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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SANTA CLARA**

11)
12 JOHN DOE SJ 1007, an individual)
13) Plaintiff,)
14) vs.)
15)
16) DOE 1, a Religious Corporation Sole,)
17) DOE 2, a Religious Corporation Sole,)
18) DOE 3, a Religious Order,)
19) DOE 4, a Religious School, and)
20) DOE 5 through DOE 100.)
21) Defendant(s).)

Case No.
COMPLAINT FOR DAMAGES:
1. NEGLIGENCE—NEGLIGENT SUPERVISION, NEGLIGENT RETENTION
2. NEGLIGENCE- NEGLIGENT SUPERVISION OF PLAINTIFF- THEN A MINOR
Filed Pursuant to Code of Civil Procedure Section 340.1, as amended by Assembly Bill 218
DEMAND FOR JURY TRIAL

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COMPLAINT FOR DAMAGES

Based upon information and belief available to Plaintiff JOHN DOE SJ 1007 (“Plaintiff”) at the time of the filing of this Complaint, Plaintiff alleges as follows against Defendants DOE 1, a Religious Corporation Sole, DOE 2, a Religious Corporation Sole, DOE 3, a Religious Order, DOE 4, a Religious School and DOE 5 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. The name utilized by Plaintiff in this Complaint is a fictitious name used to protect Plaintiff’s privacy as a victim of childhood sexual assault, as defined by section 340.1 of the Code of Civil Procedure. Plaintiff was born in 1953. Plaintiff was a minor throughout the period of childhood sexual assault alleged herein. Plaintiff brings this Complaint pursuant to Code of Civil Procedure Section 340.1, 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 Religious Corporation Sole, 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 in San Francisco County, California. Defendant DOE 1 purposely conducts substantial business operations in and throughout the State of California and San Francisco County. Defendant DOE 1 is responsible for Roman Catholic Church operations in San Francisco County, California. 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 San Francisco County, and encompasses other counties in Northern 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, DOE 3, DOE 4 and also including Brother William Farrington (“PERPETRATOR”), DOE 5 through DOE 100, and all other employees, agents and supervisors of Defendants. Plaintiff is further informed, believes and

1 thereon alleges that Defendant DOE 1 had sole authority and responsibility to control and supervise
2 the ministry of PERPETRATOR.

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

11 4. Plaintiff is informed and believes and thereon alleges that at all times material
12 hereto, Defendant DOE 2 was and continues to be a Religious Corporation Sole, which includes but
13 is not limited to civil corporations, decision making entities, officials, and employees, authorized to
14 conduct business, incorporated in, and conducting business in the State of California, with its
15 principal place of business in San Francisco County, California. Defendant DOE 2 purposely
16 conducts substantial business operations in and throughout the State of California and San Francisco
17 County. Defendant DOE 2 is responsible for Roman Catholic Church operations in San Francisco
18 County, California. DOE 2 is responsible for the funding, staffing and direction of the parishes,
19 parochial schools, fraternal organizations and other facilities and institutions within the geographic
20 area of the San Francisco County, and encompasses other counties in Northern California.
21 Defendant DOE 2 was the primary entity owning, operating and controlling the activities and
22 behavior of its employees and agents at Defendant DOE 2, including PERPETRATOR, DOE 5
23 through DOE 100, and all other employees, agents and supervisors of Defendants. Plaintiff is
24 further informed, believes and thereon alleges that Defendant DOE 2 had authority and
25 responsibility to control and supervise the ministry of PERPETRATOR

26 5. Plaintiff is informed and believes and thereon alleges that at all times material
27 hereto, Defendant DOE 2 employed PERPETRATOR as an agent and had the ability to control and
28 supervise PERPETRATOR's activities. Defendant DOE 2 was an entity that supervised its

1 employees and agents, including its priests, teachers, and administrators, who supervised minor
2 children, including those on its premises and in its programs. At all times material hereto,
3 PERPETRATOR was under the direct supervision, employ, and control of Defendant DOE 2, a
4 Corporation sole.

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

12 7. Plaintiff is informed and believes and thereon alleges that at all times material
13 hereto, Defendant DOE 4, a Religious School employed PERPETRATOR as an agent and had the
14 ability to control and supervise PERPETRATOR's activities. Defendant DOE 4 was an entity that
15 supervised its employees and agents, including its priests, teachers, and administrators, who
16 supervised minor children, including those on its premises and in its programs. At all times material
17 hereto, PERPETRATOR was under the direct supervision, employ, and control of Defendant DOE
18 4, a Religious School.

