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**ENDORSED
 FILED**
 San Francisco County Superior Court
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 CLERK OF THE COURT
 BY: ROSSALY DE LA VEGA
 Deputy Clerk

8 Attorneys for Plaintiff ROBERT J. GOLDBERG

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 10 **FOR THE COUNTY OF SAN FRANCISCO**

11)
 12 ROBERT J. GOLDBERG, an individual)
 13) Plaintiff,)
 14 vs.)
 15 DOE 1, a Religious Corporation Sole,)
 16 DOE 2, a National Religious Order,)
 17 DOE 3, an Illinois Religious Order,)
 18 DOE 4, a California Religious Order,)
 19 DOE 5, a Religious Institute of Priests,)
 20 DOE 6, an Individual and)
 21 DOE 7 through DOE 100.)
 22)
 23 Defendant(s).)

Case No. **CGC-19-581942**
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

24 **COMPLAINT FOR DAMAGES**

25 Based upon information and belief available to Plaintiff ROBERT J. GOLDBERG
 26 ("Plaintiff") at the time of the filing of this Complaint, Plaintiff alleges as follows against Defendant
 27 DOE 1, a Religious Corporation Sole, Defendant DOE 2, a National Religious Order, Defendant
 28 DOE 3, an Illinois Religious Order, Defendant DOE 4, a California Religious Order, Defendant

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22)	DEMAND FOR JURY TRIAL
23)	
24)	
25)	
26)	
27)	
28)	

ROBERT J. GOLDBERG, an individual
Plaintiff,
vs.
DOE 1, a Religious Corporation Sole,
DOE 2, a National Religious Order,
DOE 3, an Illinois Religious Order,
DOE 4, a California Religious Order,
DOE 5, a Religious Institute of Priests,
DOE 6, an Individual and
DOE 7 through DOE 100.
Defendant(s).

COMPLAINT FOR DAMAGES

Based upon information and belief available to Plaintiff ROBERT J. GOLDBERG
("Plaintiff") at the time of the filing of this Complaint, Plaintiff alleges as follows against Defendant
DOE 1, a Religious Corporation Sole, Defendant DOE 2, a National Religious Order, Defendant
DOE 3, an Illinois Religious Order, Defendant DOE 4, a California Religious Order, Defendant

1 DOE 5, a Religious Institute of Priests and Brothers, Defendant DOE 6, an individual, DOE 7
2 through Defendant DOE 100 (collectively “Defendants”):

3 **PARTIES**

4 1. Plaintiff is a natural person and a current resident of the state of Illinois. Plaintiff was
5 born in 1958. Plaintiff was a minor throughout the period of childhood sexual assault alleged
6 herein. Plaintiff brings this Complaint pursuant to Code of Civil Procedure Section 340.1, as
7 amended by Assembly Bill 218, for damages suffered as a result of childhood sexual assault.

8 2. Plaintiff is informed and believes and thereon alleges that at all times material
9 hereto, Defendant DOE 1 was and continues to be a Religious Corporation Sole, founded as a
10 diocese which includes, but is not limited to, civil corporations, decision making entities, officials,
11 and employees, authorized to conduct business, incorporated in, and conducting business in the
12 State of California, with its principal place of business at San Francisco, California. Defendant DOE
13 1 purposely conducts substantial business operations in and throughout the State of California and
14 County of San Francisco, among others. DOE 1 is responsible for the funding, staffing and direction
15 of the parishes, parochial schools, fraternal organizations and other facilities and institutions within
16 the geographic area of the County of San Francisco, among other counties. Defendant DOE 1 was
17 the primary entity owning, operating, and/or controlling the activities and behavior of its employees
18 and/or agents at DOE 2, DOE 3, DOE 4, DOE 5, including Father Donald J. McGuire (“FATHER
19 MCGUIRE”), DOE 7 through DOE 100, and all other employees, agents and supervisors of
20 Defendants. Plaintiff is further informed, believes and thereon alleges that Defendant DOE 1,
21 Defendant DOE 2, Defendant DOE 3, Defendant DOE 4, Defendant DOE 5, and/or Doe 6, had
22 authority and responsibility to control and supervise the ministry of FATHER MCGUIRE from at
23 least 1976 through 1981.

24 3. Plaintiff is informed and believes and thereon alleges that at all times material
25 hereto, Defendant DOE 1 employed FATHER MCGUIRE as an agent and had the ability to control
26 and supervise FATHER MCGUIRE’s activities. Defendant DOE 1 was an entity that supervised its
27 employees and agents, including its priests, teachers, and administrators, who supervised minor
28 children, including those on its premises and in its programs. At all times material hereto, FATHER

1 MCGUIRE was under the direct supervision, employ, and control of Defendant DOE 1. When
2 Plaintiff was a minor, FATHER MCGUIRE physically perpetrated acts of childhood sexual assault
3 upon Plaintiff.

4 4. Plaintiff is informed and believes and thereon alleges that at all times material
5 hereto, Defendant DOE 2, a National Religious Order was and continues to be a religious order of
6 priests and brothers affiliated with the Roman Catholic Church with its United States headquarters
7 and principal place of business in New York.

8 5. Plaintiff is informed and believes and thereon alleged that at all times material
9 hereto, Defendant DOE 3, an Illinois Religious Order was and continues to be a religious order of
10 priests and brothers affiliated with the Roman Catholic Church with its United States headquarters
11 and principal place of business in Chicago, Illinois.

12 6. Plaintiff is informed and believes and thereon alleges that at all times material
13 hereto, Defendant DOE 4, a California Religious Order was and continues to be a religious order of
14 priests and brothers affiliated with the Roman Catholic Church with its United States headquarters
15 and principal place of business in Los Gatos, California.

16 7. Defendant DOE 2, Defendant DOE 3 and Defendant DOE 4 are organizations or
17 entities which include, but are not limited to, civil corporations, decision making entities, officials,
18 and employees, authorized to conduct business and conducting business in the State of California
19 and in Defendant DOE 1. The provincial is the top official of Defendant DOE 2 and is given
20 authority over all matters dealing with and/or related to Defendant DOE 2 as a result of his position.
21 Defendant DOE 2 functions as a business by engaging in numerous revenue-producing activities
22 and soliciting money from its members in exchange for its services.

