dioceses, it exercises the power to directly assign and remove individual  
17 priests and deacons. It also determines whether religious orders are to be disciplined  
18 for inappropriate behavior and whether they may remain in the Church following  
19 inappropriate behavior.

20 42. All bishops, priests and clergy, including religious order priests, vow to  
21 show respect and obedience to Defendant Holy See. For example, when a priest is  
22 ordained, he kneels before his bishop and promises him and his successors obedience  
23 and respect. On the day a priest receives the fullness of the priesthood in his  
24 ordination to the episcopacy, he stands before his consecrators and the assembled  
25 people of God and promises his obedience and loyalty to the supreme Roman pontiff,  
26 Defendant Holy See. He receives financial support throughout the full length of his  
27 life, and he may not be deprived of his pension or his clerical status unless Defendant  
28 Holy See approves.

1           43. Each Cardinal takes an oath upon becoming a Cardinal which requires  
2 obedience to Defendant Holy See and also requires secrecy in certain circumstances.  
3 An English translation of that oath is “I [name and surname], Cardinal of the Holy  
4 Roman Church, promise and swear to be faithful henceforth and forever, while I live,  
5 to Christ and his Gospel, being constantly obedient to the Holy Roman Apostolic  
6 Church, to Blessed Peter in the person of the Supreme Pontiff [name of current  
7 Pontiff], and of his canonically elected Successors; to maintain communion with the  
8 Catholic Church always, in word and deed; not to reveal to anyone what is confided  
9 to me in secret, nor to divulge what may bring harm or dishonor to Holy Church; to  
10 carry out with great diligence and faithfulness those tasks to which I am called by my  
11 service to the Church, in accord with the norms of the law.”

12           44. Defendant Holy See examines and is responsible for the work and  
13 discipline and all those things which concern bishops, superiors or religious orders,  
14 priests and deacons. In furtherance of this duty, Defendant Holy See, among other  
15 things, requires bishops to file a report, on a regular basis, outlining the status of and  
16 any problems with priests and clergy.

17           45. Defendant Holy See promulgates and enforces the laws and regulations  
18 regarding the education, training and standards of conduct and discipline for those  
19 who serve in the governmental, administrative, judicial, educational and pastoral  
20 workings of the Roman Catholic Church worldwide.

21           46. No priest, cleric, superior of a religious order, bishop, archbishop or  
22 cardinal may be removed from service without the approval of the Defendant, Holy  
23 See; nor can any priest, cleric, superior of a religious order, bishop, archbishop or  
24 cardinal remain in service over the objection of Defendant Holy See.

25           47. Defendant Holy See is directly and absolutely responsible for removing  
26 bishops, archbishops and cardinals from service in the various divisions and offices  
27 of the Roman Catholic Church by issuing instructions, mandates and dictates in the  
28 United States.

1           48. The problem of child sexual abuse committed by Roman Catholic clerics  
2 and others within the Defendant's control is almost as old as the Roman Catholic  
3 Church itself. The first formal legislation was passed at the Council of Elvira in  
4 Spain in 306 A.D. This council passed legislation condemning sexual abuse by the  
5 clergy, including sexual abuse of boys. The Council of Elvira was the first in a series  
6 of legislative attempts by the Church to curb its problem of child sexual abuse  
7 committed by its clergy.

8           49. In the 11th century, a writing authored by Father Peter Damien, THE  
9 BOOK OF GOMORRAH, was presented to Defendant Holy See. This work  
10 encouraged punishment of priests and clerics who sexually molested and abused  
11 children, particularly boys.

12           50. In 1917, Defendant Holy See codified all of its rules, regulations and  
13 laws, including those applicable to its employees, agents, and instrumentalities in one  
14 document. These rules and regulations specifically forbade priests and clerics from  
15 having sexual relations or relationships with children under the age of sixteen,  
16 demonstrating that Defendant Holy See was well aware of the centuries-old practice  
17 of child sexual abuse by Roman Catholic priests and clerics. Today, in the current  
18 1983 version, the sexual abuse of children by priests and clerics continues to be  
19 expressly forbidden.

20           51. The rules and regulations are mandatory and must be obeyed by each  
21 member of Defendant Holy See, including by all Dioceses, Archdioceses, Bishops,  
22 Archbishops, Cardinals, and priests.

23           52. Defendant Holy See has known about the widespread problem of child  
24 sexual abuse committed by its clergy for centuries, but has covered up that abuse and  
25 thereby perpetuated the abuse. Secret settlement agreements with victims have been  
26 used to silence the victims and their families and to protect the abuser from criminal  
27 prosecution by United States and state authorities. This practice was designed to  
28 shield Defendant Holy See from "scandal," and has been mandated not only in the

1 United States but throughout the world, including North and South America, Europe  
2 and Australia. Defendant Holy See is responsible for the historically verified practice  
3 of the hierarchy, including the bishops, moving sexually abusive priests to areas  
4 where allegations of the offender's abusive conduct were not known. Defendant Holy  
5 See has never taken appropriate or effective steps to remove sexually abusive priests  
6 from the ministry. The absolute power of Defendant Holy See over its bishops and  
7 clergy in the United States was demonstrated in 2002, when the most powerful  
8 American bishop's organization, the U.S. Conference of Catholic Bishops, adopted a  
9 proposed policy designed to protect children from priest sexual abuse. The bishops  
10 were powerless to implement this policy without approval from Defendant Holy See.  
11 Defendant Holy See denied approval of key provisions sought by the U.S. bishops  
12 which would have required that its agents in the United States report all known or  
13 suspected child abuse to the civil authorities. Defendant Holy See also refused to give  
14 the U.S. bishops the power to remove abusive priests from the ministry.

15 53. While the "public" policy of Defendant Holy See is to forbid child  
16 sexual abuse by priests and clerics within its control, the actual "private" or secret  
17 policy is to harbor and protect its abusive priests, clerics, bishops, archbishops,  
18 cardinals, agents, and employees from public disclosure and prosecution, in order to  
19 maintain the Supreme Pontiff's rightful claim of control and thereby ensure that its  
20 parishioners, followers and financial contributors will keep confidence in the  
21 institution, continue to view Defendant Holy See and the Supreme Pontiff as  
22 deserving of allegiance, and, therefore, continue to contribute money and property to  
23 Defendant Holy See.

24 54. Defendant Holy See has mandated a multi-level policy of mandatory  
25 secrecy over all matters involving the administrative, legislative and judicial activities  
26 of the Vatican offices and departments under the direct authority of the Supreme  
27 Pontiff, as well as overall similar activity in dioceses throughout the world. There are  
28 degrees of secrecy demanded of the bishops, clergy, and members. The highest level

1 of secrecy is the absolute secrecy mandated for all communications which take place  
2 in the sacrament of penance, commonly referred to as "confession." The highest level  
3 of secrecy outside the confessional is known as the "Pontifical secret," which is  
4 imposed on certain activities of the various departments or congregations of  
5 Defendant Holy See. Violation of the Pontifical Secret results in certain severe  
6 penalties, including excommunication.

7 55. At all times material hereto, and as part of both its course of commercial  
8 conduct and particular commercial transactions and acts, Defendant Holy See  
9 directed its bishops in the United States to conceal from its parishioners and the  
10 general public the sexual abuse of children committed by its priests, bishops, clerics,  
11 agents and employees in order to avoid public scandal, and to perpetuate its Christian  
12 public image and power to ensure the continued receipt of funds from its parishioners  
13 and other financial contributors, all in furtherance of the Defendant Holy See's  
14 commercial activities.

15 56. Plaintiff was sexually abused as a child by one of Defendant Holy See's  
16 clerics, agents or employees. Defendant Holy See's directives to conceal the sexual  
17 abuse of children committed by its clerics, agents, and employees in order to  
18 maximize revenue and image by avoiding scandal was a substantial factor in bringing  
19 about Plaintiff's abuse.

20 57. In 1990, Defendant Holy See ratified the Convention on the Rights of  
21 the Child ("CRC") and is therefore legally obligated to comply with it.

22 58. By ratifying the CRC, Defendant Holy See agreed to be legally bound by  
23 the terms of the CRC.

24 59. By ratifying the CRC, Defendant Holy See committed itself to  
25 implementing the Convention not only on the territory of the Vatican City State but  
26 also as the supreme power of the Catholic Church through individuals and institutions  
27 placed under its authority.

28 ///

1           60. In January 2014, Defendant Holy See was called to respond to questions  
2 about its record in protecting children from sexual violence.

3           61. In February 2014, the CRC issued a report on Defendant Holy See's  
4 failure to protect children and expressed its deepest concern about child sexual abuse  
5 committed by members of the Catholic Churches who operate under the authority of  
6 Defendant Holy See, with clerics having been involved in the sexual abuse of tens of  
7 thousands of children worldwide.

8           62. The United Nations has expressed the following concerns with  
9 Defendant Holy See's compliance with the CRC:

10           a. Defendant Holy See has consistently placed the preservation and  
11 reputation of the Church and the protection of perpetrators above the best interest of  
12 children;

13           b. That well-known child sexual abusers have been transferred from parish  
14 to parish or to other countries in an attempt to cover-up such crimes;

15           c. That despite establishing full jurisdiction over child sexual abuse cases  
16 in 1962 and placing them under the exclusive competence of the Congregation of the  
17 Doctrine of the Faith in 2001, Defendant Holy See has failed to provide the United  
18 Nations with data on all cases of child sexual abuse brought to its attention over the  
19 reporting period and the outcome of the internal procedure in these cases;

20           d. That Defendant Holy See's internal law has addressed child sexual abuse  
21 through confidential proceedings which have allowed the vast majority of abusers  
22 and almost all those who concealed child sexual abuse to escape judicial proceedings  
23 in States where the abuses were committed;

24           e. That Defendant Holy See's internal law imposes a code of silence on all  
25 members of the clergy which has (i) prevented child sexual abuse from being  
26 reported to law enforcement authorities; and (ii) caused those members who have  
27 reported to be ostracized, demoted or fired, while priests who have refused to  
28 denounce child abusers have been congratulated and promoted within the Catholic

1 Church;

2 f. Defendant Holy See has adopted policies and practices which have  
3 continued the abuses and impunity of perpetrators;

4 g. Defendant Holy See has been reluctant or refused to cooperate with  
5 judicial authorities to the detriment of the safety of children;

6 h. That limited efforts have been made to empower children enrolled in  
7 Catholic schools, and institutions to protect themselves from sexual abuse; and

8 i. That Defendant Holy See has in some instances obstructed efforts in  
9 certain countries to extend the statute of limitations for child sexual abuse.