19 8. Plaintiff is informed and believes and thereon alleges that at all times material
20 hereto, Defendant DOE 4 was and is a religious educational institution organized under the laws of
21 the State of California as a religious entity of form unknown, which includes but is not limited to
22 civil corporations, decision making entities, officials and employees authorized to conduct business
23 and conducting business in the State of California, with its principle place of business in San Jose,
24 California. At all times material, Defendant DOE 4 was and continues to be under the direct
25 authority, control and province of Defendant DOE 1 and the Bishop, DOE 1. DOE 4 includes but is
26 not limited to the educational corporation and entity. Defendant DOE 4 is responsible for the
27 funding, staffing, and direction of a school employees, volunteers and agents located in San Jose
28 California.

1 9. Plaintiff is informed and believes and thereon alleges that PERPETRATOR was a
2 cleric with DOE 1, DOE 2, DOE 3, DOE 4 and DOE 5 through DOE 100.

3 10. DOE 1, DOE 2, DOE 3 DOE 4 and DOE 5 through DOE 100 are hereby referred to
4 as "Defendants."

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

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

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

1 each Defendant, and that each Defendant is jointly and severally liable to Plaintiff.

2 14. PERPETRATOR physically perpetrated acts of childhood sexual assault upon
3 Plaintiff when Plaintiff was a minor

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

6 **FACTS**

7 16. Plaintiff is informed and believes that PERPETRATOR was ordained a Roman
8 Catholic priest and or brother in 1964. PERPETRATOR was employed by Defendant
9 DOE 1. PERPETRATOR remained under the direct supervision, employ, and control of
10 Defendants. Defendants placed PERPETRATOR in positions where he had access to and worked
11 with children as an integral part of his work.

12 17. PERPETRATOR served as a religious brother at Defendants facilities.
13 PERPETRATOR served the parishioners and students of Defendants.

14 18. PERPETRATOR is known to have sexually assaulted children, other than Plaintiff.

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

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

22 21. Because of problems of sexual misconduct (including childhood sexual abuse) of
23 Catholic clergy, the Catholic Church and other organizations sponsored treatment centers for priests
24 that had been involved in sexual misconduct. One such treatment center is the Saint John Vianney
25 Center, (founded in 1946) represented on its public website that is/was "the longest running,
26 internationally renowned, behavioral health facility in North America for Clergy and Religious."
27 Similarly, a different treatment center, the Servants of the Paraclete represented that it "is an
28 international religious community founded... in 1947 with a specific ministry to serve fellow priests

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

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

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

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

28 25. Plaintiff was sexually assaulted by PERPETRATOR. PERPETRATOR’s sexual

1 assault of Plaintiff is a result of Defendant DOE 1 and Defendant DOE 2 cover up, as statutorily
2 defined by Code of Civil Procedure section 340.1 (b).

3 26. Plaintiff was raised in a devoutly Catholic family, was baptized, confirmed, and
4 served as an altar server and celebrated weekly mass and received the sacraments through their
5 Church and School. When Plaintiff was a young child, Plaintiff and Plaintiff's family attended DOE
6 1 and DOE 4, which was owned, operated, controlled and run by Defendant DOE 1 and Defendant
7 DOE 4. Plaintiff and Plaintiff's family came in contact with PERPETRATOR as an agent and
8 representative of Defendants, and at DOE 1 and DOE 4.

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

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

20 29. During and through these activities, Plaintiff, as a minor and vulnerable child, was
21 dependent on Defendants and their agents, including PERPETRATOR. Plaintiff was under the
22 custody and control of Defendants, who had control over Plaintiff's welfare and who were
23 responsible for running the DOE 4 with a duty to protect Plaintiff because he was in a special
24 relationship with Defendants. Defendants had accepted the entrustment of Plaintiff and had
25 responsibility for Plaintiff and authority over Plaintiff.

26 30. In approximately 1967, when Plaintiff was approximately thirteen years old and
27 member of Defendant DOE 1 and Defendant DOE 4, PERPETRATOR sexually assaulted Plaintiff,
28 a minor. While performing his duties as a religious brother, and for the purpose of furthering the

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

3 31. 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 childhood sexual assault and abuse of Plaintiff.

7 32. PERPETRATOR utilized Defendants' facilities and institutions to gain access to
8 Plaintiff. At all relevant times, PERPETRATOR was referred to as "Brother" and wore the religious
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 the Church. It was by virtue of
11 PERPETRATOR's position as a priest of Defendants that he met and groomed Plaintiff, established
12 trust with Plaintiff, and manipulated that trust in order to sexually assault and abuse Plaintiff.

13 33. PERPETRATOR sexually assaulted Plaintiff on the premises owned, operated, and
14 controlled by Defendants DOE 1 and Defendant DOE 2, including in the school at DOE 4.
15 PERPETRATOR's sexual abuse of Plaintiff included, but was not limited to: sexual touching.
16 PERPETRATOR's sexual abuse of Plaintiff began when Plaintiff was approximately thirteen years
17 old.