23 8. Defendant DOE 2, Defendant DOE 3, and Defendant DOE 4 have several programs
24 that seek out the participation of children, including, but not limited to schools and other education
25 programs. Defendant DOE 2, Defendant DOE 3, and Defendant DOE 4, through its officials, have
26 complete control over those activities and programs involving children. Defendant DOE 2,
27 Defendant DOE 3, and Defendant DOE 4 have the power to appoint, train, supervise, monitor,
28 remove and terminate each and every person working with children within Defendant DOE 2,

1 Defendant DOE 3, and Defendant DOE 4. At all times material hereto, FATHER MCGUIRE was
2 under the direct supervision, employ, and control of Defendant DOE 2, Defendant DOE 3, and
3 Defendant DOE 4. When Plaintiff was a minor, FATHER MCGUIRE physically perpetrated acts
4 of childhood sexual assault upon Plaintiff.

5 9. Plaintiff is informed and believes and thereon alleges that at all times material
6 hereto, Defendant DOE 5 was and is a religious institute of priests and brothers in the Roman
7 Catholic Church, headquartered in Rome, Italy, and organized in regions, which include but are not
8 limited to, Defendant DOE 2, Defendant DOE 3, and Defendant DOE 4.

9 10. Plaintiff is informed and believes and thereon alleges that at all times material
10 hereto, Defendant DOE 6, an individual, has the authority personally and through his appointments
11 to accept, train, and dismiss every individual included within and among Defendant DOE 2,
12 Defendant DOE 3, Defendant DOE 4, and Defendant DOE 5.

13 11. Defendant DOE 1, Defendant DOE 2, Defendant DOE 3, Defendant DOE 4,
14 Defendant DOE 5, and Defendant DOE 6 conduct business worldwide, including the State of
15 California.

16 12. Plaintiff is informed and believes and thereon alleges that the true names and
17 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as
18 Defendant DOE 7 through Defendant DOE 100, inclusive, are currently unknown to Plaintiff, who
19 therefore sues DOE Defendants by such fictitious names, and who will amend the Complaint to
20 show their true names and capacities when such names have been ascertained. Plaintiff is informed
21 and believes and thereon alleges that DOE Defendants are legally responsible in some manner for
22 the events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages
23 alleged in this Complaint.

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

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

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

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

15
16 **BRIEF FACTUAL HISTORICAL FACTUAL BACKGROUND CONCERNING**
17 **CLERGY SEXUAL ABUSE AND COVER UP**

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

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

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

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

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

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

3 **FACTUAL ALLEGATIONS REGARDING DEFENDANTS' KNOWELDGE OF FATHER**
4 **MCGUIRE'S CHILDHOOD SEXUAL ABUSE AND COVER UP**
5 **PRIOR TO MEETING PLAINTIFF**

6 22. FATHER MCGUIRE began his formal training to become a priest in 1947 and was
7 ordained a Priest in 1961. He was educated by and ordained by Defendants. Since the time
8 FATHER MCGUIRE began his training, and at all times relevant to the Complaint, Defendants
9 have monitored, supervised, trained, counseled, employed or otherwise exercised control over
10 FATHER MCGUIRE's secular and non-secular activities.

11 23. At all times material, FATHER MCGUIRE was an employee, agent, and/or
12 representative of Defendants. During the course of his employment, Defendants transferred
13 FATHER MCGUIRE to several positions at different educational and other institutions.

14 24. After ordination, Defendants sent FATHER MCGUIRE to Europe where he lived
15 from 1961 until 1965. Throughout FATHER MCGUIRE's time in Europe, Defendants in Europe
16 observed FATHER MCGUIRE'S suspicious behavior with minor boys. These concerns were
17 documented and relayed to Defendants in the United States.

18 25. A February 5, 1962 report from Munich provided, in part:

19 It is said Father spent some weeks in Munich where he practically kept aloof of
20 Ours, took up very close contacts with a family, whose "friend" and "son" he
became; all under the title of learning German.

21 26. A December 2, 1964 report from Austria reported:

22 In this connection is another difficulty that made already some serious sorrows. He
23 has (or had) much relations with several boys, particularly some boys who work in
24 our kitchen and who used to go to his room. He especially cared for one of these
25 boy (sic) (a boy of 15 or 16 years) who was quite frequently with him, so much that
26 some rumors and suspicions arose, also among laymen, for instance our cook who
could observe these things. I have, as well as I could, examined these things and I
am convinced that there didn't happen anything bad, on the contrary, that Fr.
McGuire used to care for this boy in a priestly and apostolic intention. But certainly
he did much (what was not his duty) in a most imprudent way.

27 The most imprudent was that he took this boy with him when he went last summer
28 several weeks to Ireland. I hadn't known anything that Fr. McGuire wanted to go
there; nor had he asked our Fr. Provincial for this permission. He only told Fr.
Minister that he was going there. But he not even tell Fr. Minister (who is his

1 immediate superior of the boys employed in the house) that this boy is going with
2 him. And the boy, for his part, concealed it carefully, telling lies to Fr. Minister.
3 There is no wonder bad suspicions came out. But only now, a short time ago, I
4 learned that this boy was (already about the month of September) called to the
5 Police and asked there about that travel, if there happened anything bad and so on.
6 It seems (as far as I know) that the boy answered the questions so innocently that
7 the Police dropped the suspicions and did not further prosecute them. So it seems
8 for the moment that the thing has no further consequences. But I am not sure at all.
9 (Emphasis Added.)

10 27. Although Defendants instructed FATHER MCGUIRE to return from Europe for,
11 among other things, "relations with boys", Defendants chose to ignore the information Defendants
12 received about his dangerous behavior and took no action to protect children around him.

13 28. Instead, from 1965 to January 1970, Defendants placed FATHER MCGUIRE to live
14 at a prestigious all boys' high school in the suburbs of Chicago and assigned FATHER MCGUIRE
15 to be a teacher and scholastic advisor. There, FATHER MCGUIRE engaged in a pattern and
16 practice of sexually abusing students.

