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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 RK DOE, a single man,

12 Plaintiff,

13 v.

14 THE ROMAN CATHOLIC CHURCH OF
15 THE DIOCESE OF PHOENIX, a corporation
16 sole; USA WEST PROVINCE, SOCIETY OF
17 JESUS, a California corporation; BROPHY
18 COLLEGE PREPARATORY, an Arizona
19 corporation; REVEREND JAMES A.
20 SINNERUD, S.J., a single man; JOHN DOE
1-100; JANE DOE 1-100; and BLACK &
WHITE Corporations 1-100,

21 Defendants.

Case No.:

COMPLAINT

(Tort – Negligence – Non-Motor
Vehicle)

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

23 **JURISDICTION**

- 24 1. Plaintiff, John RK Doe, is a resident of Los Angeles County, California. The
25 acts, events, and or omissions occurred in Maricopa County, Arizona. This
26 cause 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

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

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

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

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

24 6. The Society of Jesus (Jesuits) was and continues to be a Roman Catholic
25 Religious order of priests and brothers in the Roman Catholic Church. The
26 Society of Jesus is the largest order of priests and brothers in the Roman
27 Catholic Church. The Society of Jesus is currently organized into six provinces
28 or geographic regions across the world, each headed by a provincial superior

1 appointed by the Superior General in Rome. In the United States, the Jesuit
2 provinces are the Central, Southern, East, Midwest and West Provinces.

3 7. Defendant USA West Province, Society of Jesus (Jesuits West), is incorporated
4 in the State of California and has its principal place of business in Los Gatos,
5 Santa Clara County, California. Jesuits West encompasses the following states;
6 Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah,
7 and Washington. The priests and brothers of Jesuits West serve as teachers,
8 campus ministers, and administrators at universities, high schools, and middle
9 schools. Jesuits West, together with the Diocese of Phoenix, owns, operates,
10 controls, and or administers Brophy College Preparatory.

11 8. At all times material, The California Province of the Society of Jesus a/k/a and
12 d/b/a Jesuit Fathers and Brothers California Province (“California Province”)
13 was an organization authorized to conduct business in the State of Arizona,
14 with its principal place of business at 300 College Avenue, Los Gatos,
15 California 95031. The California Province includes, but is not limited to, the
16 California Province corporation and any other organizations and/or entities
17 operating under the same or similar name with the same or similar principal
18 place of business.

19 9. At all times material, USA West Province, Society of Jesus a/k/a and d/b/a
20 Jesuit Fathers and Brothers U.S.A. West Province (“Jesuits West”) was and
21 continues to be an organization authorized to conduct business and conducting
22 business in the State of Arizona, with its principal place of business at 300
23 College Avenue, Los Gatos, California 95030. Upon information and belief,
24 The California Province was absorbed into Jesuits West in a de facto merger or
25 series of de facto mergers. Upon information and belief Jesuits West continued
26 the missions and ministry of the California Province, and remained under the
27 direct authority, control and province of the Jesuits West and the Provincial of
28 Jesuits West after the merger(s). Upon information and belief the California

1 Province ceased ordinary business operations as soon as possible after the
2 transaction(s), and Jesuits West assumed the California Province's liabilities
3 ordinarily necessary for the uninterrupted continuation of the California
4 Province's operations and business with a continuity of management,
5 personnel, physical location and general business operation. Jesuits West
6 includes, but is not limited to, the Jesuits West corporation and any other
7 organizations and/or entities operating under the same or similar name with the
8 same or similar principal place of business.

- 9 10. For purposes of this Complaint, Defendants California Province and Jesuits
10 West are referred to collectively as "Jesuits" and or "Jesuits West."
- 11 11. Defendant Brophy College Preparatory (Brophy), was and continues to be an
12 organization authorized to conduct business and conducting business in the
13 State of Arizona, with its principal place of business at 4701 N. Central Avenue
14 in Phoenix, Arizona 85012. Brophy College Preparatory includes, but is not
15 limited to any other organizations and/or entities operating under the same or
16 similar name with the same or similar principal place of business.
- 17 12. At all times material, Brophy College Preparatory was and continues to be
18 under the direct authority, control, and province of Defendant Diocese of
19 Phoenix and the Bishop of Phoenix and Defendant Jesuits West. At all times
20 material, Defendant Brophy College Preparatory was under the direct authority,
21 control, and province of Defendant Diocese of Phoenix and the Bishop of
22 Defendant Diocese and Jesuits West. At all times material, Defendants
23 Diocese, Jesuits West, and Brophy College Preparatory owned, operated,
24 managed, maintained, and controlled Brophy College Preparatory.
- 25 13. Defendant Brophy College Preparatory, acting through its Bishops, priests,
26 brothers, clerics, provincials, employees, and agents of any kind caused acts,
27 events, or omissions to occur in Maricopa County, Arizona out of which these
28 claims arise.

