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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 GJ DOE, a married man,
12
13 Plaintiff,

v.

14 THE ROMAN CATHOLIC CHURCH OF
15 THE DIOCESE OF CORPUS CHRISTI, a
16 corporation sole; JOHN DOE 1-100; JANE
17 DOE 1-100; and BLACK & WHITE
18 Corporations 1-100,
19 Defendants.

Case No.:

COMPLAINT

(Tort – Negligence – Non-Motor
Vehicle)

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

JURISDICTION

- 21 1. Plaintiff, John GJ Doe, is a resident of Maricopa County, Arizona. The acts,
22 events, and or omissions occurred in Navajo County, Arizona. This cause of
23 action arises out of acts, events or omissions that occurred in Navajo County,
24 Arizona.
- 25 2. Defendant The Roman Catholic Church of the Diocese of Corpus Christi
26 (Corpus Christi) is a corporation sole. Pope Pius X erected the Diocese of
27 Corpus Christi on March 23, 1912. The presiding Bishops of the Diocese of
28 Corpus Christi during the relevant times at issue in this Complaint were Bishop

1 Emmanuel Ledvina (1921 – 1949), Bishop Mariano S. Garriga (1949 – 1965),
2 Bishop Thomas J. Drury (1965 – 1983), Bishop Rene J. Gracida (1983 – 1997),
3 Bishop Roberto O. Gonzalez (1997 – 2000), Bishop Edmond Carmody (2000 –
4 2010), Bishop Wm. Michael Mulvey (2010 – present). Bishop Mulvey is
5 presently governing Bishop of the Diocese of Corpus Christi.

6 3. The Diocese of Corpus Christi has several programs that seek out the
7 participation of children including, but not limited to, schools and other
8 educational programs. The Diocese, through its officials, has complete control
9 over those activities and programs involving children. The Diocese has the
10 power to appoint, train, supervise, monitor, remove, and terminate each and
11 every person working with children within the Diocese.

12 4. Defendant Diocese of Corpus Christi, acting through its Bishops, priests,
13 brothers, clerics, provincials, employees, and agents of any kind caused acts,
14 events, or omissions to occur in Navajo County, Arizona out of which these
15 claims arise.

16 5. Father Clement Hageman was a Roman Catholic priest who caused acts,
17 events, or omissions to occur in Arizona out of which these claims arise. At all
18 times alleged, Father Clement Hageman was employed by and was the actual
19 or apparent agent of Defendant Diocese of Corpus Christi and acting within the
20 course and scope of his employment and or actual or apparent authority with
21 Defendant Diocese of Corpus Christi.

22 6. At all times material, Father Clement Hageman, was an adult male resident of
23 Arizona.

24 7. Father Clement Hageman was ordained a Catholic priest for the Diocese of
25 Corpus Christi in approximately 1930. In approximately 1940 the Bishop of the
26 Diocese of Corpus Christi authorized Father Hageman to work as a priest in
27 Arizona under his authority, and under the authority of the Bishop of the
28 Diocese of Gallup.

- 1 8. Father Clement Hageman was under the supervision, employ, and/or control of
2 Defendants Diocese of Corpus Christi when he committed the wrongful acts,
3 events, and or omissions alleged herein.
- 4 9. At all times alleged, Defendant Diocese of Corpus Christi, and Father Clement
5 Hageman, their Bishops, Archbishops, priests, brothers, clerics, provincials,
6 employees, and or agents were acting within the course and scope of
7 employment or alternatively, acting within their actual or apparent authority.
8 At all times alleged Father Clement Hageman was acting as an agent or
9 employee of Defendants Dioceses of Corpus Christi and acting within the
10 course and scope of his employment and or actual or apparent authority with
11 those Defendant. The wrongful acts, events, or omissions committed by
12 Defendants and by those priests, brothers, clerics, Bishops, Archbishops,
13 employees and agents who acted individually and in conspiracy with the other
14 to hide and cover up Father Clement Hageman's history, pattern, and
15 propensity to sexually abuse Catholic children were done within the course and
16 scope of their authority with their employing entities, or incidental to that
17 authority and were acquiesced in, affirmed, and ratified by those entities.
- 18 10. Plaintiff is informed and believes, and on that basis alleges, that at all times
19 mentioned herein, there existed a unity of interest and ownership among
20 Defendants and each of them, such that any individuality and separateness
21 between Defendants, and each of them, ceased to exist. Defendants, and each
22 of them, were the successors-in-interest and or alter egos of the other
23 Defendants, and each of them, in that they purchased, controlled, dominated
24 and operated each other without any separate identity, observation of
25 formalities, or other manner of division. At all times alleged, Defendants acted
26 in concert with their co-defendants and others to commit the wrongful acts. To
27 continue maintaining the façade of a separate and individual existence between
28 and among Defendants, and each of them, would serve to perpetuate a fraud

1 and an injustice.

