

1 Robert E. Pastor, SBN 021963  
2 MONTOYA, LUCERO & PASTOR, P.A.  
3 3200 North Central Ave, Suite 2550  
4 Phoenix, Arizona 85012  
5 Phone: (602) 279-8969  
6 Fax: (602) 256-6667  
7 [pastor@mlpattorneys.com](mailto:pastor@mlpattorneys.com)  
8 *Attorneys for Plaintiff*

Jeffrey R. Anderson, MN SBN 2057  
Mike Finnegan, MN SBN 033649X  
Josh Peck, MN SBN 0395581  
JEFF ANDERSON & ASSOCIATES, PA  
366 Jackson Street, Suite 100  
St. Paul, MN 55101  
[jeff@andersonadvocates.com](mailto:jeff@andersonadvocates.com)  
[mike@andersonadvocates.com](mailto:mike@andersonadvocates.com)  
[josh@andersonadvocates.com](mailto:josh@andersonadvocates.com)  
*(Pro Hac Vice Pending)*

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 JOHN JB DOE, a married man,  
12  
13 Plaintiff,

14 v.

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

Case No.:

**COMPLAINT**

(Tort – Negligence – Non-Motor  
Vehicle)

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

**JURISDICTION**

- 22 1. Plaintiff, John JB Doe, is a resident of Yavapai County, Arizona. The acts,  
23 events, and or omissions occurred in Yavapai Arizona. This cause of action  
24 arises out of acts, events or omissions that occurred in Yavapai County,  
25 Arizona.
- 26 2. Defendant The Roman Catholic Church of the Diocese of Corpus Christi  
27 (Corpus Christi) is a corporation sole. Pope Pius X erected the Diocese of  
28 Corpus Christi on March 23, 1912. The presiding Bishops of the Diocese of  
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 Yavapai 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 Laning 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 Laning 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 Christi wrote Father Laning  
20 explaining that Father Clement Hageman should “either go into some  
21 monastery for the rest of his life and keep on at least saying Mass, or to apply  
22 to the Holy See for laicization.” Father Hageman went to the Alexian Brothers  
23 Hospital in Oshkosh, Wisconsin “to do penance and to give proof of the  
24 sincerity of his 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 Arizona. With the

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

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

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

15 28. Plaintiff and his family attended St. Joseph's Mission Catholic Church in  
16 Mayer, Arizona. Plaintiff and his family came in contact with Father Clement  
17 Hageman as an agent and representative of the Roman Catholic Church, the  
18 Defendant Diocese of Corpus Christi, and at St. Joseph's.

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

27 30. In approximately 1964, when Plaintiff was approximately 11 years old, Father  
28 Clement Hageman engaged in unpermitted sexual contact with Plaintiff,

1 including, but not limited to sexual contact as defined by Arizona Revised  
2 Statutes § 13-1401 and or § 13-1405.

3 31. Plaintiff's relationship to Defendants and Father Clement Hageman, as a  
4 vulnerable child, student and participant in religious ceremonies, was one in  
5 which Plaintiff was subject to the ongoing influence of Defendant and Father  
6 Clement Hageman.

7 32. The culture of the Catholic Church over Plaintiff created pressure on Plaintiff  
8 not to report the abuse Plaintiff suffered.

9 33. The Bishop of Corpus Christi has a responsibility to ensure that priests of the  
10 Diocese of Corpus are living a chaste life. The Bishop of Corpus Christi also  
11 has a responsibility to make sure that the priests working as priests, ministers,  
12 educators, and spiritual guides are fulfilling the promise of celibacy.

13 34. The Bishop of Corpus Christi has a special relationship with young children  
14 and students who are taught by Roman Catholic priests.

15 35. Catholic priests were assigned to Catholic parishes to teach children about the  
16 Roman Catholic faith as part of the teaching function of the Roman Catholic  
17 Church.

18 36. Under the direction, supervision, control, authority and appointment made by  
19 the Bishop of Corpus Christi, Father Clement Hageman worked in rural  
20 Catholic parishes in Arizona, including but not limited to his position at St.  
21 Joseph's Mission Catholic Church.

