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

9 **FOR THE COUNTY OF ORANGE**

Judge Sheila Fell

10)
11) JOHN DOE OG 1003, an individual)

12) Plaintiff,)

13) vs.)

14) DOE 1, a Corporation Sole,)

15) DOE 2, a Domestic Non-Profit, and)

16) DOE 3 through DOE 100.)

17) Defendant(s).)

Case No. 30-2019-01120133-CU-PO-CJC

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 OG 1003 (“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, and DOE 3 through DOE 100
5 (collectively “Defendants”):

6 **PARTIES**

7 1. Plaintiff is a natural person who was the resident of the County of Orange, State of
8 California, at all relevant times mentioned herein. The name utilized by Plaintiff in this Complaint
9 is a fictitious name used to protect his privacy as a victim of childhood sexual assault, as defined by
10 section 340.1 of the Code of Civil Procedure. Plaintiff was born in 1963. Plaintiff was a minor
11 throughout the period of childhood sexual assault alleged herein. Plaintiff brings this Complaint
12 pursuant to Code of Civil Procedure Section 340.1, as amended by Assembly Bill 218, for damages
13 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, established in 1976, which
16 includes, but is not limited to, civil corporations, decision making entities, officials, and employees,
17 authorized to conduct business, incorporated in, and conducting business in the State of California,
18 with its principal place of business at 13280 Chapman Avenue, Garden Grove, California 92840, in
19 Orange County. Defendant DOE 1 purposely conducts substantial business operations in and
20 throughout the State of California and County of Orange. Defendant DOE 1 is responsible for
21 Roman Catholic Church operations in and throughout Orange County, California. DOE 1 is
22 responsible for the funding, staffing and direction of the parishes, parochial schools, fraternal
23 organizations and other facilities and institutions within the geographic area of the County of
24 Orange. Defendant DOE 1 was the primary entity owning, operating, and controlling the activities
25 and behavior of its employees and agents at Defendant DOE 2, including Fr. Michael Harris
26 (“PERPETRATOR”), DOE 3 through DOE 100, and all other employees, agents and supervisors of
27 Defendants. Plaintiff is further informed, believes and thereon alleges that Defendant DOE 1 had
28 sole authority and responsibility to control and supervise the ministry of PERPETRATOR from at

1 least 1976 through at least 2001.

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

10 4. Plaintiff is informed and believes and thereon alleges that at all times material
11 hereto, Defendant DOE 2 was and is a religious institution organized under the laws of the State of
12 California as a domestic non-profit, which includes but is not limited to civil corporations, decision
13 making entities, officials and employees authorized to conduct business and conducting business in
14 the State of California, with its principle place of business in Santa Ana, California. At all times
15 material, Defendant DOE 2 was and continues to be under the direct authority, control and province
16 of Defendant DOE 1 and the Bishop. DOE 2 includes, but is not limited to, the school corporation
17 and entity. Defendant DOE 2 is responsible for the funding, staffing, and direction of a Catholic
18 school located at 1202 W. Edinger, Santa Ana, California.

19 5. Plaintiff is informed and believes and thereon alleges that PERPETRATOR was a
20 cleric with DOE 1, DOE 2, and DOE 3 through DOE 100, and was assigned to DOE 2 between
21 approximately 1978 through in or around 1987.

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

1 alleged in this Complaint.

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

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

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

21 **FACTS**

22 10. Plaintiff is informed and believes that PERPETRATOR was ordained a Roman
23 Catholic priest in 1972. PERPETRATOR was employed by Defendant DOE 1. PERPETRATOR
24 remained under the direct supervision, employ, and control of Defendants. Defendant DOE 1 and
25 Defendant DOE 2 placed PERPETRATOR in positions where he had access to and worked with
26 children as an integral part of his work.

27 11. PERPETRATOR became priest for Defendant DOE 1 in 1976 and was first assigned
28 within DOE 1 at Defendant DOE 2, in Santa Ana, California, in or around 1978. PERPETRATOR

1 served the parishioners and community of Defendants as a priest and the principal of DOE 2.

2 12. PERPETRATOR was ordained a cleric in 1972. PERPETRATOR was assigned as a
3 priest within the Archdiocese of Los Angeles, the predecessor interest of DOE 1, from
4 approximately 1973 to approximately 1975. In approximately 1976, PERPETRATOR was assigned
5 within the geographical bounds of Defendant DOE 1, where he remained assigned until at least
6 2001. From approximately 1978 through approximately 1987, PERPETRATOR was assigned to
7 and served at DOE 2 as a cleric and the principal.

8 13. PERPETRATOR has been listed in the Archdiocese of Los Angeles' "Report to the
9 People of God", as revised February 18, 2004, on their list of priests and religious who have
10 sexually abused minors, with incidents of abuse beginning in 1972 and continuing through 1990.
11 The Archdiocese of Los Angeles reports 12 accusers have come forward alleging sexual abuse by
12 PERPETRATOR during the 1972-1990 time period. Defendant DOE 1 has also publicly named
13 PERPETRATOR as a "former member of [DOE 1's] clergy who have been removed from ministry
14 resulting from a credible allegation of sexual abuse, as determined by our independent Oversight
15 Review Board."