- 2 11. Defendants JOHN DOE 1-100, JANE DOE 1-100, and BLACK AND WHITE
3 CORPORATIONS 1-100, are fictitious names designating an individual or
4 individuals or legal entities not yet identified who have acted in concert with
5 the named Defendants either as principals, agents, co-participants, or co-
6 conspirators whose true names Plaintiff may insert when identified.
- 7 12. Plaintiff is informed and believes, and on that basis alleges, that at all times
8 alleged herein, Defendants and each of them and JOHN DOES 1-100, JANE
9 DOES 1-100, and BLACK and WHITE CORPORATIONS 1-100, inclusive,
10 were the agents, representatives and or employees of each and every other
11 Defendant. In doing the things hereinafter alleged, Defendants, and each of
12 them, JOHN DOES 1-100, JANE DOES 1-100, and BLACK and WHITE
13 CORPORATIONS 1-100, inclusive, were acting within the course and scope
14 of said alternative personality, capacity, indemnity, agency, representation and
15 or employment and were within their actual or apparent authority.

16 **GENERAL ALLEGATIONS**

- 17 13. Plaintiff incorporates all other paragraphs as if fully set forth herein.
- 18 14. At all times material, Father Clement Hageman is and or was a Roman Catholic
19 cleric employed by Defendants Diocese of Corpus Christi. Father Clement
20 Hageman remained under the direct supervision, employ, and control of
21 Defendant Corpus Christi acting within the course and scope of his
22 employment and or actual or apparent authority with Defendant Corpus Christi.
- 23 15. Father Clement Hageman attended De Mazenod Seminary in San Antonio,
24 Texas. He also attended St. Meinrad Seminary in St. Meinrad, Indiana.
- 25 16. Father Clement Hageman originally studied for the priesthood for a religious
26 community of fathers and brothers, the Oblates of Mary Immaculate. During
27 his formation, however, Father Clement Hageman was forced to leave the
28 Oblates of Mary Immaculate.

- 1 17. On or about August 19, 1927, Bishop Emmanuel B. Ledvina of the Diocese of
2 Corpus Christi agreed to sponsor Father Clement Hageman for the remainder
3 of his priestly formation.
- 4 18. On June 10, 1930, a Roman Catholic Bishop ordained Father Clement
5 Hageman into the priesthood for the Diocese of Corpus Christi.
- 6 19. At all times alleged, Father Clement Hageman worked as a Roman Catholic
7 priest in Arizona under the direction, control, supervision, and authority of the
8 Bishop of the Diocese of Corpus Christi.
- 9 20. By 1939, other priests of the Diocese of Corpus Christi learned that Father
10 Clement Hageman was sexually abusing boys. On April 24, 1939, Father D.
11 Laning wrote Bishop Ledvina apologizing for having to share with him the “sad
12 facts of his case.” Father Lansing assured the Bishop that there was “no public
13 knowledge of the affair at all” and that he was “keeping the boys concerned as
14 close to me as possible.” Father Laning informed Bishop Ledvina that he
15 advised Father Clement Hageman to “ask for admission to a monastery for the
16 balance of his life, or , ask for secularization.” Father Lansing shared with
17 Bishop Ledvina that he does “not feel that [Hageman] will overcome his
18 weakness.”
- 19 21. On April 25, 1939, the Bishop of Corpus Cristi wrote Father Laning explaining
20 that Father Clement Hageman should “either go into some monastery for the
21 rest of his life and keep on at least saying Mass, or to apply to the Holy See for
22 lacization.” Father Hageman went to the Alexian Brothers Hospital in
23 Oshkosh, Wisconsin “to do penance and to give proof of the sincerity of his
24 repentance.”
- 25 22. After some period of time in the hospital, Father Clement Hageman requested
26 permission from the Bishop of Corpus Christi to serve as a priest for the
27 Alexian Brothers. On September 23, 1939 the Bishop of Corpus Christi warned
28 the Rector of the Alexian Brothers that Father Clement Hageman should not be