10 63. The CRC made the following recommendations to Defendant Holy See,  
11 none of which Defendant Holy See has complied with:

12 a. To independently investigate all cases of child sexual abuse and make  
13 the outcomes public to prevent the recurrence of child sexual abuse within the  
14 Catholic Church;

15 b. Immediately remove all known and suspected child sexual abusers from  
16 assignment and refer to relevant law enforcement authorities for investigation and  
17 prosecution;

18 c. Ensure a transparent sharing of all archives which can be used to hold  
19 abusers accountable as well as those who concealed their crimes and knowingly  
20 placed offenders in contact with children;

21 d. Amend their internal law for child sexual abuse to be considered a crime  
22 and repeal all provisions which may impose an obligation of silence on the victims  
23 and on those who become aware of their crimes;

24 e. Establish clear rules, mechanisms, and procedures for the mandatory  
25 reporting of all suspected cases of child sexual abuse and exploitation to law  
26 enforcement authorities;

27 f. Ensure that all priests working under the authority of Defendant Holy  
28 See are made aware of their reporting obligations and that in case of conflict, these



1 obligations prevail over internal law provisions; and

2 g. Promote the reform of statute of limitations in countries where they  
3 impeded victims of child sexual abuse from seeking justice and redress.

4 64. Defendant Holy See was instructed to respond to the CRC Committee's  
5 report by September 1, 2017, but failed to comply.

6 65. In 2002, Defendant Holy See ratified the Convention against Torture  
7 ("CAT") and is therefore legally obligated to comply with it.

8 66. By ratifying the CAT, Defendant Holy See agreed to be legally bound by  
9 the terms of the CAT.

10 67. By ratifying the CAT, Defendant Holy See committed itself to  
11 implementing the Convention not only on the territory of the Vatican City State but  
12 also as the supreme power of the Catholic Church through individuals and institutions  
13 placed under its authority.

14 68. In May 2014, Defendant Holy See was reviewed for the first time by the  
15 CAT.

16 69. Following the review, the CAT issued a report finding that the  
17 widespread sexual violence within the Catholic Church amounts to torture and cruel,  
18 inhuman and degrading treatment prohibited by CAT.

19 70. The CAT expressed concern that Defendant Holy See did not provide  
20 requested data on the number of cases in which Defendant Holy See provided  
21 information to civil authorities in places where the cases arose and where the priests  
22 concerned are currently located, stating "the Committee is concerned by reports that  
23 the [Holy See's] officials resist the principle of mandatory reporting of such  
24 allegations to civil authorities."

25 71. The CAT also expressed concern about the transfer of clergy accused or  
26 convicted by civil authorities to other dioceses and institutions where they remained  
27 in contact with minors and others who are vulnerable, and in some cases committed  
28 abuse in their subsequent placements.

1           72. The CAT made the following recommendations to Defendant Holy See,  
2 none of which Defendant Holy See has complied with:

3           a. Ensure that individuals that are subject to an allegation of abuse brought  
4 to the attention of the Congregation for the Doctrine of the Faith or other officials of  
5 the State party are immediately suspended from their duties pending the investigation  
6 of the complaint, to guard against the possibility of subsequent abuse or intimidation  
7 of victims;

8           b. Ensure effective monitoring of the placements of all clergy that are  
9 under investigation by the Congregation for the Doctrine of the Faith and prevent the  
10 transfer of clergy who have been credibly accused of abuse for the purposes of  
11 avoiding proper investigation and punishment of their crimes. For those found  
12 responsible, apply sanctions, including dismissal from the clerical state;

13           c. Ensure that all State party officials exercise due diligence and react  
14 properly to credible allegations of abuse, subjecting any official that fails to do so to  
15 meaningful sanctions;

16           d. Take effective measures to ensure that allegations received by its  
17 officials concerning violations of the Convention are communicated to the proper  
18 civil authorities to facilitate their investigation and prosecution of alleged  
19 perpetrators.

20           e. Establish an independent complaints mechanism to which victims of  
21 alleged violations of the Convention can confidentially report allegations of abuse  
22 and which has the power to cooperate with Defendant Holy See's authorities as well  
23 as civil authorities in the location where the alleged abuse occurred;

24           f. Ensure that organizations charged with carrying out investigations into  
25 allegations of violations of the Convention by public officials of Defendant Holy See,  
26 including the Office of the Promotor of Justice, are independent with no hierarchical  
27 connection between the investigators and the alleged perpetrators;

28 ///

1 g. Take steps to ensure victims of sexual abuse committed by or with the  
2 acquiescence of Defendant Holy See's officials receive redress, including fair,  
3 adequate and enforceable right to compensation and as full rehabilitation as possible,  
4 regardless of whether perpetrators of such acts have been brought to justice.  
5 Appropriate measures should be taken to ensure the physical and psychological  
6 recovery and social reintegration of the victims of abuse; and

7 h. Compile statistical data relevant to the monitoring of the implementation  
8 of the Convention, including data on complaints and investigations of cases  
9 amounting to violations of the Convention as well as on means of redress, including  
10 compensation and rehabilitation, provided to the victims.

11 73. At all times material hereto, Defendant Holy See violated customary  
12 international law of human rights by ignoring, tolerating, disregarding, permitting,  
13 allowing, condoning and/or failing to report inhuman and degrading treatment such as  
14 the sexual abuse of minor children. This conduct constitutes a violation of various  
15 human rights conventions, including the Universal Declaration of Human Rights and  
16 the Convention on the Rights of the Child, which the Defendant signed and ratified,  
17 and the Defendant's violation of customary international law and conventions was a  
18 substantial factor in bringing about the Plaintiff's injuries.

19 74. At all times material hereto, Defendant Holy See breached duties owed  
20 to Plaintiff under customary international law of human rights, the federal common  
21 law, the law of the fifty states, and the law of the State of California, thereby causing  
22 injury to Plaintiff.

23 75. At all times material hereto, Defendant Holy See's directives, which,  
24 among other things, prohibited the reporting of child sexual abuse to law enforcement  
25 authorities, constitute an act or acts of concealment or misleading or obstructive  
26 conduct under statutory law, common law, and customary international law.

27 76. At all times material hereto, Defendant Holy See's concealment of its  
28 policy of harboring and protecting its abusive priests, clerics, bishops, archbishops,

1 cardinals, agents and employees from public disclosure and prosecution constitutes  
2 an act or acts of concealment or misleading or obstructive conduct under statutory  
3 law, common law, and customary international law.

4 77. Defendant Holy See has established exclusive policies and standards that  
5 dictate how sexual abuse of children by its employees will be handled. With respect  
6 to this aspect of its employment policy and business, Defendant Holy See mandates  
7 certain procedures and absolute secrecy by all involved on penalty of immediate  
8 removal from the organization (excommunication), retains the power at all times to  
9 conduct the inquisition of the case itself, and admits no deviations from its mandate.  
10 Through its mandated policies and its agents and instrumentalities, Defendant Holy  
11 See is an integral part of the day-to-day handling of cases of child sex abuse by  
12 clergy.

13 78. In 1922, Defendant Holy See released a confidential document regarding  
14 cases of solicitation of sex in the confessional. This document mandated a specific  
15 procedure for Defendant Holy See's agents to use when a cleric abused children  
16 using the confessional. The document required strict secrecy.

17 79. The 1922 document showed that Defendant Holy See was fully aware  
18 that there was a systemic problem of its agents sexually molesting children using the  
19 confessional.

20 80. In 1962, Defendant Holy See released the confidential document,  
21 Instruction on The Manner of Proceeding in Cases of Solicitation, (The Vatican  
22 Press, 1962), available at [http://www.vatican.va/resources/resources\\_crimen-](http://www.vatican.va/resources/resources_crimen-sollicitationis-1962_en.html)  
23 [sollicitationis-1962\\_en.html](http://www.vatican.va/resources/resources_crimen-sollicitationis-1962_en.html) (last viewed September 13, 2018) (hereinafter referred to  
24 as "Crimen Sollicitationis"). The heading of the document says "From the Supreme  
25 and Holy Congregation of the Holy Office To All Patriarchs, Archbishops, Bishops  
26 and Other Diocesan Ordinaries 'Even of the Oriental Rite'" and contains mandatory  
27 and specific instructions regarding the handling of child sex abuse by clergy. It  
28 permits no discretion in the handling of such cases. According to the document itself,

1 it is an “instruction, ordering upon those to whom it pertains to keep and observe it in  
2 the minutest detail.” *Crimen Sollicitationis* at paragraph 24.

3 81. The 1962 document again reinforced that Defendant Holy See had  
4 knowledge that there was a systemic problem of its agents sexually molesting  
5 children using the confessional.

6 82. In Ireland, a government-generated, in-depth report that investigated and  
7 analyzed the sexual abuse of minors by clergy documented that the Catholic Church  
8 had a systemic problem of numerous clergy sexually abusing youth. The report  
9 reached several conclusions including but not limited to: cases of sexual abuse were  
10 managed within the institution with a view to minimizing the risk of public disclosure  
11 and consequent damage to the institution; the offenses were not reported to the  
12 police; the recidivist nature of sexual abuse was well known to authorities within the  
13 institution; the Church authorities knew that the sexually abusive clergy were often  
14 long-term offenders who repeatedly abused children wherever they were working;  
15 when confronted with evidence of sexual abuse, a standard response of the religious  
16 authorities was to transfer the offender to another location where, in many instances,  
17 he was free to abuse again; sexual abuse was endemic in boys’ institutions.  
18 <http://www.childabusecommission.ie/> (last viewed September 13, 2018). Defendant  
19 Holy See was an active manager and mandated the policies that led to these horrific  
20 occurrences in Ireland.

