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(Pro Hac Vice Pending)

9 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

10 IN AND FOR THE COUNTY OF MARICOPA

11 JOHN HT DOE, a married man,

12 Plaintiff,

13 v.

14 THE ROMAN CATHOLIC CHURCH OF
15 THE DIOCESE OF PHOENIX, a corporation
16 sole; ST. THOMAS THE APOSTLE
17 ROMAN CATHOLIC PARISH PHOENIX,
18 an Arizona corporation; JOHN DOE 1-100;
19 JANE DOE 1-100; and BLACK & WHITE
20 Corporations 1-100,

21 Defendants.

CV 2020-010605
Case No.:

COMPLAINT

COPY

SEP 01 2020



CLERK OF THE SUPERIOR COURT
M. PATTERSON
DEPUTY CLERK

22 Plaintiff, for his complaint, states and alleges the following:

23 **JURISDICTION**

- 24 1. Plaintiff, John HT Doe, is a resident of Maricopa County, Arizona. The acts,
25 events, and or omissions occurred in Maricopa County, Arizona. This cause
26 of action arises out of acts, events or omissions that occurred in Maricopa
27 County, Arizona.
- 28 2. Defendant the Roman Catholic Church of the Diocese of Phoenix (Diocese of
Phoenix) is a sole corporation. The presiding Bishops of the Diocese of

1 Phoenix during the relevant times at issue in this Complaint are Bishop Edward
2 A. McCarthy (1969-1976), Bishop James S. Rausch (1977-1981), Bishop
3 Thomas J. O'Brien (1982-2003), and Bishop Thomas J. Olmsted (2003 –
4 present).

5 3. The Diocese of Phoenix is incorporated in the State of Arizona and has its
6 principle place of business in Phoenix, Maricopa County, Arizona. The
7 Diocese of Phoenix was canonically erected on December 2, 1969 by Pope
8 Paul VI. The territory of the Diocese of Phoenix encompasses approximately
9 43,000 square miles including Maricopa, Mohave, Yavapai, and Coconino
10 Counties. The Diocese of Phoenix owns, operates, and or controls ninety-three
11 (93) parishes, twenty-nine (29) Catholic Elementary Schools, and Six (6)
12 Catholic High Schools.

13 4. The Diocese has several programs that seek out the participation of children
14 including, but not limited to, schools and other educational programs. The
15 Diocese, through its officials, has complete control over those activities and
16 programs involving children. The Diocese has the power to appoint, train,
17 supervise, monitor, remove, and terminate each and every person working with
18 children within the Diocese.

19 5. Defendant Diocese of Phoenix, acting through its Bishops, priests, brothers,
20 clerics, provincials, employees, and agents of any kind caused acts, events, or
21 omissions to occur in Maricopa County, Arizona out of which these claims
22 arise.

23 6. Defendant St. Thomas the Apostle Roman Catholic Parish Phoenix (St. Thomas
24 the Apostle), was and continues to be an organization authorized to conduct
25 business and conducting business in the State of Arizona, with its principal
26 place of business at 2312 E. Campbell Avenue in Phoenix, Arizona 85016. St.
27 Thomas the Apostle includes, but is not limited to, St. Thomas the Apostle
28 Catholic School and any other organizations and/or entities operating under the

- 1 same or similar name with the same or similar principal place of business.
- 2 7. At all times material, St. Thomas the Apostle was and continues to be under the
- 3 direct authority, control, and province of Defendant Diocese and the Bishop of
- 4 Defendant Diocese. Defendant St. Thomas the Apostle includes any school
- 5 affiliated with St. Thomas the Apostle. At all times material, Defendant St.
- 6 Thomas the Apostle Catholic School was under the direct authority, control,
- 7 and province of Defendant Diocese and the Bishop of Defendant Diocese. At
- 8 all times material, Defendants St. Thomas the Apostle and Diocese owned,
- 9 operated, managed, maintained, and controlled St. Thomas the Apostle Roman
- 10 Catholic Parish Phoenix.
- 11 8. Defendant St. Thomas the Apostle Roman Catholic Parish Phoenix, acting
- 12 through its Bishops, priests, brothers, clerics, provincials, employees, and
- 13 agents of any kind caused acts, events, or omissions to occur in Maricopa
- 14 County, Arizona out of which these claims arise.
- 15 9. At all times material, Father John P. Doran, was an adult male resident of
- 16 Maricopa County, Arizona.
- 17 10. Father John P. Doran is or was a Roman Catholic cleric who caused acts,
- 18 events, or omissions to occur in Arizona out of which these claims arise. At
- 19 all times alleged, Father John P. Doran was employed by and was the actual or
- 20 apparent agent of Defendants Diocese of Phoenix, St. Thomas the Apostle
- 21 Roman Catholic Parish Phoenix and acting within the course and scope of his
- 22 employment and or actual or apparent authority with Defendants Diocese of
- 23 Phoenix and or St. Thomas the Apostles.
- 24 11. Defendant Father John P. Doran was and or is under the supervision, employ,
- 25 or control of Defendants Diocese of Phoenix, Bishop of Phoenix, and or St.
- 26 Thomas the Apostle when he committed the wrongful acts, events, and or
- 27 omissions.
- 28 12. At all times alleged, Defendant Diocese of Phoenix, Defendant St. Thomas the

1 Apostle, and Father John P. Doran, their Bishops, Archbishops, priests,
2 brothers, clerics, provincials, employees, and or agents were acting within the
3 course and scope of employment or alternatively, acting within their actual or
4 apparent authority. At all times alleged Father John P. Doran was acting as an
5 agent or employee of Defendants Dioceses of Phoenix, the Bishop of Phoenix,
6 and or St. Thomas the Apostles, and acting within the course and scopes of his
7 employment and or actual or apparent authority with those Defendants. The
8 wrongful acts, events, or omissions committed by Defendants and by those
9 priests, brothers, clerics, Bishops, Archbishops, employees and agents who
10 acted individually and in conspiracy with the other to hide and cover up Father
11 John P. Doran's history, pattern, and propensity to sexually abuse Catholic
12 children were done within the course and scope of their authority with their
13 employing entities, or incidental to that authority and were acquiesced in,
14 affirmed, and ratified by those entities.

