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

9 **FOR THE COUNTY OF LOS ANGELES**

10)
11) JOHN DOE LA 1002, an individual
12) Plaintiff,
13) vs.
14)
15) DOE 1, a Corporation Sole,
16) DOE 2, a religious entity form unknown,
17) DOE 3, a religious entity form unknown, and
18) DOE 4 through DOE 100.
19) Defendant(s).

) Case No.

) **COMPLAINT FOR DAMAGES:**

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

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

) **DEMAND FOR JURY TRIAL**

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1 **COMPLAINT FOR DAMAGES**

2 Based upon information and belief available to Plaintiff JOHN DOE LA 1002 (“Plaintiff”)
3 at the time of the filing of this Complaint, Plaintiff alleges as follows against Defendants DOE 1, a
4 Corporation Sole, DOE 2, a religious entity of form unknown, DOE 3, a religious entity of form
5 unknown, and DOE 4 through DOE 100 (collectively “Defendants”):

6 **PARTIES**

7 1. Plaintiff is a natural person who was the resident of the County of Los Angeles, State
8 of California, at all relevant times mentioned herein. The name utilized by Plaintiff in this
9 Complaint is a fictitious name used to protect his privacy as a victim of childhood sexual assault, as
10 defined by section 340.1 of the Code of Civil Procedure. Plaintiff was born in 1968. Plaintiff was a
11 minor throughout the period of childhood sexual assault alleged herein. Plaintiff brings this
12 Complaint pursuant to Code of Civil Procedure Section 340.1, as amended by Assembly Bill 218,
13 for damages suffered as a result of childhood sexual assault.

14 2. Plaintiff is informed and believes and thereon alleges that at all times material
15 hereto, Defendant DOE 1 was and continues to be a Corporation Sole, founded as a diocese in 1840
16 and as an Archbishopric in 1936, which includes, but is not limited to, civil corporations, decision
17 making entities, officials, and employees, authorized to conduct business, incorporated in, and
18 conducting business in the State of California, with its principal place of business at 3424 Wilshire
19 Boulevard, Los Angeles, California 90010. Defendant DOE 1 purposely conducts substantial
20 business operations in and throughout the State of California and County of Los Angeles, among
21 others. Defendant DOE 1 is responsible for Roman Catholic Church operations in the counties of
22 Los Angeles, Santa Barbara, and Ventura. DOE 1 is responsible for the funding, staffing and
23 direction of the parishes, parochial schools, fraternal organizations and other facilities and
24 institutions within the geographic area of the County of Los Angeles, and encompasses two other
25 counties in Southern California. Defendant DOE 1 was the primary entity owning, operating, and
26 controlling the activities and behavior of its employees and agents at Defendant DOE 3, including
27 Fr. Christopher Kearney, O.F.M.Cap. (“PERPETRATOR”), DOE 4 through DOE 100, and all other
28 employees, agents and supervisors of Defendants. Plaintiff is further informed, believes and

1 thereon alleges that Defendant DOE 1 had authority and responsibility to control and supervise the
2 ministry of PERPETRATOR from at least 1970 through 1995.

3 3. Plaintiff is informed and believes and thereon alleges that at all times material
4 hereto, Defendant DOE 1 employed PERPETRATOR as an agent and had the ability to control and
5 supervise PERPETRATOR's activities. Defendant DOE 1 was an entity that supervised its
6 employees and agents, including its priests, teachers, and administrators, who supervised minor
7 children, including those on its premises and in its programs. At all times material hereto,
8 PERPETRATOR was under the direct supervision, employ, and control of Defendant DOE 1, a
9 Corporation sole. PERPETRATOR physically perpetrated acts of childhood sexual assault upon
10 Plaintiff when Plaintiff was a minor.

11 4. Plaintiff is informed and believes and thereon alleged that at all times material
12 hereto, Defendant DOE 2, a religious entity of form unknown, was and continues to be a religious
13 order of priests and brothers affiliated with the Roman Catholic Church with its United States
14 headquarters and principal place of business at 1345 Cortez Avenue, Burlingame, California 94010.

15 5. Defendant DOE 2 is an organization or entity which includes, but is not limited to,
16 civil corporations, decision making entities, officials, and employees, authorized to conduct
17 business and conducting business in the State of California and in Defendant DOE 1. The provincial
18 is the top official of Defendant DOE 2 and is given authority over all matters dealing with and/or
19 related to Defendant DOE 2 as a result of his position. Defendant DOE 2 functions as a business by
20 engaging in numerous revenue-producing activities and soliciting money from its members in
21 exchange for its services.

22 6. Defendant DOE 2 has several programs that seek out the participation of children,
23 including, but not limited to schools and other education programs. Defendant DOE 2, through its
24 officials, have complete control over those activities and programs involving children. Defendant
25 DOE 2 has the power to appoint, train, supervise, monitor, remove and terminate each and every
26 person working with children within Defendant DOE 2.

