

1 Michael Reck, State Bar No. 209895  
*mreck@andersonadvocates.com*  
2 Michael G. Finnegan, State Bar No. 241091  
*mike@andersonadvocates.com*  
3 Joseph C. George, Jr., State Bar No. 200999  
*jgeorgejr@andersonadvocates.com*  
4 Jennifer E. Stein, State Bar No. 300775  
*jennifer@andersonadvocates.com*  
5 **JEFF ANDERSON & ASSOCIATES**  
6 11812 San Vicente Boulevard, Suite 503  
Los Angeles, California 90049  
7 Tel: 310-357-2425  
Fax: 651-297-6543

8 Attorneys for Plaintiff JOHN DOE MR 1006

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF MONTEREY**

) Case No. 19CV005258

11 JOHN DOE MR 1006, an individual )

) **COMPLAINT FOR DAMAGES:**

12 Plaintiff, )

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

14 vs. )

15 DOE 1, a Corporation Sole, )

16 DOE 2, a Domestic Non-Profit, )

17 DOE 3, a Domestic Non-Profit, and )

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

18 DOES 4 through 100. )

) **DEMAND FOR JURY TRIAL**

19 Defendant(s). )

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**COMPLAINT FOR DAMAGES**

Based upon information and belief available to Plaintiff JOHN DOE MR 1006 (“Plaintiff”) at the time of the filing of this Complaint, Plaintiff alleges as follows against Defendants DOE 1, a Corporation Sole, DOE 2, a domestic non-profit, DOE 3 a domestic non-profit, and DOES 4 through DOE 100 (collectively “Defendants”):

**PARTIES**

1. Plaintiff is a natural person who was the resident of the County of Santa Clara, State of California, at all relevant times mentioned herein. Plaintiff is currently a resident of the State of California. The name utilized by Plaintiff in this Complaint is a fictitious name used to protect his privacy as a victim of childhood sexual assault as defined by section 340.1 of the Code of Civil Procedure. Plaintiff was born in 1971. Plaintiff was a minor throughout the period of childhood sexual assault alleged herein. Plaintiff brings this Complaint pursuant to the Code of Civil Procedure Section 3401.1, as amended by Assembly Bill 218, for damages suffered as a result of childhood sexual assault.

2. Plaintiff is informed and believes and thereon alleges that at all times material hereto, Defendant DOE 1 was and continues to be a Corporation Sole, established in its current form in 1967, which includes but is not limited to civil corporations, decision making entities, officials, and employees, authorized to conduct business, incorporated in, and conducting business in the State of California, with its principal place of business at 425 Church St., Monterey, California 93940. Defendant DOE 1 purposely conducts substantial business operations in and throughout the State of California and County of Monterey. Defendant DOE 1 is responsible for Roman Catholic Church operations in the counties of Monterey Santa Cruz, San Benito and San Luis Obispo. Defendant DOE 1 is responsible for the funding, staffing and direction of the parishes, parochial schools, fraternal organizations and other facilities and institutions within the geographic area of the County of Monterey, and encompasses three other counties in Central California. Defendant DOE 1 was the primary entity owning, operating and controlling the activities and behavior of its employees and agents at Defendant DOE 2, including Father Gerald Funcheon, O.S.C., (“PERPETRATOR”), and DOES 4 through 100, and all other employees, agents and

1 supervisors of Defendants. Plaintiff is further informed, believes and thereon alleges that Defendant  
2 DOE 1 had sole authority and responsibility to control and supervise the ministry of  
3 PERPETRATOR from at least 1984 through 1985.

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

12 4. Plaintiff is informed and believes and thereon alleges that at all times material  
13 hereto, Defendant DOE 2 was and is a religious institution organized under the laws of the State of  
14 California as a domestic non-profit, which includes but is not limited to civil corporations, decision  
15 making entities, officials and employees authorized to conduct business and conducting business in  
16 the State of California, with its principle place of business in Salinas, California. At all times  
17 material, Defendant DOE 2 was and continues to be under the direct authority, control and province  
18 of Defendant DOE 1 and the Bishop, DOE 1. Defendant DOE 2 includes but is not limited to the  
19 school corporation and entity. Defendant DOE 2 is responsible for the funding, staffing, and  
20 direction of a Catholic school located at 919 Iverson Street, Salinas, California.

21 5. Plaintiff is informed and believes and thereon alleges that at all times material  
22 hereto, Defendant DOE 3 was and is a religious institution organized under the laws of the State of  
23 Hawaii as a domestic non-profit, which includes but is not limited to civil corporations, decision  
24 making entities, officials and employees authorized to conduct business and conducting business in  
25 the State of Hawaii, with its principle place of business in Honolulu, California. Defendant DOE 3  
26 is responsible for the funding, staffing, and direction of a Catholic school located at 1401  
27 Houghtailing St., Honolulu, Hawaii 96817.