15 13. Plaintiff is informed and believes, and on that basis alleges, that at all times
16 mentioned herein, there existed a unity of interest and ownership among
17 Defendants and each of them, such that any individuality and separateness
18 between Defendants, and each of them, ceased to exist. Defendants, and each
19 of them, were the successors-in-interest and or alter egos of the other
20 Defendants, and each of them, in that they purchased, controlled, dominated
21 and operated each other without any separate identity, observation of
22 formalities, or other manner of division. At all times alleged, Defendants acted
23 in concert with their co-defendants and others to commit the wrongful acts. To
24 continue maintaining the façade of a separate and individual existence between
25 and among Defendants, and each of them, would serve to perpetuate a fraud
26 and an injustice.

27 14. Defendants JOHN DOE 1-100, JANE DOE 1-100, and BLACK AND WHITE
28 CORPORATIONS 1-100, are fictitious names designating an individual or

1 individuals or legal entities not yet identified who have acted in concert with
2 the named Defendants either as principals, agents, co-participants, or co-
3 conspirators whose true names Plaintiff may insert when identified.

- 4 15. Plaintiff is informed and believes, and on that basis alleges, that at all times
5 alleged herein, Defendants and each of them and JOHN DOES 1-100, JANE
6 DOES 1-100, and BLACK and WHITE CORPORATIONS 1-100, inclusive,
7 were the agents, representatives and or employees of each and every other
8 Defendant. In doing the things hereinafter alleged, Defendants, and each of
9 them, JOHN DOES 1-100, JANE DOES 1-100, and BLACK and WHITE
10 CORPORATIONS 1-100, inclusive, were acting within the course and scope
11 of said alternative personality, capacity, indemnity, agency, representation and
12 or employment and were within their actual or apparent authority.

13 GENERAL ALLEGATIONS

- 14 16. Plaintiff incorporates all other paragraphs as if fully set forth herein.
- 15 17. At all times material, Father John P. Doran was a Roman Catholic cleric
16 employed by Defendants Diocese of Phoenix and or St. Thomas the Apostle.
17 Father John P. Doran remained under the direct supervision, employ, and
18 control of Defendants acting within the course and scope of his employment
19 and or actual or apparent authority with Defendants Diocese of Phoenix and or
20 St. Thomas the Apostle.
- 21 18. Defendants placed Father John P. Doran in positions of trust where he had
22 access to and worked with children as an integral part of his work.
- 23 19. Plaintiff was raised in a Roman Catholic family and attended St. Thomas the
24 Apostle Catholic School in Phoenix, Arizona in the Diocese of Phoenix.
25 Plaintiff and Plaintiff's family came in contact with Father John P. Doran as an
26 agent and representative of Defendants and at St. Thomas the Apostle Catholic
27 School.
- 28 20. Plaintiff participated in youth activities and or church activities at St. Thomas

1 the Apostle. Plaintiff, therefore, developed great admiration, trust, reverence,
2 and respect for the Roman Catholic Church, including Defendants and their
3 agents, including Father John P. Doran. During and through these activities,
4 Plaintiff, as a minor and vulnerable child, was dependent on Defendants and
5 Father John P. Doran. Defendants had custody of Plaintiff and accepted the
6 entrustment of Plaintiff and, therefore, had responsibility for Plaintiff and
7 authority over Plaintiff.

- 8 21. When Plaintiff was over the age of 15 years old, Father John P. Doran engaged
9 in unpermitted sexual contact with Plaintiff, including, but not limited to sexual
10 contact as defined by Arizona Revised Statutes § 13-1401, § 13-1405 and or §
11 13-1406.
- 12 22. Plaintiff's relationship to Defendants and Father John P. Doran, as a vulnerable
13 child, parishioner, student and participant in church activities, was one in which
14 Plaintiff was subject to the ongoing influence of Defendants and Father John P.
15 Doran.
- 16 23. The culture of the Catholic Church over Plaintiff created pressure on Plaintiff
17 not to report the abuse Plaintiff suffered.
- 18 24. The Bishop of Phoenix has a responsibility to ensure that priests of the Diocese
19 of Phoenix are living a chaste life. The Bishop of Phoenix also has a
20 responsibility to make sure that the priests working within the Diocese of
21 Phoenix are fulfilling the promise of celibacy.
- 22 25. The Bishop of Phoenix has ultimate authority over the Diocese of Phoenix.
23 The Bishop of Phoenix has three primary roles, teaching, sanctifying and
24 governing. As teacher, the Bishop of Phoenix is the primary teacher in the
25 Diocese and overlooks all of the teaching function of the Diocese of Phoenix.
26 In his role as governor of the Diocese of Phoenix, the Bishop of Phoenix
27 manages the business of the Diocese including making assignments of clergy,
28 and assignments to other offices within the diocesan structure.