17 29. At various times from 1965 to 1969, FATHER MCGUIRE had students (minors)
18 living with him in his living quarters, despite the fact that school was not a boarding school.
19 Numerous administrators, officers, priests or teachers were aware, or had reason to be aware that
20 FATHER MCGUIRE had students (minors) live with him in his living quarters on school grounds.

21 30. Included among the students sexually abused by FATHER MCGUIRE was the boy
22 from Germany referenced in the February 5, 1962 report from Munich, who was sexually abused by
23 FATHER MCGUIRE from 1965-1966, while attending the high school.

24 31. In the fall of 1966, a second student entered the high school as a 13-year-old
25 freshman, who essentially lived in MCGUIRE's room at the high school for almost two years, from
26 1966 to 1968, while he was 13 to 15 years old.

27 32. During this entire two year period this second boy was sexually abused by
28 MCGUIRE on an almost daily basis.

33. In 1967 and 1968, a third young boy, was also repeatedly sexually abused by
MCGUIRE in MCGUIRE's living quarters at the high school.

1 34. In the fall of 1968, fourteen year old JD 84 entered the high school as a freshman,
2 who after having endured a year of sexual abuse by FATHER MCGUIRE, expressly informed
3 Father Schlax, a Chicago Archdiocese priest at Our Lady of Lourdes in Chicago, that FATHER
4 MCGUIRE had sexually abusing him.

5 35. That same day, Father Schlax reported FATHER MCGUIRE's childhood sexual
6 abuse of JD 84 to Defendant officials. One such official, did not seem surprised and indicated, "we
7 thought something was wrong."

8 36. A letter dated November 29, 1969, confirmed the disclosure that FATHER
9 MCGUIRE committed acts of sexual abuse against JD 84 and expressed shock and dismay that a
10 student had been staying with FATHER MCGUIRE overnight.

11 37. In a January 16, 1970 letter, the headmaster at the high school, who was also
12 employed by Defendants, wrote to Defendants, advising that to FATHER MCGUIRE's presence at
13 the high school had become "positively destructive and corrosive, but nonetheless explaining his
14 efforts to protect Defendants and MCGUIRE:

15 I am anxious, as far as it can be accomplished; to have his departure seem perfectly
16 normal and even a better thing, as far as any public awareness of its cause is
17 necessary. That is why I have kept it in terms of a sabbatical, and in terms of
18 completing the very valuable work he contemplates on Oedipus, and the obviously
19 valuable pursuit of his degree. (Emphasis Added).

20 38. In 1970, FATHER MCGUIRE was "removed" and was informed that he will not be
21 teaching at the high school during the second semester due to several issues, including "family
22 problems", a known code among clergy for sexual misconduct.

23 39. Despite their clear acknowledgement of FATHER MCGUIRE's abusive conduct,
24 propensity to engage in childhood sexual abuse, and the ongoing danger that FATHER MCGUIRE
25 posed to young boys, for another 34 years, Defendants covered up what they knew, allowed
26 FATHER MCGUIRE to keep his faculties, remain in ministry, and travel around the world to new
27 assignments where he continued to prey on other young boys. Defendants' actions in this regard
28 were taken to avoid scandal and hide FATHER MCGUIRE's abuse from the community, law
enforcement authorities and other civil authorities.

1 40. FATHER MCGUIRE was on “sabbatical” from 1970 through 1975, at which time he
2 attended a University located in Chicago, which was owned and operated by Defendants.
3 Throughout this time, FATHER MCGUIRE lived on the campus in a building that housed several
4 other clerics employed by Defendants.

5 41. In November 1972, JD 84, who had since graduated from high school and was
6 attending the same University as FATHER MCGUIRE, was shocked when he saw his former
7 abuser, walking on the University campus with a young boy and his disabled sister. His own
8 investigation revealed that this young boy was Plaintiff, Bobby Goldberg.

9
10 **FACTUAL ALLEGATIONS REGARDING FATHER MCGUIRE’S**
 CHILDHOOD SEXUAL ABUSE OF PLAINTIFF

11 42. Plaintiff was born in 1958. He lived with his parents and sisters, including his
12 physically and mentally disabled older sister, Debbie. From the time he was young, Plaintiff was
13 responsible for a large part of Debbie’s care and remains her sole caregiver today.

14 43. Plaintiff first met FATHER MCGUIRE in May 1970, when he was eleven years old,
15 approximately two months after his father passed away.

16 44. At the time he met FATHER MCGUIRE, Plaintiff and his sister, Debbie, were
17 sitting on a curb outside a bar on Clark Street in Chicago, waiting for their mother who was inside
18 with a friend. FATHER MCGUIRE, who was wearing his priest collar, approached Plaintiff and his
19 sister, offering them a ride home.

20 45. Shortly thereafter, FATHER MCGUIRE gained the trust of admiration of Plaintiff’s
21 mother. FATHER MCGUIRE became a fixture at the Plaintiff’s home.

22 46. FATHER MCGUIRE immediately took an active role in tutoring Plaintiff with his
23 schoolwork and then convinced Plaintiff’s mother that it would be in Plaintiff’s best interest if
24 Plaintiff remained with FATHER MCGUIRE under his guidance and supervision.

25 47. From approximately 1970 through 1976, Plaintiff either lived with FATHER
26 MCGUIRE in FATHER MCGUIRE’s living quarters, (where FATHER MCGUIRE lived with
27 other priests), or at the Plaintiff’s home, sleeping in Plaintiff’s bed. Throughout this period of
28 years, FATHER MCGUIRE regularly and repeatedly committed acts of childhood sexual assault

1 against Plaintiff, which included acts of sexual touching, oral copulation and anal penetration.
2 When Plaintiff resisted, FATHER MCGUIRE punished Plaintiff by forcing Plaintiff into confined
3 spaces for long periods of time.

4 48. FATHER MCGUIRE referred to Plaintiff as his “protégé”, tasked with, among other
5 things, the responsibility of carrying FATHER MCGUIRE’s briefcase. As a result of his
6 circumstances, Plaintiff became entirely dependent on FATHER MCGUIRE. Plaintiff’s family
7 likewise became dependent on the \$300-\$500 weekly payment FATHER MCGUIRE made to
8 Plaintiff during this time.