28 6. Plaintiff is informed and believes and thereon alleges that PERPETRATOR was a

1 cleric with Defendants DOE 1, DOE 2, and DOE 3 and DOES 4 through 100, and was assigned to  
2 Defendant DOE 2 between approximately 1984 through, in or around 1985 and assigned to  
3 Defendant DOE 3 between approximately 1982 through, in or around 1984.

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

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

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



1 Joan of Arc in Kokomo, Indiana in approximately 1989; and St. Mary in Dunnington, Indiana in  
2 approximately 1992.

3 15. PERPETRATOR was removed from ministry in approximately 1993.

4 16. PERPETRATOR has been listed in the Archdiocese of Saint Paul and Minneapolis’  
5 list of “Individuals with substantiated claims against them of sexual abuse of a minor *within* the  
6 Archdiocese of Saint Paul and Minneapolis,” released on February 17, 2014.

7 17. PERPETRATOR has been listed in the Canons Regular of the Order of the Holy  
8 Cross a/k/a Crosier Fathers and Brothers’ list of “current, former and deceased Crosiers who have  
9 one or more credible claims of sexual abuse of a minor against them,” released on March 6, 2014.

10 18. PERPETRATOR has been listed in the Diocese of Lafayette-in-Indiana’s list of  
11 “Diocesan Priests with Substantiated Allegations of Sexual Misconduct with Minors,” released on  
12 September 28, 2016.

13 19. PERPETRATOR is known to have sexually assaulted children, other than Plaintiff,  
14 prior to the time Plaintiff was sexually assaulted by PERPETRATOR.

15 20. PERPETRATOR’s assaults of children was known to defendants and agents of  
16 defendants.

17 21. In approximately 1983 to approximately 1984 when PERPETRATOR was assigned  
18 to work as a priest at Defendant DOE 3, the Principal at Defendant DOE 3 received a report from  
19 the parent of a student at Defendant DOE 3 that PERPETRATOR had sexually assaulted his minor  
20 son on a trip sponsored, paid for and organized by Defendant DOE 3. Subsequently, DOE 3  
21 imposed restrictions on PERPETRATOR such that his access to children was restricted and he was  
22 instructed to not take children on overnight trips.

23 22. Instead of reporting PERPETRATOR to the proper law enforcement authorities, a  
24 Vice Principal at Defendant DOE 3 wrote a letter on behalf of DOE 3 affirmatively recommending  
25 PERPETRATOR to continue working as a Roman Catholic priest and with minor students. The  
26 Vice Principal and other administrators were aware of the danger PERPETRATOR posed to  
27 children. The statements made in the letter of recommendation were untrue and created additional  
28 danger. DOE 3 new or should have known that the statements made in the letter of recommendation

1 would be relied upon and would allow PERPETRATOR to access and assault children including  
2 Plaintiff herein.

3 23. In approximately 1984, the Principal of Defendant DOE 2 spoke with the Assistant  
4 Principal at Defendant DOE 3 and affirmatively represented Defendant DOE 2 was interested in  
5 having PERPETRATOR work at Defendant DOE 2 for the upcoming school year.

6 24. In approximately June 1984, the Vicar General and Chancellor of Defendant DOE 1  
7 affirmatively represented that Defendant DOE 1 would allow PERPETRATOR to work for  
8 Defendant DOE 1 by officially extending priestly faculties to PERPETRATOR. PERPETRATOR  
9 was appointed Chaplain of Defendant DOE 2.

10 25. In approximately September 1984, the Vicar General and Chancellor of Defendant  
11 DOE 1 recommended a psychologist for PERPETRATOR to see.

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

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

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

1 centers in Maryland, Kentucky, and Missouri.

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

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

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

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

28 33. Plaintiff was raised in Santa Clara County in a devoutly Catholic family, was



1 baptized, served as an altar server and regularly celebrated weekly mass and received some of the  
2 sacraments through their Church. When Plaintiff was a young child, Plaintiff attended and was a  
3 student at Defendant DOE 2, which was owned, operated, controlled and run by Defendant DOE 1  
4 and Defendant DOE 2. Plaintiff and Plaintiff's family came in contact with PERPETRATOR as an  
5 agent and representative of Defendants, and at Defendant DOE 2.

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

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

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

25 37. In approximately 1984 and through approximately 1985, when Plaintiff was  
26 approximately 14 years old and a student of Defendant DOE 1 and Defendant DOE 2,  
27 PERPETRATOR sexually molested, assaulted and abused Plaintiff. While performing his duties as  
28 a priest, chaplain and teacher, and for the purpose of furthering the duties required in those roles,

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

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

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

14 40. PERPETRATOR committed acts of childhood sexual assault against Plaintiff on a  
15 trip sponsored, organized and controlled by Defendant DOE 1 and Defendant DOE 2.  
16 PERPETRATOR's sexual abuse of Plaintiff included, but was not limited to: PERPETRATOR  
17 rubbing and grabbing Plaintiff's genitals and buttocks and masturbating Plaintiff's penis.

