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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF ALAMEDA**

14 JAMES BROGAN, an individual

15 Plaintiff,

16 vs.

17 DOE 1, a Religious Corporation Sole,

18 DOE 2, a religious entity form unknown,

19 and DOE 3 through DOE 100.

20 Defendant(s).

Case No. **HG19048691**

COMPLAINT FOR DAMAGES:

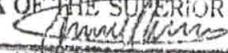
1. **NEGLIGENCE—NEGLIGENT SUPERVISION, NEGLIGENT RETENTION**
2. **NEGLIGENCE- NEGLIGENT SUPERVISION OF PLAINTIFF, THEN A MINOR**

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

DEMAND FOR JURY TRIAL

**ENDORSED
FILED
ALAMEDA COUNTY**

DEC 30 2019

CLERK OF THE SUPERIOR COURT
By 
JAMIE THOMAS, Deputy

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) **DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

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

6 **PARTIES**

7 1. Plaintiff is a natural person who was the resident of the County of Alameda, State of
8 California, at all relevant times mentioned herein. Plaintiff was born in 1963. Plaintiff was a minor
9 throughout the period of childhood sexual assault alleged herein. Plaintiff brings this Complaint
10 pursuant to Code of Civil Procedure Section 340.1, as amended by Assembly Bill 218, for damages
11 suffered as a result of childhood sexual assault.

12 2. Plaintiff is informed and believes and thereon alleges that at all times material
13 hereto, Defendant DOE 1 was and continues to be a Religious Corporation Sole, which includes but
14 is not limited to civil corporations, decision making entities, officials, and employees, authorized to
15 conduct business, incorporated in, and conducting business in the State of California, with its
16 principal place of business in Alameda County, California. Defendant DOE 1 purposely conducts
17 substantial business operations in and throughout the State of California and Alameda County.
18 Defendant DOE 1 is responsible for Roman Catholic Church operations in Alameda County,
19 California. DOE 1 is responsible for the funding, staffing and direction of the parishes, parochial
20 schools, fraternal organizations and other facilities and institutions within the geographic area of the
21 Alameda County, and encompasses other counties in Northern California. Defendant DOE 1 was
22 the primary entity owning, operating and controlling the activities and behavior of its employees
23 and agents at Defendant DOE 2, including Father George Crespin (“PERPETRATOR”), DOE 3
24 through DOE 100, and all other employees, agents and supervisors of Defendants. Plaintiff is
25 further informed, believes and thereon alleges that Defendant DOE 1 had sole authority and
26 responsibility to control and supervise the ministry of PERPETRATOR from at least 1974 through
27 1994.

28 3. Plaintiff is informed and believes and thereon alleges that at all times material

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

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

18 5. Plaintiff is informed and believes and thereon alleges that PERPETRATOR was a
19 cleric with DOE 1, DOE 2, and DOE 3 through DOE 100, and was assigned as a priest and vicar
20 between approximately 1974 through in or around 1994.

21 6. DOE 1, DOE 2, and DOE 3 through DOE 100 are hereby referred to as
22 "Defendants."

23 7. Plaintiff is informed and believes and thereon alleges that the true names and
24 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as
25 Defendant DOE 3 through DOE 100, inclusive, are currently unknown to Plaintiff, who therefore
26 sues DOE Defendants by such fictitious names, and who will amend the Complaint to show their
27 true names and capacities when such names have been ascertained. Plaintiff is informed and
28 believes and thereon alleges that DOE Defendants are legally responsible in some manner for the

1 events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages
2 alleged in this Complaint.

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

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

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

22 FACTS

23 11. Plaintiff is informed and believes that PERPETRATOR was ordained a Roman
24 Catholic priest and became one of the first ordained priests of Defendant DOE 1, in 1962.
25 PERPETRATOR was employed by Defendant DOE 1. PERPETRATOR remained under the direct
26 supervision, employ, and control of se Defendants. Defendant DOE 1 and Defendant DOE 2 placed
27 PERPETRATOR in positions where he had access to and worked with children as an integral part
28 of his work.