9 49. During summer vacations, weekends, and school holidays, FATHER MCGUIRE
10 traveled with Plaintiff out of Illinois, traveling to and staying at DOE 2, DOE 3, and/or DOE 4
11 retreat houses. Included among these trips were visits throughout California, including San
12 Francisco, San Diego, Malibu, Napa, and Berkeley. In addition, FATHER MCGUIRE traveled
13 with Plaintiff to Disneyland, Knott’s Berry Farm, and Universal Studios.

14 50. During these trips to California, FATHER MCGUIRE continued with his ministry,
15 participated in retreats, weddings, funerals, and mass. FATHER MCGUIRE made no effort to
16 conceal Plaintiff from other agents of Defendants, always including Plaintiff in FATHER
17 MCGUIRE’s ministry and work on behalf of Defendants.

18 51. Defendants did not protect Plaintiff from FATHER MCGUIRE despite their
19 knowledge regarding FATHER MCGUIRE’s past, including being “removed” from a high school
20 for sexually abusing students (minors).

21 52. In 1976, FATHER MCGUIRE received permission from Defendants to teach at the
22 University of San Francisco. Although FATHER MCGUIRE was transferred and moved out of
23 Illinois, FATHER MCGUIRE’s childhood sexual abuse of Plaintiff continued.

24 53. In addition to traveling with FATHER MCGUIRE to “help” FATHER MCGUIRE
25 with his move to San Francisco, California, throughout FATHER MCGUIRE’s at the University of
26 San Francisco, FATHER MCGUIRE would bring Plaintiff to stay with him at the living quarters for
27 the staff at the University of San Francisco.
28

1 54. During summer vacations, Plaintiff traveled with FATHER MCGUIRE all over the
2 world accompanying FATHER MCGUIRE on retreats to several countries, including Germany,
3 Italy, Greece, and Iceland, where FATHER MCGUIRE would provide ministry, spiritual guidance,
4 and counseling on behalf of Defendants. One of the trips to Rome, Italy, included a private mass in
5 the Sistine Chapel with Plaintiff, FATHER MCGUIRE, Pope Paul VI, and Mother Theresa.
6 Eventually, FATHER MCGUIRE would become Mother Theresa's personal confessor and the
7 Retreat Director for her entire order (the Missionaries of Charity ("MOC")) worldwide. During this
8 time, FATHER MCGUIRE sexually abused Plaintiff. FATHER MCGUIRE mentally and
9 physically intimidated and threatened Plaintiff in order to silence him and allow the childhood
10 sexual abuse to continue.

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

16 56. During and through these activities, Plaintiff, as a minor and vulnerable child, was
17 dependent on Defendants and their agents, including FATHER MCGUIRE. Plaintiff was under the
18 custody and control of Defendants, who had control over Plaintiff's welfare and had a duty to
19 protect Plaintiff because he was in a special relationship with Defendants, Defendants had accepted
20 the entrustment of Plaintiff and had responsibility for Plaintiff and authority over Plaintiff.

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

23 58. 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)
27 or (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or
28 (b) of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c),

1 of Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section
2 289 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 59. Plaintiff did not and was unable to give free or voluntary consent to the sexual acts
6 perpetrated against Plaintiff by FATHER MCGUIRE, as Plaintiff was a minor child at the time of
7 the abuse alleged herein.

8 60. By using his position within Defendants' institutions, FATHER MCGUIRE
9 demanded and required that Plaintiff respect him in his position as a priest, teacher, spiritual
10 advisor, confidant, counselor, and mentor for Defendants.

11 61. Defendants failure to stop FATHER MCGUIRE's childhood sexual abuse and as a
12 result, Plaintiff was abused by FATHER MCGUIRE more than 1,000 times, in multiple states and
13 countries. FATHER MCGUIRE's childhood sexual abuse of Plaintiff should have and would have
14 been avoided if Defendants had simply acted on the information known to them regarding FATHER
15 MCGUIRE's ongoing sexual abuse of multiple minor boys.

16 62. During and through these activities, Plaintiff, as a minor and vulnerable child, was
17 dependent on Defendants and their agents, including FATHER MCGUIRE. Plaintiff was under the
18 custody and control of Defendants who had control over Plaintiff's welfare and who were
19 responsible for running the institutions, facilities and programs where Plaintiff was sexually abused.
20 Defendants had a duty to protect Plaintiff because he was in a special relationship with Defendants.
21 Defendants had accepted the entrustment of Plaintiff and had responsibility for Plaintiff and
22 authority over Plaintiff.

23 63. Plaintiff did not and was unable to give free or voluntary consent to the sexual acts
24 perpetrated against Plaintiff by FATHER MCGUIRE, as Plaintiff was a minor child at the time of
25 the abuse alleged herein.

26 64. By using his position within Defendants' institutions, Defendants and FATHER
27 MCGUIRE, demanded and required that Plaintiff respect FATHER MCGUIRE in his position as a
28 priest, teacher, spiritual advisor, confidant, counselor, and mentor for Defendants.

1 65. As a direct and proximate result of FATHER MCGUIRE's childhood sexual assault
2 against Plaintiff, which was enabled and facilitated by Defendants, and each of them, Plaintiff has
3 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
4 to be proven at the time of trial.

5 66. As a direct and proximate result of Plaintiff's sexual abuse by FATHER MCGUIRE,
6 which was enabled and facilitated by Defendants, and each of them, Plaintiff has suffered economic
7 injury, all to Plaintiff's general, special and consequential damage in an amount to be proven at
8 trial, but in no event less than the minimum jurisdictional amount of this Court.

9 67. FATHER MCGUIRE, at all times material hereto, was an employee, agent, and/or
10 representative of Defendants. FATHER MCGUIRE engaged in unlawful sexual conduct with
11 Plaintiff when Plaintiff was a minor. Defendants are vicariously liable for the childhood sexual
12 abuse committed by FATHER MCGUIRE, including, but not limited to, through the theories of
13 respondent superior, ratification, and authorization. FATHER MCGUIRE's childhood sexual
14 misconduct with Plaintiff occurred while he was functioning on behalf of Defendants and was made
15 possible because of that agency.