- 1 26. The Bishop of Phoenix has sole authority to decide how the Diocese of Phoenix
2 is governed.
- 3 27. The parishes of the Diocese of Phoenix are under the leadership, supervision
4 and authority of the Bishop of Phoenix. Although each parish is separately
5 incorporated, each parish has three voting members. The voting members of
6 each parish are the pastor of the parish, the vicar general, who acts on behalf
7 of the bishop, and the Bishop of Phoenix.
- 8 28. The Bishop of Phoenix has a special relationship with the students who attend
9 Catholic schools.
- 10 29. Catholic priests who were assigned to parishes that had elementary schools
11 attached to the parish are part of the teaching function of the Diocese of
12 Phoenix.
- 13 30. When the Diocese of Phoenix was erected on December 2, 1969, the 182
14 diocesan and religious order priests that were part of the Diocese of Phoenix
15 ministered and worked under the supervision of the Bishop of Phoenix.
- 16 31. Religious order priests, such as priests from the Society of Jesus (Jesuits),
17 Franciscan Friars, or Society of the Divine Savior (Salvatorians) are assigned
18 or appointed to a parish, school or other facility by the Bishop of Phoenix.
- 19 32. Before a priest from another diocese or a priest from a religious order is
20 allowed to work in the diocese and be appointed within the diocese the Bishop
21 of Phoenix has a responsibility to ensure that the priest is fit to perform his
22 priestly duties.
- 23 33. Under the direction, supervision, control, authority and appointment made by
24 the Bishop of Phoenix, Father John P. Doran worked at St. Thomas the Apostle
25 Catholic Parish from 1969 to 1972.
- 26 34. At the time, St. Thomas the Apostle's Catholic Church and Parish had a school
27 with more than 630 elementary school students, including Plaintiff.
- 28 35. By assigning Father John P. Doran to St. Thomas the Apostle, and other

1 assignments, the Bishop of Phoenix represented to Catholic parishioners and
2 the public, including Plaintiff and her family that Father John P. Doran had the
3 requisite moral, spiritual, emotional and intellectual qualities to be a parish
4 priests. The Diocese of Phoenix, through its bishops, priests, brothers, clerics,
5 agents, and or employees of any kind were negligent in allowing Father John
6 P. Doran into the diocese and was negligent in allowing Father John P. Doran
7 to serve in the diocese, including St. Thomas the Apostle, because the Diocese
8 of Phoenix knew or should have known that Father John P. Doran posed an
9 unreasonable risk of harm to Catholic children, including Plaintiff. By
10 assigning him to St. Thomas the Apostle and other assignments, the Diocese
11 intentionally, recklessly, or negligently misrepresented.

12 36. Upon information and belief, Defendants knew or should have known that
13 Father John P. Doran engaged in sexual misconduct and was not fit to work as
14 a priest before he was assigned by the Bishop of Phoenix to work at St. Thomas
15 the Apostle.

16 37. The Bishop of Phoenix assigned Father John P. Doran to Catholic schools and
17 or parishes and or missions in Arizona including but not limited to St. Thomas
18 the Apostle Roman Catholic Parish Phoenix and or St. Thomas the Apostle's
19 Catholic Elementary School where Father John P. Doran worked.

20 38. Defendant Diocese of Phoenix, Defendant St. Thomas the Apostle Catholic
21 Parish, and Father John P. Doran, through its bishops, archbishops, priests,
22 brothers, provincials, employees, and or agents of any kind, knew or should
23 have known that Father John P. Doran would have contact with Catholic
24 children while assigned to Catholic Churches, parishes, schools, and missions
25 in the Diocese of Phoenix.

26 39. Defendants Diocese of Phoenix and St. Thomas the Apostle Catholic Parish
27 Phoenix, through its Bishops, priests, deacons, agents, and or employees
28 engaged in a pattern and practice of transferring pedophile priests throughout

1 the Diocese of Phoenix, State of Arizona, and United States in an attempt to
2 cover up clergy sexual misconduct. Defendants Diocese of Phoenix, and St.
3 Thomas the Apostle Catholic Parish Phoenix allowed other pedophile priests
4 to work at St. Thomas the Apostle including but not limited to Father Mark
5 Allan Lehman and Father John D. Spaulding.

6 40. In 1945, a Roman Catholic Bishop ordained Father John P. Doran a Roman
7 Catholic priest.

8 41. The Bishop of Phoenix assigned and or appointed Father John P. Doran
9 Associate Pastor at St. Thomas the Apostle's Roman Catholic Parish.

10 42. Defendants, in keeping with the official and unofficial policies of the Roman
11 Catholic Church, attempted to conceal and cover-up Father John P. Doran's
12 sexual abuse of children.

13 43. The Roman Catholic Church, including Defendants, maintain a culture of
14 secrecy and concealment in all matters involving the sexual misdeeds of priests
15 and clerics. The culture of secrecy and concealment of clergy sexual abuse has
16 been the official and unofficial policy of the Roman Catholic Church, and each
17 Defendant, for decades.

18 44. In 2000 a Maricopa County Grand Jury investigated the Diocese of Phoenix
19 and its bishop, Bishop Thomas J. O'Brien. The Maricopa Grand Jury
20 investigated whether Bishop Thomas J. O'Brien or the Diocese failed to report
21 to law enforcement authorities criminal sexual misconduct by priests and other
22 Diocesan personnel and whether Bishop Thomas J. O'Brien or the Diocese
23 placed or transferred priests or other Diocesan personnel in or to a position to
24 commit additional criminal conduct after becoming aware of prior criminal
25 conduct. The Grand Jury's investigation developed evidence that Bishop
26 Thomas J. O'Brien failed to protect victims of criminal sexual misconduct by
27 others associated with the Roman Catholic Diocese of Phoenix.

28 45. On May 3, 2003, Bishop Thomas J. O'Brien signed an agreement with the

1 Maricopa County Attorney's Office. In the agreement Bishop O'Brien
2 acknowledged that he "allowed Roman Catholic priests under [his] supervision
3 to work with minors after becoming aware of allegations of sexual misconduct.
4 [He] further acknowledged that priests who had allegations of sexual
5 misconduct made against them were transferred to ministries without full
6 disclosure to their supervisor or to the community in which they were
7 assigned."