1 12. PERPETRATOR became priest at Defendant DOE 2, in Union City, California, in or
2 around 1972. PERPETRATOR served the parishioners and community of Defendants.
3 PERPETRATOR was assigned to various locations in the DIOCESE including Cathedral of St.
4 Francis De Sales in Oakland, Corpus Christi in Piedmont, St. Patrick’s Seminary in Menlo Park,
5 and was assigned to Our Lady of the Rosary in Union City beginning in approximately 1972.
6 PERPETRATOR worked at Our Lady of the Rosary until approximately 1979. Thereafter,
7 PERPETRATOR continued working in DIOCESE at St. Bernard’s in Oakland, St. Joseph The
8 Workman in Berkeley, Multicultural Institute in Berkeley, and St. Cornelius in Richmond, and
9 served as an Officer of DOE 1 in the roles of Chancellor and Vicar General. PERPETRATOR
10 retired a priest of DIOCESE in approximately 2007 and remains a retired priest of DIOCESE as of
11 2019.

12 13. PERPETRATOR is known to have sexually assaulted children, other than Plaintiff.

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

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

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

1 a third similar treatment provider for priest who engage in sexual misconduct and has treatment
2 centers in Maryland, Kentucky, and Missouri.

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

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

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

26 20. Plaintiff was raised in Hayward, California, in a devoutly Catholic family. When
27 Plaintiff was a young boy, he and his family attended DOE 2, which was owned, operated,
28 controlled and run by Defendants. Plaintiff and Plaintiff's family came in contact with

1 PERPETRATOR as an agent and representative of Defendants, and at DOE 2. Plaintiff participated
2 in youth activities and church activities at DOE 2. Plaintiff therefore developed great admiration,
3 trust, reverence and respect for the Roman Catholic Church, including Defendants and their agents,
4 including PERPETRATOR. During and through these activities, Plaintiff, as a minor and
5 vulnerable child, was dependent on Defendants and their agents, including PERPETRATOR.
6 Defendants had custody of Plaintiff and accepted the entrustment of Plaintiff. Defendants has
7 responsibility for Plaintiff and authority over him.

8 21. While performing his duties as a priest, and for the purpose of furthering the duties
9 required in that role, PERPETRATOR befriended Plaintiff and gained Plaintiff's trust and
10 confidence as a spiritual guide, authority figure, and trustworthy mentor. In approximately 1975,
11 when Plaintiff was approximately eleven (11) years old and a PERPETRATOR committed acts of
12 childhood sexual assault against Plaintiff.

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

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

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

27 25. During and through these activities, Plaintiff, as a minor and vulnerable child, was
28 dependent on Defendants and their agents, including PERPETRATOR. Plaintiff was under the

1 custody and control of Defendant DOE 1 and Defendant DOE 2, who had control over Plaintiff's
2 welfare and who were responsible for running the DOE 2 with a duty to protect Plaintiff because he
3 was in a special relationship with Defendant DOE 1, Defendant DOE 2, and DOE Defendants.
4 Defendant DOE 1 and Defendant DOE 2 had accepted the entrustment of Plaintiff and had
5 responsibility for Plaintiff and authority over Plaintiff.

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

12 27. PERPETRATOR sexually molested, assaulted and abused Plaintiff on the premises
13 owned, operated, and controlled by Defendant DOE 1 and Defendant DOE 2. PERPETRATOR's
14 sexual abuse of Plaintiff included, but was not limited to: sexual touching. PERPETRATOR's
15 sexual abuse of Plaintiff began when Plaintiff was approximately eleven years old.

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

18 29. This childhood sexual abuse constitutes "childhood sexual assault" pursuant to Code
19 of Civil Procedure section 340.1(d) as amended by Assembly Bill 218, including any act committed
20 against Plaintiff that occurred when the Plaintiff was under the age of 18 years and that would have
21 been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1)
22 or (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or
23 (b) of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c),
24 of Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section
25 289 of the Penal Code; any sexual conduct as defined in paragraph (1) of subdivision (d) of Section
26 311.4 of the Penal Code; Section 647.6 of the Penal Code; and/or any prior laws of this state of
27 similar effect at the time the act was committed.