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

22 69. The Defendants ratified and authorized FATHER MCGUIRE's childhood sexual
23 abuse of Plaintiff by (1) failing to discharge, dismiss, discipline, suspend and/or supervise FATHER
24 MCGUIRE or other priests known by Defendants to have sexually abused children, or to have been
25 accused of sexually abusing children, (2) actively shielding FATHER MCGUIRE from
26 responsibility for his childhood sexual assault of Plaintiff and other minors, (3) failing to
27 acknowledge the existence of complaints against FATHER MCGUIRE of childhood sexual assault
28 on Plaintiff and minors, (4) failing to report such complaints to civil or criminal authorities, (5)

1 providing financial support to FATHER MCGUIRE during and/or after the childhood sexual abuse
2 of Plaintiff and/or other minors, and (6) failing to take steps to timely remove FATHER MCGUIRE
3 from the priesthood so as to permanently prevent him from using his authority bestowed upon him
4 by Defendants to gain access to minors and sexually abuse them.

5 70. By taking the above wrongful, negligent, and/or intentional actions and/or failing to
6 act after having knowledge or having reason to know of such childhood sexual abuse of Plaintiff
7 and/or other minors, Defendants ratified and authorized FATHER MCGUIRE's sexual abuse of
8 minors. By ratifying FATHER MCGUIRE's sexual abuse of minors, Defendants in legal effect
9 committed and caused the childhood sexual abuse of Plaintiff when Plaintiff was a minor.

10 71. Defendants failed to uphold numerous mandatory duties imposed upon them by state
11 and federal law, and by written policies and procedures applicable to Defendants.

12 72. Defendants knew or had reason to know, or were otherwise on notice, that FATHER
13 MCGUIRE had engaged in unlawful sexual-related conduct with minors in the past, and/or was
14 continuing to engage in such conduct with Plaintiff, and failed to take reasonable steps, and to
15 implement reasonable safeguards, to avoid acts of unlawful sexual conduct in the future by
16 FATHER MCGUIRE.

17 73. Defendants had a duty to disclose these facts to Plaintiff, Plaintiff's parents and
18 others, but negligently and/or intentionally suppressed, concealed, or failed to disclose this
19 information for the express purposes of maintaining FATHER MCGUIRE's image as an ethical,
20 wholesome, safe, and trusted spiritual leader at and within the institution run by the Defendants.
21 The duty to disclose this information arose from the special, trusting, confidential, fiduciary, and in
22 loco parentis relationship between Defendants and Plaintiff.

23 74. Instead, Defendants ignored and/or concealed the childhood sexual abuse of Plaintiff
24 and others by FATHER MCGUIRE and continued to allow numerous children, including the
25 Plaintiff, to be in private, secluded areas with FATHER MCGUIRE, despite knowledge of or
26 reasons to suspect FATHER MCGUIRE's prior sexually abusive acts toward minors.

27 75. Plaintiff is informed, believes and thereon alleges that Defendants were given notice
28 of inappropriate conduct committed by FATHER MCGUIRE, including the facts alleged herein.

1 76. Defendants failed to report and hid and concealed from Plaintiff, Plaintiff's parents,
2 other minor children in their care and their parents, law enforcement authorities, civil authorities,
3 and others, the true facts and relevant information necessary to bring FATHER MCGUIRE to
4 justice for the sexual misconduct he committed with minors and to protect those entrusted in their
5 care, including Plaintiff.

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

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

22
23 **BRIEF FACTUAL ALLEGATIONS REGARDING FATHER MCGUIRE CONTINUED**
24 **ABUSE OF CHILDREN AND DEFENDANTS' ONGOING EFFORTS TO COVER UP**
 FATHER MCGUIRE'S SEXUAL ABUSE OF CHILDREN

25 79. By the end of the 1980 fall semester at the University of San Francisco, FATHER
26 MCGUIRE was again "removed" and dismissed. On March 30, 1981, three months after FATHER
27 MCGUIRE was dismissed, FATHER MCGUIRE's Defendants received correspondence from the
28 DOE 4, clarifying that FATHER MCGUIRE was not on leave or sabbatical from DOE 4, but rather,

1 was considered gone for good, advising that the only way FATHER MCGUIRE could ever return
2 was if he satisfied explicit conditions including undergoing “serious psychological evaluation and
3 therapy.”

4 80. The exchanges between the Defendants reflect concerns about FATHER
5 MCGUIRE’s bizarre personality and “lifestyle issues,” including “bringing students to his room.”

6 81. In 1981, Defendants “consulted in depth” about FATHER MCGUIRE with Rev.
7 James Gill, S.J., M.D., a priest and clinical psychiatrist who apparently treated pedophile priests for
8 over 40 years. The findings of that consultation have not been disclosed by Defendants.

9 82. In July 1984, the Defendants assigned FATHER MCGUIRE to work at Santa Fe
10 Communications in Southern California. Shortly thereafter, FATHER MCGUIRE was dismissed by
11 the Bishop of Los Angeles, who permanently terminated FATHER MCGUIRE’s faculties and
12 demanded that FATHER MCGUIRE leave the Diocese of Los Angeles by January 1, 1985.

13 83. As a result, Defendants brought FATHER MCGUIRE back to Chicago in 1985, and
14 facilitated his continued world-wide retreat ministry on behalf of the Defendants. Unsupervised,
15 FATHER MCGUIRE continued to seek out “male aids”, as he had done with Plaintiff, to assist him
16 with his day-to day travel. This allowed FATHER MCGUIRE to continue to exploit and abuse
17 countless other boys.

18 84. In 1987, Defendants allowed FATHER MCGUIRE to continue to travel extensively
19 around the world, continuing to expand his extensive Defendants retreat ministry. This continued
20 until the early 1990’s.

21 85. During this time, Defendants continued to receive numerous disturbing warnings and
22 complaints of childhood sexual abuse by FATHER MCGUIRE.