8 **Defendants Diocese of Phoenix and St. Thomas the Apostle Roman Catholic**
9 **Parish covered up and fraudulently concealed**
10 **Father John P. Doran's history and propensity of sexual abuse**
11 **before and after the sexual abuse.**

- 11 46. Plaintiff incorporates all other paragraphs as if fully set forth herein.
- 12 47. Defendant Diocese of Phoenix, Defendant St. Thomas the Apostle, and Father
13 John P. Doran, individually and in concert with each other, acting through its
14 priests, Bishops, Archbishops, provincials, employees, or agents of any kind
15 knew or should have known that Father John P. Doran sexually abused young
16 Catholic children. Defendants the Diocese of Phoenix, St. Thomas the
17 Apostle, and Father John P. Doran also knew or should have known of Father
18 John P. Doran's propensity to sexually abuse children.
- 19 48. Defendant Diocese of Phoenix, Defendant St. Thomas the Apostle and Father
20 John P. Doran, priests, Bishops, Archbishops, provincials, employees, or
21 agents of any kind did not disclose, warn, or report the sexual abuse or Father
22 John P. Doran's propensity to sexually abuse Catholic children. Instead, acting
23 individually and in concert with each other and other priests, bishops, dioceses,
24 and archdioceses, and co-conspirators, Defendants kept the news of Father
25 John P. Doran's sexual abuse and propensity to engage in sexual abuse from
26 church members, including Plaintiff and his family.
- 27 49. Defendant Diocese of Phoenix, Defendant St. Thomas the Apostle and Father
28 John P. Doran, their priests, Bishops, Archbishops, and agents of any kind

1 followed the orders, commandments, directives, policies, or procedures of the
2 Roman Catholic Church mandated by the priests, Bishops, Archbishops,
3 Cardinals, Vatican, the Holy See, the Holy Office, and the Holy Father
4 requiring that all matters and details regarding clergy sexual abuse be kept
5 absolutely secret. The secrets of priest sexual abuse were commonly regarded
6 as a secret of the Holy Office. In keeping with the policies, procedures and
7 directives of the Roman Catholic Church, Defendants, and each of them, kept
8 information about Father John P. Doran's sexual abuse of children or his
9 propensity to sexual abuse children secret.

10 50. Defendant Diocese of Phoenix, Defendant St. Thomas the Apostle and Father
11 John P. Doran, their priests, Bishops, Archbishops, and agents of any kind also
12 followed the orders, commandments, directives, policies, or procedures of the
13 Roman Catholic Church mandated by the Vatican, the Holy See, the Holy
14 Office, Bishops, Archbishops, Cardinals and the Holy Father allowing a priest
15 accused of sexual abuse to be transferred to a new assignment without ever
16 disclosing the priest's history of sexual abuse.

17 51. Defendant Diocese of Phoenix, Defendant St. Thomas the Apostle and Father
18 John P. Doran acted individually and in concert with one another and others
19 including but not limited to other priests, bishops, archbishops, diocese, and
20 archdiocese to engage in a pattern and practice of protecting priests and clerics
21 who sexually abused parishioners and children by ratifying, concealing, failing
22 to report, or failing to investigate clergy sexual abuse, molestation, and or
23 sexual misconduct.

24 52. The Defendant Diocese of Phoenix and Defendant St. Thomas the Apostle
25 acting through its agents and or employees, including priest, bishops,
26 archbishops, clerics, allowed priests under their supervision and control to
27 have contact with minors after becoming aware of allegations of sexual
28 misconduct.

1 53. The Bishop of the Diocese of Phoenix transferred pedophile priests to
2 situations where children could be further victimized.

3
4 **Defendants are estopped from alleging the statute of limitations as a defense**
5 **because they fraudulently concealed Father John P. Doran's abuse of Catholic**
6 **children and his propensity to sexually abuse Catholic Children.**

7 54. Plaintiff incorporates all other paragraphs as if fully set forth herein.

8 55. Defendants Diocese of Phoenix, Defendant St. Thomas the Apostle and Father
9 John P. Doran, through its priests, Bishops, Archbishops, and agents of any
10 kind assigned Father John P. Doran to ministries throughout the United States,
11 including the Catholic churches located in the Diocese of Phoenix.

12 56. Defendants, and each of them, did not reveal to the congregation of faithful
13 Catholics, including Plaintiff and his family, that Father John P. Doran
14 engaged in sexual contact with Catholic children.

15 57. Defendants, and each of them, knew or should have known that Father John P.
16 Doran continued to sexually abuse and or have sexual contact with Catholic
17 children.

18 58. Defendants, and each of them, individually and in conspiracy with the other
19 priests, bishops, archbishops, and agents of any kind, led the congregation of
20 faithful Catholics to believe that Father John P. Doran was fit to serve as a
21 Roman Catholic priest ministering to Catholic children. In keeping with the
22 orders, commandments, directives, policies, or procedures of the Roman
23 Catholic Church mandated by the priests, Bishops, Archbishops, Cardinals,
24 Vatican, the Holy See, the Holy Office, and the Holy Father requiring that all
25 matters and details regarding clergy sexual abuse be kept absolutely secret,
26 Defendants individually and in conspiracy with each other and other priests,
27 bishops, archbishops, diocese, and agents of any kind, did not reveal to the
28 congregation of faithful Catholics in the Diocese of Phoenix and its parishes,

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including Plaintiff and his family, that Father John P. Doran sexually abused Catholic children.

59. Defendants are equitably estopped from alleging the statute of limitations as a defense in this case because of the inequitable conduct of Defendants, because of their attempts to fraudulently conceal the abuse and breaches of fiduciary duties.

60. All Defendants, with their pattern and practice of ignoring, covering up, and or fraudulently concealing Father John P. Doran's sexual abuse of Plaintiff and other Catholic children, demonstrated deliberate indifference, conscious disregard, and reckless disregard to Plaintiff's mental and physical well-being.

61. All Defendants' pattern and practice of ignoring, covering up, and fraudulently concealing repeated and frequent sexual abuse perpetrated by Father John P. Doran and other clergy was done pursuant to the Catholic Church's official and unofficial policies and practices.

COUNT I
SEXUAL ASSAULT / SEXUAL ABUSE / SEXUAL CONDUCT
WITH A MINOR
(A.R.S. §§ 13-1404, 13-1406, and the common law)

62. Plaintiff incorporates all other paragraphs as if fully set forth herein.

63. Defendant Father John P. Doran intentionally, knowingly, recklessly, or negligently engaged in sexual contact with Plaintiff.