- 1 trusted. Bishop of Corpus Christi had “no confidence in [Hageman’s]
2 promises.”
- 3 23. In 1940, Father Clement Hageman again asked the Bishop of Corpus Christi
4 for permission to serve as a priest for the Diocese of New Haven. On
5 September 23, 1940, the Bishop of Corpus Christi wrote the Bishop of New
6 Haven explaining that after leaving Corpus Christi and going to another place
7 in the South where he was to be supervised by an older priest Father Clement
8 Hageman could not “brace himself against his besetting sin (cum pueris).”
9 (Latin for playing with boys).
- 10 24. In 1940, Father Clement Hageman left the Diocese of New Haven and went to
11 the Archdiocese of Santa Fe. The Archbishop of Santa Fe recommended that
12 Father Clement Hageman return to ministry in one of the rural parishes in the
13 newly formed Diocese of Gallup. On December 16, 1940, the Bishop of the
14 Diocese of Gallup wrote the Bishop of Corpus Christi stating, “I was in Santa
15 Fe last week and I asked Archbishop Gerken what was the trouble with Father
16 Hageman On September 23, 1939, the Bishop of Corpus Christi banished
17 Father Clement Hageman, and he answered that he was guilty of playing with
18 boys. Of course this did not sound good to me. So I thought the best thing I
19 could do was write Your Excellence, and get your opinion of this priest.”
- 20 25. On December 21, 1940, the Bishop of Corpus Christi responded in a telegram
21 to the Bishop of Gallup confirming that Hageman sexually abused boys, but
22 suggested to the Bishop of Gallup to try him out: “ARCHBISHOP GERKIN
23 TOLD YOU RIGHT BELIEVE MAN MIGHT BE GIVEN A CHANCE
24 WOULD BE IMPOSSIBLE AROUND HERE CASE TOO WELL KNOWN
25 AROUND HERE TRY HIM OUT MAYBE PROVE TRUSTWORTHY AT
26 LAST.”
- 27 26. The Bishop of the Diocese of Corpus Christi authorized Father Clement
28 Hageman to serve in rural Catholic parishes throughout Northern Arizona.

1 With the authorization and permission of the Bishop of Corpus Christi, Father
2 Clement Hageman served at the following Catholic parishes in Northern
3 Arizona:

- 4 a. 1942 to 1953: Administrator, Our Lady of Guadalupe Catholic
5 Church, Holbrook, Arizona;
- 6 b. 1953 to 1963: Administrator, St. Mary's Catholic Church,
7 Kingman, Arizona;
- 8 c. 1964 to 1965: Administrator, Missions of Mayer, AZ and Camp
9 Verde, Arizona;
- 10 d. 1965 to 1975 (death): Administrator, Madre de Dios Catholic
11 Church, Winslow, Arizona.

12 27. Defendant Corpus Christi authorized and approved of Father Clement
13 Hageman's placement at various Catholic parishes where he served as a Roman
14 Catholic priest and in positions of trust where he had access to and worked with
15 children as an integral part of his work.

16 28. Plaintiff and his family attended Madre de Dios Catholic Church in Winslow,
17 Arizona. Plaintiff and his family came in contact with Father Clement
18 Hageman as an agent and representative of the Roman Catholic Church,
19 Defendant Diocese of Corpus Christi, and at Madre de Dios Catholic Church.

20 29. Plaintiff participated in youth activities, educational activities, and or church
21 activities with Father Clement Hageman at Madre de Dios Catholic Church.
22 Plaintiff, therefore, developed great admiration, trust, reverence, and respect
23 for the Father Clement Hageman as a Roman Catholic priest, including
24 Defendant and their agents. During and through these activities, Plaintiff, as a
25 minor and vulnerable child, was dependent on Defendant and Father Clement
26 Hageman, Defendants had custody of Plaintiff and accepted the entrustment of
27 Plaintiff and, therefore, had responsibility for Plaintiff and authority over
28 Plaintiff.

- 1 30. From approximately 1967 to 1968, when Plaintiff was approximately 9 to 10
2 years old, Father Clement Hageman engaged in unpermitted sexual contact
3 with Plaintiff on numerous occasions, including, but not limited to sexual
4 contact as defined by Arizona Revised Statutes § 13-1401 and or § 13-1405.
- 5 31. Plaintiff's relationship to Defendants and Father Clement Hageman, as a
6 vulnerable child, student and participant in religious ceremonies, was one in
7 which Plaintiff was subject to the ongoing influence of Defendant and Father
8 Clement Hageman.
- 9 32. The culture of the Catholic Church over Plaintiff created pressure on Plaintiff
10 not to report the abuse Plaintiff suffered.
- 11 33. The Bishop of Corpus Christi has a responsibility to ensure that priests of the
12 Diocese of Corpus are living a chaste life. The Bishop of Corpus Christi also
13 has a responsibility to make sure that the priests working as priests, ministers,
14 educators, and spiritual guides are fulfilling the promise of celibacy.
- 15 34. The Bishop of Corpus Christi has a special relationship with young children
16 and students who are taught by Roman Catholic priests.
- 17 35. Catholic priests were assigned to Catholic parishes to teach children about the
18 Roman Catholic faith as part of the teaching function of the Roman Catholic
19 Church.
- 20 36. Under the direction, supervision, control, authority and appointment made by
21 the Bishop of Corpus Christi, Father Clement Hageman worked in rural
22 Catholic parishes in Arizona, including but not limited to his position at St.
23 Joseph's Mission Catholic Church.
- 24 37. By assigning Father Clement Hageman leadership positions, educational
25 positions, and other assignments, the Bishop of Corpus Christi represented to
26 Catholics, non-Catholics and the public, including Plaintiff and his family that
27 Father Clement Hageman had the requisite moral, spiritual, emotional and
28 intellectual qualities to serve as a teacher, religious educator, minister, spiritual