- 1 14. Defendant James A. Sinnerud, S.J. is or was a Roman Catholic priest who
2 caused acts, events, or omissions to occur in Arizona out of which these claims
3 arise. At all times alleged, Defendant James A. Sinnerud, S.J. was employed
4 by and was the actual or apparent agent of Defendants Diocese of Phoenix,
5 Jesuits West, and or Brophy College Preparatory and acting within the course
6 and scope of his employment and or actual or apparent authority with
7 Defendants Diocese of Phoenix, Jesuits West, and or Brophy College
8 Preparatory.
- 9 15. At all times material, Father James A. Sinnerud, S.J., was an adult male resident
10 of Maricopa County, Arizona.
- 11 16. Father James A. Sinnerud, S.J. was born on November 5, 1937.
- 12 17. Defendant Father James A. Sinnerud, S.J. was and or is under the supervision,
13 employ, or control of Defendants Diocese of Phoenix, Bishop of Phoenix,
14 Jesuits West and or Brophy College Preparatory when he committed the
15 wrongful acts, events, and or omissions.
- 16 18. At all times alleged, Defendant Diocese of Phoenix, Defendant Jesuits West,
17 Defendant Brophy College Preparatory, and Defendant Father James A.
18 Sinnerud, S.J., their Bishops, Archbishops, priests, brothers, clerics,
19 provincials, employees, and or agents were acting within the course and scope
20 of employment or alternatively, acting within their actual or apparent authority.
21 At all times alleged Father James A. Sinnerud, S.J. was acting as an agent or
22 employee of Defendants Dioceses of Phoenix, the Bishop of Phoenix, Jesuits
23 West and or Brophy College Preparatory, and acting within the course and
24 scope of his employment and or actual or apparent authority with those
25 Defendants. The wrongful acts, events, or omissions committed by Defendants
26 and by those priests, brothers, clerics, Bishops, Archbishops, employees and
27 agents who acted individually and in conspiracy with the other to hide and
28 cover up Father James A. Sinnerud's, S.J. history, pattern, and propensity to

1 sexually abuse Catholic children were done within the course and scope of their
2 authority with their employing entities, or incidental to that authority and were
3 acquiesced in, affirmed, and ratified by those entities.

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

16 20. Defendants JOHN DOE 1-100, JANE DOE 1-100, and BLACK AND WHITE
17 CORPORATIONS 1-100, are fictitious names designating an individual or
18 individuals or legal entities not yet identified who have acted in concert with
19 the named Defendants either as principals, agents, co-participants, or co-
20 conspirators whose true names Plaintiff may insert when identified.

21 21. Plaintiff is informed and believes, and on that basis alleges, that at all times
22 alleged herein, Defendants and each of them and JOHN DOES 1-100, JANE
23 DOES 1-100, and BLACK and WHITE CORPORATIONS 1-100, inclusive,
24 were the agents, representatives and or employees of each and every other
25 Defendant. In doing the things hereinafter alleged, Defendants, and each of
26 them, JOHN DOES 1-100, JANE DOES 1-100, and BLACK and WHITE
27 CORPORATIONS 1-100, inclusive, were acting within the course and scope
28 of said alternative personality, capacity, indemnity, agency, representation and

- 1 or employment and were within their actual or apparent authority.
- 2 22. Plaintiff incorporates all other paragraphs as if fully set forth herein.
- 3 23. At all times material, Father James A. Sinnerud, S.J. is and or was a Roman
4 Catholic cleric employed by Defendants Diocese of Phoenix, Jesuits West, and
5 or Brophy College Preparatory. Father James A. Sinnerud, S.J. remained under
6 the direct supervision, employ, and control of Defendants acting within the
7 course and scope of his employment and or actual or apparent authority with
8 Defendants Diocese of Phoenix, Jesuits West and or Brophy College
9 Preparatory.
- 10 24. Defendants placed Father James A. Sinnerud, S.J. in positions of trust where
11 he had access to and worked with children as an integral part of his work.
- 12 25. Plaintiff was raised in a Roman Catholic family and attended Brophy College
13 Preparatory in Phoenix, Arizona in the Diocese of Phoenix. Plaintiff and his
14 family came in contact with Father James A. Sinnerud, S.J. as an agent and
15 representative of Defendants and at Brophy College Preparatory.
- 16 26. Plaintiff participated in youth activities, educational activities, and or church
17 activities at Brophy College Preparatory. Plaintiff, therefore, developed great
18 admiration, trust, reverence, and respect for the Roman Catholic Church,
19 including Defendants and their agents, including Father James A. Sinnerud, S.J.
20 During and through these activities, Plaintiff, as a minor and vulnerable child,
21 was dependent on Defendants and Father James A. Sinnerud, S.J. Defendants
22 had custody of Plaintiff and accepted the entrustment of Plaintiff and, therefore,
23 had responsibility for Plaintiff and authority over Plaintiff.
- 24 27. When Plaintiff was under the age of eighteen years old, Father James A.
25 Sinnerud, S.J. engaged in unpermitted sexual contact with Plaintiff, including,
26 but not limited to sexual contact as defined by Arizona Revised Statutes § 13-
27 1401 and or § 13-1405.
- 28 28. Plaintiff's relationship to Defendants and Father James A. Sinnerud, S.J., as a

1 vulnerable child, student and participant in school activities, was one in which
2 Plaintiff was subject to the ongoing influence of Defendants and Father James
3 A. Sinnerud, S.J.

4 29. The culture of the Catholic Church over Plaintiff created pressure on Plaintiff
5 not to report the abuse Plaintiff suffered.

6 30. The Bishop of Phoenix has a responsibility to ensure that priests of the Diocese
7 of Phoenix are living a chaste life. The Bishop of Phoenix also has a
8 responsibility to make sure that the priests working within the Diocese of
9 Phoenix are fulfilling the promise of celibacy.

10 31. The Bishop of Phoenix has ultimate authority over the Diocese of Phoenix. The
11 Bishop of Phoenix has three primary roles, teaching, sanctifying and governing.
12 As teacher, the Bishop of Phoenix is the primary teacher in the Diocese and
13 overlooks all of the teaching function of the Diocese of Phoenix. In his role as
14 governor of the Diocese of Phoenix, the Bishop of Phoenix manages the
15 business of the Diocese including making assignments of clergy, and
16 assignments to other offices within the diocesan structure.

17 32. The Bishop of Phoenix has sole authority to decide how the Diocese of Phoenix
18 is governed.

19 33. The parishes of the Diocese of Phoenix are under the leadership, supervision
20 and authority of the Bishop of Phoenix. Although each parish is separately
21 incorporated, each parish has three voting members. The voting members of
22 each parish are the pastor of the parish, the vicar general, who acts on behalf of
23 the bishop, and the Bishop of Phoenix.