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

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

23 16. Because of problems of sexual misconduct (including childhood sexual assault) of
24 Catholic clergy, the Catholic Church and other organizations sponsored treatment centers for priests
25 that had been involved in sexual misconduct. One such treatment center is the Saint John Vianney
26 Center, (founded in 1946) represented on its public website that is/was "the longest running,
27 internationally renowned, behavioral health facility in North America for Clergy and Religious."
28 Similarly, a different treatment center, the Servants of the Paraclete represented that it "is an

1 international religious community founded... in 1947 with a specific ministry to serve fellow priests
2 and brothers who are facing particular challenge in their vocations and lives” with locations in
3 across the country, including in the states of Missouri and New Mexico. The Saint Luke Institute, is
4 a third similar treatment provider for priest who engage in sexual misconduct and has treatment
5 centers in Maryland, Kentucky, and Missouri.

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

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

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

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

4 21. Plaintiff was raised in the County of Orange in a devoutly Catholic family and was a
5 student at Defendant DOE 2. When Plaintiff was a young child, Plaintiff and Plaintiff's family
6 attended DOE 2, which was owned, operated, controlled and run by Defendant DOE 1 and
7 Defendant DOE 2. Plaintiff and Plaintiff's family came in contact with PERPETRATOR as an
8 agent and representative of Defendants, and at DOE 2.

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

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

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

28 25. In approximately 1977 and through approximately 1978, when Plaintiff was

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

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

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

17 28. PERPETRATOR committed acts of childhood sexual assault against Plaintiff on the
18 premises owned, operated, and controlled by Defendant DOE 1 and Defendant DOE 2, including in
19 Perpetrator's office at DOE 2. PERPETRATOR's sexual assault of Plaintiff included, but was not
20 limited to: PERPETRATOR summoning Plaintiff into his office (the Principal's office) under the
21 guise of discussing his grades; PERPETRATOR proceeded to tell Plaintiff that his grades were too
22 poor for him to continue his education at DOE 2; Plaintiff was visibly distraught and worried about
23 how his mother would react knowing how hard she had worked to get Plaintiff into DOE 2;
24 PERPETRATOR comforted Plaintiff and during this encounter forced Plaintiff's penis from his
25 clothes and began forcibly performing oral sex on Plaintiff.

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

28 30. This childhood sexual abuse constitutes "childhood sexual assault" pursuant to Code

1 of Civil Procedure section 340.1(d) as amended by Assembly Bill 218, including any act committed
2 against Plaintiff that occurred when the Plaintiff was under the age of 18 years and that would have
3 been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1)
4 or (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or
5 (b) of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c),
6 of Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section
7 289 of the Penal Code; any sexual conduct as defined in paragraph (1) of subdivision (d) of Section
8 311.4 of the Penal Code; Section 647.6 of the Penal Code; and/or any prior laws of this state of
9 similar effect at the time the act was committed.

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

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

17 33. As a direct and proximate result of PERPETRATOR's childhood sexual assault
18 against Plaintiff, which was enabled and facilitated by Defendants, and each of them, 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 34. As a direct and proximate result of Plaintiff's sexual abuse by PERPETRATOR,
22 which was enabled and facilitated by Defendants, and each of them, Plaintiff has suffered economic
23 injury, all to Plaintiff's general, special and consequential damage in an amount to be proven at
24 trial, but in no event less than the minimum jurisdictional amount of this Court.

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

1 limited to through the theories of respondent superior, ratification, and authorization.

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

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

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

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

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

28 40. As a minor at DOE 2, which was owned, operated, and controlled by the Defendants,

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

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

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

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

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

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

1 including Plaintiff.

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

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

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

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

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

27 50. At the time PERPETRATOR performed the acts alleged herein it was or should have
28 been reasonably foreseeable to Defendants that by continuously exposing and making Plaintiff

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

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

12 **NEGLIGENT SUPERVISION OF PERPETRATOR**

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

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

25 54. As an institution entrusted with the care of minors, where staff, employees, agents,
26 and management, such as PERPETRATOR, were placed in contact with minor children, the
27 Defendants expressly and implicitly represented that these individuals, including PERPETRATOR,
28

1 were not a threat to children and others who would fall under PERPETRATOR's influence, control,
2 direction, and guidance.

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

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

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

14 **NEGLIGENT RETENTION OF PERPETRATOR**

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

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

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

27 61. As a direct and proximate result of Defendants' acts and omissions Plaintiff has
28

1 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
2 to be proven at the time of trial.

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

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

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

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

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

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

22 66. Defendant DOE 1, Defendant DOE 2, and Defendants DOE 3 through DOE 100
23 breached their duty of care.

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

1 Defendants DOE 3 through DOE 100's and their agents and/or employees.

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

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

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

10 **PRAYER FOR RELIEF**

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

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

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

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

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

21 5. For interest as allowed by law;

22 6. For costs of suit herein; and

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

24 DATED: December 23, 2019

JEFF ANDERSON & ASSOCIATES

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27 MICHAEL RECK
MICHAEL G. FINNEGAN
JENNIFER E. STEIN
28 Attorneys for Plaintiff JOHN DOE OG 1003


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DEMAND FOR TRIAL

Plaintiff JOHN DOE OF 1003 hereby demands a trial by jury in this matter.

DATED: December 23, 2019

JEFF ANDERSON & ASSOCIATES



MICHAEL RECK
MICHAEL G. FINNEGAN
JENNIFER E. STEIN
Attorneys for Plaintiff JOHN DOE OG 1003