21 83. Defendant Holy See has been involved in the formation of secret  
22 facilities in the United States where sexually offending clergy would be sent for short  
23 periods of time. In 1962, Fr. Gerald Fitzgerald, working in the United States, was in  
24 communication with Defendant Holy See. At the request of the prefect, Cardinal  
25 Alfredo Ottaviani, one of Defendant Holy See’s officials, he prepared a report dated  
26 April 11, 1962. In this report he discussed the various types of sexual problems of  
27 priests, including sexual abuse of minors: “On the other hand, where a priest for  
28 many years has fallen into repeated sins which are considered, generally speaking, as

1 abnormal (abuse of nature) such as homosexuality and most especially the abuse of  
2 children, we feel strongly that such unfortunate priests should be given the alternative  
3 of a retired life within the protection of monastery walls or complete laicization.”

4 84. In 1963 Fr. Gerald Fitzgerald had a private audience with Supreme  
5 Pontiff Paul VI (1963-1978) and on August 27, 1963, submitted a report to the  
6 Supreme Pontiff at the Supreme Pontiff’s request. Concerning priests who sexually  
7 abuse minors he said to the Supreme Pontiff: “Problems that arise from abnormal,  
8 homosexual tendencies are going to call for, not only spiritual, but understanding  
9 psychiatric counseling. Personally I am not sanguine of the return of priests to active  
10 duty who have been addicted to abnormal practices, especially sins with the  
11 young.....Where there is indication of incorrigibility, because of the tremendous  
12 scandal given, I would most earnestly recommend total laicization.” Defendant Holy  
13 See, chose to keep this report and knowledge a secret under its long standing policy  
14 to avoid scandal at all costs. At this point Defendant Holy See knew that it had a  
15 widespread problem of its clergy sexually molesting minors, including in the United  
16 States, and it authorized, facilitated and participated in the creation of these facilities  
17 in the United States where sexually offending clergy could be sent before they were  
18 moved to another parish to work and potentially abuse again.

19 85. Defendant Holy See’s policy of secrecy under penalty of immediate  
20 removal from the organization (excommunication) for all involved in an accusation  
21 against clergy for the crime of solicitation—which includes sexual abuse of a  
22 minor—created a shroud of secrecy insulating priests from consequence. This policy  
23 is explicitly laid out in the 1962 Vatican secret document, *Crimen Sollicitationis*. It  
24 specifies in paragraph 4 that although the penalty for a Catholic member who violates  
25 the vow of secrecy regarding child sex abuse by clergy is usually excommunication,  
26 extreme cases can also result in removal from ministry or “they [the Ordinary, or  
27 controlling agent] will also be able to transfer him to another [assignment], unless the  
28 Ordinary of the place has forbidden it because he has already accepted the

1 denunciation and has begun the inquisition.” Through this policy and others  
2 Defendant Holy See knowingly allowed, permitted and encouraged child sex abuse  
3 by its priests, including Fr. Silva-Flores.

4 86. Defendant Holy See retains at all times the power over who conducts the  
5 “inquisition” that investigates claims regarding the “crime of solicitation.” *Crimen*  
6 *Sollicitationis* at paragraph 2. While it delegates power over such proceedings to its  
7 chosen agents, it retains the unilateral power at all times to “summon[] the case to  
8 itself.” *Id.* In addition, if it is unclear whether the “denounced person” is under the  
9 jurisdiction of any of Defendant Holy See's agents, the 1962 document orders the  
10 agent with knowledge of the abuse to send the case “to the Supreme Holy  
11 Congregation of the Holy Office.” *Crimen Sollicitationis* at paragraph 31.

12 87. Defendant Holy See specifically has carved out the treatment of child  
13 sex abuse by clergy from other employment issues in order to have continuing control  
14 over this issue. Defendant Holy See governs it every day and perpetually according to  
15 non-negotiable and mandatory standards that it first set into place in 1867, which is  
16 approximately when civil law also outlawed child sex abuse, and then reiterated and  
17 elaborated in 1922, 1962 and 2001. Defendant Holy See has defined the “worst  
18 crime” to be covered by its dictated procedures, standards, and mandatory treatment,  
19 as “any obscene, external act, gravely sinful, perpetrated in any way by a cleric or  
20 attempting by him with youths of either sex or with brute animals (bestiality).”  
21 *Crimen Sollicitationis* at paragraph 73. There is no discretion given to its agents in  
22 the handling of such cases:

23 What is treated in these cases has to have a greater degree of care and  
24 observance so that those same matters be pursued in a most secretive way, and,  
25 after they have been defined and given over to execution, they are to be  
26 restrained by a perpetual silence. (Instruction of the Holy Office, February 20,  
27 1867, n. 14). Each and everyone pertaining to the tribunal in any way or  
28 admitted to knowledge of the matters because of their office, is to observe the

1 strictest secret, which is commonly regarded as a secret of the Holy Office, in  
2 all matters and with all persons, under the penalty of excommunication *latae*  
3 *sententiae*, ipso facto and without any declaration [of such a penalty] having  
4 been incurred and reserved to the sole person of the Supreme Pontiff, even to  
5 the exclusion of the Sacred Penitentiary, are bound to observe [this secrecy]  
6 inviolably. *Crimen Sollicitationis* at paragraph 11.

7 88. Defendant Holy See mandates secrecy for all those involved, including  
8 agents and itself, in handling allegations of sexual abuse. Penalties for the crime of  
9 solicitation include an order to move offending priests to other locations once they  
10 have been determined to be “delinquent.” In response to allegations, the document  
11 mandates that supplementary penalties include “As often as, in the prudent judgment  
12 of the Ordinary, it seems necessary for the amendment of the delinquent, for the  
13 removal of the near occasion [of soliciting in the future], or for the prevention of  
14 scandal or reparation for it, there should be added a prescription for a prohibition of  
15 remaining in a certain place.” *Crimen Sollicitationis* at paragraph 64. Defendant  
16 Holy See creates and maintains this policy of secrecy and transfers, threatening all  
17 involved with excommunication and, thus, damnation, if they do not comply.  
18 According to *Crimen Sollicitationis*, once these non-discretionary penalties are  
19 levied, only Defendant Holy See through the Congregation of the Holy Office, has  
20 the power to alter or remit the punishment.

21 89. In *Crimen Sollicitationis*, Defendant Holy See created a specific  
22 procedure which local Ordinaries, as agents of Defendant Holy See were required to  
23 follow. Moreover, the commandment of silence regarding cases of sexual abuse  
24 embodied in the instruction on penalty of removal (excommunication) operated to  
25 deprive the local agents of any meaningful discretion. Even if *Crimen Sollicitationes*  
26 can be read to allow the local agent of Defendant Holy See to choose one of a limited  
27 number of options, the instruction from Defendant Holy See nonetheless mandates  
28 which of those specific options should be chosen, and mandates how each is to be



1 handled. In addition, Defendant Holy See reserves to itself the power to reverse  
2 whichever of the limited set of options is chosen.

3 90. Again in 1988 Defendant Holy See issued another mandatory and  
4 specific policy that reiterated that Defendant Holy See's Congregation for the  
5 Doctrine of Faith had the power over crimes against morals, which includes sexual  
6 abuse of children by priests. This document was Apostolic Constitution called *Pastor*  
7 *Bonus* (available at [http://www.bishop-](http://www.bishop-accountability.org/AtAGlance/church_docs.htm)  
8 [accountability.org/AtAGlance/church\\_docs.htm](http://www.bishop-accountability.org/AtAGlance/church_docs.htm)) (last visited September 10, 2018.)

9 91. In 1990 Bishop A. James Quinn, at a Midwest Canon Law Society  
10 Meeting told of a policy where Bishops could send documents that "you really don't  
11 want people to see" to the Vatican embassy in Washington "because they have  
12 immunity." (available at [http://www.bishop-](http://www.bishop-accountability.org/AtAGlance/church_docs.htm)  
13 [accountability.org/AtAGlance/church\\_docs.htm](http://www.bishop-accountability.org/AtAGlance/church_docs.htm)) (last visited September 10, 2018.)

14 92. Supreme Pontiff John Paul II issued an Apostolic Letter, *Sacramentorum*  
15 *Sanctitatis Tutela*, dated April 30, 2001, available at [http://www.bishop-](http://www.bishop-accountability.org/resources/resource-)  
16 [accountability.org/resources/resource-](http://www.bishop-accountability.org/resources/resource-)  
17 [files/churchdocs/SacramentorumAndNormaeEnglish.htm](http://www.bishop-accountability.org/resources/resource-files/churchdocs/SacramentorumAndNormaeEnglish.htm) (last visited September 10,  
18 2018), which confirms the direct relationship between Defendant Holy See and  
19 employees who commit these crimes of solicitation. The mandate supplemented the  
20 1962 *Crimen Solicitationis* and confirmed its position as an executive disciplinary  
21 handbook:

22 "It is to be kept in mind that an Instruction of this kind had the force of law  
23 since the Supreme Pontiff, according to the norm of can. 247, § 1 of the *Codex*  
24 *Iuris Canonici* promulgated in 1917, presided over the Congregation of the  
25 Holy Office, and the Instruction proceeded from his own authority... Supreme  
26 Pontiff Paul VI... confirmed the Congregation's judicial and administrative  
27 competence... Finally, by the authority with which we are invested, in the  
28 Apostolic Constitution, *Pastor Bonus*, promulgated on June 28, 1988, we

1 expressly established, “[The Congregation for the Doctrine of the Faith]  
2 examines delicts against the faith and more grave delicts whether against  
3 morals or committed in the celebration of the sacraments, which have been  
4 referred to it and, whenever necessary, proceeds to declare or impose canonical  
5 sanctions according to the norm of both common and proper law,” thereby  
6 further confirming and determining the judicial competence of the same  
7 Congregation for the Doctrine of the Faith as an Apostolic Tribunal.