1 guide, priest and or administrator at St. Joseph's Mission Catholic Church
2 and/or as a representative and agent of the Diocese of Corpus Christi. The
3 Diocese of Corpus Christi, through its bishops, priests, brothers, clerics, agents,
4 and or employees of any kind were negligent in allowing Father Clement
5 Hageman into the diocese and was negligent in allowing Father Clement
6 Hageman to serve in the diocese because the Diocese of Corpus Christi knew,
7 should have known, and or was deliberately ignorant that Father Clement
8 Hageman posed an unreasonable risk of harm to Catholic children, including
9 Plaintiff. By authorizing Hageman to work in the at St. Joseph's Mission
10 Catholic Church and other assignments, the Diocese of Corpus Christi
11 intentionally, recklessly, or negligently misrepresented.

12 38. Upon information and belief, Defendant knew, should have known, and or were
13 deliberately ignorant that Father Clement Hageman engaged in sexual
14 misconduct and was not fit to work as a priest before he was authorized by the
15 Bishop of Corpus Christi to work in Arizona.

16 39. The Bishop of Corpus Christi authorized, permitted, and or allowed Father
17 Clement Hageman to teaching positions and or parishes and or missions in
18 Arizona including but not limited to the parishes described above where Father
19 Clement Hageman had contact with children, including Plaintiff, through his
20 work.

21 40. Defendant Diocese of Corpus Christi, through its bishops, archbishops, priests,
22 brothers, provincials, employees, and or agents of any kind, knew or should
23 have known that Father Clement Hageman would have contact with children
24 while assigned to positions in Catholic Churches, parishes, schools, and
25 missions in Arizona.

26 41. Defendants Diocese of Corpus Christi through its Bishops, priests, deacons,
27 agents, and or employees engaged in a pattern and practice of transferring
28 pedophile priests throughout the State of Arizona and or United States in an

1 attempt to cover up clergy sexual misconduct. Defendant Diocese of Corpus
2 Christi allowed other pedophile priests from Corpus Christi to relocate to other
3 diocese, cities, and states in an effort to conceal clergy sexual abuse of children.

4 42. The Diocese of Corpus Christi, through their Bishops, priests, deacons, agents,
5 and or employees worked together with other Bishops, priests, deacons, agents,
6 and or employees to transfer Father Clement Hageman to Arizona where Father
7 Clement Hageman's history of sexual misconduct was not known and not likely
8 to be discovered.

9 43. Defendants, in keeping with the official and unofficial policies of the Roman
10 Catholic Church, attempted to conceal and cover-up Father Clement
11 Hageman's sexual abuse of children.

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

17 **Defendant Diocese of Corpus Christi**
18 **covered up and fraudulently concealed**
19 **Father Clement Hageman's history and propensity of sexual abuse**
20 **before authorizing Hageman to work as a priest in Arizona.**

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

22 46. Defendant Diocese of Corpus Christi and Father Clement Hageman,
23 individually and in concert with each other, acting through its priests, Bishops,
24 Archbishops, provincials, employees, or agents of any kind knew, should have
25 known, and or were deliberately ignorant that Father Clement Hageman
26 sexually abused children. Defendant the Diocese of Corpus Christi and Father
27 Clement Hageman also knew, should have known, and or were deliberately
28 ignorant Father Clement Hageman's propensity to sexually abuse children.

47. Defendant Diocese of Corpus Christi and Father Clement Hageman, priests,

1 Bishops, Archbishops, provincials, employees, or agents of any kind did not
2 disclose, warn, or report the sexual abuse or Father Clement Hageman's
3 propensity to sexually abuse children. Instead, acting individually and in
4 concert with each other and other priests, bishops, dioceses, and archdioceses,
5 and co-conspirators, Defendants kept the news of Father Clement Hageman's
6 sexual abuse and propensity to engage in sexual abuse from church members
7 and students, including Plaintiff and his family.