64. Defendant Father John P. Doran intentionally, knowingly, recklessly, or negligently engaged in sexual contact, without his consent and when he was a minor incapable of consenting to such sexual contact.

65. As a direct and proximate cause of Defendants' wrongful acts Plaintiff suffered and will continue to suffer in the future physical and emotional injury including, but not limited to great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage,

1 frustration, loss of enjoyment of life, loss of consortium, loss of love and
2 affection, sexual dysfunction, past and future medical expenses for
3 psychological treatment, therapy, and counseling.

4 66. The allegations set forth in this Count constitute traditional negligence and
5 negligence per se for violation of A.R.S. § 13-3623 and other relevant statutes
6 and laws, including the common law, enacted for the protection of a specific
7 class of persons of which Plaintiff is a member.

8
9 **COUNT II**
10 **NEGLIGENCE AGAINST DEFENDANTS**
11 **DIOCESE OF PHOENIX & ST. THOMAS THE APOSTLE**

12 67. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set
13 forth under this count.

14 68. Each Defendant owed Plaintiff a duty of reasonable care to protect the Plaintiff
15 from injury.

16 69. Each Defendant owed Plaintiff a duty of care because each Defendant had a
17 special relationship with Plaintiff.

18 70. Defendants also had a duty arising from the special relationship that existed
19 with Plaintiff, Plaintiff's parents, and other parents of young, innocent,
20 vulnerable children to properly train and supervise its clerics. This special
21 relationship arose because of the high degree of vulnerability of the children
22 entrusted to their care. As a result of this high degree of vulnerability and risk
23 of sexual abuse inherent in such a special relationship, Defendants had a duty
24 to establish measures of protection not necessary for persons who are older and
25 better able to safeguard themselves.

26 71. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because
27 each Defendant also had a special relationship with Father John P. Doran.

28 72. Defendants owed Plaintiff a duty of reasonable care because they solicited
youth and parents for participation in their youth programs; encouraged youth

1 and parents to have the youth participate in their programs; undertook custody
2 of minor children, including Plaintiff; promoted their facilities and programs
3 as being safe for children; held their agents, including Father John P. Doran,
4 out as safe to work with children; encouraged parents and children to spend
5 time with their agents; and/or encouraged their agents, including Father John
6 P. Doran, to spend time with, interact with, and recruit children.

7 73. By accepting custody of the minor Plaintiff, Defendants established an *in loco*
8 *parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to
9 protect Plaintiff from injury. Further, Defendants entered into a fiduciary
10 relationship with Plaintiff by undertaking the custody, supervision of, and/or
11 care of the minor Plaintiff. As a result of Plaintiff being a minor, and by
12 Defendants undertaking the care and guidance of the Plaintiff, Defendants also
13 held a position of empowerment over Plaintiff. Further, Defendants, by
14 holding themselves out as being able to provide a safe environment for
15 children, solicited and/or accepted this position of empowerment. Defendants,
16 through its employees, exploited this power over Plaintiff and, thereby, put the
17 minor Plaintiff at risk for sexual abuse.

18 74. By establishing and/or operating the Diocese of Phoenix and St. Thomas the
19 Apostle, accepting the minor Plaintiff as a participant in their programs,
20 holding their facilities and programs out to be a safe environment for Plaintiff,
21 accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a
22 fiduciary relationship with Plaintiff, Defendants entered into an express and/or
23 implied duty to properly supervise Plaintiff and provide a reasonably safe
24 environment for children, who participated in their programs. Defendants
25 owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from
26 foreseeable dangers. Defendants had the duty to exercise the same degree of
27 care over minors under their control as a reasonably prudent person would have
28 exercised under similar circumstances.

- 1 75. By establishing and operating the Diocese of Phoenix and St. Thomas the
2 Apostle, which offered educational programs to children and which may have
3 included a school, and by accepting the enrollment and participation of the
4 minor Plaintiff as a participant in those educational programs, Defendants
5 owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from
6 generally foreseeable dangers.
- 7 76. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because
8 Defendants invited Plaintiff onto their property and Father John P. Doran
9 posed a dangerous condition on Defendants' property.
- 10 77. Each Defendant breached its duties to Plaintiff. Defendants failed to use
11 ordinary care in determining whether their facilities were safe and/or
12 determining whether they had sufficient information to represent their facilities
13 as safe. Defendants' breach of their duties include, but are not limited to:
14 failure to protect Plaintiff from a known danger, failure to have sufficient
15 policies and procedures in place to prevent child sex abuse, failure to properly
16 implement policies and procedures to prevent child sex abuse, failure to take
17 reasonable measures to ensure that policies and procedures to prevent child sex
18 abuse were working, failure to adequately inform families and children of the
19 risks of child sex abuse, failure to investigate risks of child molestation, failure
20 to properly train the employees at institutions and programs within
21 Defendants' geographical confines, failure to train the minors within
22 Defendants' geographical confines about the dangers of sexual abuse by
23 clergy, failure to have any outside agency test their safety procedures, failure
24 to protect the children in their programs from child sex abuse, failure to adhere
25 to the applicable standard of care for child safety, failure to investigate the
26 amount and type of information necessary to represent the institutions,
27 programs, leaders and people as safe, failure to train their employees properly
28 to identify signs of child molestation by fellow employees, failure by relying