8  
9 93. The 2001 mandate expressly reserved to Defendant Holy See’s  
10 Congregation of the Doctrine of the Faith the right to deal with allegations of child  
11 sex abuse against priests.

12 94. Under the mandatory policy contained in the 2001 mandate, Bishops,  
13 Archbishops, Cardinals and hierarchs are required to report any priest accused of  
14 sexual misconduct to Defendant Holy See’s Congregation for the Doctrine of Faith.

15 95. Actions of Defendant Holy See occurring in the United States include  
16 the transmission and receipt in the United States of policies, directives, orders or  
17 other direction or guidance, whether explicit or implicit.

18 96. Plaintiff was harmed as a result of the Defendant Holy See’s practice  
19 and policy of not reporting suspected child abuse to law enforcement officials and  
20 requiring secrecy of all its agents who received reports of abuse. There are children  
21 today who are in imminent danger of abuse because Defendant Holy See has failed to  
22 report or release the names of agents that have been either been convicted or credibly  
23 accused of molesting children, or that Defendant Holy See itself has found guilty of  
24 abuse.

25 97. There are a number of priests, brothers, bishops and agents who  
26 Defendant Holy See continued in ministry after Defendant Holy See knew or  
27 suspected that those agents had molested children.

28 98. Defendant Holy See knew that there was a high probability that these

1 clerics would sexually molest more children, but sought to protect itself from scandal,  
2 sought to keep its income stream going, at the peril of children.

3 99. On information and belief, Defendant Holy See did not report all  
4 allegations of child sexual abuse by its agents and former agents to law enforcement,  
5 those directly in the path of danger, or the public. Further, Defendant Holy See  
6 adopted and enforced a policy and practice where its agents were not supposed to  
7 report abuse by Defendant Holy See's agents to law enforcement, those directly in the  
8 path of danger, or the public.

9 100. After 2001, Defendant Holy See instructed its agents that all cases of  
10 sexual abuse by its agents were to be handled by Defendant Holy See. Since then  
11 Defendant Holy See has learned of thousands of cases. Defendant Holy See has not  
12 released the names of the sex offenders that it learned about since 2001 to the public  
13 and to law enforcement.

14 101. Defendant Holy See continues to address and handle child sexual abuse  
15 cases internally, putting children at risk of harm.

16 102. The United States Catholic Conference of Bishops has indicated that  
17 over 6,000 clerics have been accused of abuse between 1950 and 2016. Less than  
18 3,000 of these names have been released to the public.

19 103. In 2014, Defendant Holy See released statistics regarding clergy accused  
20 of abuse under pressure from the United Nations. Archbishop Silvio Tomasi reported  
21 in 2014 that since 2004, more than 3,400 credible cases of abuse have been referred  
22 to Rome. Of these, 848 priests had been laicized and 2,572 removed from ministry  
23 and sentenced to a lifetime of prayer and penance. Defendant Holy See has not  
24 released these names to the public.

25 104. The sexual abuse by clerics and concealment of information regarding  
26 sexual abuse is widespread. For instance, beginning in 2012, ex-Prime Minister of  
27 Australia Julia Gillard announced the Royal Commission into Institutional Responses  
28 to Child Sexual Abuse.

1           105. Almost two-thirds of the survivors abused in religious institutions in  
2 Australia were abused in Catholic institutions. The Royal Commission identified  
3 1,880 perpetrators from the Catholic Church only, 572 of those perpetrators being  
4 priests. The abuse occurred in 964 different Catholic institutions. The Royal  
5 Commission found the following:

6           a. Children (who came forward) were ignored or worse, punished.  
7 Allegations were not investigated;

8           b. Documents were not kept or they were destroyed. Secrecy prevailed as  
9 did cover-ups; and

10          c. After offending, priests were transferred to other communities where  
11 they knew nothing of their past.

12           106. While much of the abuse in religious institutions occurred prior to 1990,  
13 the Royal Commission identified more than 200 survivors abused in religious  
14 institutions since 1990.

15           107. Defendant Holy See official and one of the leaders of the Catholic  
16 Church in Australia, Cardinal George Pell, has been implicated in the clergy sexual  
17 abuse scandal in Australia, yet has continued to rise through the ranks of the Catholic  
18 Church.

19           108. In 1993, Cardinal Pell accompanied a perpetrator, Gerald Ridsdale, to a  
20 court appearance and tried to “lessen [Ridsdale’s] time in jail.” Subsequently,  
21 Cardinal Pell became Archbishop of Melbourne in 1996 and Archbishop of Sydney in  
22 2001.

23           109. Not only has Cardinal Pell publically supported accused offenders,  
24 Cardinal Pell has also been accused of concealing child sexual abuse allegations.  
25 Despite this, in 2014 Pell was appointed Secreteriat for the Economy for Defendant  
26 Holy See.

27           110. Cardinal Pell has now been accused of abusing minors himself and is  
28 currently facing trial in Melbourne, Australia for accusations that he committed

1 “historic sexual offenses.” Supreme Pontiff Francis granted Cardinal Pell a leave of  
2 absence so he could “clear his name.”

3 111. Another Australian Archbishop, Philip Wilson, has also been accused of  
4 concealing child sexual abuse decades ago and was criminally convicted of  
5 concealing crimes of child sexual abuse in 2018.

6 112. As early as 2010, Archbishop Wilson endured public scrutiny for his  
7 handling of sexual abuse claims related to James Fletcher and Denis McAlinden in  
8 the Maitland-Newcastle Archdiocese. Even in light of his role in the concealment of  
9 child sexual abuse, Defendant Holy See allowed Archbishop Wilson to continue his  
10 duties as Archbishop. In March 2015 when Wilson was criminally charged, he took a  
11 leave of absence until January 2016 when he resumed his duties as Archbishop of  
12 Adelaide. Supreme Pontiff Francis and Defendant Holy See did nothing to restrict  
13 the Archbishop’s ministry or title during this period. Supreme Pontiff Francis only  
14 accepted Wilson’s resignation after Wilson was found guilty in 2018.

15 113. On the island of Guam alone, approximately 160 lawsuits have been  
16 filed related to clergy sexual abuse, implicating priests and at least one archbishop  
17 with complaints dating back at least 4 decades.

18 114. Of the accused offenders in Guam is former Archbishop Anthony Sablan  
19 Apuron. Archbishop Apuron was placed on leave in 2016 and an internal  
20 investigation was made into the allegations against Archbishop Apuron by a Vatican  
21 tribunal. Archbishop Apuron was removed from office in March 2018 and found  
22 guilty of some of the allegations made against him, including crimes involving  
23 minors. After Archbishop Apuron appealed the Vatican tribunal’s decision, Supreme  
24 Pontiff Francis indicated that he would review Archbishop Apuron’s appeal  
25 personally. However, Defendant Holy See did not release information about why  
26 Archbishop Apuron was removed or what he was found guilty of. Despite the  
27 allegations made against him, Apuron remains a bishop in the Catholic Church.

28 ///

1 115. Defendant Holy See has not publicized or corroborated information  
2 regarding the accused clerics in Guam.

3 116. In Chile, Bishop Juan Barros Madrid has been accused by survivors of  
4 concealing the sexual abuse of children by Fr. Fernando Karadima, one of the most  
5 notorious sexual abusers in Chile.

6 117. One of Fr. Karadima's victims, Juan Carlos Cruz, testified that Bishop  
7 Barros witnessed Fr. Karadima sexually abusing him. Despite this testimony,  
8 Supreme Pontiff Francis appointed Barros as Bishop of Osorno, Chile in 2015, and  
9 has since defended Bishop Barros, calling the accusations "slander" and asking for  
10 "proof" that Bishop Barros was complicit in the cover-up of Fr. Karadima.

11 118. In 2015, Supreme Pontiff Francis received a letter from Juan Carlos  
12 Cruz detailing Bishop Barros' involvement in the sexual abuse by Fr. Karadima. It  
13 was not until 2018 that Supreme Pontiff Francis appointed Archbishop Charles  
14 Scicluna to investigate the Bishop Barros matter. Since the investigation, Supreme  
15 Pontiff Francis has acknowledged that he made "grave errors" in judgment regarding  
16 the situation in Chile. Only after the investigation and public scrutiny did Supreme  
17 Pontiff Francis accept the resignation of Bishop Barros.

18 119. In the United States, Cardinal Bernard Law was accused of concealing  
19 information relating to child sexual abuse in the Boston Archdiocese. Specifically,  
20 Cardinal Law knew that priest John Geoghan had abused boys and been moved from  
21 parish to parish.

22 120. Despite this, upon his resignation as Archbishop of Boston, Cardinal  
23 Law was promoted in Rome and became an archpriest of one of Rome's basilicas.  
24 He received a cardinal's funeral upon his death in 2017.

25 121. In 2018, Carlo Maria Viganò, Titular Archbishop of Ulpiana and former  
26 Apostolic Nuncio in the United States, released a letter indicating that Defendant  
27 Holy See had been informed in at least 2000 of former Archbishop of Washington  
28 D.C.'s Theodore McCarrick's "gravely immoral behavior with seminarians and

1 priests.” McCarrick became a Cardinal in approximately 2001.

2 122. In 2018, Fr. Boniface Ramsey released an October 2006 letter which he  
3 received from a top official of the Vatican Secretariat of State. In the letter, then-  
4 Archbishop Leonardo Sandri acknowledged receipt of the allegations regarding  
5 McCarrick in 2000.

6 123. After 2008, sanctions were imposed by Supreme Pontiff Benedict XVI  
7 upon McCarrick due to his inappropriate behavior with seminarians and fellow  
8 priests.

9 124. Archbishop Viganò indicated in his letter that he informed Supreme  
10 Pontiff Francis of McCarrick’s inappropriate behavior and history of abuse in  
11 approximately 2013.

12 125. Supreme Pontiff Francis remained complicit in the cover-up of  
13 McCarrick and did not take action as to McCarrick or accept McCarrick’s resignation  
14 from the College of Cardinals until July 2018 after several accusations that  
15 McCarrick had sexually abused minors became public.