27 7. Plaintiff is informed and believes and thereon alleges that at all times material
28 hereto, Defendant DOE 3 was and is a religious institution organized under the laws of the State of

1 California as a religious entity of form unknown, which includes but is not limited to civil
2 corporations, decision making entities, officials and employees authorized to conduct business and
3 conducting business in the State of California, with its principle place of business at 200 Foothill
4 Boulevard, La Cañada Flintridge, California 91011, in the County of Los Angeles. Defendant DOE
5 3 includes, but is not limited to, the Defendant DOE 3 organization and any other organizations
6 and/or entities operating under the same or similar name with the same or similar principal place of
7 business. At all times material, Defendant DOE 3 was and continues to be under the direct
8 authority, control and province of Defendant DOE 1 and the Bishop. DOE 3 includes, but is not
9 limited, to the school corporation and entity. Defendant DOE 3 is responsible for the funding,
10 staffing, and direction of a Catholic school located at 200 Foothill Boulevard, La Cañada Flintridge,
11 California 91011. At all times material, Defendant DOE 3 and Defendant DOE 1 owned, operated,
12 managed, maintained and controlled Defendant DOE 3.

13 8. Plaintiff is informed and believes and thereon alleges that PERPETRATOR was a
14 cleric with DOE 1, DOE 2, DOE 3, and DOE 4 through DOE 100, and was assigned to DOE 3
15 between approximately 1970 through in or around 1995.

16 9. Plaintiff is informed and believes and thereon alleges that the true names and
17 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as
18 Defendant DOE 4 through DOE 100, inclusive, are currently unknown to Plaintiff, who therefore
19 sues DOE Defendants by such fictitious names, and who will amend the Complaint to show their
20 true names and capacities when such names have been ascertained. Plaintiff is informed and
21 believes and thereon alleges that DOE Defendants are legally responsible in some manner for the
22 events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages
23 alleged in this Complaint.

24 10. Plaintiff is informed and believes and thereon alleges that at all times material hereto
25 there existed a unity of interest and ownership among Defendants and each of them, such that an
26 individuality and separateness between Defendants ceased to exist. Defendants were the
27 successors-in-interests and/or alter egos of the other Defendants in that they purchased, controlled,
28 dominated and operated each other without any separate identity, observation of formalities, or any

1 other separateness. To continue to maintain the façade of a separate and individual existence
2 between and among Defendants, and each of them, would serve to perpetuate a fraud and injustice.

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

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

15 **FACTS**

16 13. Plaintiff is informed and believes that PERPETRATOR was ordained a Roman
17 Catholic priest in 1968. PERPETRATOR was employed by Defendant DOE 1, Defendant DOE 2,
18 and Defendant DOE 3. PERPETRATOR remained under the direct supervision, employ, and
19 control of Defendants. Defendant DOE 1, Defendant DOE 2, and Defendant DOE 3 placed
20 PERPETRATOR in positions where he had access to and worked with children as an integral part
21 of his work.

22 14. PERPETRATOR became priest and teacher at Defendant DOE 3, in La Cañada
23 Flintridge, California, in or around 1970. PERPETRATOR served the parishioners, students and
24 community of Defendants.

25 15. PERPETRATOR was ordained a cleric in 1968. PERPETRATOR was assigned to
26 Mary Immaculate Friary and House of Theology, Glencllyffe, Garrison, New York in 1969 and
27 subsequently transferred and assigned to DOE 3 in La Cañada Flintridge, California, in 1970 where
28 he served as a cleric, teacher, counselor, and spiritual and educational advisor to children and

1 students until 1995. PERPETRATOR was subsequently assigned within the geographical
2 boundaries of Defendant DOE 1 at San Lorenzo Novitiate and Seminary in Santa Ynez, California
3 from 1996 until 2002, and has continued his clerical assignments across the State of California since
4 that time.

5 16. As of Defendant DOE 1's "Report to the People of God," as revised February 18,
6 2004, Defendant DOE 1 has acknowledged and named PERPETRATOR on their list of priests and
7 religious who have sexually abused minors, with incidents of abuse beginning in 1971 and
8 continuing through 1984. Defendant DOE 1 reports 11 accusers alleging sexual abuse against
9 PERPETRATOR for the abuse alleged during 1971 through 1984.

10 17. PERPETRATOR is known to have sexually assaulted children, other than Plaintiff,
11 prior to the time Plaintiff was sexually assaulted by PERPETRATOR.

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

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

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

1 centers in Maryland, Kentucky, and Missouri.