24 34. The Bishop of Phoenix has a special relationship with the students who attend
25 Catholic schools.

26 35. Catholic priests who were assigned to Catholic high schools are part of the
27 teaching function of the Diocese of Phoenix.

28 36. When the Diocese of Phoenix was erected on December 2, 1969, the 182

1 diocesan and religious order priests that were part of the Diocese of Phoenix
2 ministered and worked under the supervision of the Bishop of Phoenix.

3 37. Religious order priests, such as priests from the Society of Jesus (Jesuits),
4 Franciscan Friars, or Society of the Divine Savior (Salvatorians) are assigned
5 or appointed to a parish, school or other facility by the Bishop of Phoenix.

6 38. Before a priest from another diocese or a priest from a religious order is allowed
7 to work in the diocese and be appointed within the diocese the Bishop of
8 Phoenix has a responsibility to ensure that the priest is fit to perform his priestly
9 duties.

10 39. Under the direction, supervision, control, authority and appointment made by
11 the Bishop of Phoenix, Father James A. Sinnerud, S.J. worked at Brophy
12 College Preparatory from 1980 to 1987.

13 40. Brophy College Preparatory is and was an all-male Catholic high school with
14 approximately 1,048 students at the time, including Plaintiff.

15 41. By assigning Father James A. Sinnerud, S.J. to Brophy College Preparatory,
16 and other assignments, the Bishop of Phoenix, Jesuits West and or Brophy
17 College Preparatory represented to Catholics, non-Catholics and the public,
18 including Plaintiff and his family that Father James A. Sinnerud, S.J. had the
19 requisite moral, spiritual, emotional and intellectual qualities to serve as a
20 teacher, coach, campus minister, spiritual guide and or administrator at Brophy
21 College Preparatory. The Diocese of Phoenix, Jesuits West, and or Brophy
22 College Preparatory, through its bishops, priests, brothers, clerics, agents, and
23 or employees of any kind were negligent in allowing Father James A. Sinnerud,
24 S.J. into the diocese and was negligent in allowing Father James A. Sinnerud,
25 S.J. to serve in the diocese, including Brophy College Preparatory, because the
26 Diocese of Phoenix, Jesuits West, and or Brophy College Preparatory knew or
27 should have known that Father James A. Sinnerud, S.J. posed an unreasonable
28 risk of harm to Catholic children, including Plaintiff. By assigning him to

1 Brophy College Preparatory and other assignments, the Diocese, Jesuits West,
2 and or Brophy College Preparatory intentionally, recklessly, or negligently
3 misrepresented.

4 42. Upon information and belief, Defendants knew or should have known that
5 Father James A. Sinnerud, S.J. engaged in sexual misconduct and was not fit
6 to work as a priest before he was assigned by the Bishop of Phoenix to work at
7 Brophy College Preparatory.

8 43. The Bishop of Phoenix, Jesuits West and or Brophy College Preparatory
9 assigned Father James A. Sinnerud, S.J. to Catholic schools and or parishes and
10 or missions in Arizona including but not limited to Brophy College Preparatory
11 where Father James A. Sinnerud, S.J. worked.

12 44. Defendant Diocese of Phoenix, Defendants Jesuit West, Defendant Brophy
13 College Preparatory and Defendant Father James A. Sinnerud, S.J. , through its
14 bishops, archbishops, priests, brothers, provincials, employees, and or agents
15 of any kind, knew or should have known that Father James A. Sinnerud, S.J.
16 would have contact with Catholic children while assigned to Catholic
17 Churches, parishes, schools, and missions in the Diocese of Phoenix.

18 45. Defendants Diocese of Phoenix, Jesuits West and Brophy College Preparatory,
19 through its Bishops, priests, deacons, agents, and or employees engaged in a
20 pattern and practice of transferring pedophile priests throughout the Diocese of
21 Phoenix, State of Arizona, State of California, Jesuit West Province and United
22 States in an attempt to cover up clergy sexual misconduct. Defendants Diocese
23 of Phoenix, Jesuits West and Brophy College Preparatory allowed other
24 pedophile priests to work at Brophy College Preparatory including but not
25 limited to Father Carlton E. Whitten, S.J. (1972-1977); Father Edward T.
26 Burke, S.J. (1968-1966; 1970-1977); Eugene J. Colosimo, S.J. (1955-1960);
27 Father Charles L. Connor, S.J. (1977-1979); Father James T. Monaghan, S.J.
28 (1955-1962); Father Thomas E. O'Rourke S.J. (1975-1993); Father John R.

1 Shepherd, S.J. (1955-1956); and Father Phillip Sunseri, S.J. (1978-1982).

2 46. On November 7, 1960, Father James A. Sinnerud, S.J. entered the Society of
3 Jesus. On June 21, 1972, a Roman Catholic Bishop ordained Father James A.
4 Sinnerud, S.J. a Roman Catholic priest.

5 47. The Bishop of Phoenix granted Father Sinnerud faculties and assigned and or
6 appointed Father James A. Sinnerud, S.J. to work at Brophy College
7 Preparatory.

8 48. Defendants, in keeping with the official and unofficial policies of the Roman
9 Catholic Church, attempted to conceal and cover-up Father James A. Sinnerud,
10 S.J. 's sexual abuse of children.

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

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

26 51. On May 3, 2003, Bishop Thomas J. O'Brien signed an agreement with the
27 Maricopa County Attorney's Office. In the agreement Bishop O'Brien
28 acknowledged that he "allowed Roman Catholic priests under [his] supervision

1 to work with minors after becoming aware of allegations of sexual misconduct.
2 [He] further acknowledged that priests who had allegations of sexual
3 misconduct made against them were transferred to ministries without full
4 disclosure to their supervisor or to the community in which they were
5 assigned.”

