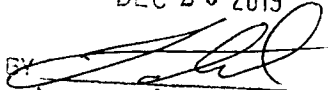


1 Michael Reck, State Bar No. 209895
mreck@andersonadvocates.com
2 Michael G. Finnegan, State Bar No. 241091
mike@andersonadvocates.com
3 Jennifer E. Stein, State Bar No. 300775
jennifer@andersonadvocates.com
4 **JEFF ANDERSON & ASSOCIATES**
11812 San Vicente Boulevard, Suite 503
5 Los Angeles, California 90049
Tel: 310-357-2425
6 Fax: 651-297-6543

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

DEC 26 2019


Liliana Maisel DEPUTY

7 Attorneys for Plaintiff NICK FLORES

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

9 **FOR THE COUNTY OF SAN BERNARDINO**

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NICK FLORES, an individual
Plaintiff,

vs.

DOE 1, a Corporation Sole,
DOE 2, a religious entity form unknown,
DOE 3, a religious entity form unknown, and
DOE 4 through DOE 100.
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**

1 Michael Reck, State Bar No. 209895
mreck@andersonadvocates.com
2 Michael G. Finnegan, State Bar No. 241091
mike@andersonadvocates.com
3 Jennifer E. Stein, State Bar No. 300775
jennifer@andersonadvocates.com
4 **JEFF ANDERSON & ASSOCIATES**
11812 San Vicente Boulevard, Suite 503
5 Los Angeles, California 90049
Tel: 310-357-2425
6 Fax: 651-297-6543

7 Attorneys for Plaintiff NICK FLORES

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

9 **FOR THE COUNTY OF SAN BERNARDINO**

10)
11 NICK FLORES, an individual)
12) Plaintiff,)
13 vs.)
14 DOE 1, a Corporation Sole,)
15 DOE 2, a religious entity form unknown,)
16 DOE 3, a religious entity form unknown, and)
17 DOE 4 through DOE 100.)
18 Defendant(s).)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

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

1 **COMPLAINT FOR DAMAGES**

2 Based upon information and belief available to Plaintiff NICK FLORES (“Plaintiff”) at the
3 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 State of California, at all
8 relevant times mentioned herein. The name utilized by Plaintiff in this Complaint is a fictitious
9 name used to protect Plaintiff’s 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 1977. 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 as a diocese in
16 1978, which includes, but is not limited to, civil corporations, decision making entities, officials,
17 and employees, authorized to conduct business, incorporated in, and conducting business in the
18 State of California, with its principal place of business in San Bernardino County. Defendant DOE 1
19 purposely conducts substantial business operations in and throughout the State of California and
20 County of San Bernardino, among others. Defendant DOE 1 is responsible for Roman Catholic
21 Church operations in the counties of San Bernardino and Riverside. DOE 1 is responsible for the
22 funding, staffing and direction of the parishes, parochial schools, fraternal organizations, and other
23 facilities and institutions within the geographic area of the Counties of San Bernardino and
24 Riverside. Defendant DOE 1 was the primary entity owning, operating, and controlling the
25 activities and behavior of its employees and agents at Defendant DOE 3, including Fr. Louis G.
26 Perrault, C.S.Sp. (“PERPETRATOR”), DOE 4 through DOE 100, and all other employees, agents
27 and supervisors of Defendants. Plaintiff is further informed, believes and thereon alleges that
28 Defendant DOE 1 had authority and responsibility to control and supervise the ministry of

1 PERPETRATOR from at least 1988 through 2000.

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 alleged that at all times material
11 hereto, Defendant DOE 2, a religious entity of form unknown, was and continues to be a religious
12 order of priests and brothers affiliated with the Roman Catholic Church with its United States
13 headquarters and principal place of business in Houston, Texas.

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

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

26 7. Plaintiff is informed and believes and thereon alleges that at all times material
27 hereto, Defendant DOE 3 was and is a religious institution organized under the laws of the State of
28 California as a religious entity of form unknown, which includes but is not limited to civil

1 corporations, decision making entities, officials and employees authorized to conduct business and
2 conducting business in the State of California, with its principle place of business in the County of
3 San Bernardino. Defendant DOE 3 includes, but is not limited to, the Defendant DOE 3
4 organization and any other organizations and/or entities operating under the same or similar name
5 with the same or similar principal place of business. At all times material, Defendant DOE 3 was
6 and continues to be under the direct authority, control and province of Defendant DOE 1 and the
7 Bishop. DOE 3 includes, but is not limited, to the parish corporation and entity. Defendant DOE 3 is
8 responsible for the funding, staffing, and direction of a Catholic parish located in San Bernardino.
9 At all times material, Defendant DOE 3 and Defendant DOE 1 owned, operated, managed,
10 maintained and controlled Defendant DOE 3.