18 41. PERPETRATOR sexually assaulted Plaintiff for sexual gratification and was, at least  
19 in part, based on the Plaintiff's gender, who was a minor child at the time.

20 42. This childhood sexual abuse constitutes "childhood sexual assault" pursuant to Code  
21 of Civil Procedure section 340.1(d) as amended by Assembly Bill 218, including any act committed  
22 against Plaintiff that occurred when the Plaintiff was under the age of 18 years and that would have  
23 been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1)  
24 or (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or  
25 (b) of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c),  
26 of Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section  
27 289 of the Penal Code; any sexual conduct as defined in paragraph (1) of subdivision (d) of Section  
28 311.4 of the Penal Code; Section 647.6 of the Penal Code; and/or any prior laws of this state of

1 similar effect at the time the act was committed.

2 43. Plaintiff did not, and was unable to give free or voluntary consent to the sexual acts  
3 perpetrated against Plaintiff by PERPETRATOR, as Plaintiff was a minor child at the time of the  
4 abuse alleged herein.

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

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

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

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

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

1 the priest is in good standing and sexually safe.

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

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

18 51. Defendants have failed to uphold numerous mandatory duties imposed upon them by  
19 state and federal law, and by written policies and procedures applicable to Defendants.

20 52. As a minor at Defendant DOE 2, which was owned, operated, and controlled by  
21 Defendant DOE 1 and Defendant DOE 2, and where PERPETRATOR was employed, retained, and  
22 worked, Plaintiff was under Defendant DOE 1 and Defendant DOE 2's direct supervision, care, and  
23 control. This constituted a special relationship, fiduciary relationship and/or special care  
24 relationship between Plaintiff and Defendant DOE 1 and Defendant DOE 2. Additionally, as a  
25 minor child under the custody, care, and control of Defendant DOE 1 and Defendant DOE 2,  
26 Defendants stood *in loco parentis* with respect to Plaintiff while Plaintiff was at Defendant DOE 2.  
27 As the responsible parties and/or employers controlling PERPETRATOR, the Defendant DOE 1  
28 and Defendant DOE 2 were also in a special relationship with Plaintiff, and owed special duties to

1 Plaintiff.

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

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

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

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

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

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

1 disclosure of their tolerance of child sexual abuse, to preserve a false appearance of propriety, and  
2 to avoid investigation and action by public authority, including law enforcement.

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

12 **FIRST CAUSE OF ACTION**

13 **NEGLIGENCE**

14 **(As to Defendant DOE 1, Defendant DOE 2 and DOES 4 through Doe 100 Defendants)**

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

17 61. Defendants' conduct, actions, and omissions served to create an environment in  
18 which PERPETRATOR was afforded years of continuous secluded access to minor children,  
19 including Plaintiff, who was approximately 14 years of age at the time PERPETRATOR committed  
20 acts of childhood sexual assault against Plaintiff.

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

1 assaults against them. Defendants, however, failed to take reasonable steps or implement  
2 reasonable safeguards for Plaintiff's protection.

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

6 **NEGLIGENT SUPERVISION OF PERPETRATOR**  
7 **(As to Defendant DOE 1, Defendant DOE 2 and DOES 4 through Doe 100 Defendants)**

8 64. 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 65. Defendants, by and through their respective agents, servants and employees, knew or  
12 should have known 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 sexual abuse, molestation and harassment of minor children,  
19 including Plaintiff.

20 66. 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 67. Defendants were aware or should have been aware of how vulnerable children were  
26 to sexual harassment, assault and abuse by mentors, advisors, teachers, counselors and other persons  
27 of authority within the Defendants.

28 68. Defendants breached their duty to Plaintiff by, *inter alia*, failing to adequately

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

5 69. 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 **NEGLIGENT RETENTION OF PERPETRATOR**  
9 **(As to Defendant DOE 1, Defendant DOE 2 and DOES 4 through Doe 100 Defendants)**

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

13 71. 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 72. Nevertheless, although Defendants knew or should have known, suspected or  
19 otherwise 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 73. 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 **SECOND CAUSE OF ACTION**  
26 **NEGLIGENCE**  
27 **(As to Defendant DOE 1, Defendant DOE 2 and DOES 4 through Doe 100 Defendants)**

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

74. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent



1 paragraphs of this Complaint as if fully set forth herein.