23 86. Included among these warnings was a complaint in February 1991 by Brother
24 Ricardo Palacio, Director of a Retreat House in St. Helena, California, where FATHER MCGUIRE
25 had conducted a youth group retreat. Br. Palacio advised Defendants that FATHER MCGUIRE had
26 been traveling with a 16 to 17 year old boy with whom it appeared FATHER MCGUIRE was
27 sharing a room and bed.

28

1 87. The memorandum also indicates that Br. Palacio called the boy’s mother and that
2 “she felt that her son has in some way changed, she is concerned about him, concerned about his
3 travelling [sic] with Don.”

4 88. Rather than removing him from ministry, or at the very least conducting an
5 investigation beyond questioning FATHER MCGUIRE, Defendants instead issued the first in a
6 series of “guidelines” to FATHER MCGUIRE, asking him to “not travel on any overnight trip with
7 any boy or girl under the age of 18 and preferably under the age of 21.”

8 89. There were no mechanisms in place, such as notifying FATHER MCGUIRE’s
9 superiors, to ensure that these new directives were followed.

10 90. At the time (1991), Father Wild considered this to be a “serious situation” but felt
11 that [as to FATHER MCGUIRE] “we didn’t have fire, but we had smoke.”

12 91. FATHER MCGUIRE was left to self-monitor. Not surprisingly, FATHER
13 MCGUIRE ignored these guidelines and Defendants continued to receive complaints of FATHER
14 MCGUIRE’s sexual abuse of minor boys.

15 92. On April 26, 1993, Father. Joseph Fessio of DOE 4 called Father Daly, Socius of
16 DOE 3 from 1991 to 1997, to inform him that FATHER MCGUIRE was traveling internationally
17 with a young boy with whom he was sexually abusing.

18 93. Despite FATHER MCGUIRE’s acknowledgement that this violated the first set of
19 guidelines, no meaningful action was taken by Defendants to protect children. Instead, Defendants
20 scheduled a psychiatric evaluation of FATHER MCGUIRE. Consistent with the prior handling of
21 FATHER MCGUIRE, DOE 3 gave FATHER MCGUIRE permission to conduct a retreat in
22 Arizona, one week before his psychiatric evaluation was scheduled to proceed.

23 94. Despite a “fresh” claim of child abuse, Defendants permitted an admittedly
24 disobedient priest to travel to a location 1,500 miles away so that he could further engage in the
25 very type of activity which led to the serious problem for which they required an “evaluation.”
26 Defendants made no effort to contact anyone in Arizona to warn them – rather, they continued to
27 rely upon FATHER MCGUIRE to self-monitor and self-report his restrictions.
28

1 95. While conducting the Arizona retreat, FATHER MCGUIRE sexually abused a 13
2 year old boy (John Doe 117).

3 96. Upon his return from Arizona, FATHER MCGUIRE underwent the psychiatric
4 evaluation. Based on the recommendations from the evaluation, FATHER MCGUIRE then
5 underwent residential treatment until January 1994.

6 97. Just prior to his release from treatment, on January 3, 1994, Reverend John A.
7 Hardon, S.J. sent a letter to FATHER MCGUIRE, regarding FATHER MCGUIRE'S "sad plight"
8 over the past year. The letter spoke of Father Hardon's adjudication over a family's claims that
9 FATHER MCGUIRE had engaged in "inappropriate sexual behavior" with their son. The letter
10 referenced FATHER MCGUIRE's "deep fear" that he would not be allowed to continue his retreat
11 ministry with Mother Teresa's sisters.

12 98. Father Hardon closed the letter, stating:

13 And so, Don, this is the state of the question on this eve of my departure for
14 Calcutta, India where, with your permission, I will be communicating with Mother
15 Teresa about your situation and your future... Let us pray for each other.

16 99. On February 2, 1994, Mother Teresa sent correspondence to Defendants
17 acknowledging that Father Hardon had communicated with her regarding FATHER MCGUIRE.
18 Therein, Mother Teresa acknowledged receipt of a letter from FATHER MCGUIRE "describing the
19 sad events that had taken him from his priestly ministry over the past seven months."

20 100. Therein, Mother Teresa acknowledged that FATHER MCGUIRE had "admitted
21 imprudence of his behavior" but nonetheless, stressed the importance of protecting the reputation of
22 the priesthood, stating:

23 I understand how grave is the scandal touching the priesthood in the U.S.A. and
24 how careful we must be to guard the purity and reputation of the priesthood. I
25 must say, however, that I have confidence and trust in Fr. McGuire and wish to
26 see his vital ministry resume as soon as possible. We, in the Missionaries of
27 Charity, will do all in our power, to protect his and the Priesthood of Jesus Christ
28 which he bears, when he once more takes up his mission with us.

29 101. Just prior to his release from treatment, the Defendants concluded that FATHER
30 MCGUIRE has "grave moral problems", stating, "Don selectively chooses people who support his
31

1 opinion . . . and this is Don's usual way of dealing with the Church, the Society, and his sexual
2 abuse...Don will continue to get into this kind of situation because of his denial and entitlement.”

3 102. Despite these acknowledgments, Defendants took no action to protect boys from
4 FATHER MCGUIRE. Instead, they verbally issued a second set of meaningless guidelines,
5 requiring FATHER MCGUIRE to “have a good deal of self-disclosure” and no unsupervised
6 contact with minors.

7 103. Thereafter, Defendants received a complaint regarding FATHER MCGUIRE's past
8 abuse of an additional minor boy at an educational facility, as well as a complaint regarding
9 FATHER MCGUIRE's ongoing abuse of a boy (John Doe 130), who was traveling with FATHER
10 MCGUIRE as FATHER MCGUIRE's “aid” throughout the world on Defendants retreats.

11 104. As a result of the foregoing, in February 1995, a third set of guidelines were issued
12 by Defendants, stating, in part:

13 [p]lease do not travel on any overnight trip with any person, male or female, under
14 the age of 21. In addition, I ask that you exercise extreme caution to avoid any
15 occasion that would find you alone, behind closed doors, with anyone under the age
16 of 21.