22 37. By assigning Father Clement Hageman leadership positions, educational  
23 positions, and other assignments, the Bishop of Corpus Christi represented to  
24 Catholics, non-Catholics and the public, including Plaintiff and his family that  
25 Father Clement Hageman had the requisite moral, spiritual, emotional and  
26 intellectual qualities to serve as a teacher, religious educator, minister, spiritual  
27 guide, priest and or administrator at St. Joseph's Mission Catholic Church  
28 and/or as a representative and agent of the Diocese of Corpus Christi. The



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

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

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

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

24 41. Defendants Diocese of Corpus Christi through its Bishops, priests, deacons,  
25 agents, and or employees engaged in a pattern and practice of transferring  
26 pedophile priests throughout the State of Arizona and or United States in an  
27 attempt to cover up clergy sexual misconduct. Defendant Diocese of Corpus  
28 Christi allowed other pedophile priests from Corpus Christi to relocate to other

1 diocese, cities, and states in an effort to conceal clergy sexual abuse of children.

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

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

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

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

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

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

27 47. Defendant Diocese of Corpus Christi and Father Clement Hageman, priests,  
28 Bishops, Archbishops, provincials, employees, or agents of any kind did not  
disclose, warn, or report the sexual abuse or Father Clement Hageman's

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

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

17 49. Defendant Diocese of Corpus Christi and Father Clement Hageman, their  
18 priests, Bishops, Archbishops, and agents of any kind also followed the orders,  
19 commandments, directives, policies, or procedures of the Roman Catholic  
20 Church mandated by the Vatican, the Holy See, the Holy Office, Bishops,  
21 Archbishops, Cardinals and the Holy Father allowing a priest accused of sexual  
22 abuse to be transferred to a new assignment without ever disclosing the priest's  
23 history of sexual abuse.

24 50. Defendant Diocese of Corpus Christi and Father Clement Hageman acted  
25 individually and in concert with one another and others including but not  
26 limited to other priests, bishops, archbishops, diocese, and archdiocese to  
27 engage in a pattern and practice of protecting priests and clerics who sexually  
28 abused parishioners and children by ratifying, concealing, failing to report, or

1 failing to investigate clergy sexual abuse, molestation, and or sexual  
2 misconduct.

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

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

10  
11 **Defendants are estopped from alleging the statute of limitations as a defense**  
12 **because they fraudulently concealed Father Clement Hageman's abuse of children**  
13 **and his propensity to sexually abuse children.**

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

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

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

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

25 57. Defendant, and each of them, individually and in conspiracy with the other  
26 priests, bishops, archbishops, and agents of any kind, led the congregation of  
27 faithful Catholics, students and parents to believe that Father Clement  
28 Hageman was fit to serve as a Roman Catholic priest ministering and educating

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

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

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

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

22 **COUNT I**  
23 **SEXUAL ASSAULT / SEXUAL ABUSE / SEXUAL CONDUCT**  
24 **WITH A MINOR**

25 **(A.R.S. §§ 13-1404, 13-1405, 13-1406, 13-1410 and the common law)**

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

27 62. Father Clement Hageman intentionally, knowingly, recklessly, or negligently  
28 engaged in sexual contact with Plaintiff.

63. Father Clement Hageman intentionally, knowingly, recklessly, or negligently

1 engaged in sexual contact with Plaintiff John JB Doe, without his consent and  
2 when he was a minor incapable of consenting to such sexual contact.

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

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

14 **COUNT II**  
15 **NEGLIGENCE AGAINST DEFENDANT**  
16 **DIOCESE OF CORPUS CHRISTI**

17 66. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set  
18 forth under this count.

19 67. Each Defendant owed Plaintiff a duty of reasonable care to protect Plaintiff  
20 from injury.

21 68. Each Defendant owed Plaintiff a duty of care because each Defendant had a  
22 special relationship with Plaintiff.

23 69. Defendants also had a duty arising from the special relationship that existed  
24 with Plaintiff, Plaintiff's parents, and other parents of young, innocent,  
25 vulnerable children to properly train and supervise its clerics. This special  
26 relationship arose because of the high degree of vulnerability of the children  
27 entrusted to their care. As a result of this high degree of vulnerability and risk  
28 of sexual abuse inherent in such a special relationship, Defendants had a duty

1 to establish measures of protection not necessary for persons who are older and  
2 better able to safeguard themselves.