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

4 76. Defendant DOE 1, a corporation sole, Defendant DOE 2 a domestic non-profit, and  
5 DOES 4 through Doe 100 are liable for the acts and omissions of their employees and agents,  
6 including PERPETRATOR, acting within the course and scope of their employment and/or agency.  
7 At all times herein, Defendant DOE 1, Defendant DOE 2, and DOES 4 through Doe 100's  
8 employees, including PERPETRATOR, were acting within the course and scope of their  
9 employment.

10 77. Defendant DOE 1, Defendant DOE 2, and DOES 4 through Doe 100 had a duty to  
11 provide supervision of Plaintiff, a minor, and to use reasonable care in supervising Plaintiff, a  
12 minor, when Plaintiff was involved in activities sponsored, supervised, organized, directed, and/or  
13 operated by Defendant DOE 1, Defendant DOE 2, and DOES 4 through Doe 100, or their agents  
14 and employees.

15 78. Defendant DOE 1, Defendant DOE 2, and DOES 4 through DOE 100 breached their  
16 duty of care.

17 79. Defendant DOE 1, Defendant DOE 2, and DOES 4 through DOE 100 negligently  
18 failed to properly and/or adequately supervise Plaintiff, a minor, and failed to use reasonable care in  
19 protecting Plaintiff, a minor, from PERPETRATOR's misconduct that created a risk of childhood  
20 sexual assault while Plaintiff, a minor, was involved in activities sponsored, supervised, organized,  
21 directed, and/or operated by Defendant DOE 1, Defendant DOE 2, and DOES 4 through DOE 100  
22 and their agents and/or employees.

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

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

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

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

3 **THIRD CAUSE OF ACTION**  
4 **NEGLIGENCE**  
5 **(As to Defendant DOE 3)**

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

8 84. Defendants' conduct, actions, and omissions served to create an environment in  
9 which PERPETRATOR was afforded years of continuous secluded access to minor children.

10 85. At the time PERPETRATOR performed the acts alleged herein it was or should have  
11 been reasonably foreseeable to Defendant DOE 3 that by continuously exposing and making  
12 Plaintiff available to PERPETRATOR, Defendant was placing Plaintiff at grave risk of being  
13 sexually assaulted by PERPETRATOR. By knowingly subjecting Plaintiff to this foreseeable  
14 danger, Defendant DOE 3 was duty-bound to take reasonable steps and implement reasonable  
15 safeguards to protect Plaintiff from PERPETRATOR.

16 86. Defendant DOE 3 was aware of the danger PERPETRATOR posed to children.  
17 Defendant Doe 3 affirmatively misrepresented and lied about the nature of PERPETRATOR and  
18 recommended him as a safe and beneficial as a teacher and mentor for children. As a direct and  
19 proximate result of these lies and misrepresentations, PERPETRATOR was able to assault Plaintiff  
20 and Plaintiff suffered great and extreme harm. In effect Defendant DOE 3 protected itself from  
21 further assaults upon its students for the assaults by PERPETRATOR and instead subjected Plaintiff  
22 and the other students at Defendant Doe 2's facilities to assaults from PERPETRATOR. Defendant  
23 Doe 3 had the ability to protect children and chose not to. Defendant Doe 3 had the ability to at  
24 minimum keep silent but instead chose to affirmatively recommend PERPETRATOR to work with  
25 Plaintiff which was a foreseeable result based on DOE 3's knowledge and actions. Defendant Doe's  
26 3 had the duty to keep PERPETRATOR away from Plaintiff and other minor children, and prevent  
27 any childhood sexual assaults against them. Defendant DOE 3, however, failed to take reasonable  
28 steps or implement reasonable safeguards for Plaintiff's protection.

87. As a direct and proximate result of Defendant's acts and omissions Plaintiff has

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

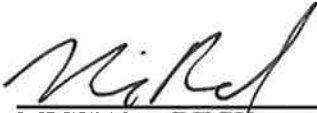
3 **PRAYER FOR RELIEF**

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

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

17 DATED: December 31, 2019

**JEFF ANDERSON & ASSOCIATES**

18  
19 

20 MICHAEL RECK  
21 MICHAEL G. FINNEGAN  
22 JOSEPH C. GEORGE, JR.  
23 JENNIFER E. STEIN  
24 Attorneys for Plaintiff  
25 JOHN DOE MR 1006  
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**DEMAND FOR TRIAL**

Plaintiff JOHN DOE MR 1006 hereby demands a trial by jury in this matter.

DATED: December 31, 2019

**JEFF ANDERSON & ASSOCIATES**



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MICHAEL RECK  
MICHAEL G. FINNEGAN  
JOSEPH C. GEORGE, JR.  
JENNIFER E. STEIN  
Attorneys for Plaintiff JOHN DOE MR 1006