6 52. On or about December 1, 2018, USA Midwest, Society of Jesus (Jesuits
7 Midwest Province) removed Father James A. Sinnerud, S.J. from his duties at
8 Creighton College Preparatory after the Archdiocese of Omaha disclosed files
9 to the Nebraska attorney general’s office and after Jesuits Midwest discovered
10 allegations that Father James A. Sinnerud, S.J. engaged in sexual misconduct
11 before 1987; the year Father James A. Sinnerud, S.J. left Brophy College
12 Preparatory and was sent to Creighton College Preparatory.

13 **Defendants Diocese of Phoenix, Jesuits West and Brophy College Preparatory**
14 **covered up and fraudulently concealed**
15 **Father James A. Sinnerud, S.J. ’s history and propensity of sexual abuse**
16 **before and after coming to Arizona.**

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

18 54. Defendant Diocese of Phoenix, Defendant Jesuit West, Defendant Brophy
19 College Preparatory, and Defendant Father James A. Sinnerud, S.J.,
20 individually and in concert with each other, acting through its priests, Bishops,
21 Archbishops, provincials, employees, or agents of any kind knew or should
22 have known that Father James A. Sinnerud, S.J. sexually abused children.
23 Defendants the Diocese of Phoenix, Jesuits West, Brophy College Preparatory,
24 and Father James A. Sinnerud, S.J. also knew or should have known of Father
25 James A. Sinnerud’s, S.J. propensity to sexually abuse children.

26 55. Defendant Diocese of Phoenix, Defendant Jesuits West, Defendant Brophy
27 College Preparatory and Father James A. Sinnerud, S.J., priests, Bishops,
28 Archbishops, provincials, employees, or agents of any kind did not disclose,
warn, or report the sexual abuse or Father James A. Sinnerud, S.J. ’s propensity

1 to sexually abuse Catholic children. Instead, acting individually and in concert
2 with each other and other priests, bishops, dioceses, and archdioceses, and co-
3 conspirators, Defendants kept the news of Father James A. Sinnerud, S.J. 's
4 sexual abuse and propensity to engage in sexual abuse from church members
5 and students, including Plaintiff and his family.

6 56. Defendant Diocese of Phoenix, Defendant Jesuits West, Defendant Brophy
7 College Preparatory and Defendant Father James A. Sinnerud, S.J., their
8 priests, Bishops, Archbishops, and agents of any kind followed the orders,
9 commandments, directives, policies, or procedures of the Roman Catholic
10 Church mandated by the priests, Bishops, Archbishops, Cardinals, Vatican, the
11 Holy See, the Holy Office, and the Holy Father requiring that all matters and
12 details regarding clergy sexual abuse be kept absolutely secret. The secrets of
13 priest sexual abuse were commonly regarded as a secret of the Holy Office. In
14 keeping with the policies, procedures and directives of the Roman Catholic
15 Church, Defendants, and each of them, kept information about Father James A.
16 Sinnerud's, S.J. sexual abuse of children or his propensity to sexual abuse
17 children secret.

18 57. Defendant Diocese of Phoenix, Defendant Jesuits West, Defendant Brophy
19 College Preparatory and Defendant Father James A. Sinnerud, S.J., their
20 priests, Bishops, Archbishops, and agents of any kind also followed the orders,
21 commandments, directives, policies, or procedures of the Roman Catholic
22 Church mandated by the Vatican, the Holy See, the Holy Office, Bishops,
23 Archbishops, Cardinals and the Holy Father allowing a priest accused of sexual
24 abuse to be transferred to a new assignment without ever disclosing the priest's
25 history of sexual abuse.

26 58. Defendant Diocese of Phoenix, Defendant Jesuits West, Defendant Brophy
27 College Preparatory and Defendant Father James A. Sinnerud, S.J. acted
28 individually and in concert with one another and others including but not

1 limited to other priests, bishops, archbishops, diocese, and archdiocese to
2 engage in a pattern and practice of protecting priests and clerics who sexually
3 abused parishioners and children by ratifying, concealing, failing to report, or
4 failing to investigate clergy sexual abuse, molestation, and or sexual
5 misconduct.

6 59. The Defendant Diocese of Phoenix, Defendant Jesuits West and Defendant
7 Brophy College Preparatory acting through its agents and or employees,
8 including priest, bishops, archbishops, clerics, allowed priests under their
9 supervision and control to have contact with minors after becoming aware of
10 allegations of sexual misconduct.

11 60. The Bishop of the Diocese of Phoenix transferred pedophile priests to situations
12 where children could be further victimized.

13
14 **Defendants are estopped from alleging the statute of limitations as a defense**
15 **because they fraudulently concealed Father James A. Sinnerud's, S.J. abuse of**
16 **Catholic children and his propensity to sexually abuse Catholic Children.**

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

18 62. Defendants Diocese of Phoenix, Defendant Jesuits, West, Defendant Brophy
19 College Preparatory and Defendant Father James A. Sinnerud, S.J. , through
20 its priests, Bishops, Archbishops, and agents of any kind assigned Father James
21 A. Sinnerud, S.J. to ministries throughout the United States, including Brophy
22 College Preparatory located in the Diocese of Phoenix.

23 63. Defendants, and each of them, did not reveal to the congregation of faithful
24 Catholics, students, and parents, including Plaintiff and his family, that Father
25 James A. Sinnerud, S.J. engaged in sexual contact with children.

26 64. Defendants, and each of them, knew or should have known that Father James
27 A. Sinnerud, S.J. continued to sexually abuse and or have sexual contact with
28 Catholic children.