- 1 upon mental health professionals, and/or failure by relying on people who
2 claimed that they could treat child molesters.
- 3 78. Defendants also breached their duty to Plaintiff by failing to warn Plaintiff and
4 Plaintiff's family of the risk that Father John P. Doran posed and the risks of
5 child sexual abuse in Catholic institutions. They also failed to warn them about
6 any of the knowledge that Defendants had about child sexual abuse.
- 7 79. Defendants breached their duties to Plaintiff by failing to use reasonable care.
8 Defendants' failures include, but are not limited to, failing to properly
9 supervise Father John P. Doran, failing to properly supervise Plaintiff, and
10 failing to protect Plaintiff from a known danger.
- 11 80. Defendants additionally violated a legal duty by failing to report known and/or
12 suspected abuse of children by Father John P. Doran and/or its other agents to
13 the police and law enforcement.
- 14 81. Defendants knew or should have known that Father John P. Doran was a
15 danger to children before Father John P. Doran sexually assaulted Plaintiff.
- 16 82. Prior to the sexual abuse of Plaintiff, Defendants learned or should have
17 learned that Father John P. Doran was not fit to work with children.
18 Defendants, by and through their agents, servants and/or employees, became
19 aware, or should have become aware of Father John P. Doran's propensity to
20 commit sexual abuse and of the risk to Plaintiff's safety. At the very least,
21 Defendants knew or should have known that they did not have sufficient
22 information about whether or not their leaders and people working at St.
23 Thomas the Apostle and other Catholic institutions within the Diocese of
24 Arizona were safe.
- 25 83. Defendants knew or should have known that there was a risk of child sex abuse
26 for children participating in Catholic programs and activities within the
27 Diocese. At the very least, Defendants knew or should have known that they
28 did not have sufficient information about whether or not there was a risk of

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child sex abuse for children participating in Catholic programs and activities within the Diocese.

84. Defendants knew or should have known that Defendants had numerous agents who had sexually molested children. Defendants knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a specific danger of child sex abuse for children participating in their youth programs.

85. However, despite this knowledge, Defendants negligently deemed that Father John P. Doran was fit to work with children; and/or that any previous suitability problems Father John P. Doran had were fixed and cured; and/or that Father John P. Doran would not sexually molest children; and/or that Father John P. Doran would not injure children.

86. Defendants' actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendants offered to minors, Plaintiff was a foreseeable victim. Additionally, as a vulnerable child who Father John P. Doran had access to through Defendants' facilities and programs, Plaintiff was a foreseeable victim.

87. As a direct and proximate cause of Defendants' wrongful acts Plaintiff suffered and will continue to suffer in the future physical and emotional injury including, but not limited to great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of love and affection, sexual dysfunction, past and future medical expenses for psychological treatment, therapy, and counseling.

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COUNT III
NEGLIGENT TRAINING AND SUPERVISION OF EMPLOYEES
AGAINST DEFENDANTS DIOCESE OF PHOENIX &
ST. THOMAS THE APOSTLE

88. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.
89. At all times material, Father John P. Doran was employed by Defendants and was under each Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein. Father John P. Doran engaged in the wrongful conduct while acting in the course and scope of his employment with Defendants and/or accomplished the sexual abuse by virtue of his job-created authority.
90. Defendants had a duty, arising from their employment of Father John P. Doran, to ensure that he did not sexually molest children.
91. Further, Defendants owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct between clerics and children.
92. The abuse complained of herein occurred on Defendants' property and/or with the use of their chattels.
93. Defendants breached their duties to Plaintiff by actively maintaining and employing Father John P. Doran in a position of power and authority through which Father John P. Doran had access to children, including Plaintiff, and power and control over children, including Plaintiff.
94. Defendants were negligent in the training, supervision, and instruction of their employees. Defendants failed to timely and properly educate, train, supervise, and/or monitor their agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed. Defendants were additionally negligent in failing to supervise,

1 monitor, chaperone, and/or investigate Father John P. Doran and/or in failing
2 to create, institute, and/or enforce rules, policies, procedures, and/or
3 regulations to prevent Father John P. Doran's sexual abuse of Plaintiff. In
4 failing to properly supervise Father John P. Doran, and in failing to establish
5 such training procedures for employees and administrators, Defendants failed
6 to exercise the degree of care that a reasonably prudent person would have
7 exercised under similar circumstances.

- 8 95. As a direct and proximate cause of Defendants' wrongful acts Plaintiff suffered
9 and will continue to suffer in the future physical and emotional injury
10 including, but not limited to great pain of mind and body, shock, emotional
11 distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage,
12 frustration, loss of enjoyment of life, loss of consortium, loss of love and
13 affection, sexual dysfunction, past and future medical expenses for
14 psychological treatment, therapy, and counseling.

15 **COUNT IV**
16 **NEGLIGENT RETENTION OF EMPLOYEES**
17 **AGAINST DEFENDANTS DIOCESE OF PHOENIX**
18 **& ST. THOMAS THE APOSTLE**

- 19 96. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set
20 forth under this count.
- 21 97. At all times material, Father John P. Doran was employed by Defendants and
22 was under each Defendant's direct supervision, employ, and control when he
23 committed the wrongful acts alleged herein.
- 24 98. Defendants negligently retained Father John P. Doran with knowledge of
25 Father John P. Doran's propensity for the type of behavior which resulted in
26 Plaintiff's injuries in this action. Defendants failed to investigate Father John
27 P. Doran's past and/or current history of sexual abuse and, through the exercise
28 of reasonable diligence, should have known of Father John P. Doran's
propensity for child sexual abuse. Defendants should have made an appropriate

1 investigation of Father John P. Doran and failed to do so. An appropriate
2 investigation would have revealed the unsuitability of Father John P. Doran
3 for continued employment and it was unreasonable for Defendants to retain
4 Father John P. Doran in light of the information they knew or should have
5 known.

6 99. Defendants negligently retained Father John P. Doran in a position where he
7 had access to children and could foreseeably cause harm which Plaintiff would
8 not have been subjected to had Defendants taken reasonable care.

9 100. In failing to timely remove Father John P. Doran from working with children
10 or terminate the employment of Father John P. Doran, Defendants failed to
11 exercise the degree of care that a reasonably prudent person would have
12 exercised under similar circumstances.

13 101. As a direct and proximate cause of Defendants' wrongful acts Plaintiff suffered
14 and will continue to suffer in the future physical and emotional injury
15 including, but not limited to great pain of mind and body, shock, emotional
16 distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage,
17 frustration, loss of enjoyment of life, loss of consortium, loss of love and
18 affection, sexual dysfunction, past and future medical expenses for
19 psychological treatment, therapy, and counseling.