17 105. These guidelines were meaningless to FATHER MCGUIRE who, from 1995 until
18 1998, continued his worldwide ministry for and on behalf of Defendants, openly traveling with
19 young boys as his companions.

20 106. Defendants continued to cover up FATHER MCGUIRE's abuse, providing a letter
21 of good standing to the local diocese in 1998.

22 107. From 1998-2000, Defendants received additional reports of FATHER MCGUIRE's
23 abuse of minor boys, and several additional reports of FATHER MCGUIRE's suspicious behavior.

24 108. In early 2000, Father Baumann ordered his Socius, Father McGurn, to investigate
25 whether another letter of good standing could be issued which would allow FATHER MCGUIRE to
26 minister in Las Vegas. On January 26, 2000, Fr. McGurn sent Fr. Baumann a memorandum stating,
27 “I don't think you can sign this letter.”

28 109. Despite this acknowledgement, no action was taken by Defendants to remove
FATHER MCGUIRE, warn others, or prevent FATHER MCGUIRE from accessing children

1 through his ministry. As a result, FATHER MCGUIRE continued with his ongoing abuse of his
2 current “aids” and “assistants” and preyed on additional children.

3 110. Rather than take any meaningful action to protect children, Defendants conducted
4 another “investigation” into FATHER MCGUIRE which resulted in its issuance of a fourth set of
5 guidelines, signed by FATHER MCGUIRE on February 13, 2001. This fourth set of guidelines
6 specified that FATHER MCGUIRE: (1) would not travel with or spend the night in the same room
7 with anybody under 30; (2) would not have or utilize an executive assistant in his travels or in the
8 performance of his duties or ministries; (3) would not have assistants unless explicitly permitted by
9 his Superior; (4) would provide a written schedule in advance of each month to his Superior; (5)
10 would undergo treatment by a psychiatrist designated by the DOE 3 and he would authorize the
11 psychiatrist to provide reports to the Defendants; and (6) would forward any communication
12 received by him complaining of any action with respect to any individual.

13 111. Not surprisingly, the guidelines remained ineffective, resulting in Defendants’
14 receipt of additional allegations of FATHER MCGUIRE’s abuse of minor boys.

15 112. On December 1, 2002, DOE 3 drafted a “Canonical warning” to FATHER
16 MCGUIRE. The warning was prepared in such a way so as to avoid having to disclose the warning
17 to the Archdiocese of Chicago in an effort to protect FATHER MCGUIRE’s faculties and his ability
18 to minister.

19 113. With that warning came a fifth set of guidelines, wherein Defendants changed and
20 limited FATHER MCGUIRE’s mission to “provide sacramental ministry to communities of
21 religious women within the geographic boundaries of the Archdiocese of Chicago.”

22 114. On July 2, 2003, the Archdiocese of Chicago suspended FATHER MCGUIRE’s
23 faculties.

24 115. Defendants assigned FATHER MCGUIRE to DOE 3’s community near the
25 University of Chicago and allowed him to continue with Defendants ministry.

26 116. In August 2003, the first of several civil lawsuits were filed against FATHER
27 MCGUIRE and the Defendants. Defendants, offered statements and/or gave media interviews in
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1 which they claimed that they: (1) were investigating the charges; and (2) had no reason to suspect
2 that FATHER MCGUIRE had been abusing boys.

3 117. In late 2003, the District Attorney of Walworth County, Wisconsin began to
4 investigate allegations of abuse that took place in Lake Geneva, Wisconsin. Throughout the
5 investigation, the Defendants went to great lengths to obstruct the police investigation and
6 continued to protect FATHER MCGUIRE.

7 118. A criminal prosecution ensued, wherein Defendants refused to cooperate and misled
8 prosecutors, openly refusing to comply with subpoenas and failing to disclose any of the hundreds
9 of documents Defendants possessed that directly related to allegations levied against FATHER
10 MCGUIRE over a period of 40 years.

11 119. While not cooperating with the authorities in Wisconsin, Defendants were
12 cooperating with and providing documents and information to FATHER MCGUIRE and his
13 defense team.

14 120. Despite Defendants' efforts to assist FATHER MCGUIRE in evading prosecution, in
15 February 2006, FATHER MCGUIRE was convicted of sexual assault of a minor in the Wisconsin
16 criminal trial. FATHER MCGUIRE was also indicted for his crimes in Arizona.

17 121. On November 2, 2007, FATHER MCGUIRE was indicted in Federal court for
18 numerous acts of childhood sexual abuse. In April 2008, FATHER MCGUIRE was indicted in
19 Arizona for the sexual abuse of two boys. In 2008, FATHER MCGUIRE was convicted and in
20 February 2009, U.S. District Judge Rebecca Pallmeyer sentenced FATHER MCGUIRE to 25 years
21 in prison.

22 122. Beginning in 1970 and continuing through FATHER MCGUIRE'S prosecution,
23 Plaintiff and his family remained emotionally, spiritually and financially dependent on FATHER
24 MCGUIRE. Throughout this time, FATHER MCGUIRE was financially supporting the Goldberg's
25 with money provided to him by Defendants. As a result, Plaintiff remained one of FATHER
26 MCGUIRE'S supporters throughout the criminal process.

27 123. Despite Defendants' knowledge that Plaintiff was one of the countless boys abused
28 by FATHER MCGUIRE, they did nothing to protect Plaintiff. Rather, they took advantage of

1 Plaintiff's loyalty and dependence on FATHER MCGUIRE and DEFENDANTS, allowing him to
2 continue to be used by FATHER MCGUIRE throughout the criminal proceedings.

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

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

8 125. Defendants' conduct, actions, and omissions served to create an environment in
9 which FATHER MCGUIRE was afforded years of continuous secluded access to minor children,
10 including Plaintiff, who was a minor age at the time FATHER MCGUIRE committed acts of
11 childhood sexual assault against Plaintiff.