1 65. Defendants, and each of them, individually and in conspiracy with the other
2 priests, bishops, archbishops, and agents of any kind, led the congregation of
3 faithful Catholics, students and parents to believe that Father James A.
4 Sinnerud, S.J. was fit to serve as a Roman Catholic priest ministering and
5 educating children at Brophy College Preparatory. In keeping with the orders,
6 commandments, directives, policies, or procedures of the Roman Catholic
7 Church mandated by the priests, Bishops, Archbishops, Cardinals, Vatican, the
8 Holy See, the Holy Office, and the Holy Father requiring that all matters and
9 details regarding clergy sexual abuse be kept absolutely secret, Defendants
10 individually and in conspiracy with each other and other priests, bishops,
11 archbishops, diocese, and agents of any kind, did not reveal to the congregation
12 of faithful Catholics, students and parents in the Diocese of Phoenix and at
13 Brophy College Preparatory, including Plaintiff and his family, that Father
14 James A. Sinnerud, S.J. sexually abused children.

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

19 67. All Defendants, with their pattern and practice of ignoring, covering up, and or
20 fraudulently concealing Father James A. Sinnerud's, S.J. sexual abuse of
21 Plaintiff and other Catholic children, demonstrated deliberate indifference,
22 conscious disregard, and reckless disregard to Plaintiff's mental and physical
23 well-being.

24 68. All Defendants' pattern and practice of ignoring, covering up, and fraudulently
25 concealing repeated and frequent sexual abuse perpetrated by Father James A.
26 Sinnerud, S.J. and other clergy was done pursuant to the Catholic Church's
27 official and unofficial policies and practices.

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COUNT I
SEXUAL ASSAULT / SEXUAL ABUSE / SEXUAL CONDUCT
WITH A MINOR
(A.R.S. §§ 13-1404, 13-1405, 13-1406, 13-1410 and the common law)

69. Plaintiff incorporates all other paragraphs as if fully set forth herein.
70. Defendant Father James A. Sinnerud, S.J. intentionally, knowingly, recklessly, or negligently engaged in sexual contact with Plaintiff.
71. Defendant Father James A. Sinnerud, S.J. intentionally, knowingly, recklessly, or negligently engaged in sexual contact with Plaintiff John RK Doe, without his consent and when he was a minor incapable of consenting to such sexual contact.
72. 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.
73. The allegations set forth in this Count constitute traditional negligence and negligence per se for violation of A.R.S. § 13-3623 and other relevant statutes and laws, including the common law, enacted for the protection of a specific class of persons of which Plaintiff is a member.

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COUNT II
NEGLIGENCE AGAINST DEFENDANTS
DIOCESE OF PHOENIX & BROPHY COLLEGE PREPARATORY

74. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.
75. Each Defendant owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

- 1 76. Each Defendant owed Plaintiff a duty of care because each Defendant had a
2 special relationship with Plaintiff.
- 3 77. Defendants also had a duty arising from the special relationship that existed
4 with Plaintiff, Plaintiff's parents, and other parents of young, innocent,
5 vulnerable children to properly train and supervise its clerics. This special
6 relationship arose because of the high degree of vulnerability of the children
7 entrusted to their care. As a result of this high degree of vulnerability and risk
8 of sexual abuse inherent in such a special relationship, Defendants had a duty
9 to establish measures of protection not necessary for persons who are older and
10 better able to safeguard themselves.
- 11 78. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because
12 each Defendant also had a special relationship with Father James A. Sinnerud,
13 S.J.
- 14 79. Defendants owed Plaintiff a duty of reasonable care because they solicited
15 youth and parents for participation in their youth programs; encouraged youth
16 and parents to have the youth participate in their programs; undertook custody
17 of minor children, including Plaintiff; promoted their facilities and programs
18 as being safe for children; held their agents, including Father James A.
19 Sinnerud, S.J., out as safe to work with children; encouraged parents and
20 children to spend time with their agents; and/or encouraged their agents,
21 including Father James A. Sinnerud, S.J., to spend time with, interact with, and
22 recruit children.
- 23 80. By accepting custody of the minor Plaintiff, Defendants established an *in loco*
24 *parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to
25 protect Plaintiff from injury. Further, Defendants entered into a fiduciary
26 relationship with Plaintiff by undertaking the custody, supervision of, and/or
27 care of the minor Plaintiff. As a result of Plaintiff being a minor, and by
28 Defendants undertaking the care and guidance of the Plaintiff, Defendants also

1 held a position of empowerment over Plaintiff. Further, Defendants, by
2 holding themselves out as being able to provide a safe environment for
3 children, solicited and/or accepted this position of empowerment. Defendants,
4 through its employees, exploited this power over Plaintiff and, thereby, put the
5 minor Plaintiff at risk for sexual abuse.

6 81. By establishing and/or operating the Diocese of Phoenix and Brophy College
7 Preparatory, accepting the minor Plaintiff as a participant in their programs,
8 holding their facilities and programs out to be a safe environment for Plaintiff,
9 accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a
10 fiduciary relationship with Plaintiff, Defendants entered into an express and/or
11 implied duty to properly supervise Plaintiff and provide a reasonably safe
12 environment for children, who participated in their programs. Defendants
13 owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from
14 foreseeable dangers. Defendants had the duty to exercise the same degree of
15 care over minors under their control as a reasonably prudent person would have
16 exercised under similar circumstances.

17 82. By establishing and operating the Diocese of Phoenix and Brophy College
18 Preparatory, which offered educational programs to children and which may
19 have included a school, and by accepting the enrollment and participation of
20 the minor Plaintiff as a participant in those educational programs, Defendants
21 owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from
22 generally foreseeable dangers.

23 83. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because
24 Defendants invited Plaintiff onto their property and Father James A. Sinnerud,
25 S.J. posed a dangerous condition on Defendants' property.