8 48. Defendant Diocese of Corpus Christi and Father Clement Hageman, their
9 priests, Bishops, Archbishops, and agents of any kind followed the orders,
10 commandments, directives, policies, or procedures of the Roman Catholic
11 Church mandated by the priests, Bishops, Archbishops, Cardinals, Vatican, the
12 Holy See, the Holy Office, and the Holy Father requiring that all matters and
13 details regarding clergy sexual abuse be kept absolutely secret. The secrets of
14 priest sexual abuse were commonly regarded as a secret of the Holy Office. In
15 keeping with the policies, procedures and directives of the Roman Catholic
16 Church, Defendants, and each of them, kept information about Father Clement
17 Hageman's sexual abuse of children or his propensity to sexual abuse children
18 secret.

19 49. Defendant Diocese of Corpus Christi and Father Clement Hageman, 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 50. Defendant Diocese of Corpus Christi and Father Clement Hageman acted
27 individually and in concert with one another and others including but not
28 limited to other priests, bishops, archbishops, diocese, and archdiocese to

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

5 51. The Defendant Diocese of Corpus Christi acting through its agents and or
6 employees, including priest, bishops, archbishops, clerics, allowed priests
7 under their supervision and control to have contact with minors after becoming
8 aware of allegations of sexual misconduct.

9 52. The Bishop of the Diocese of Corpus Christi, individually and in concert with
10 other bishops, priest, clerics, employees, and agents of any kind transferred
11 pedophile priests to situations where children could be further victimized.

12
13 **Defendants are estopped from alleging the statute of limitations as a defense**
14 **because they fraudulently concealed Father Clement Hageman's abuse of children**
15 **and his propensity to sexually abuse children.**

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

17 54. Defendants Diocese of Corpus Christi and Father Clement Hageman, through
18 its priests, Bishops, Archbishops, and agents of any kind assigned Father
19 Clement Hageman to ministries throughout the United States, including
20 positions located in the Diocese of Corpus Christi.

21 55. Defendant, and each of them, did not reveal to the congregation of faithful
22 Catholics, students, and parents, including Plaintiff and his family, that Father
23 Clement Hageman engaged in sexual contact with children.

24 56. Defendant, and each of them, knew, should have known and or were
25 deliberately ignorant that Father Clement Hageman continued to sexually
26 abuse and or have sexual contact with children.

27 57. Defendant, and each of them, individually and in conspiracy with the other
28 priests, bishops, archbishops, and agents of any kind, led the congregation of

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

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

16 59. All Defendants, with their pattern and practice of ignoring, covering up, and or
17 fraudulently concealing Father Clement Hageman's sexual abuse of Plaintiff
18 and other children, demonstrated deliberate indifference, conscious disregard,
19 and reckless disregard to Plaintiff's mental and physical well-being.

20 60. All Defendants' pattern and practice of ignoring, covering up, and fraudulently
21 concealing repeated and frequent sexual abuse perpetrated by Father Clement
22 Hageman and other clergy was done pursuant to the Catholic Church's official
23 and unofficial policies and practices.

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

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

28 62. Father Clement Hageman intentionally, knowingly, recklessly, or negligently

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- engaged in sexual contact with Plaintiff.
63. Father Clement Hageman intentionally, knowingly, recklessly, or negligently engaged in sexual contact with Plaintiff John GJ Doe, without his consent and when he was a minor incapable of consenting to such sexual contact.
64. 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.
65. 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.

COUNT II
NEGLIGENCE AGAINST DEFENDANT
DIOCESE OF CORPUS CHRISTI

66. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.
67. Each Defendant owed Plaintiff a duty of reasonable care to protect Plaintiff from injury.
68. Each Defendant owed Plaintiff a duty of care because each Defendant had a special relationship with Plaintiff.
69. Defendants also had a duty arising from the special relationship that existed with Plaintiff, Plaintiff’s parents, and other parents of young, innocent, vulnerable children to properly train and supervise its clerics. This special relationship arose because of the high degree of vulnerability of the children

1 entrusted to their care. As a result of this high degree of vulnerability and risk
2 of sexual abuse inherent in such a special relationship, Defendants had a duty
3 to establish measures of protection not necessary for persons who are older and
4 better able to safeguard themselves.

5 70. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because
6 each Defendant also had a special relationship with Father Clement Hageman

7 71. Defendants owed Plaintiff a duty of reasonable care because they solicited
8 youth and parents for participation in their youth programs; encouraged youth
9 and parents to have the youth participate in their programs; undertook custody
10 of minor children, including Plaintiff; promoted their facilities and programs
11 as being safe for children; held their agents, including Father Clement
12 Hageman, out as safe to work with children; encouraged parents and children
13 to spend time with their agents; and/or encouraged their agents, including
14 Father Clement Hageman, to spend time with, interact with, and recruit
15 children.