16 126. In Minnesota, Bishop Michael Hoepfner in the Diocese of Crookston  
17 settled a lawsuit in 2017 brought against him individually for coercion and intentional  
18 infliction of emotional distress after he forced a survivor of sexual abuse to recant his  
19 report of abuse. In the process, Bishop Hoepfner violated a state court order  
20 requiring him to disclose the names and files of priests accused of abuse in the  
21 Crookston Diocese.

22 127. Bishop Hoepfner remains the bishop in the Diocese of Crookston  
23 despite suppressing evidence of child sexual abuse after being ordered to produce  
24 such information by a state court judge.

25 128. In 2017, Msgr. Carlo Alberto Capella was accused by United States  
26 authorities of possessing and distributing child pornography. Capella worked as a  
27 diplomat at Defendant Holy See’s embassy in Washington, D.C. Instead of leaving  
28 Capella to be prosecuted in the United States, the Vatican invoked diplomatic

1 immunity and Capella was recalled to the Vatican for investigation.

2 129. Nearly seven months later, in April 2018, the Vatican police arrested  
3 Capella after the Vatican's Promotor of Justice conducted an investigation into the  
4 child pornography charges. A Vatican court sentenced Capella to five years in prison  
5 for the possession and distribution of child pornography in June 2018.

6 130. Supreme Pontiff Francis has reiterated Supreme Pontiff Benedict's  
7 pledge of "zero tolerance" when it comes to sexual abuse of minors. Despite this,  
8 Defendant Holy See continues to address allegations of child sexual abuse internally,  
9 refusing to release the names of the accused and promoting individuals who either  
10 perpetrated the abuse or helped conceal it.

11 131. Defendant Holy See has known that child molesters have a very high  
12 rate of recidivism, meaning that they are likely to abuse more children. As such,  
13 Defendant knew that children, parents, and guardians who did not possess  
14 Defendant's knowledge about its agents and former agents and who unsuspectingly  
15 were around these agents and former agents were at a high risk to be sexually  
16 molested.

17 132. Because of the high rate of recidivism, Defendant Holy See's agents and  
18 former agents had probably already molested numerous children. As such, Defendant  
19 Holy See knew that there were many victims out there that were hurt because of  
20 Defendant Holy See's policies of secrecy, deception, and self-protection.

21 133. Children are at risk because the public and law enforcement do not know  
22 the identity and the locations of these agents and former agents of Defendant Holy  
23 See who have been accused of sexual misconduct.

24 134. Promises made by Defendant Holy See to address child sexual abuse  
25 have not been kept.

26 135. In 2014, Supreme Pontiff Francis instituted a Pontifical Commission for  
27 the Protection of Minors ("PCPM"). This PCPM mandate ended in 2017 without a  
28 commitment from Supreme Pontiff Francis to renew the Commission. The PCPM



1 was recently renewed in February 2018 after Supreme Pontiff Francis received  
2 criticism for his handling of the Bishop Barros matter in Chile. Two survivors  
3 appointed to the Commission terminated their involvement prior to its culmination  
4 because Defendant Holy See refused to implement recommendations that would  
5 protect children.

6 136. In 2015, Supreme Pontiff Francis announced that he was going to create  
7 a tribunal inside the Congregation for the Doctrine of Faith to investigate and  
8 prosecute bishops who concealed sexual abuse. In 2016, Supreme Pontiff Francis  
9 announced that the tribunal would not be created.

10 137. Supreme Pontiff Francis and Defendant Holy See have the sole authority  
11 and power to dictate policies, procedures, and protocols regarding the Catholic  
12 Church. Most recently, this includes the following:

13 a. In April 2016, Supreme Pontiff Francis issued an Apostolic Exhortation  
14 calling for Catholics to be more inclusive of homosexuals, divorced, and remarried  
15 Catholics;

16 b. In December 2017, Defendant Holy See issued a decree stating that one  
17 cannot sell the hair strands, hands, teeth, or other body parts of saints;

18 c. In February 2018, Supreme Pontiff Francis imposed a mandatory  
19 retirement age on clerics;

20 d. In 2018, Defendant Holy See gave permission to the Diocese of Winona  
21 to change its name to the Diocese of Winona-Rochester; and

22 e. In March 2018, Supreme Pontiff Francis issued an Apostolic Exhortation  
23 calling for Catholics to embrace holiness.

24 138. Supreme Pontiff Francis has not issued any decree or Apostolic  
25 Exhortation regarding the prevention of clergy sexual abuse despite his authority to  
26 do so.

27 139. At all times material, Defendant Holy See employed priests, including  
28 Father Fidencio Silva-Flores, to provide religious and pastoral services. Fr. Silva-

1 Flores's duties were limited to performing ecclesiastical and parochial services. At no  
2 time did he perform legislative work or governmental functions on behalf of  
3 Defendant Holy See and was not a civil servant or diplomatic or military employee of  
4 the sovereign Holy See. Fr. Silva-Flores was employed by Defendant Holy See as a  
5 priest. The duties of Fr. Silva-Flores's employment included but were not restricted  
6 to teaching the word of God and the law of the church; providing religious,  
7 educational, and counseling services; and obtaining financial support for the Church.  
8 Defendant Holy See controlled Fr. Silva-Flores, was responsible for punishment if  
9 there was wrongdoing, and had some stake in paying Fr. Silva-Flores for his services.  
10 Defendant Holy See controlled all aspects of Fr. Silva-Flores's conduct including his  
11 clothing, his routine, his practices, and his teachings. Defendant Holy See also  
12 supplied Fr. Silva-Flores with materials for his fundraising and solicitation of  
13 property. Defendant Holy See had the sole authority to remove Fr. Silva-Flores from  
14 his position as a priest. At all times material, Fr. Silva-Flores was a Roman Catholic  
15 priest, employed by and an agent of Defendant Holy See, under its direct supervision  
16 and control, particularly on the issue of child sex abuse.

17 140. Defendant Holy See also employed priests to recruit and solicit adults  
18 and children to become members of the financial operation so that the new members  
19 would contribute money.

20 141. Fr. Silva-Flores was ordained as a Roman Catholic priest in 1978 and  
21 remained under Defendant Holy See's direct supervision, employ and control during  
22 all times material to this Complaint.

23 142. At Ordination, each priest agreed to be obedient to their Bishop or  
24 Provincial and Defendant Holy See (the Supreme Pontiff).

25 143. Defendant Holy See has complete and final control over each Bishop,  
26 Archbishop, Cardinal, Religious Order Provincial, Religious leader and priest within  
27 the Catholic Church.

28 ///

1           144. Defendant Holy See is a traditional monarchy, which means that it holds  
2 all authority in the first instance and any authority held by others within the  
3 institution is delegated from Defendant Holy See. Defendant Holy See has reaffirmed  
4 this on numerous occasions, including in its book of rules and regulations.

5           145. Defendant Holy See has complete and total control, including day-to-day  
6 control, over each aspect of the Catholic Church. To the extent that some of the  
7 entities underneath Defendant Holy See's absolute control are separate corporations,  
8 Defendant Holy See maintains complete control over these separate corporations.  
9 Defendant Holy See directs and requires each of these entities to strictly follow all of  
10 its policies and procedures, requires each of these entities to report its activities to  
11 Defendant Holy See, requires each cleric working with the separate corporation to  
12 swear absolute obedience to Defendant Holy See, and is the only entity that can  
13 create or terminate these corporations. And with respect to the particular issue of  
14 child sex abuse, Defendant Holy See demands complete and unswerving obedience  
15 regarding procedures, the scope of potential penalties, and how each case will be  
16 disposed of ultimately.

17           146. Any corporations, including but not limited to any Archdiocese or  
18 Diocese in California which was or is incorporated, were and are an alter ego of  
19 Defendant Holy See. Defendant Holy See retained and does still retain complete and  
20 final control over these corporations. Defendant Holy See has day-to-day control of  
21 these entities through mandatory policies and procedures, mandatory meetings,  
22 mandatory obedience, and dictation of most aspects of their agents' lives.

23           147. Additionally, Defendant Holy See determined long ago that it would  
24 require some of the entities under its control to incorporate in order to reduce  
25 Defendant Holy See's exposure to claims by people that it harmed, in order to keep  
26 the public from discovering Defendant Holy See's involvement in the systematic  
27 cover-up and concealment of child sex abuse by its agents, and in order to defraud  
28 those people that its agents harmed, including those that its agents sexually abused as

1 children.

2 148. Defendant Holy See is the only entity that can fire a priest.

3 149. Defendant Holy See is the only entity that can fire a Bishop, Cardinal, or  
4 Religious leader.

5 150. Our Lady of Guadalupe Catholic Church in Oxnard, California was  
6 controlled, operated and run under Defendant Holy See's policies and protocols.  
7 Defendant Holy See controlled and mandated all aspects of the parish. The children  
8 relied upon Defendant and its agents to provide them with teaching and shelter at the  
9 facilities.

10 151. Fr. Silva-Flores was a fundraiser and solicitor of members for Defendant  
11 Holy See. He raised a great deal of resources for Defendant Holy See. Fr. Silva-  
12 Flores was also able to recruit numerous children, adults and families to become  
13 paying members of Defendant Holy See's organization.

14 152. Defendant Holy See wanted to retain Fr. Silva-Flores's services as a  
15 fundraiser and recruiter.

16 153. Fr. Silva-Flores was ordained as a religious order priest in the  
17 Missionaries of the Holy Spirit order and promised obedience to Defendant Holy See  
18 (the Supreme Pontiff), the Archbishop of the Archdiocese of Los Angeles, and his  
19 Provincial.

20 154. Following his ordination, Fr. Silva-Flores was authorized to represent  
21 himself as a priest of Defendant Holy See, to wear uniform or vestments of a priest,  
22 to teach and counsel the public, including minors, on behalf of Defendant Holy See  
23 and to otherwise exercise the rights, privileges and responsibilities of a Roman  
24 Catholic priest.