26 84. Each Defendant breached its duties to Plaintiff. Defendants failed to use
27 ordinary care in determining whether their facilities were safe and/or
28 determining whether they had sufficient information to represent their facilities

1 as safe. Defendants' breach of their duties include, but are not limited to:
2 failure to protect Plaintiff from a known danger, failure to have sufficient
3 policies and procedures in place to prevent child sex abuse, failure to properly
4 implement policies and procedures to prevent child sex abuse, failure to take
5 reasonable measures to ensure that policies and procedures to prevent child sex
6 abuse were working, failure to adequately inform families and children of the
7 risks of child sex abuse, failure to investigate risks of child molestation, failure
8 to properly train the employees at institutions and programs within
9 Defendants' geographical confines, failure to train the minors within
10 Defendants' geographical confines about the dangers of sexual abuse by
11 clergy, failure to have any outside agency test their safety procedures, failure
12 to protect the children in their programs from child sex abuse, failure to adhere
13 to the applicable standard of care for child safety, failure to investigate the
14 amount and type of information necessary to represent the institutions,
15 programs, leaders and people as safe, failure to train their employees properly
16 to identify signs of child molestation by fellow employees, failure by relying
17 upon mental health professionals, and/or failure by relying on people who
18 claimed that they could treat child molesters.

19 85. Defendants also breached their duty to Plaintiff by failing to warn Plaintiff and
20 Plaintiff's family of the risk that Father James A. Sinnerud, S.J. posed and the
21 risks of child sexual abuse in Catholic institutions. They also failed to warn
22 them about any of the knowledge that Defendants had about child sexual
23 abuse.

24 86. Defendants breached their duties to Plaintiff by failing to use reasonable care.
25 Defendants' failures include, but are not limited to, failing to properly
26 supervise Father James A. Sinnerud, S.J., failing to properly supervise
27 Plaintiff, and failing to protect Plaintiff from a known danger.

28 87. Defendants additionally violated a legal duty by failing to report known and/or

1 suspected abuse of children by Father James A. Sinnerud, S.J. and/or its other
2 agents to the police and law enforcement.

3 88. Defendants knew or should have known that Father James A. Sinnerud, S.J.
4 was a danger to children before Father James A. Sinnerud, S.J. sexually
5 assaulted Plaintiff.

6 89. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned
7 that Father James A. Sinnerud, S.J. was not fit to work with children.
8 Defendants, by and through their agents, servants and/or employees, became
9 aware, or should have become aware of Father James A. Sinnerud's, S.J.
10 propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the
11 very least, Defendants knew or should have known that they did not have
12 sufficient information about whether or not their leaders and people working
13 at Brophy College Preparatory and other Catholic institutions within the
14 Diocese of Phoenix were safe.

15 90. Defendants knew or should have known that there was a risk of child sex abuse
16 for children participating in Catholic programs and activities within the
17 Diocese. At the very least, Defendants knew or should have known that they
18 did not have sufficient information about whether or not there was a risk of
19 child sex abuse for children participating in Catholic programs and activities
20 within the Diocese.

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

26 92. However, despite this knowledge, Defendants negligently deemed that Father
27 James A. Sinnerud, S.J. was fit to work with children; and/or that any previous
28 suitability problems Father James A. Sinnerud, S.J. had were fixed and cured;

1 and/or that Father James A. Sinnerud, S.J. would not sexually molest children;
2 and/or that Father James A. Sinnerud, S.J. would not injure children.

3 93. Defendants' actions created a foreseeable risk of harm to Plaintiff. As a
4 vulnerable child participating in the programs and activities Defendants
5 offered to minors, Plaintiff was a foreseeable victim. Additionally, as a
6 vulnerable child who Father James A. Sinnerud, S.J. had access to through
7 Defendants' facilities and programs, Plaintiff was a foreseeable victim.

8 94. 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 III**
16 **NEGLIGENT TRAINING AND SUPERVISION OF EMPLOYEES**
17 **AGAINST DEFENDANTS DIOCESE OF PHOENIX &**
18 **BROPHY COLLEGE PREPARATORY**

19 95. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set
20 forth under this count.

21 96. At all times material, Father James A. Sinnerud, S.J. was employed by
22 Defendants and was under each Defendant's direct supervision, employ, and
23 control when he committed the wrongful acts alleged herein. Father James A.
24 Sinnerud, S.J. engaged in the wrongful conduct while acting in the course and
25 scope of his employment with Defendants and/or accomplished the sexual
26 abuse by virtue of his job-created authority.

27 97. Defendants had a duty, arising from their employment of Father James A.
28 Sinnerud, S.J., to ensure that he did not sexually molest children.

98. Further, Defendants owed a duty to train and educate employees and

1 administrators and establish adequate and effective policies and procedures
2 calculated to detect, prevent, and address inappropriate behavior and conduct
3 between clerics and children.

4 99. The abuse complained of herein occurred on Defendants' property and/or with
5 the use of their chattels.

6 100. Defendants breached their duties to Plaintiff by actively maintaining and
7 employing Father James A. Sinnerud, S.J. in a position of power and authority
8 through which Father James A. Sinnerud, S.J. had access to children,
9 including Plaintiff, and power and control over children, including Plaintiff.

10 101. Defendants were negligent in the training, supervision, and instruction of their
11 employees. Defendants failed to timely and properly educate, train, supervise,
12 and/or monitor their agents or employees with regard to policies and
13 procedures that should be followed when sexual abuse of a child is suspected
14 or observed. Defendants were additionally negligent in failing to supervise,
15 monitor, chaperone, and/or investigate Father James A. Sinnerud, S.J. and/or
16 in failing to create, institute, and/or enforce rules, policies, procedures, and/or
17 regulations to prevent Father James A. Sinnerud, S.J. 's sexual abuse of
18 Plaintiff. In failing to properly supervise Father James A. Sinnerud, S.J. , and
19 in failing to establish such training procedures for employees and
20 administrators, Defendants failed to exercise the degree of care that a
21 reasonably prudent person would have exercised under similar circumstances.

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

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**COUNT IV
NEGLIGENT RETENTION OF EMPLOYEES
AGAINST DEFENDANTS DIOCESE OF PHOENIX
& BROPHY COLLEGE PREPARATORY**

5 103. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set
6 forth under this count.