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

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

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

25 24. Plaintiff was sexually assaulted by PERPETRATOR. PERPETRATOR's sexual
26 assault of Plaintiff is a result of Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE
27 4 through 100's cover up, as statutorily defined by Code of Civil Procedure section 340.1 (b).

28 25. Plaintiff was raised in the County of Los Angeles in a devoutly Catholic family, and

1 served as an altar server and regularly celebrated weekly mass and received the sacraments through
2 Defendant DOE 1's church. When Plaintiff was a minor, Plaintiff was a student at Defendant DOE
3 3, which was owned, operated, controlled, and run by Defendant DOE 1 and Defendant DOE 3.
4 Defendant DOE 2's agents, including PERPETRATOR, were employed and assigned to work at
5 DOE 3. Plaintiff and Plaintiff's family came in contact with PERPETRATOR as an agent and
6 representative of Defendants at DOE 3.

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

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

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

28 29. In approximately 1984 and through approximately 1986, when Plaintiff was

1 approximately 15 to 17 years old and a parishioner, altar server, and student of Defendant DOE 1,
2 Defendant DOE 2, and Defendant DOE 3's, PERPETRATOR repeatedly committed acts of
3 childhood sexual assault against Plaintiff. While performing his duties as a priest and teacher, and
4 for the purpose of furthering the duties required in that role, PERPETRATOR befriended Plaintiff
5 and gained Plaintiff's trust and confidence as a spiritual guide, authority figure, and trustworthy
6 mentor.

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

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

17 32. PERPETRATOR committed acts of childhood sexual assault against Plaintiff on the
18 premises owned, operated, and controlled by Defendant DOE 1 and Defendant DOE 3, including in
19 classrooms at DOE 3. PERPETRATOR's sexual assault of Plaintiff included, but was not limited
20 to: PERPETRATOR pinning Plaintiff down on the ground, rubbing his body against Plaintiff;
21 PERPETRATOR massaging, rubbing and groping Plaintiff's genitals; and requiring Plaintiff to "go
22 for the groin" and manipulate PERPETRATOR's erect penis. PERPETRATOR's sexual abuse of
23 Plaintiff began when Plaintiff was approximately 15 years old and lasted for approximately two
24 years, until Plaintiff was approximately 17 years old.

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

27 34. This childhood sexual abuse constitutes "childhood sexual assault" pursuant to Code
28 of Civil Procedure section 340.1(d) as amended by Assembly Bill 218, including any act committed

1 against Plaintiff that occurred when the Plaintiff was under the age of 18 years and that would have
2 been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1) or
3 (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or (b)
4 of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c), of
5 Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section 289
6 of the Penal Code; any sexual conduct as defined in paragraph (1) of subdivision (d) of Section
7 311.4 of the Penal Code; Section 647.6 of the Penal Code; and/or any prior laws of this state of
8 similar effect at the time the act was committed.

9 35. Plaintiff did not, and was unable to give free or voluntary consent to the sexual acts
10 perpetrated against Plaintiff by PERPETRATOR, as Plaintiff was a minor child at the time of the
11 abuse alleged herein.

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

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

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

24 39. PERPETRATOR at all times material hereto was an employee, agent and/or
25 representative of Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE Defendants.
26 PERPETRATOR engaged in unlawful sexual conduct with Plaintiff when Plaintiff was a minor.
27 Defendants are vicariously liable for the childhood sexual abuse committed by PERPETRATOR,
28 including, but not limited to, through the theories of respondent superior, ratification, and

1 authorization. PERPETRATOR's childhood sexual misconduct with Plaintiff occurred while he
2 was functioning on behalf of Defendants, and was made possible because of that agency.

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

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

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

25 43. Defendants have failed to uphold numerous mandatory duties imposed upon them by
26 state and federal law, and by written policies and procedures applicable to Defendants.

27 44. As a minor at DOE 3, which was owned, operated, and controlled by the Defendants,
28 and where PERPETRATOR was employed, retained, and worked, Plaintiff was under Defendants'

1 direct supervision, care, and control. This constituted a special relationship, fiduciary relationship
2 and/or special care relationship between Plaintiff and Defendants. Additionally, as a minor child
3 under the custody, care, and control of Defendants, Defendants stood *in loco parentis* with respect
4 to Plaintiff while Plaintiff was at DOE 3. As the responsible parties and/or employers controlling
5 PERPETRATOR, the Defendants were also in a special relationship with Plaintiff, and owed
6 special duties to Plaintiff.

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

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

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

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

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

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

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

17 **FIRST CAUSE OF ACTION**
18 **NEGLIGENCE**
19 **(As to ALL Defendants)**

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

22 53. Defendants' conduct, actions, and omissions served to create an environment in
23 which PERPETRATOR was afforded years of continuous secluded access to minor children,
24 including Plaintiff, who was approximately 15 to 17 years of age at the time PERPETRATOR
25 committed acts of childhood sexual assault against Plaintiff.