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

20 35. 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 36. 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 37. 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 38. As a direct and proximate result of PERPETRATOR's childhood sexual assault
10 against Plaintiff, 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 39. As a direct and proximate result of Plaintiff's sexual abuse 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 40. PERPETRATOR at all times material hereto was an employee, agent and/or
18 representative of Defendants. PERPETRATOR engaged in unlawful sexual conduct with Plaintiff
19 when Plaintiff was a minor. Defendants are vicariously liable for the childhood sexual abuse
20 committed by PERPETRATOR, including but not limited to through the theories of respondent
21 superior, ratification, and authorization. PERPETRATOR's childhood sexual misconduct with
22 Plaintiff occurred while he was functioning on behalf of Defendants, and was made possible
23 because of that agency.

24 41. 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 42. The Defendants ratified and authorized PERPETRATOR's childhood sexual abuse
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 childhood sexual assault of Plaintiff and other minors, (3) failing to
7 acknowledge the existence of complaints against PERPETRATOR of childhood sexual assault on
8 Plaintiff and minors, (4) failing to report such complaints to civil or criminal authorities, (5)
9 providing financial support to PERPETRATOR during and/or after the childhood sexual abuse of
10 Plaintiff and/or other minors, and (6) failing to take steps to timely remove PERPETRATOR from
11 the priesthood so as to permanently prevent him from using his authority bestowed upon him by
12 Defendants to gain access to minors and sexually abuse them.

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

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

20 45. As a minor at DOE 4, which was owned, operated, and controlled by the Defendants,
21 and where PERPETRATOR was employed, retained, and worked, Plaintiff was under Defendants'
22 direct supervision, care, and control. This constituted a special relationship, fiduciary relationship
23 and/or special care relationship between Plaintiff and Defendants. Additionally, as a minor child
24 under the custody, care, and control of Defendants, Defendants stood *in loco parentis* with respect
25 to Plaintiff while Plaintiff was at DOE 4. As the responsible parties and/or employers controlling
26 PERPETRATOR, the Defendants were also in a special relationship with Plaintiff, and owed
27 special duties to Plaintiff.

28 46. Defendants knew or had reason to know, or were otherwise on notice, that

1 PERPETRATOR had engaged in misconduct, engaged in unlawful sexual-related conduct with
2 minors in the past, and/or was continuing to engage in such conduct with Plaintiff, and failed to take
3 reasonable steps, and to implement reasonable safeguards, to avoid acts of unlawful sexual conduct
4 in the future by PERPETRATOR.

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

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

15 49. Plaintiff is informed, believes and thereon alleges that Defendants were given notice
16 of inappropriate misconduct conduct committed by PERPETRATOR.

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

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

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

4 **NEGLIGENT SUPERVISION OF PERPETRATOR**

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

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

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

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

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

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

6 **NEGLIGENT RETENTION OF PERPETRATOR**

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

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

15 65. Defendants knew or had reason to know, suspected or otherwise been on notice of
16 PERPETRATOR's misconduct.

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

20 **SECOND CAUSE OF ACTION**

21 **NEGLIGENCE**

22 **(As to ALL Defendants)**

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

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

26 68. Plaintiff's Second Cause of action is an alternative additional theory of liability as
27 alleged as against Defendants.

28 69. Defendants are liable for the acts and omissions of their employees and agents,

1 including PERPETRATOR, acting within the course and scope of their employment and/or agency.
2 At all times herein, Defendants employees, including PERPETRATOR, were acting within the
3 course and scope of their employment.

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

8 71. Defendants breached their duty of care.

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

14 73. Defendants breach was a substantial factor in PERPETRATOR's childhood sexual
15 assault of Plaintiff.

16 74. As a direct, legal, and proximate cause of Defendants acts, omissions and/or
17 negligence, PERPETRATOR committed acts of childhood sexual assault against Plaintiff.

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

21 **PRAYER FOR RELIEF**

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

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

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

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

1 4. For treble damages against Defendant DOE 1, a Religious Corporation sole,
2 Defendant DOE 2, a Religious Corporation sole, Defendant DOE 3, a Religious Order, Defendant
3 DOE 4, a Religious School, and Defendants DOE 5 through DOE 100, as authorized by section
4 340.1 of the Code of Civil Procedure;

5 5. For interest as allowed by law;


6 6. For costs of suit herein; and

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

8 DATED: December 31, 2019

JEFF ANDERSON & ASSOCIATES

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MICHAEL RECK
MICHAEL G. FINNEGAN
JOSEPH GEORGE, JR.
JENNIFER E. STEIN
Attorneys for Plaintiff **JOHN DOE SJ 1007**

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DEMAND FOR TRIAL

Plaintiff hereby demands a trial by jury in this matter.

DATED: December 31, 2019

JEFF ANDERSON & ASSOCIATES



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