28 30. Plaintiff did not, and was unable to give free or voluntary consent to the sexual acts

1 perpetrated against Plaintiff by PERPETRATOR, as Plaintiff was a minor child at the time of the
2 abuse alleged herein.

3 31. By using his position within Defendants' institutions, Defendant DOE 1, Defendant
4 DOE 2, DOE Defendants and PERPETRATOR, demanded and required that Plaintiff respect
5 PERPETRATOR in his position as a priest, teacher, spiritual advisor, confidant, counselor and
6 mentor for Defendants.

7 32. As a direct and proximate result of PERPETRATOR's childhood sexual assault
8 against Plaintiff, which was enabled and facilitated by Defendants, and each of them, 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 33. As a direct and proximate result of Plaintiff's sexual abuse by PERPETRATOR,
12 which was enabled and facilitated by Defendants, and each of them, Plaintiff has suffered economic
13 injury, all to Plaintiff's general, special and consequential damage in an amount to be proven at
14 trial, but in no event less than the minimum jurisdictional amount of this Court.

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

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

28 36. The Defendants ratified and authorized PERPETRATOR's childhood sexual abuse

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

11 37. By taking the above wrongful, negligent, and/or intentional actions and/or failing to
12 act after having knowledge or having reason to know of such childhood sexual abuse of Plaintiff
13 and/or other minors, Defendants ratified and authorized PERPETRATOR's sexual abuse of minors.
14 By ratifying PERPETRATOR's sexual abuse of minors, Defendants in legal effect committed and
15 caused the childhood sexual abuse of Plaintiff when Plaintiff was a minor.

16 38. Defendants failed to uphold numerous mandatory duties imposed upon them by state
17 and federal law, and by written policies and procedures applicable to Defendants.

18 39. As a minor at DOE 2, which was owned, operated, and controlled by the Defendants,
19 and where PERPETRATOR was employed, retained, and worked, Plaintiff was under Defendants'
20 direct supervision, care, and control. This constituted a special relationship, fiduciary relationship
21 and/or special care relationship between Plaintiff and Defendants. Additionally, as a minor child
22 under the custody, care, and control of Defendants, Defendants stood *in loco parentis* with respect
23 to Plaintiff while Plaintiff was at DOE 2. As the responsible parties and/or employers controlling
24 PERPETRATOR, the Defendants were also in a special relationship with Plaintiff, and owed
25 special duties to Plaintiff.

26 40. Defendants knew or had reason to know, or were otherwise on notice, that
27 PERPETRATOR had engaged in unlawful sexual-related conduct with minors in the past, and/or
28 was continuing to engage in such conduct with Plaintiff, and failed to take reasonable steps, and to

1 implement reasonable safeguards, to avoid acts of unlawful sexual conduct in the future by
2 PERPETRATOR.

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

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

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

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

20 45. Defendants also implemented various measures designed to make or which
21 effectively made PERPETRATOR's conduct harder to detect.

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

1 51. 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 **NEGLIGENT SUPERVISION OF PERPETRATOR**

5 52. Defendants owed Plaintiff a duty to provide reasonable supervision over
6 PERPETRATOR, to use reasonable care in investigating PERPETRATOR's background, and to
7 provide adequate warning to the Plaintiff, and others, of PERPETRATOR's dangerous propensities.

8 53. Defendants, by and through their respective agents, servants and employees, knew or
9 had reason to know of PERPETRATOR's dangerous and exploitive propensities. Despite such
10 knowledge, Defendants negligently failed to supervise PERPETRATOR, a supervisor of minor
11 children with the propensity and ability to commit wrongful acts against Plaintiff. Defendants
12 failed to provide reasonable supervisions of PERPETRATOR, failed to use reasonable care in
13 investigating PERPETRATOR, and failed to provide adequate warning to Plaintiff and others of
14 PERPETRATOR's dangerous propensities and unfitness. Defendants further failed to take
15 reasonable measures to prevent the childhood sexual abuse, molestation and harassment of minor
16 children, including Plaintiff.

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

22 55. Defendants were aware or had reason to have been aware of how vulnerable children
23 were to sexual harassment, molestation and abuse by mentors, advisors, teachers, counselor and
24 other persons of authority within the Defendants.