20 **COUNT V**
21 **BREACH OF FIDUCIARY DUTY**
22 **(All Defendants)**

23 102. Plaintiff incorporates all other paragraphs as if fully set forth herein.

24 103. Defendants' relationship with Plaintiff was one of spiritual guide, counselor,
25 and shepherd. As a fiduciary to Plaintiff, Defendants owed a duty to
26 investigate, obtain, and disclose sexual misconduct, sexual assault,
27 sexual abuse, molestation, sexual propensities, and other inappropriate acts of
28 its priests, including Defendant Father John P. Doran. As fiduciary, counselor
and spiritual guide, Defendants owed Plaintiff a duty to work solely for his

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benefit.

104. Defendants breached their fiduciary duties owed to Plaintiff.

105. As a direct and proximate cause of Defendants' breach Plaintiff suffered and will continue to suffer in the future physical and emotional injury, including but not limited to, great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of love and affection, sexual dysfunction, past and future medical expenses for psychological treatment, therapy, and counseling.

COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)

106. Plaintiff incorporates all other paragraphs as if fully set forth herein.

107. Defendants' wrongful conduct, including sexual abuse, conspiracy to conceal sexual abuse, failure to report Father John P. Doran's sexual abuse of children, acquiescence, affirmance, and ratification of Father John P. Doran's sexual abuse exceeds the bounds of decency and were extreme and outrageous causing Plaintiff to suffer severe emotional and psychological distress.

108. As a direct and proximate cause of Defendants' wrongful conduct Plaintiff suffered and will continue to suffer in the future physical and emotional injury, including but not limited to great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of love and affection, sexual dysfunction, past and future medical expenses for psychological treatment, therapy, and counseling.

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**COUNT VII
ENDANGERMENT
(All Defendants)**

109. Plaintiff incorporates all other paragraphs as if fully set forth herein.

110. Defendants have a duty to protect children from foreseeable and unjustifiable risks of harm.

111. In 2000, a Maricopa County Grand Jury investigated the Diocese of Phoenix and its Bishop Thomas J. O'Brien. The Maricopa Grand Jury investigated whether Thomas J. O'Brien or the Diocese failed to report to law enforcement authorities criminal sexual misconduct by priests and other Diocesan personnel and whether Thomas J. O'Brien or the Diocese placed or transferred priests or other Diocesan personnel in or to a position to commit additional criminal conduct after becoming aware of prior criminal conduct. The Grand Jury's investigation developed evidence that Thomas J. O'Brien failed to protect victims of criminal sexual misconduct by others associated with the Roman Catholic Diocese of Phoenix. On May 3, 2003, Bishop Thomas J. O'Brien signed an agreement with the Maricopa County Attorney's Office. In the agreement Bishop O'Brien "acknowledged that he allowed Roman Catholic Priests under his supervision to have contact with minors after becoming aware of allegations of criminal sexual misconduct. He [] further acknowledges transferring offending priests to situations where children could be further victimized."

112. Defendants knew or should have known Father John P. Doran posed a significant risk of injury to Catholic children, including Plaintiff. Defendants attempted to conceal and cover-up Father John P. Doran's sexual deviancy and sexual abuse of children to avoid scandal and prevent others from discovering Father John P. Doran's sexual abuse of children, his history of child sexual abuse, and his propensity to sexual abuse children.

113. Defendants, individually and or in agreement with each other, assigned Father

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John P. Doran to the missions, Catholic schools, and or parishes in the Diocese of Phoenix including, but not limited to, St. Thomas the Apostle.

114. Defendants knew or should have known, Father John P. Doran posed a substantial risk of significant physical and psychological injury to Catholic children, including Plaintiff.

115. Defendants, individually and in concert with the each other, negligently, recklessly, or intentionally endangered the health and well-being of Catholic children, including Plaintiff by exposing them to Father John P. Doran who was a substantial risk of significant physical and mental injury to young Catholic children including Plaintiff.

116. Defendants, individually and in concert with each other, negligently, recklessly, and or intentionally endangered the health and well-being of Catholic children, including Plaintiff, by employing and engaging in pattern and practice, customs and traditions, of ignoring, covering up, and or fraudulently concealing clergy sexual abuse. Father John P. Doran was part of the pattern and practice of transferring priests who engaged in sexual misconduct in an attempt to conceal and or cover up the sexual misdeeds of Catholic priests.

117. As a direct and proximate cause of Defendants' negligent, reckless, and or intentional endangerment, Plaintiff suffered and will continue to suffer in the future great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of love and affection, sexual dysfunction, past and future medical expenses for psychological treatment, therapy, and counseling.

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**COUNT VIII
CHILD ABUSE
(A.R.S. § 13-3623 and the common law)
(All Defendants)**

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- 118. Plaintiff incorporates all other paragraphs as if fully set forth herein.
- 119. Father John P. Doran had the care and custody of Plaintiff both because he was a parishioner and student under the control and authority of Father John P. Doran, given to him by Defendants Diocese of Phoenix and St. Thomas the Apostles and because he attended religious education and training from Father John P. Doran and other Catholic priests.
- 120. Defendants had the care and custody of Plaintiff both because they assigned and/or permitted Father John P. Doran to serve at missions, parishes, and or schools in the Diocese of Phoenix and because of their pattern, practice, custom, and tradition of training and educating children in the Catholic faith. Defendants had the care and custody of Plaintiff through traditional agency law.
- 121. Father John P. Doran is a Roman Catholic cleric who caused acts, events, or omissions to occur in Arizona out of which these claims arise. At all times alleged, Defendant Father John P. Doran was employed by and was the actual or apparent agent of Defendants Diocese of Phoenix and or St. Thomas the Apostle Roman Catholic Parish Phoenix and acting within the course and scope of his employment and or actual or apparent authority with Defendants Diocese of Phoenix and or St. Thomas the Apostle.
- 122. Defendants Diocese of Phoenix and St. Thomas the Apostle Catholic Parish Phoenix engaged in a pattern and practice of transferring pedophile priests throughout the Diocese of Phoenix, State of Arizona, and United States in an attempt to cover up clergy sexual misconduct.
- 123. In 2000 a Maricopa County Grand Jury investigated the Diocese of Phoenix and its Bishop Thomas J. O'Brien. The Maricopa Grand Jury investigated whether Thomas J. O'Brien or the Diocese failed to report to law enforcement