11 8. Plaintiff is informed and believes and thereon alleges that PERPETRATOR was a
12 cleric with DOE 1, DOE 2, DOE 3, and DOE 4 through DOE 100, and was assigned to DOE 3
13 between approximately 1988 through in or around 1997.

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

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

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

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

FACTS

13. Plaintiff is informed and believes that PERPETRATOR was ordained a Roman Catholic priest in 1962. PERPETRATOR was employed by Defendant DOE 1, Defendant DOE 2, and Defendant DOE 3. PERPETRATOR remained under the direct supervision, employ, and control of Defendants. Defendant DOE 1, Defendant DOE 2, and Defendant DOE 3 placed PERPETRATOR in positions where he had access to and worked with children as an integral part of his work.

14. PERPETRATOR became priest at Defendant DOE 3, in Hemet, California, in or around 1988. PERPETRATOR served the parishioners, students and community of Defendants.

15. PERPETRATOR was ordained a cleric in 1962. PERPETRATOR was assigned to Gerard High School in Phoenix, Arizona, in 1964 and subsequently transferred and assigned to Sacred Heart of Jesus in Lake Charles, Louisiana in 1972, reassigned to DOE 2's facilities in San Antonio, Texas, and eventually publicly reassigned to DOE 3 in Hemet, California, in the mid-to-late 1980s where he served as a cleric, counselor, and spiritual and educational advisor to children and parishioners until at least 1997. PERPETRATOR was assigned within the geographical boundaries of Defendant DOE 1 from at least 1988 until at least 2000, and has continued his clerical

1 assignments across the country since that time. Public documents released by Defendant DOE 1,
2 identify PERPETRATOR as being assigned within DOE 1 at DOE 3 from 1986-1995.

3 16. As of Defendant DOE 1's list of "Clergy Credibly Accused of Child Sexual Abuse,"
4 PERPETRATOR has been disclosed by DOE 1 as a priest with "credible allegations of child sexual
5 abuse in [DOE 1]." PERPETRATOR is further identified as being assigned at DOE 3 from 1986
6 through 1995 with years of incidents in 1990 through 1992.

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

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

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

25 20. Sexual abuse of children by Catholic clergy has been a reality in the Catholic Church
26 for centuries but has remained covered by deep secrecy. This secrecy is rooted in the official
27 policies of the Catholic Church which are applicable to all dioceses and in fact are part of the
28 practices of each diocese, including Defendant DOE 1. Sexual abuse of minors by Catholic clergy

1 and religious leaders became publicly known in the mid-1980s as a result of media coverage of a
2 case in Lafayette, Louisiana. Since that time, the media has continued to expose cases of clergy
3 sexual abuse throughout the United States. In spite of these revelations as well as the many criminal
4 and civil litigations the Church has been involved in as a result of clergy sexual abuse of minors, the
5 bishops and other Church leaders continued to pursue a policy of secrecy.

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

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

20 23. Plaintiff was sexually assaulted by PERPETRATOR. PERPETRATOR's sexual
21 assault of Plaintiff is a result of Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE
22 4 through 100's cover up, as statutorily defined by Code of Civil Procedure section 340.1 (b).

23 24. Plaintiff was raised in a devoutly Catholic family, and served as an altar server and
24 regularly celebrated weekly mass and received the sacraments through Defendant DOE 1's church.
25 Plaintiff was also an active participant in Defendant DOE 1's youth group and youth ministries.
26 When Plaintiff was a minor, Plaintiff was a parishioner at Defendant DOE 3, which was owned,
27 operated, controlled, and run by Defendant DOE 1 and Defendant DOE 3. Defendant DOE 2's
28 agents, including PERPETRATOR, were employed and assigned to work at DOE 3. Plaintiff and

1 Plaintiff's family came in contact with PERPETRATOR as an agent and representative of
2 Defendants at DOE 3.

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

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

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

24 28. In approximately 1990 and through approximately 1992, when Plaintiff was
25 approximately 13 to 15 years old and a parishioner and altar server of Defendant DOE 1, Defendant
26 DOE 2, and Defendant DOE 3's, PERPETRATOR repeatedly committed acts of childhood sexual
27 assault against Plaintiff. While performing his duties as a priest and teacher, and for the purpose of
28 furthering the duties required in that role, PERPETRATOR befriended Plaintiff and gained

1 Plaintiff's trust and confidence as a spiritual guide, authority figure, and trustworthy mentor.

2 29. Seeing PERPETRATOR as a trustworthy mentor, Plaintiff was conditioned to
3 comply with PERPETRATOR's direction and to respect him as a person of authority in spiritual,
4 ethical, and educational matters. PERPETRATOR's conduct constituted "grooming" of Plaintiff
5 and culminated in his repeated sexual assault and abuse of Plaintiff.