12 126. At the time FATHER MCGUIRE performed the acts alleged herein it was or should
13 have been reasonably foreseeable to Defendants that by continuously exposing and making Plaintiff
14 available to FATHER MCGUIRE, Defendants were placing Plaintiff at grave risk of being sexually
15 assaulted by FATHER MCGUIRE. By knowingly subjecting Plaintiff to this foreseeable danger,
16 Defendants were duty-bound to take reasonable steps and implement reasonable safeguards to
17 protect Plaintiff from FATHER MCGUIRE. Further, at all times alleged herein, Defendants
18 possessed a sufficient degree of control over FATHER MCGUIRE's personal and business affairs
19 so as to keep FATHER MCGUIRE away from Plaintiff and other minor children and prevent any
20 childhood sexual assault against them. Defendants, however, failed to take reasonable steps or
21 implement reasonable safeguards for Plaintiff's protection.

22 127. 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 **NEGLIGENT SUPERVISION OF FATHER MCGUIRE**

26 128. Defendants owed Plaintiff a duty to provide reasonable supervision over FATHER
27 MCGUIRE, to use reasonable care in investigating FATHER MCGUIRE's background, and to
28 provide adequate warning to the Plaintiff, and others, of FATHER MCGUIRE's dangerous
propensities.

1 129. Defendants, by and through their respective agents, servants and employees, knew or
2 had reason to know of FATHER MCGUIRE's dangerous and exploitive propensities. Despite such
3 knowledge, Defendants negligently failed to supervise FATHER MCGUIRE, a supervisor of minor
4 children with the propensity and ability to commit wrongful acts against Plaintiff. Defendants
5 failed to provide reasonable supervisions of FATHER MCGUIRE, failed to use reasonable care in
6 investigating FATHER MCGUIRE, and failed to provide adequate warning to Plaintiff and others
7 of FATHER MCGUIRE's dangerous propensities and unfitness. Defendants further failed to take
8 reasonable measures to prevent the childhood sexual assault, abuse and harassment of minor
9 children, including Plaintiff.

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

15 131. Defendants were aware or had reason to have been aware of how vulnerable children
16 were to sexual harassment, assault, and abuse by mentors, clerics, advisors, teachers, counselor and
17 other persons of authority within the Defendants.

18 132. Defendants breached their duty to Plaintiff by, inter alia, failing to adequately
19 monitor and supervise FATHER MCGUIRE and failing to stop FATHER MCGUIRE from
20 committing wrongful sexual acts with minors, including Plaintiff. Plaintiff is informed and believes
21 that employees, staff and agents of Defendants knew and/or suspected the abuse was occurring at
22 the time and failed to investigate the matter further.

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

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1 **NEGLIGENT RETENTION OF FATHER MCGUIRE**

2 134. Defendants owed Plaintiff a duty not to retain FATHER MCGUIRE given his
3 pedophile propensities, which Defendants knew or had reason to know had they engaged in a
4 meaningful and adequate investigation of his background.

5 135. As institutions entrusted with the care of minors, where staff, employees, agents and
6 management, such as FATHER MCGUIRE were placed in contact with minors, Defendants
7 expressly and implicitly represented that these individuals, including FATHER MCGUIRE, were
8 not a sexual threat to children and others who would fall under FATHER MCGUIRE's influence,
9 control, direction and guidance.

10 136. Nevertheless, although Defendants knew or had reason to know, suspected or
11 otherwise had been on notice that FATHER MCGUIRE was a pedophile, that he had sexually
12 assaulted other minors, that FATHER MCGUIRE was and had sexually assaulted Plaintiff,
13 Defendants refused to defrock FATHER MCGUIRE and/or report him to law enforcement.

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

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

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

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

24 139. Plaintiff's Second Cause of action is an alternative additional theory of liability as
25 alleged as against Defendants.

26 140. Defendants are liable for the acts and omissions of their employees and agents,
27 including FATHER MCGUIRE, acting within the course and scope of their employment and/or
28 agency. At all times herein, Defendants employees, including FATHER MCGUIRE, were acting
within the course and scope of their employment.

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

5 142. Defendants breached their duty of care.

6 143. Defendants negligently failed to properly and/or adequately supervise Plaintiff, a
7 minor, and failed to use reasonable care in protecting Plaintiff, a minor, from FATHER
8 MCGUIRE's misconduct that created a risk of childhood sexual assault while Plaintiff, a minor,
9 was involved in activities sponsored, supervised, organized, directed, and/or operated by
10 Defendants and their agents and/or employees.

11 144. Defendants breach was a substantial factor in FATHER MCGUIRE's childhood
12 sexual assault of Plaintiff.

13 145. As a direct, legal, and proximate cause of Defendants acts, omissions and/or
14 negligence, FATHER MCGUIRE committed acts of childhood sexual assault against Plaintiff.

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

18 **PRAYER FOR RELIEF**

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

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

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

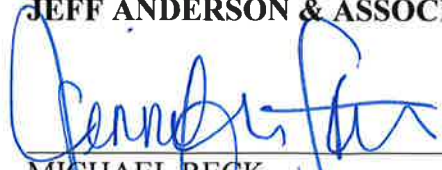
24 3. For damages for past loss wages and past earning capacity and/or future lost wages
25 and loss of earning capacity according to proof at the time of trial;

26 4. For treble damages against Defendant DOE 1, Defendant DOE 2, Defendant DOE 3,
27 Defendant DOE 4, Defendant DOE 5, DOE 6, and Defendants DOE 7 through DOE 100, as
28 authorized by section 340.1 of the Code of Civil Procedure, as amended by Assembly Bill 218;

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- 5. For interest as allowed by law;
- 6. For costs of suit herein; and
- 7. For such other and further relief as the Court deems proper.

DATED: December 30, 2019

JEFF ANDERSON & ASSOCIATES

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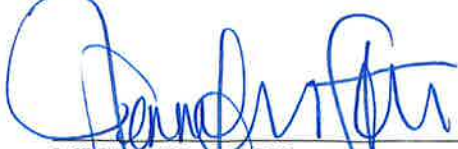
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DEMAND FOR TRIAL

Plaintiff hereby demands a trial by jury in this matter.

DATED: December 30, 2019

JEFF ANDERSON & ASSOCIATES



MICHAEL RECK
MICHAEL G. FINNEGAN
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