25 56. Defendants breached their duty to Plaintiff by, *inter alia*, failing to adequately
26 monitor and supervise PERPETRATOR and failing to stop PERPETRATOR from committing
27 wrongful sexual acts with minors, including Plaintiff. Plaintiff is informed and believes that
28

1 employees, staff and agents of Defendants knew and/or suspected the abuse was occurring at the
2 time and failed to investigate the matter further.

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

6 **NEGLIGENT RETENTION OF PERPETRATOR**

7 58. Defendants owed Plaintiff a duty not to retain PERPETRATOR given his pedophile
8 propensities, which Defendants knew or had reason to know had they engaged in a meaningful and
9 adequate investigation of his background.

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

15 60. Defendants knew or had reason to know, suspected or otherwise been on notice of
16 PERPETRATOR's misconduct, that he had sexually assaulted other minors and or that
17 PERPETRATOR was and had sexually abused Plaintiff.

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

21 **SECOND CAUSE OF ACTION**
22 **NEGLIGENCE**
23 **(As to ALL Defendants)**

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

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

27 63. Plaintiff's Second Cause of action is an alternative additional theory of liability as
28 alleged as against DOE 1, DOE 2, and DOE 3 through DOE 100.

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

6 65. Defendant DOE 1, Defendant DOE 2, and DOE 3 through DOE 100 had a duty to
7 provide supervision of Plaintiff, a minor, and to use reasonable care in supervising Plaintiff, a
8 minor, when Plaintiff was involved in activities sponsored, supervised, organized, directed, and/or
9 operated by Defendant DOE 1, Defendant DOE 2, and DOE 3 through DOE 100, or their agents
10 and employees.

11 66. Defendant DOE 1, Defendant DOE 2, and DOE 3 through DOE 100 breached their
12 duty of care.

13 67. Defendant DOE 1, Defendant DOE 2, and DOE 3 through DOE 100 negligently
14 failed to properly and/or adequately supervise Plaintiff, a minor, and failed to use reasonable care in
15 protecting Plaintiff, a minor, from PERPETRATOR's misconduct that created a risk of childhood
16 sexual assault while Plaintiff, a minor, was involved in activities sponsored, supervised, organized,
17 directed, and/or operated by Defendant DOE 1, Defendant DOE 2, and DOE 3 through DOE 100's
18 and their agents and/or employees.

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

21 69. As a direct, legal, and proximate cause of Defendant DOE 1, Defendant DOE 2, and
22 DOE 3 through DOE 100's acts, omissions and/or negligence, PERPETRATOR committed acts of
23 childhood sexual assault against Plaintiff.

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

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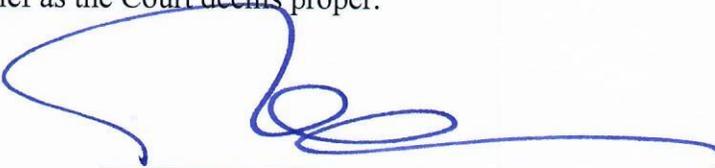
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1 **PRAYER FOR RELIEF**

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

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

15 DATED: December 30, 2019

16 
17 _____
18 **FURTADO, JASPOVICE & SIMONS**
19 RICHARD SIMONS SBN 72676

20 **JEFF ANDERSON & ASSOCIATES**
21 MICHAEL RECK
22 MICHAEL G. FINNEGAN
23 JOSEPH GEORGE, JR.
24 JENNIFER E. STEIN

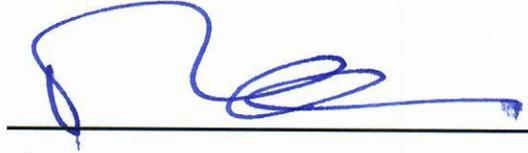
25 Attorneys for Plaintiff, **JAMES BROGAN**

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DEMAND FOR TRIAL

Plaintiff hereby demands a trial by jury in this matter.

DATED: December 30, 2019



FURTADO, JASPOVICE & SIMONS
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Attorneys for Plaintiff, **JAMES BROGAN**