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

12 31. PERPETRATOR committed acts of childhood sexual assault against Plaintiff on the
13 premises owned, operated, and controlled by Defendant DOE 1 and Defendant DOE 3, including in
14 the sacristy and rectory at DOE 3. PERPETRATOR's sexual assault of Plaintiff included, but was
15 not limited to: PERPETRATOR exposed his genitals to Plaintiff; PERPETRATOR kissing and
16 nuzzling Plaintiff's neck from behind; PERPETRATOR rubbing and massaging Plaintiff's
17 shoulders and chest, PERPETRATOR rubbing Plaintiff's legs and groping Plaintiff's genitals;
18 PERPETRATOR manipulating Plaintiff's genitals, skin to skin. PERPETRATOR's sexual abuse of
19 Plaintiff began when Plaintiff was approximately 13 years old and lasted for approximately two
20 years, until Plaintiff was approximately 15 years old.

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

23 33. This childhood sexual abuse constitutes "childhood sexual assault" pursuant to Code
24 of Civil Procedure section 340.1(d) as amended by Assembly Bill 218, including any act committed
25 against Plaintiff that occurred when the Plaintiff was under the age of 18 years and that would have
26 been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1) or
27 (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or (b)
28 of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c), of

1 Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section 289
2 of the Penal Code; any sexual conduct as defined in paragraph (1) of subdivision (d) of Section
3 311.4 of the Penal Code; Section 647.6 of the Penal Code; and/or any prior laws of this state of
4 similar effect at the time the act was committed.

5 34. Plaintiff did not, and was unable to give free or voluntary consent to the sexual acts
6 perpetrated against Plaintiff by PERPETRATOR, as Plaintiff was a minor child at the time of the
7 abuse alleged herein.

8 35. By using his position within Defendants' institutions, Defendant DOE 1, Defendant
9 DOE 2, Defendant DOE 3, DOE Defendants and PERPETRATOR, demanded and required that
10 Plaintiff respect PERPETRATOR in his position as a priest, teacher, spiritual advisor, confidant,
11 counselor and mentor for Defendants.

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

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

20 38. PERPETRATOR at all times material hereto was an employee, agent and/or
21 representative of Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE Defendants.
22 PERPETRATOR engaged in unlawful sexual conduct with Plaintiff when Plaintiff was a minor.
23 Defendants are vicariously liable for the childhood sexual abuse committed by PERPETRATOR,
24 including, but not limited to, through the theories of respondent superior, ratification, and
25 authorization. PERPETRATOR's childhood sexual misconduct with Plaintiff occurred while he
26 was functioning on behalf of Defendants, and was made possible because of that agency.

27 39. Under Church protocol and practice, in return for the vow of obedience by a priest,
28 the Bishop accepts responsibility for the care and welfare of a priest as well as to supervise the

1 priest's ministry. A priest may not engage in any form of public ministry without the permission of
2 his Bishop. By allowing a priest to engage in public ministry, such as by allowing him to wear his
3 religious/priestly attire and hold himself out as a priest, the Bishop is certifying that the priest is in
4 good standing and sexually safe.

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

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

21 42. Defendants have failed to uphold numerous mandatory duties imposed upon them by
22 state and federal law, and by written policies and procedures applicable to Defendants.

23 43. As a minor at DOE 3, which was owned, operated, and controlled by the Defendants,
24 and where PERPETRATOR was employed, retained, and worked, Plaintiff was under Defendants'
25 direct supervision, care, and control. This constituted a special relationship, fiduciary relationship
26 and/or special care relationship between Plaintiff and Defendants. Additionally, as a minor child
27 under the custody, care, and control of Defendants, Defendants stood *in loco parentis* with respect
28 to Plaintiff while Plaintiff was at DOE 3. As the responsible parties and/or employers controlling

1 PERPETRATOR, the Defendants were also in a special relationship with Plaintiff, and owed
2 special duties to Plaintiff.