7 104. At all times material, Father James A. Sinnerud, S.J. was employed by
8 Defendants and was under each Defendant's direct supervision, employ, and
9 control when he committed the wrongful acts alleged herein.

10 105. Defendants negligently retained Father James A. Sinnerud, S.J. with
11 knowledge of Father James A. Sinnerud's, S.J. propensity for the type of
12 behavior which resulted in Plaintiff's injuries in this action. Defendants failed
13 to investigate Father James A. Sinnerud's, S.J. past and/or current history of
14 sexual abuse and, through the exercise of reasonable diligence, should have
15 known of Father James A. Sinnerud's, S.J. propensity for child sexual abuse.
16 Defendants should have made an appropriate investigation of Father James A.
17 Sinnerud, S.J. and failed to do so. An appropriate investigation would have
18 revealed the unsuitability of Father James A. Sinnerud, S.J. for continued
19 employment and it was unreasonable for Defendants to retain Father James A.
20 Sinnerud, S.J. in light of the information they knew or should have known.

21 106. Defendants negligently retained Father James A. Sinnerud, S.J. in a position
22 where he had access to children and could foreseeably cause harm which
23 Plaintiff would not have been subjected to had Defendants taken reasonable
24 care.

25 107. In failing to timely remove Father James A. Sinnerud, S.J. from working with
26 children or terminate the employment of Father James A. Sinnerud, S.J.,
27 Defendants failed to exercise the degree of care that a reasonably prudent
28 person would have exercised under similar circumstances.

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

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9 **COUNT V**
10 **BREACH OF FIDUCIARY DUTY**
11 **(All Defendants)**

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

13 110. Defendants' relationship with Plaintiff was one of spiritual guide, counselor,
14 and shepherd. As a fiduciary to Plaintiff, Defendants owed a duty to
15 investigate, obtain, and disclose sexual misconduct, sexual assault, sexual
16 abuse, molestation, sexual propensities, and other inappropriate acts of its
17 priests, including Defendant Father Joseph J. Father James A. Sinnerud, S.J. .
18 As fiduciary, counselor and spiritual guide, Defendants owed Plaintiff a duty
19 to work solely for his benefit.

20 111. Defendants breached their fiduciary duties owed to Plaintiff.

21 112. As a direct and proximate cause of Defendants' breach Plaintiff suffered and
22 will continue to suffer in the future physical and emotional injury, including
23 but not limited to, great pain of mind and body, shock, emotional distress,
24 embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage,
25 frustration, loss of enjoyment of life, loss of consortium, loss of love and
26 affection, sexual dysfunction, past and future medical expenses for
27 psychological treatment, therapy, and counseling.
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COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)

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

114. Defendants' wrongful conduct, including sexual abuse, conspiracy to conceal sexual abuse, failure to report Father James A. Sinnerud's, S.J. sexual abuse of children, acquiescence, affirmance, and ratification of Father James A. Sinnerud's, S.J. sexual abuse exceeds the bounds of decency and were extreme and outrageous causing Plaintiff to suffer severe emotional and psychological distress.

115. 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)

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

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

118. 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

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

11 119. Defendants knew or should have known Father James A. Sinnerud, S.J. posed
12 a significant risk of injury to Catholic children, including Plaintiff. Defendants
13 attempted to conceal and cover-up Father James A. Sinnerud, S.J. 's sexual
14 deviancy and sexual abuse of children to avoid scandal and prevent others from
15 discovering Father James A. Sinnerud, S.J. 's sexual abuse of children, his
16 history of child sexual abuse, and his propensity to sexual abuse children.

17 120. Defendants, individually and or in agreement with each other, assigned Father
18 James A. Sinnerud, S.J. to the missions, Catholic schools, and or parishes in
19 the Diocese of Phoenix including, but not limited to, Brophy College
20 Preparatory.

21 121. Defendants knew or should have known, Father James A. Sinnerud, S.J. posed
22 a substantial risk of significant physical and psychological injury to Catholic
23 children, including Plaintiff.

24 122. Defendants, individually and in concert with the each other, negligently,
25 recklessly, or intentionally endangered the health and well-being of Catholic
26 children, including Plaintiff by exposing them to Father James A. Sinnerud,
27 S.J. who was a substantial risk of significant physical and mental injury to
28 young Catholic children including Plaintiff.

1 123. Defendants, individually and in concert with each other, negligently,
2 recklessly, and or intentionally endangered the health and well-being of
3 Catholic children, including Plaintiff, by employing and engaging in pattern
4 and practice, customs and traditions, of ignoring, covering up, and or
5 fraudulently concealing clergy sexual abuse. Father James A. Sinnerud, S.J. as
6 part of the pattern and practice of transferring priests who engaged in sexual
7 misconduct in an attempt to conceal and or cover up the sexual misdeeds of
8 Catholic priests.

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

16
17 **COUNT VIII**
18 **CHILD ABUSE**
19 **(A.R.S. § 13-3623 and the common law)**
20 **(All Defendants)**

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

22 126. Father James A. Sinnerud, S.J. had the care and custody of Plaintiff both
23 because he was a parishioner and student under the control and authority of
24 Father James A. Sinnerud, S.J., given to him by Defendants Diocese of Phoenix
25 and Brophy College Preparatory and because he attended religious education
26 and training from Father James A. Sinnerud, S.J. and other Catholic priests.

27 127. Defendants had the care and custody of Plaintiff both because they
28 assigned and/or permitted Father James A. Sinnerud, S.J. to serve at missions,
parishes, and or schools in the Diocese of Phoenix and because of their pattern,

1 practice, custom, and tradition of training and educating children in the
2 Catholic faith. Defendants had the care and custody of Plaintiff through
3 traditional agency law.