16 72. By accepting custody of the minor Plaintiff, Defendants established an *in loco*
17 *parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to
18 protect Plaintiff from injury. Further, Defendants entered into a fiduciary
19 relationship with Plaintiff by undertaking the custody, supervision of, and/or
20 care of the minor Plaintiff. As a result of Plaintiff being a minor, and by
21 Defendants undertaking the care and guidance of the Plaintiff, Defendants also
22 held a position of empowerment over Plaintiff. Further, Defendants, by
23 holding themselves out as being able to provide a safe environment for
24 children, solicited and/or accepted this position of empowerment. Defendants,
25 through its employees, exploited this power over Plaintiff and, thereby, put the
26 minor Plaintiff at risk for sexual abuse.

27 73. By establishing and/or operating the Diocese of Corpus Christi, accepting the
28 minor Plaintiff as a participant in their programs, holding their facilities and

1 programs out to be a safe environment for Plaintiff, accepting custody of the
2 minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship
3 with Plaintiff, Defendants entered into an express and/or implied duty to
4 properly supervise Plaintiff and provide a reasonably safe environment for
5 children, who participated in their programs. Defendants owed Plaintiff a duty
6 to properly supervise Plaintiff to prevent harm from foreseeable dangers.
7 Defendants had the duty to exercise the same degree of care over minors under
8 their control as a reasonably prudent person would have exercised under
9 similar circumstances.

10 74. By establishing and operating the Diocese of Corpus Christi, which offered
11 educational programs to children and which may have included a school,
12 religious education, and or religious ceremonies, and by accepting the
13 enrollment and participation of the minor Plaintiff as a participant in those
14 educational programs, Defendants owed Plaintiff a duty to properly supervise
15 Plaintiff to prevent harm from generally foreseeable dangers.

16 75. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because
17 Defendants invited Plaintiff onto their property and Father Clement Hageman
18 posed a dangerous condition on Defendants' property.

19 76. Each Defendant breached its duties to Plaintiff. Defendants failed to use
20 ordinary care in determining whether their facilities were safe and/or
21 determining whether they had sufficient information to represent their facilities
22 as safe. Defendant's breach of their duties include, but are not limited to:
23 failure to protect Plaintiff from a known danger, failure to have sufficient
24 policies and procedures in place to prevent child sex abuse, failure to properly
25 implement policies and procedures to prevent child sex abuse, failure to take
26 reasonable measures to ensure that policies and procedures to prevent child sex
27 abuse were working, failure to adequately inform families and children of the
28 risks of child sex abuse, failure to investigate risks of child molestation, failure

1 to properly train the employees at institutions and programs within
2 Defendants' geographical confines, failure to train the minors within
3 Defendants' geographical confines about the dangers of sexual abuse by
4 clergy, failure to have any outside agency test their safety procedures, failure
5 to protect the children in their programs from child sex abuse, failure to adhere
6 to the applicable standard of care for child safety, failure to investigate the
7 amount and type of information necessary to represent the institutions,
8 programs, leaders and people as safe, failure to train their employees properly
9 to identify signs of child molestation by fellow employees, failure by relying
10 upon mental health professionals, and/or failure by relying on people who
11 claimed that they could treat child molesters.

12 77. Defendants also breached their duty to Plaintiff by failing to warn Plaintiff and
13 Plaintiff's family of the risk that Father Clement Hageman posed and the risks
14 of child sexual abuse in Catholic institutions. They also failed to warn them
15 about any of the knowledge that Defendants had about child sexual abuse.

16 78. Defendants breached their duties to Plaintiff by failing to use reasonable care.
17 Defendants' failures include, but are not limited to, failing to properly
18 supervise Father Clement Hageman, failing to properly supervise Plaintiff, and
19 failing to protect Plaintiff from a known danger.

20 79. Defendants additionally violated a legal duty by failing to report known and/or
21 suspected abuse of children by Father Clement Hageman and/or its other
22 agents to the police and law enforcement.

23 80. Defendants knew or should have known that Father Clement Hageman was a
24 danger to children before Father Clement Hageman sexually assaulted
25 Plaintiff.

26 81. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned
27 that Father Clement Hageman was not fit to work with children. Defendants,
28 by and through their agents, servants and/or employees, became aware, or

1 should have become aware of Father Clement Hageman's propensity to
2 commit sexual abuse and of the risk to Plaintiff's safety. At the very least,
3 Defendants knew, should have known, and or were deliberately ignorant that
4 they did not have sufficient information about whether or not their leaders and
5 people working in the Diocese of Corpus Christi and through Arizona,
6 including elementary school and high schools were safe.