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

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

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

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

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

25 49. During the period of abuse of Plaintiff at the hands of PERPETRATOR, the
26 Defendants had the authority and ability to stop PERPETRATOR's childhood sexual assault of
27 Plaintiff, but negligently and/or willfully failed to do so, thereby allowing the abuse to occur and
28 continue unabated. This failure was part of Defendants' plan and arrangement to conceal wrongful

1 acts, to avoid or interfere with detections, to block public disclosure, to avoid scandal, to avoid
2 disclosure of their tolerance of childhood sexual abuse, to preserve a false appearance of propriety,
3 and to avoid investigation and action by public authority, including law enforcement.

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

13 **FIRST CAUSE OF ACTION**
14 **NEGLIGENCE**
15 **(As to ALL Defendants)**

16 51. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
17 paragraphs of this Complaint as if fully set forth herein.

18 52. Defendants' conduct, actions, and omissions served to create an environment in
19 which PERPETRATOR was afforded years of continuous secluded access to minor children,
20 including Plaintiff, who was approximately 13 to 15 years of age at the time PERPETRATOR
21 committed acts of childhood sexual assault against Plaintiff.

22 53. At the time PERPETRATOR performed the acts alleged herein it was or should have
23 been reasonably foreseeable to Defendants that by continuously exposing and making Plaintiff
24 available to PERPETRATOR, Defendants were placing Plaintiff at grave risk of being sexually
25 assaulted by PERPETRATOR. By knowingly subjecting Plaintiff to this foreseeable danger,
26 Defendants were duty-bound to take reasonable steps and implement reasonable safeguards to
27 protect Plaintiff from PERPETRATOR. Further, at all times alleged herein, Defendants possessed a
28 sufficient degree of control over PERPETRATOR's personal and business affairs so as to keep

1 PERPETRATOR away from Plaintiff and other minor children, and prevent any childhood sexual
2 assault against them. Defendants, however, failed to take reasonable steps or implement reasonable
3 safeguards for Plaintiff's protection.

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

7 **NEGLIGENT SUPERVISION OF PERPETRATOR**

8 55. Defendants owed Plaintiff a duty to provide reasonable supervision over
9 PERPETRATOR, to use reasonable care in investigating PERPETRATOR's background, and to
10 provide adequate warning to the Plaintiff, and others, of PERPETRATOR's dangerous propensities.

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

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

25 58. Defendants were aware or had reason to have been aware of how vulnerable children
26 were to sexual harassment, assault, and abuse by mentors, clerics, advisors, teachers, counselor and
27 other persons of authority within the Defendants.

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

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

9 **NEGLIGENT RETENTION OF PERPETRATOR**

10 61. Defendants owed Plaintiff a duty not to retain PERPETRATOR given his pedophile
11 propensities, which Defendants knew or had reason to know had they engaged in a meaningful and
12 adequate investigation of his background.

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

18 63. Nevertheless, although Defendants knew or had reason to know, suspected or
19 otherwise had been on notice that PERPETRATOR was a pedophile, that he had sexually assaulted
20 other minors, that PERPETRATOR was and had sexually assaulted Plaintiff, Defendants refused to
21 defrock PERPETRATOR and/or report him to law enforcement.

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

25 ///

26 ///

27 ///

28

SECOND CAUSE OF ACTION
NEGLIGENCE
(As to ALL Defendants)

NEGLIGENT SUPERVISION OF PLAINTIFF, THEN A MINOR

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

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

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

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

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

70. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE 100 negligently failed to properly and/or adequately supervise Plaintiff, a minor, and failed to use 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, supervised, organized, directed, and/or operated by Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE 100's and their agents and/or employees.

71. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, and DOE 4 through DOE

1 100's breach was a substantial factor in PERPETRATOR's childhood sexual assault of Plaintiff.

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

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

8 **PRAYER FOR RELIEF**

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

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

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

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

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

20 5. For interest as allowed by law;

21 6. For costs of suit herein; and

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

23 DATED: December 26, 2019

JEFF ANDERSON & ASSOCIATES

24
25 

26 MICHAEL RECK
27 MICHAEL G. FINNEGAN
28 JENNIFER E. STEIN
Attorneys for Plaintiff NICK FLORES


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR TRIAL

Plaintiff NICK FLORES hereby demands a trial by jury in this matter.

DATED: Decemeber 26, 2019

JEFF ANDERSON & ASSOCIATES



MICHAEL RECK
MICHAEL G. FINNEGAN
JENNIFER E. STEIN
Attorneys for Plaintiff NICK FLORES