25 155. From approximately 1978 to 1984, Fr. Silva-Flores worked at Our Lady  
26 of Guadalupe in Oxnard, California, in the Archdiocese of Los Angeles. Fr. Silva-  
27 Flores was appointed to teach, counsel, instruct and guide child parishioners at Our  
28 Lady of Guadalupe.

1           156. From approximately 1979 to 1984, Fr. Silva-Flores sexually abused  
2 Plaintiff in the Archdiocese of Los Angeles, California.

3           157. In approximately 1986, Fr. Silva-Flores left the United States and  
4 returned to Mexico. He worked in Mexico until 1990 when he returned to the  
5 Archdiocese of Los Angeles and was assigned in Long Beach.

6           158. In approximately 1995, a postulant for the Missionaries of the Holy  
7 Spirit complained of Fr. Silva-Flores' conduct towards him as an adult. The Vicar for  
8 Clergy for the Archdiocese of Los Angeles met with Fr. Silva-Flores and the  
9 Missionaries of the Holy Spirit provincial Supervisor. Fr. Silva-Flores was removed  
10 from his assignment, received counseling, and was subsequently assigned to a retreat  
11 in San Luis Potosi, Mexico.

12           159. As of 2002, Fr. Silva-Flores was working at a church in Mexico.

13           160. In approximately 2003, Fr. Silva-Flores was criminally charged with 25  
14 counts of child molestation by the Ventura County District Attorney's Office.

15           161. Upon information and belief, Defendant Holy See allowed Fr. Silva-  
16 Flores to have unsupervised and unlimited access to children at Our Lady of  
17 Guadalupe in Oxnard, California.

18           162. Fr. Silva-Flores' duties and responsibilities at Our Lady of Guadalupe  
19 included recruiting and soliciting children in the neighborhood and their families to  
20 become members of Defendant Holy See's organization so that they would pay  
21 money to the organization.

22           163. By placing Fr. Silva-Flores and allowing him to work with children at  
23 Our Lady of Guadalupe in approximately 1978 and continuing until approximately  
24 1984, and by allowing Fr. Silva-Flores to recruit and solicit children to become  
25 members, Defendant Holy See affirmatively represented to minor children and their  
26 families, including Plaintiff, that Fr. Silva-Flores did not have a history of molesting  
27 children and was not a danger to children, that Defendant Holy See did not know or  
28 suspect that Fr. Silva-Flores had a history of molesting children and that Defendant

1 Holy See did not know that Fr. Silva-Flores was a danger to children.

2 164. Defendant Holy See was in a specialized position where it had  
3 knowledge that Plaintiff did not. Defendant was in a position to have this knowledge  
4 because it was Fr. Silva-Flores' employer, because Defendant was responsible for Fr.  
5 Silva-Flores and because its policies mandated secrecy with respect to the sort of  
6 knowledge learned about Fr. Silva-Flores.

7 165. Plaintiff on the other hand was a child. As a child he was not in a  
8 position to have information about Fr. Silva-Flores's molestation of other children or  
9 Defendant Holy See's knowledge of the danger Fr. Silva-Flores posed to children.  
10 Nor was he in a position to know that Defendant Holy See mandated that its  
11 employees keep such knowledge from others, including children like him.

12 166. In addition to the representations regarding safety being made directly to  
13 Plaintiff, Defendant Holy See made these representations with knowledge and intent  
14 that they would be communicated to the minor Plaintiff through his  
15 parents/caregivers words and actions. Defendant Holy See also had reason to believe  
16 that the representations made to Plaintiff's parents/caregivers would influence  
17 Plaintiff and particularly that the representations would influence the amount and  
18 type of time spent alone with Fr. Silva-Flores, Fr. Silva-Flores's access to Plaintiff,  
19 and Fr. Silva-Flores' ability to molest Plaintiff.

20 167. Particularly, Defendant Holy See knew or should have known that Fr.  
21 Silva-Flores was a child molester and knew or should have known that Fr. Silva-  
22 Flores was a danger to children before Fr. Silva-Flores molested Plaintiff.

23 168. Because of the superiority and influence that Defendant Holy See had  
24 over him, Plaintiff believed and relied upon these misrepresentations.

25 169. Fr. Silva-Flores sexually molested the Plaintiff. This abuse occurred  
26 while Plaintiff was a minor and parishioner at Our Lady of Guadalupe.

27 170. Had Plaintiff or his family known what Defendant Holy See knew or  
28 should have known —that Fr. Silva-Flores was a suspected child molester and a

1 danger to children before Plaintiff was first molested by Fr. Silva-Flores—Plaintiff  
2 would not have been sexually molested.

3 171. Had Plaintiff and his family known that Defendant Holy See knew that  
4 there was a widespread problem of its agents sexually molesting children using the  
5 confessional, Plaintiff would not have been abused.

6 172. As a direct and proximate result of Defendant Holy See's conduct  
7 described herein, Plaintiff has suffered a monetary loss, a loss of Plaintiff's time, a  
8 loss of Plaintiff's labor and a loss of Plaintiff's services.

9 173. If Defendant Holy See had not engaged in its vast enterprise of soliciting  
10 funds, recruiting members, and other commercial activities, and had not deceived  
11 Plaintiff while undertaking this commercial activity, Plaintiff would not have been  
12 abused.

13 174. Peter's Pence, Defendant Holy See's seminary activities, its solicitation  
14 of funds, and the other commercial and business activities described herein all had a  
15 direct role in causing Plaintiff's harms.

16 175. Defendant Holy See has concealed and continues to conceal important  
17 information about its priests accused of sexual abuse of children.

18 176. Upon information and belief, prior to and since 2004, Defendant Holy  
19 See failed to report multiple allegations of sexual abuse of children by its agents to  
20 proper civil authorities. As a result, children are at risk of being sexually molested.

21 177. As a direct result of Defendant's conduct described herein, Plaintiff has  
22 suffered, and will continue to suffer, great pain of mind and body, severe and  
23 permanent emotional distress, physical manifestations of emotional distress,  
24 embarrassment, loss of self-esteem, humiliation, physical, personal and psychological  
25 injuries. Plaintiff was prevented, and will continue to be prevented, from performing  
26 normal daily activities and obtaining the full enjoyment of life; and/or has incurred  
27 and will continue to incur expenses for psychological treatment, therapy, and  
28 counseling, and, on information and belief has and/or will incur loss of income and/or

1 loss of earning capacity. The amount of Plaintiff's damages will be fully ascertained  
2 at trial.

3 **FIRST CAUSE OF ACTION**

4 **PUBLIC NUISANCE**

5 **(COMMON LAW, CAL. PENAL CODE § 370, AND**

6 **CAL. CIV. CODE §§ 3479 and 3480)**

7 Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set  
8 forth under this Count.

9 178. Defendant Holy See's actions and omissions, as described above, have  
10 interrupted or interfered with the health, safety, and welfare of the general public.

11 179. Defendant Holy See has created and exposed the public to these unsafe  
12 conditions continuously and on an ongoing basis before and since the time that  
13 Plaintiff was sexually abused and has continued to expose the public to that unabated  
14 threat until the present day.

15 180. Defendant Holy See continues to conspire and engage and/or has  
16 conspired and engaged in efforts to: 1) conceal from the general public the sexual  
17 assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies  
18 of Fr. Silva-Flores and its other accused priests; and/or 2) conceal from proper civil  
19 authorities sexual assaults and abuse committed by Fr. Silva-Flores and its other  
20 agents against minor children; and/or 3) attack the credibility of victims of Defendant  
21 Holy See's agents; and/or 4) protect Defendant Holy See's agents from criminal  
22 prosecution for their sexual assaults and abuse against children; and/or 5) allow  
23 known child molesters to live freely in the community without informing the public;  
24 and/or 6) violate the terms of relevant international laws at the expense and safety of  
25 children; and/or 7) after receiving reports or notice of misconduct by clerics such as  
26 Fr. Silva-Flores, transfer them to new parishes without any warning to parishioners of  
27 the threat posed by such clerics, in violation of law; and/or 8) make affirmative  
28 representations regarding Fr. Silva-Flores' and Defendant Holy See's other



1 pedophilic and/or ephobophilic agents' fitness for employment, in positions that  
2 include working with children, while failing to disclose negative information  
3 regarding sexual misconduct by such clerics.

4 181. The negligence and/or deception and concealment by Defendant Holy  
5 See was and is injurious to the health of and/or indecent or offensive to the senses of  
6 and/or an obstruction to the free use of property by entire communities,  
7 neighborhoods, and/or a considerable number of persons including, but not limited to,  
8 children and residents in California and other members of the general public who live  
9 in communities where Defendant Holy See's agents who molested children live, so as  
10 to substantially and unreasonably interfere with the comfortable enjoyment of life.  
11 Defendant Holy See's failure to report multiple allegations of sexual assault and  
12 abuse of children to proper authorities, as well as its failure to inform the public about  
13 sexual abuse, or priests accused of sexual abuse of minors has prevented the public  
14 from knowing of a real danger, and has thereby substantially and unreasonably  
15 interfered with the comfortable enjoyment of life by a considerable number of  
16 persons by allowing child molesters to avoid prosecution and remain living freely in  
17 unsuspecting communities and working with and around children. These child  
18 molesters, known to the Defendant Holy See but not to the public, pose a threat of  
19 additional abuse to a considerable number of members of the public.

20 182. The negligence and/or deception and concealment by Defendant Holy  
21 See was and is injurious to the health of and/or indecent or offenses to the senses of  
22 and/or an obstruction to the free use of property by entire communities,  
23 neighborhoods, and/or the general public including but not limited to residents who  
24 live in communities where Defendant Holy See's accused molesters live in that many  
25 in the general public cannot trust Defendant Holy See to warn parents of the presence  
26 of the current and/or former accused molesters, nor to identify their current and/or  
27 former accused molesters, nor to disclose said credibly accused molesters' and other  
28 accused molesters' assignment histories, nor to disclose their patterns of conduct in

1 grooming and sexually assaulting children, all of which create an impairment of the  
2 safety of children in the neighborhoods in California and throughout the United States  
3 and worldwide where Defendant Holy See conducted, and continues to conduct, its  
4 business.