7 82. Defendants knew, should have known, and or were deliberately ignorant that
8 there was a risk of child sex abuse for children participating in Catholic
9 programs and activities within the Diocese. At the very least, Defendants knew
10 should have known, and or were deliberately ignorant that they did not have
11 sufficient information about whether or not there was a risk of child sex abuse
12 for children participating in Catholic programs and activities within the
13 Diocese.

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

19 84. However, despite this knowledge, Defendants negligently deemed that Father
20 Clement Hageman was fit to work with children; and/or that any previous
21 suitability problems Father Clement Hageman had were fixed and cured;
22 and/or that Father Clement Hageman would not sexually molest children;
23 and/or that Father Clement Hageman would not injure children.

24 85. Defendants' actions created a foreseeable risk of harm to Plaintiff. As a
25 vulnerable child participating in the programs and activities Defendants
26 offered to minors, Plaintiff was a foreseeable victim. Additionally, as a
27 vulnerable child who Father Clement Hageman had access to through
28 Defendants' facilities and programs, Plaintiff was a foreseeable victim.

1 86. 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.

8
9 **COUNT III**
10 **NEGLIGENT TRAINING AND SUPERVISION OF EMPLOYEES**
11 **AGAINST DEFENDANTS DIOCESE OF CORPUS CHRISTI**

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

14 88. At all times material, Father Clement Hageman was employed by Defendants
15 and was under each Defendant's direct supervision, employ, and control when
16 he committed the wrongful acts alleged herein. Father Clement Hageman
17 engaged in the wrongful conduct while acting in the course and scope of his
18 employment with Defendants and/or accomplished the sexual abuse by virtue
19 of his job-created authority.

20 89. Defendants had a duty, arising from their employment of Father Clement
21 Hageman, to ensure that he did not sexually molest children.

22 90. Further, Defendants owed a duty to train and educate employees and
23 administrators and establish adequate and effective policies and procedures
24 calculated to detect, prevent, and address inappropriate behavior and conduct
25 between clerics and children.

26 91. The abuse complained of herein occurred on Defendants' property and/or with
27 the use of their chattels.

28 92. Defendants breached their duties to Plaintiff by actively maintaining and
employing Father Clement Hageman in a position of power and authority

1 through which Father Clement Hageman had access to children, including
2 Plaintiff, and power and control over children, including Plaintiff.

3 93. Defendants were negligent in the training, supervision, and instruction of their
4 employees. Defendants failed to timely and properly educate, train, supervise,
5 and/or monitor their agents or employees with regard to policies and
6 procedures that should be followed when sexual abuse of a child is suspected
7 or observed. Defendants were additionally negligent in failing to supervise,
8 monitor, chaperone, and/or investigate Father Clement Hageman and/or in
9 failing to create, institute, and/or enforce rules, policies, procedures, and/or
10 regulations to prevent Father Clement Hageman 's sexual abuse of Plaintiff. In
11 failing to properly supervise Father Clement Hageman, and in failing to
12 establish such training procedures for employees and administrators,
13 Defendant failed to exercise the degree of care that a reasonably prudent person
14 would have exercised under similar circumstances.

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

22
23 **COUNT IV**
24 **NEGLIGENT RETENTION OF EMPLOYEES**
25 **AGAINST DEFENDANTS DIOCESE OF CORPUS CHRISTI**

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

28 96. At all times material, Father Clement Hageman was employed by Defendants

1 and was under each Defendant's direct supervision, employ, and control when
2 he committed the wrongful acts alleged herein.

3 97. Defendants negligently retained Father Clement Hageman with knowledge of
4 Father Clement Hageman's propensity for the type of behavior which resulted
5 in Plaintiff's injuries in this action. Defendants failed to investigate Father
6 Clement Hageman's past and/or current history of sexual abuse and, through
7 the exercise of reasonable diligence, should have known of Father Clement
8 Hageman's propensity for child sexual abuse. Defendants should have made
9 an appropriate investigation of Father Clement Hageman and failed to do so.
10 An appropriate investigation would have revealed the unsuitability of Father
11 Clement Hageman for continued employment and it was unreasonable for
12 Defendants to retain Father Clement Hageman in light of the information they
13 knew or should have known.

14 98. Defendants negligently retained Father Clement Hageman in a position where
15 he had access to children and could foreseeably cause harm which Plaintiff
16 would not have been subjected to had Defendants taken reasonable care.