4 128. Father James A. Sinnerud, S.J. is a Roman Catholic cleric who caused acts,
5 events, or omissions to occur in Arizona out of which these claims arise. At all
6 times alleged, Defendant Father James A. Sinnerud, S.J. was employed by and
7 was the actual or apparent agent of Defendants Diocese of Phoenix and or
8 Brophy College Preparatory and acting within the course and scope of his
9 employment and or actual or apparent authority with Defendants Diocese of
10 Phoenix and or Brophy College Preparatory.

11 129. Defendants Diocese of Phoenix and Brophy College Preparatory Catholic
12 Parish Phoenix engaged in a pattern and practice of transferring pedophile
13 priests throughout the Diocese of Phoenix, State of Arizona, and United States
14 in an attempt to cover up clergy sexual misconduct.

15 130. In 2000 a Maricopa County Grand Jury investigated the Diocese of Phoenix
16 and its Bishop Thomas J. O'Brien. The Maricopa Grand Jury investigated
17 whether Thomas J. O'Brien or the Diocese failed to report to law enforcement
18 authorities criminal sexual misconduct by priests and other Diocesan personnel
19 and whether Thomas J. O'Brien or the Diocese placed or transferred priests or
20 other Diocesan personnel in or to a position to commit additional criminal
21 conduct after becoming aware of prior criminal conduct. The Grand Jury's
22 investigation developed evidence that Thomas J. O'Brien failed to protect
23 victims of criminal sexual misconduct by others associated with the Roman
24 Catholic Diocese of Phoenix. On May 3, 2003, Bishop Thomas J. O'Brien
25 signed an agreement with the Maricopa County Attorney's Office. In the
26 agreement Bishop O'Brien "acknowledged that he allowed Roman Catholic
27 Priests under his supervision to have contact with minors after becoming aware
28 of allegations of criminal sexual misconduct. He [] further acknowledges

1 transferring offending priests to situations where children could be further
2 victimized.”

3 131. Under circumstances likely to produce serious and significant physical and
4 psychological injury and while Plaintiff was under the care and custody of all
5 Defendants, Defendants and each of them negligently, recklessly, and or
6 intentionally caused, permitted, allowed, and/or established patterns, practices,
7 customs, and traditions that placed Plaintiff in a situation in which sexual abuse
8 was likely to occur, thereby placing Plaintiff’s person, physical health, and
9 mental/emotional health in danger; to wit, Defendants transferred pedophile
10 priests, including Father James A. Sinnerud, S.J. to new parishes failing to
11 protect Catholic children, including Plaintiff.

12 132. Defendants, and each of them, intentionally, recklessly and or negligently
13 endangered and sexually abused Plaintiff.

14 133. As a direct and proximate cause of Defendants’ sexual abuse of Plaintiff,
15 Plaintiff suffered and will continue to suffer in the future great pain of mind
16 and body, shock, emotional distress, embarrassment, loss of self-esteem,
17 disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss of
18 consortium, loss of love and affection, sexual dysfunction, past and future
19 medical expenses for psychological treatment, therapy, and counseling.

20
21 **COUNT IX**
22 **ASSAULT**

23 **(A.R.S. §§ 13-1204, 13-1203, and the common law)**

24 **(All Defendants)**

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

26 135. At all times relevant to this complaint, Father James A. Sinnerud, S.J. was over
27 the age of 18 and John Plaintiff was under the age of 15.

28 136. Father James A. Sinnerud, S.J., as an agent or employee of Defendants acting
within the course and scope of his actual or apparent authority, intentionally,

1 knowingly and or recklessly caused serious physical and mental/emotional
2 injury to Plaintiff.

3 137. Father James A. Sinnerud, S.J., as an agent or employee of Defendants acting
4 within the course and scope of his actual or apparent authority intentionally,
5 knowingly, recklessly and or negligently placed Plaintiff in reasonable
6 apprehension of imminent physical injury.

7 138. Father James A. Sinnerud, S.J., as an agent or employee of Defendants acting
8 within the course and scope of his actual or apparent authority intentionally,
9 knowingly, recklessly and/or negligently touched Plaintiff with the intent to
10 injure, insult or provoke.

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

15 140. As a direct and proximate cause of Defendants' abuse of Plaintiff, Plaintiff
16 suffered and will continue to suffer in the future great pain of mind and body,
17 shock, emotional distress, embarrassment, loss of self-esteem, disgrace,
18 humiliation, anger, rage, frustration, loss of enjoyment of life, loss of
19 consortium, loss of love and affection, sexual dysfunction, past and future
20 medical expenses for psychological treatment, therapy, and counseling.

21 **PRAYER FOR RELIEF**

22 1. Plaintiff requests judgment in favor of Plaintiff and against Defendants as
23 follows to:

- 24 a. For Plaintiff's general and special damages in an amount to be
25 proven at trial by jury;
- 26 b. For Plaintiff's incurred costs together with interest at the highest
27 lawful rate on the total amount of all sums awarded from the date of
28 judgment until paid;

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- c. For the fair and reasonable monetary value of Plaintiff’s past, present, and future pain and suffering in an amount to be proven at trial by jury;
- d. For the medical expenses incurred up to the date of trial and any additional expenses necessary for future medical care and treatment;
- e. For punitive damages or exemplary damages to be set by a jury in an amount sufficient to punish Defendants for their outrageous conduct and to make an example out of them so that others do not engage in similar conduct in the future;
- f. For such other and further relief as this Court may deem just and proper.

DATED this 22nd day of September, 2020.

MONTOYA, LUCERO & PASTOR, P.A.

JEFF ANDERSON & ASSOCIATES, P.A.

By: /s/ Robert E. Pastor
Robert E. Pastor
Attorneys for Plaintiff

By: /s/ Jeffrey R. Anderson
Jeffrey R. Anderson
Attorneys for Plaintiff