26 54. At the time PERPETRATOR performed the acts alleged herein it was or should have
27 been reasonably foreseeable to Defendants that by continuously exposing and making Plaintiff
28 available to PERPETRATOR, Defendants were placing Plaintiff at grave risk of being sexually

1 assaulted by PERPETRATOR. By knowingly subjecting Plaintiff to this foreseeable danger,
2 Defendants were duty-bound to take reasonable steps and implement reasonable safeguards to
3 protect Plaintiff from PERPETRATOR. Further, at all times alleged herein, Defendants possessed a
4 sufficient degree of control over PERPETRATOR's personal and business affairs so as to keep
5 PERPETRATOR away from Plaintiff and other minor children, and prevent any childhood sexual
6 assault against them. Defendants, however, failed to take reasonable steps or implement reasonable
7 safeguards for Plaintiff's protection.

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

11 **NEGLIGENT SUPERVISION OF PERPETRATOR**

12 56. Defendants owed Plaintiff a duty to provide reasonable supervision over
13 PERPETRATOR, to use reasonable care in investigating PERPETRATOR's background, and to
14 provide adequate warning to the Plaintiff, and others, of PERPETRATOR's dangerous propensities.

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

24 58. As an institution entrusted with the care of minors, where staff, employees, agents,
25 and management, such as PERPETRATOR, were placed in contact with minor children, the
26 Defendants expressly and implicitly represented that these individuals, including PERPETRATOR,
27 were not a threat to children and others who would fall under PERPETRATOR's influence, control,
28

1 direction, and guidance.

2 59. Defendants were aware or had reason to have been aware of how vulnerable children
3 were to sexual harassment, assault, and abuse by mentors, clerics, advisors, teachers, counselor and
4 other persons of authority within the Defendants.

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

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

13 **NEGLIGENT RETENTION OF PERPETRATOR**

14 62. Defendants owed Plaintiff a duty not to retain PERPETRATOR given his pedophile
15 propensities, which Defendants knew or had reason to know had they engaged in a meaningful and
16 adequate investigation of his background.

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

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

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

4
5 **SECOND CAUSE OF ACTION**
6 **NEGLIGENCE**
7 **(As to ALL Defendants)**

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

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

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

13 68. Defendant DOE 1, a corporation sole, Defendant DOE 2, DOE 3, and DOE 4
14 through DOE 100 are liable for the acts and omissions of their employees and agents, including
15 PERPETRATOR, acting within the course and scope of their employment and/or agency. At all
16 times herein, Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE
17 100's employees, including PERPETRATOR, were acting within the course and scope of their
18 employment.

19 69. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE
20 100 had a duty to provide supervision of Plaintiff, a minor, and to use reasonable care in supervising
21 Plaintiff, a minor, when Plaintiff was involved in activities sponsored, supervised, organized,
22 directed, and/or operated by Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4
23 through DOE 100, or their agents and employees.

24 70. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE
25 100 breached their duty of care.

26 71. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE
27 100 negligently failed to properly and/or adequately supervise Plaintiff, a minor, and failed to use
28 reasonable care in protecting Plaintiff, a minor, from PERPETRATOR's misconduct that created a
risk of childhood sexual assault while Plaintiff, a minor, was involved in activities sponsored,

1 supervised, organized, directed, and/or operated by Defendant DOE 1, Defendant DOE 2,
2 Defendant DOE 3, and DOE 4 through DOE 100's and their agents and/or employees.

3 72. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE
4 100's breach was a substantial factor in PERPETRATOR's childhood sexual assault of Plaintiff.

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

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

11 **PRAYER FOR RELIEF**

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

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

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

17 3. For damages for past loss wages and past earning capacity and/or future lost wages
18 and loss of earning capacity according to proof at the time of trial;

19 4. For treble damages against Defendant DOE 1, a corporation sole, Defendant DOE 2,
20 a religious entity form unknown, Defendant DOE 3, a religious entity form unknown, and
21 Defendants DOE 4 through DOE 100, as authorized by section 340.1 of the Code of Civil
22 Procedure, as amended by Assembly Bill 218;

23 5. For interest as allowed by law;

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6. For costs of suit herein; and

7. For such other and further relief as the Court deems proper.

DATED: December 23, 2019

JEFF ANDERSON & ASSOCIATES



MICHAEL RECK
MICHAEL G. FINNEGAN
JENNIFER E. STEIN
Attorneys for Plaintiff JOHN DOE LA 1002


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DEMAND FOR TRIAL

Plaintiff JOHN DOE LA 1002 hereby demands a trial by jury in this matter.

DATED: Decemeber 23, 2019

JEFF ANDERSON & ASSOCIATES



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