1 authorities criminal sexual misconduct by priests and other Diocesan personnel
2 and whether Thomas J. O'Brien or the Diocese placed or transferred priests or
3 other Diocesan personnel in or to a position to commit additional criminal
4 conduct after becoming aware of prior criminal conduct. The Grand Jury's
5 investigation developed evidence that Thomas J. O'Brien failed to protect
6 victims of criminal sexual misconduct by others associated with the Roman
7 Catholic Diocese of Phoenix. On May 3, 2003, Bishop Thomas J. O'Brien
8 signed an agreement with the Maricopa County Attorney's Office. In the
9 agreement Bishop O'Brien "acknowledged that he allowed Roman Catholic
10 Priests under his supervision to have contact with minors after becoming aware
11 of allegations of criminal sexual misconduct. He [] further acknowledges
12 transferring offending priests to situations where children could be further
13 victimized."

14 124. Under circumstances likely to produce serious and significant physical and
15 psychological injury and while Plaintiff was under the care and custody of all
16 Defendants, Defendants and each of them negligently, recklessly, and or
17 intentionally caused, permitted, allowed, and/or established patterns, practices,
18 customs, and traditions that placed Plaintiff in a situation in which sexual abuse
19 was likely to occur, thereby placing Plaintiff's person, physical health, and
20 mental/emotional health in danger; to wit, Defendants transferred pedophile
21 priests, including Father John P. Doran to new parishes failing to protect
22 Catholic children, including Plaintiff.

23 125. Defendants, and each of them, intentionally, recklessly and or negligently
24 endangered and sexually abused Plaintiff.

25 126. As a direct and proximate cause of Defendants' sexual abuse of Plaintiff,
26 Plaintiff suffered and will continue to suffer in the future great pain of mind
27 and body, shock, emotional distress, embarrassment, loss of self-esteem,
28 disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss of

1 consortium, loss of love and affection, sexual dysfunction, past and future
2 medical expenses for psychological treatment, therapy, and counseling.

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4 **COUNT IX**
5 **ASSAULT**
6 **(A.R.S. §§ 13-1204, 13-1203, and the common law)**

7 **(All Defendants)**

8 127. Plaintiff incorporates all other paragraphs as if fully set forth herein.

9 128. At all times relevant to this complaint, Father John P. Doran was over the age
10 of 18 and John Plaintiff was under the age of 15.

11 129. Father John P. Doran, as an agent or employee of Defendants acting within the
12 course and scope of his actual or apparent authority, intentionally, knowingly
13 and or recklessly caused serious physical and mental/emotional injury to
14 Plaintiff.

15 130. Father John P. Doran, as an agent or employee of Defendants acting within the
16 course and scope of his actual or apparent authority intentionally, knowingly,
17 recklessly and or negligently placed Plaintiff in reasonable apprehension of
18 imminent physical injury.

19 131. Father John P. Doran, as an agent or employee of Defendants acting within the
20 course and scope of his actual or apparent authority intentionally, knowingly,
21 recklessly and/or negligently touched Plaintiff with the intent to injure, insult
22 or provoke.

23 132. The allegations set forth in this Count constitute negligence and negligence per
24 se for violation of A.R.S. §§ 13-1204, 13-1203 and other relevant statutes and
25 laws, including the common law, enacted for the protection of a specific class
26 of persons of which Plaintiff is a member.

27 133. As a direct and proximate cause of Defendants' abuse of Plaintiff, Plaintiff
28 suffered and will continue to suffer in the future great pain of mind and body,
shock, emotional distress, embarrassment, loss of self-esteem, disgrace,

1 humiliation, anger, rage, frustration, loss of enjoyment of life, loss of
2 consortium, loss of love and affection, sexual dysfunction, past and future
3 medical expenses for psychological treatment, therapy, and counseling.

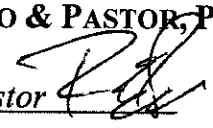
4 **PRAYER FOR RELIEF**

5 1. Plaintiff requests judgment in favor of Plaintiff and against Defendants as
6 follows to:

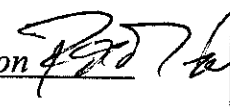
- 7 a. For Plaintiff's general and special damages in an amount to be
8 proven at trial by jury;
- 9 b. For Plaintiff's incurred costs together with interest at the highest
10 lawful rate on the total amount of all sums awarded from the date of
11 judgment until paid;
- 12 c. For the fair and reasonable monetary value of Plaintiff's past,
13 present, and future pain and suffering in an amount to be proven at
14 trial by jury;
- 15 d. For the medical expenses incurred up to the date of trial and any
16 additional expenses necessary for future medical care and treatment;
- 17 e. For punitive damages or exemplary damages to be set by a jury in
18 an amount sufficient to punish Defendants for their outrageous
19 conduct and to make an example out of them so that others do not
20 engage in similar conduct in the future;
- 21 f. For such other and further relief as this Court may deem just and
22 proper.

23 **DATED** this 1st day of September, 2020.

24 **MONTOYA, LUCERO & PASTOR, P.A.**

25
26 By: /s/Robert E. Pastor 
27 Robert E. Pastor
28 Attorneys for Plaintiff

JEFF ANDERSON & ASSOCIATES, P.A.

25
26 By: /s/Jeffrey R. Anderson 
27 Jeffrey R. Anderson
28 Attorneys for Plaintiff