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

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

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

25 73. By establishing and/or operating the Diocese of Corpus Christi, accepting the  
26 minor Plaintiff as a participant in their programs, holding their facilities and  
27 programs out to be a safe environment for Plaintiff, accepting custody of the  
28 minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship

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

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

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

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



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

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

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

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

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

24 81. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned  
25 that Father Clement Hageman was not fit to work with children. Defendants,  
26 by and through their agents, servants and/or employees, became aware, or  
27 should have become aware of Father Clement Hageman's propensity to  
28 commit sexual abuse and of the risk to Plaintiff's safety. At the very least,

1 Defendants knew, should have known, and or were deliberately ignorant that  
2 they did not have sufficient information about whether or not their leaders and  
3 people working in the Diocese of Corpus Christi and through Arizona,  
4 including elementary school and high schools were safe.

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

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

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

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

27 86. As a direct and proximate cause of Defendants' wrongful acts Plaintiff suffered  
28 and will continue to suffer in the future physical and emotional injury

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

6  
7 **COUNT III**  
8 **NEGLIGENT TRAINING AND SUPERVISION OF EMPLOYEES**  
9 **AGAINST DEFENDANTS DIOCESE OF CORPUS CHRISTI**

- 10 87. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set  
11 forth under this count.
- 12 88. At all times material, Father Clement Hageman was employed by Defendants  
13 and was under each Defendant's direct supervision, employ, and control when  
14 he committed the wrongful acts alleged herein. Father Clement Hageman  
15 engaged in the wrongful conduct while acting in the course and scope of his  
16 employment with Defendants and/or accomplished the sexual abuse by virtue  
17 of his job-created authority.
- 18 89. Defendants had a duty, arising from their employment of Father Clement  
19 Hageman, to ensure that he did not sexually molest children.
- 20 90. Further, Defendants owed a duty to train and educate employees and  
21 administrators and establish adequate and effective policies and procedures  
22 calculated to detect, prevent, and address inappropriate behavior and conduct  
23 between clerics and children.
- 24 91. The abuse complained of herein occurred on Defendants' property and/or with  
25 the use of their chattels.
- 26 92. Defendants breached their duties to Plaintiff by actively maintaining and  
27 employing Father Clement Hageman in a position of power and authority  
28 through which Father Clement Hageman had access to children, including  
Plaintiff, and power and control over children, including Plaintiff.

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

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

20  
21 **COUNT IV**  
22 **NEGLIGENT RETENTION OF EMPLOYEES**  
23 **AGAINST DEFENDANTS DIOCESE OF CORPUS CHRISTI**

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

26 96. At all times material, Father Clement Hageman was employed by Defendants  
27 and was under each Defendant's direct supervision, employ, and control when  
28 he committed the wrongful acts alleged herein.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

97. Defendants negligently retained Father Clement Hageman with knowledge of Father Clement Hageman’s propensity for the type of behavior which resulted in Plaintiff’s injuries in this action. Defendants failed to investigate Father Clement Hageman’s past and/or current history of sexual abuse and, through the exercise of reasonable diligence, should have known of Father Clement Hageman’s propensity for child sexual abuse. Defendants should have made an appropriate investigation of Father Clement Hageman and failed to do so. An appropriate investigation would have revealed the unsuitability of Father Clement Hageman for continued employment and it was unreasonable for Defendants to retain Father Clement Hageman in light of the information they knew or should have known.
98. Defendants negligently retained Father Clement Hageman in a position where he had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants taken reasonable care.
99. In failing to timely remove Father Clement Hageman from working with children or terminate the employment of Father Clement Hageman, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.
100. 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.

//  
//

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

**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.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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, parishes, and



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

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

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

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

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

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

1 medical expenses for psychological treatment, therapy, and counseling.

2 **COUNT IX**  
3 **ASSAULT**

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

5 **(All Defendants)**

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

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

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

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

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

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

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

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

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

22  
23 **DATED** this 15th day of October, 2020.

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

**JEFF ANDERSON & ASSOCIATES, P.A.**

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

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