5 183. The negligence and/or deception and concealment by Defendant Holy  
6 See was specially injurious to Plaintiff's health and/or Plaintiff's personal enjoyment  
7 of life as Plaintiff was sexually assaulted by Defendant's agent, Fr. Silva-Flores.

8 184. The negligence and/or deception and concealment by Defendant Holy  
9 See also was specially injurious to Plaintiff's health and/or Plaintiff's personal  
10 enjoyment of life in that when Plaintiff finally discovered the negligence and/or  
11 deception and concealment of Defendant Holy See that led to Plaintiff's sexual  
12 assault, Plaintiff experienced mental, emotional and/or physical distress that he had  
13 been the victim of Defendant Holy See's negligence and/or deception and  
14 concealment.

15 185. Plaintiff has suffered and/or continues to suffer special, particular, and  
16 peculiar psychological and emotional harm and/or peculiar pecuniary harm, different  
17 in kind from the general public, after learning of Defendant Holy See's concealment  
18 of names and information about priests accused of sexually molesting minors and as a  
19 result of the dangerous condition maintained and/or permitted by Defendant Holy  
20 See, which continues as long as decisions are made and actions are taken to keep the  
21 information about the abuse and/or the accused priests concealed. As a result of the  
22 negligence and/or deception and concealment, Plaintiff has suffered and continues to  
23 suffer lessened enjoyment of life, and/or impaired health, and/or emotional distress,  
24 and/or physical symptoms of emotional distress and/or pecuniary loss including  
25 medical expenses and/or wage loss.

26 186. Plaintiff's injuries are also particular to him and different from certain  
27 members of the public who have not been harmed by the nuisance. People who have  
28 not been harmed by the nuisance include those who have not suffered any injury at

1 all, those who are unaware of the nuisance, those who do not believe that the  
2 Defendant Holy See ever concealed anything about child sex abuse, and those who  
3 think that any concealment only occurred decades ago.

4 187. The continuing public nuisance created by Defendant Holy See was, and  
5 continues to be, the proximate cause of Plaintiff's special injuries and damages as  
6 alleged.

7 188. The harm suffered by Plaintiff is the exact type of harm that one would  
8 expect from Defendant Holy See's acts and omissions.

9 189. In committing the aforementioned acts and omissions, Defendant Holy  
10 See acted negligently and recklessly and/or intentionally, maliciously and with  
11 conscious disregard for Plaintiff's rights.

12 190. As a result of the above-described conduct, Plaintiff has suffered the  
13 injuries and damages described herein.

14 **SECOND CAUSE OF ACTION**

15 **PRIVATE NUISANCE**

16 **(CAL. CIV. CODE §§ 3479 AND 3481)**

17 Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set  
18 forth under this Count.

19 191. Defendant Holy See continues to conspire and engage and/or has  
20 conspired and engaged in efforts to: 1) conceal from the general public the sexual  
21 assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies  
22 of Fr. Silva-Flores and other accused priests; and/or 2) conceal from proper civil  
23 authorities sexual assaults and abuse committed by Fr. Silva-Flores and Defendant  
24 Holy See's other agents against minor children; and/or 3) attack the credibility of  
25 victims of Defendant Holy See's agents; and/or 4) protect Defendant Holy See's  
26 agents from criminal prosecution for their sexual assaults and abuse against children;  
27 and/or 5) allow known child molesters to live freely in the community without  
28 informing the public; and/or 6) violate the terms of relevant international laws at the

1 expense and safety of children; and/or 7) after receiving reports or notice of  
2 misconduct by clerics such as Fr. Silva-Flores, transfer them to new parishes without  
3 any warning to parishioners of the threat posed by such clerics, in violation of law;  
4 and/or 8) make affirmative representations regarding Fr. Silva-Flores' and Defendant  
5 Holy See's other pedophilic and/or ephebophilic agents' fitness for employment, in  
6 positions that include working with children, while failing to disclose negative  
7 information regarding sexual misconduct by such clerics.

8         192. The negligence and/or deception and concealment by Defendant Holy  
9 See was and is injurious to the health and/or indecent or offensive to the senses of  
10 and/or an obstruction to the free use of property of residents and other members of  
11 the general public who live in communities where Defendant's accused molesters  
12 live. It was and is indecent and offensive to the senses, so as to interfere with the  
13 general public's comfortable enjoyment of life in that many in the general public  
14 cannot trust Defendant Holy See to warn parents of the presence of the current and/or  
15 former accused molesters, nor to identify their current and/or former accused  
16 molesters, nor to disclose said credibly accused molesters' and other accused  
17 molesters' assignment histories, nor to disclose their patterns of conduct in grooming  
18 and sexually assaulting children, all of which create an impairment of the safety of  
19 children in the neighborhoods in California and throughout the United States and  
20 worldwide where Defendant Holy See conducted, and continues to conduct, its  
21 business.

22         193. The negligence and/or deception and concealment by Defendant Holy  
23 See was injurious to Plaintiff's health and/or Plaintiff's personal enjoyment of life as  
24 Plaintiff was sexually assaulted by Defendant's agent, Fr. Silva-Flores.

25         194. The negligence and/or deception and concealment by Defendant Holy  
26 See also was injurious to Plaintiff's health and/or personal enjoyment of life in that  
27 when Plaintiff discovered the negligence and/or deception and concealment of  
28 Defendant Holy See that led to Plaintiff's sexual assault, Plaintiff experienced

1 mental, emotional, and/or physical distress that Plaintiff had been the victim of the  
2 Defendant's negligence and/or deception and concealment.

3 195. The continuing nuisance created by Defendant Holy See was, and  
4 continues to be, a proximate cause of Plaintiff's injuries and damages as alleged.

5 196. In doing the aforementioned acts, Defendant Holy See acted negligently  
6 and recklessly and/or intentionally, maliciously and with conscious disregard for  
7 Plaintiff's rights.

8 197. As a result of the above-described conduct, Plaintiff has suffered the  
9 injuries and damages described herein.

10 **THIRD CAUSE OF ACTION**

11 **VIOLATION OF BUSINESS & PROFESSIONS CODE §17200**

12 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under  
13 this count.

14 198. At all times material, Defendant Holy See engaged in the business of  
15 recruiting and soliciting people to become members and contribute to the financial  
16 operation of the Roman Catholic Church.

17 199. At all times material, Defendant Holy See continues to hold the Roman  
18 Catholic Church out as being able to provide a safe environment for children and its  
19 leaders and people working at Catholic institutions, including Fr. Silva-Flores as safe  
20 to work with children, despite knowledge of the widespread problem of child sexual  
21 abuse committed by its clergy.

22 200. Defendant Holy See has engaged in unlawful, unfair or fraudulent  
23 business practices including but not limited to concealing and covering up the  
24 widespread problem of child sexual abuse committed by its clergy.

25 201. Defendant Holy See's unlawful, unfair or fraudulent business practice  
26 includes but is not limited to 1) concealing the sexual assaults of, the identities and  
27 the pedophilic/ephebophilic tendencies of Fr. Silva-Flores and its other agents;  
28 and/or 2) concealing from proper civil authorities sexual assaults and abuse committed

1 by Fr. Silva-Flores and its other agents against minor children; and/or 3) attacking the  
2 credibility of victims of Defendant Holy See's agents; and/or 4) protecting Defendant  
3 Holy See's agents from criminal prosecution for their sexual assaults and abuse  
4 against children; and/or 5) allowing known child molesters to live freely in the  
5 community without informing the public; and/or 6) violating the terms of relevant  
6 international laws at the expense and safety of children; and/or 7) after receiving  
7 reports or notice of misconduct by clerics such as Fr. Silva-Flores, transferring them  
8 to new parishes without any warning to parishioners or the general public of the  
9 threat posed by such clerics and/or 8) making affirmative representations regarding  
10 Fr. Silva-Flores' and Defendant Holy See's other pedophilic and/or ephebophilic  
11 agents' fitness for employment in positions that include working with children, while  
12 failing to disclose negative information regarding sexual misconduct by clerics.

13 202. Defendant Holy See's concealment, misrepresentations, and inadequate  
14 disclosures about child sexual assaults committed by Fr. Silva-Flores and its other  
15 agents constitute unlawful, unfair or fraudulent business practices because it creates a  
16 false impression about the standard and quality of the business of Defendant Holy  
17 See, specifically the safety of children participating in its programs and living in  
18 unsuspecting communities and working with and around children.

19 203. Defendant Holy See has engaged in unlawful, unfair or fraudulent  
20 business practices by promulgating policies which harbor and protect abusive priests  
21 and prevent disclosure of reports of child sex abuse.

22 204. Defendant Holy See has engaged in unlawful, unfair or fraudulent  
23 business practices by directing its agents in California, the United States and  
24 worldwide to conceal from its parishioners and the general public the sexual assaults  
25 of children committed by its priests, bishops, clerics, agents and employees in order  
26 to avoid public scandal and to ensure continued receipt of funds from its parishioners  
27 and continued membership from its parishioners.

28 ///

1           205. Defendant Holy See's unlawful, unfair or fraudulent business practices  
2 have continued to perpetuate sexually assaults and impunity of its agents who have  
3 committed child sex abuse.

4           206. Defendant Holy See's practices were and are likely to mislead the  
5 general public as to the safety and quality of the business of Defendant Holy See  
6 and/or the efforts made by Defendant Holy See to address the problem of child sex  
7 abuse by its priests, bishops, clerics, agents and employees.

8           207. These unlawful, unfair or fraudulent business practices are likely to  
9 continue and therefore will continue to mislead the public as to the real risk of sexual  
10 assaults by its priests, bishops, clerics, agents and employees.

11           208. As a result of Defendant Holy See's unlawful, unfair or fraudulent  
12 business practices, Plaintiff was sexually abused by Fr. Silva-Flores and/or has  
13 suffered the injuries and damages described herein.

14           209. As a direct and proximate result of Defendant Holy See's conduct,  
15 Defendant Holy See has received and continues to receive financial contributions and  
16 continued support from members of the general public.