17 99. In failing to timely remove Father Clement Hageman from working with
18 children or terminate the employment of Father Clement Hageman,
19 Defendants failed to exercise the degree of care that a reasonably prudent
20 person would have exercised under similar circumstances.

21 100. As a direct and proximate cause of Defendants' wrongful acts Plaintiff suffered
22 and will continue to suffer in the future physical and emotional injury
23 including, but not limited to great pain of mind and body, shock, emotional
24 distress, 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 V
BREACH OF FIDUCIARY DUTY
(All Defendants)

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

102. Defendants' relationship with Plaintiff was one of spiritual guide, counselor, and shepherd. As a fiduciary to Plaintiff, Defendants owed a duty to investigate, obtain, and disclose sexual misconduct, sexual assault, sexual abuse, molestation, sexual propensities, and other inappropriate acts of its priests, including Father Clement Hageman. As fiduciary, counselor and spiritual guide, Defendants owed Plaintiff a duty to work solely for his benefit.

103. Defendants breached their fiduciary duties owed to Plaintiff.

104. 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.

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COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)

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

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

107. As a direct and proximate cause of Defendants' wrongful conduct Plaintiff

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

7
8 **COUNT VII**
9 **ENDANGERMENT**
10 **(All Defendants)**

- 11 108. Plaintiff incorporates all other paragraphs as if fully set forth herein.
- 12 109. Defendants have a duty to protect children from foreseeable and unjustifiable
13 risks of harm.
- 14 110. Defendants knew, should have known and or were deliberately ignorant that
15 Father Clement Hageman posed a significant risk of injury to Catholic children,
16 including Plaintiff. Defendants attempted to conceal and cover-up Father
17 Clement Hageman's sexual deviancy and sexual abuse of children to avoid
18 scandal and prevent others from discovering Father Clement Hageman's sexual
19 abuse of children, his history of child sexual abuse, and his propensity to sexual
20 abuse children.
- 21 111. Defendants, individually and or in agreement with each other, assigned Father
22 Clement Hageman to the missions, schools, and or parishes in and throughout
23 Arizona including.
- 24 112. Defendants knew, should have known and or were deliberately ignorant that
25 Father Clement Hageman posed a substantial risk of significant physical and
26 psychological injury to Catholic children, including Plaintiff.
- 27 113. Defendants, individually and in concert with the each other, negligently,
28 recklessly, or intentionally endangered the health and well-being of children,
including Plaintiff by exposing them to Father Clement Hageman who was a

1 substantial risk of significant physical and mental injury to children including
2 Plaintiff.

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

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

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

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

24 117. Father Clement Hageman had the care and custody of Plaintiff both because he
25 was student, parishioner under the control and authority of Father Clement
26 Hageman, given to him by Defendants Diocese of Corpus Christi and because
27 he attended education and training from Father Clement Hageman and others.

28 118. Defendants had the care and custody of Plaintiff both because they
assigned and/or permitted Father Clement Hageman to serve at missions,

1 parishes, and or schools in and through Arizona and because of their pattern,
2 practice, custom, and tradition of training and educating children in the
3 Catholic faith. Defendants had the care and custody of Plaintiff through
4 traditional agency law.

5 119. Father Clement Hageman is a Roman Catholic cleric who caused acts, events,
6 or omissions to occur in Arizona out of which these claims arise. At all times
7 alleged, Father Clement Hageman was employed by and was the actual or
8 apparent agent of Defendants Diocese of Corpus Christi and acting within the
9 course and scope of his employment and or actual or apparent authority with
10 Defendant Diocese of Corpus Christi.

11 120. Defendants Diocese of Corpus Christi engaged in a pattern and practice of
12 transferring pedophile priests throughout the State of Arizona and United States
13 in an attempt to cover up clergy sexual misconduct.

14 121. 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 Clement Hageman to new parishes failing to protect
22 Catholic children, including Plaintiff.

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

25 123. 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.

3
4 **COUNT IX**
5 **ASSAULT**
6 **(A.R.S. §§ 13-1204, 13-1203, and the common law)**
7 **(All Defendants)**

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

9 125. At all times relevant to this complaint, Father Clement Hageman was over the
10 age of 18 and Plaintiff was under the age of 18.

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

15 127. Father Clement Hageman, as an agent or employee of Defendant Corpus Christi
16 acting within the course and scope of his actual or apparent authority
17 intentionally, knowingly, recklessly and or negligently placed Plaintiff in
18 reasonable apprehension of imminent physical injury.

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

23 129. 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.

27 130. 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 15th day of October, 2020.

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

JEFF ANDERSON & ASSOCIATES, P.A.

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

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