17           WHEREFORE, Plaintiff requests a permanent injunction pursuant to Business  
18 and Professions Code section 17203 restraining and enjoining Defendant from  
19 continuing the acts of unlawful, unfair and/or fraudulent business practices set forth  
20 above by discontinuing its current practice and policy of dealing with allegations of  
21 child sexual abuse by its agents, and that it work with civil authorities to create,  
22 implement and follow a policy for dealing with such molesters that will better protect  
23 children and the general public from further harm.

24           During the pendency of this action, a preliminary injunction issue pursuant to  
25 Business and Professions Code section 17203 to enjoy and restrain Defendant Holy  
26 See from the acts of unlawful, unfair and/or fraudulent business practices set forth  
27 above by an order requiring that Defendant Holy See publicly release the names of all  
28 agents, including priests, accused of child molestation, each agent's history of abuse,

1 each such agent's pattern of grooming and sexual behavior, and his or her last known  
2 address. This includes the release of Defendant Holy See's documents on the agents.

3 **FOURTH CAUSE OF ACTION**

4 **VIOLATION OF CUSTOMARY INTERNATIONAL**

5 **LAW OF HUMAN RIGHTS**

6 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under  
7 this count.

8 210. The instructions, mandates and dictates of Defendant Holy See in the  
9 United States prohibiting the disclosure of the identity and existence of pedophiles  
10 and sexual predators under its control, thereby placing children in a position of peril,  
11 is a gross violation of established, universally recognized norms of international law  
12 of human rights. The customary international law of human rights has been codified  
13 in various international agreements, including but not limited to:

14 a. the *Universal Declaration of Human Rights*, in that Defendant Holy See  
15 as a matter of policy, at all times practiced, ignored, tolerated, disregarded, permitted,  
16 allowed, condoned or failed to report child sexual abuse which the international  
17 community and the civilized world views as cruel, inhumane and degrading; and

18 b. the *Convention on the Rights of the Child*, in that Defendant Holy See  
19 among other things, did not make the interests of minor children in its control their  
20 primary responsibility; did not conform to international standards for the safety and  
21 health of those children in considering the suitability of their priests, clerics, bishops,  
22 archbishops, cardinals, agents and servants; did not take all appropriate legislative,  
23 administrative, social and educational measures to protect those children from sexual  
24 abuse; did not prevent, identify, report, investigate, treat or follow-up on instances of  
25 child sexual abuse of which it had knowledge; did not take all appropriate measures  
26 to ensure that school discipline was administered in a manner consistent with human  
27 dignity; and did not undertake to protect those children from sexual exploitation and  
28 abuse.



1 211. Defendant Holy See signed the *Universal Declaration of Human Rights*  
2 in 1948; Defendant Holy See signed the *Convention on the Rights of the Child* in  
3 1990.

4 212. The worldwide acceptance of various international agreements,  
5 including the *Convention on the Rights of the Child*, demonstrates that some of their  
6 provisions have attained the status of customary international law. The *Convention on*  
7 *the Rights of the Child* provides that "in all actions concerning children . . . the best  
8 interests of the child shall be a primary consideration," Art. 3, that the signatories  
9 "shall take all appropriate legislative, administrative, social and educational measures  
10 to protect the child from all forms of physical or mental violence, injury or abuse, ... ,  
11 including sexual abuse," Art. 19, and that they "undertake to protect the child from all  
12 forms of sexual exploitation and sexual abuse," Art. 34. These provisions codify  
13 longstanding legal human rights norms that reflect actual practices of states in  
14 prohibiting child sexual abuse, are not so novel as to be considered outside the  
15 bounds of what is customary, and are of universal concern.

16 213. The practices, instructions, mandates, and dictates of Defendant Holy  
17 See in the United States prohibiting the disclosure of the identity and existence of  
18 pedophiles and sexual predators under its control and thereby placing children in  
19 positions of harm, whether undertaken under the color of law or only in its capacity  
20 as a private actor, are violations of customary international law, and are crimes to  
21 which the law of nations attributes individual responsibility.

22 **FIFTH CAUSE OF ACTION**

23 **INJUNCTION FOR RELEASE OF NAMES OF SEX OFFENDERS**

24 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under  
25 this count.

26 214. Defendant Holy See's practices have endangered numerous children in  
27 the past and these practices will continue to put children at risk in the future.

28 215. Plaintiff, when he was a child, and other children today have the right to

1 not be harmed or sexually molested by agents and former agents of Defendant Holy  
2 See.

3 216. Defendant Holy See owes a duty to warn all children and their parents  
4 that come into contact with its agents or former agents of allegations of sexual  
5 misconduct by the agents and former agents because these children and their parents  
6 hold many of these agents and former agents in esteemed positions, believe in the  
7 infallibility of the Supreme Pontiff, and the trustworthiness of Defendant Holy See,  
8 all of which gives them virtually unlimited access to children.

9 217. Defendant Holy See also owes a duty to children and their parents to  
10 release all of the names of and documents regarding its agents and former agents  
11 against whom Defendant Holy See has deemed to have credible allegations of sexual  
12 misconduct with children to law enforcement and to the public at large.

13 218. Unless injunctive relief is granted, numerous children worldwide, across  
14 the United States and in California are at risk of being sexually molested by  
15 Defendant Holy See's agents and former agents. In order to ensure that children are  
16 protected and free from sexual molestation by Defendant Holy See's agents and  
17 former agents, Plaintiff is entitled to and requests an injunction ordering that  
18 Defendant Holy See:

19 a. Release the names of the perpetrators involved in the more than 3,400  
20 credible cases in Defendant Holy See's possession to the public and to law  
21 enforcement;

22 b. Release the names of Defendant Holy See's agents and former agents  
23 that it found guilty of sexual misconduct with children to the public and to law  
24 enforcement;

25 c. Require the Bishops of each diocese to release the names of all agents  
26 and former agents who have been credibly accused of sexual misconduct with  
27 children;

28 ///

1 d. Release the names of Defendant Holy See's agents or former agents that  
2 have admitted abusing children to the public and to law enforcement; and

3 e. Release the names of Defendant Holy See's agents and former agents  
4 that have been convicted of sexually abusing a child to law enforcement and to the  
5 public.

6 **SIXTH CAUSE OF ACTION**  
7 **INJUNCTION FOR RELEASE OF DOCUMENTS**  
8 **REGARDING SEX OFFENDERS**

9 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under  
10 this count.

11 219. Defendant Holy See's practices have endangered numerous children in  
12 the past and these practices will continue to put children at risk in the future.

13 220. Plaintiff, when he was a child, and other children today the right to not  
14 be harmed or sexually molested by agents and former agents of Defendant Holy See.

15 221. Defendant Holy See's practices of retaining, hiding, and concealing  
16 evidence of crimes of its agents and former agents has endangered numerous children  
17 and continues to put children in peril.

18 222. Defendant Holy See owes a duty to all children and their parents to  
19 release all documents relating to agents and former agents accused of sexually  
20 molesting children and also to release.

21 223. Unless injunctive relief is granted, numerous children across the United  
22 States, including in California, and across the world are at risk of being sexually  
23 molested by Defendant Holy See's agents and former agents. In order to ensure that  
24 children are protected and free from sexual molestation by Defendant Holy See's  
25 agents and former agents, Plaintiff is entitled to and requests an injunction ordering  
26 that Defendant Holy See:

27 a. Release all documents on the 3,400 credible cases in Defendant Holy  
28 See's possession to the public and to law enforcement

1 b. Release all documents related to Defendant Holy See's agents and  
2 former agents that it found guilty of sexual misconduct with children to the public  
3 and to law enforcement;

4 c. Release all documents related to Defendant Holy See's agents or former  
5 agents that have admitted abusing children to the public and to law enforcement;

6 d. Require the Bishops of each diocese to release the documents related to  
7 agents and former agents who have been credibly accused of sexual misconduct with  
8 children; and

9 e. Release all documents related to Defendant Holy See's agents and  
10 former agents that have been convicted of sexually abusing a child to law  
11 enforcement and to the public.

12 **SEVENTH CAUSE OF ACTION**

13 **ADDITIONAL INJUNCTIVE RELIEF**

14 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under  
15 this count.

16 224. As a result of the violations under the common law of the states, the  
17 federal common law, the laws of the fifty states and customary international law of  
18 human rights set forth herein, and in addition to monetary damages for those  
19 violations, the Plaintiff seeks orders:

20 a. requiring that Defendant Holy See cease its violations of the  
21 internationally recognized human rights of children;

22 b. requiring Defendant Holy See to report all allegations of child sexual  
23 abuse in each and every one of the United States;

24 c. requiring that Defendant Holy See conform its conduct to the mandates  
25 of the common law of the states, the federal common law, the laws of the fifty states,  
26 and customary international law of human rights;

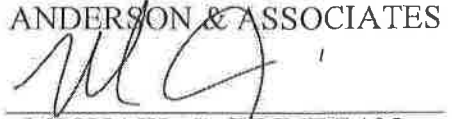
27 d. requiring that Defendant Holy See act in ways that are in the best  
28 interests of children; and

1 e. retaining jurisdiction in this Court for a period of no less than ten (10)  
2 years to ensure that the interests of children are not further compromised by the  
3 conduct of Defendant Holy See.

4 WHEREFORE, Plaintiff demands judgment against Defendant Holy See in an  
5 amount to be determined at trial, plus costs, disbursements, reasonable attorneys'  
6 fees, interest, and such other relief that the Court deems just and equitable.

7 DATED: October 3, 2018

JEFF ANDERSON & ASSOCIATES



MICHAEL G. FINNEGAN  
MICHAEL J. RECK  
Attorneys for Plaintiff,  
MANUEL VEGA

11  
12 **DEMAND FOR TRIAL**

13 Plaintiff hereby demands a trial by jury in this matter.

14 DATED: October 3, 2018

JEFF ANDERSON & ASSOCIATES



MICHAEL G. FINNEGAN  
MICHAEL J. RECK  
Attorneys for Plaintiff,  
MANUEL VEGA