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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 RJ DOE, a married man,  
12  
13 Plaintiff,

14 v.

15 THE ROMAN CATHOLIC CHURCH OF  
16 THE DIOCESE OF PHOENIX, a corporation  
17 sole; ST. WILLIAM ROMAN CATHOLIC  
18 PARISH CASHION a/k/a ST. WILLIAM  
19 CATHOLIC PARISH, an Arizona  
20 Corporation; JOHN DOE 1-100; JANE DOE  
21 1-100; and BLACK & WHITE Corporations  
22 1-100,

23 Defendants.

Case No.:

**COMPLAINT**

(Tort – Negligence – Non-Motor  
Vehicle)

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

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

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

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

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

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

23 6. Defendant St. William Roman Catholic Parish Cashion a/k/a St. William  
24 Catholic Parish (St. William), was and continues to be an organization  
25 authorized to conduct business and conducting business in the State of Arizona,  
26 with its principal place of business at 11025 W 3<sup>rd</sup> Street, Cashion, Arizona  
27 85329. St. William includes, but is not limited to, St. William Roman Catholic  
28 Parish and any other organizations and/or entities operating under the same or

1 similar name with the same or similar principal place of business.

2 7. At all times material, St. William was and continues to be under the direct  
3 authority, control, and province of Defendant Diocese and the Bishop of  
4 Defendant Diocese. Defendant St. William includes any school affiliated with  
5 St. William. At all times material, Defendants St. William and Diocese of  
6 Phoenix owned, operated, managed, maintained, and controlled St. William.

7 8. Defendant St. William, acting through its Bishops, priests, brothers, clerics,  
8 provincials, employees, and agents of any kind caused acts, events, or  
9 omissions to occur in Maricopa County, Arizona out of which these claims  
10 arise.

11 9. At all times alleged, Defendant Diocese of Phoenix, and Defendant St. William,  
12 their Bishops, Archbishops, priests, brothers, clerics, provincials, employees,  
13 and or agents were acting within the course and scope of employment or  
14 alternatively, acting within their actual or apparent authority.

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

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

1 12. This Court has jurisdiction over the parties and the subject matter of this action,  
2 and venue is proper in this Court.

3 **Facts**

4 13. At all times material, Maria Valdez (hereinafter “Valdez”), was an adult lay  
5 person employed by and or an agent of Defendants Diocese of Phoenix and St.  
6 William. Valdez remained under the direct supervision, employ, and/or control  
7 of Defendants.

8 14. Defendants placed Valdez in positions of trust where she had access to and  
9 worked with children as an integral part of her work.

10 15. Defendants held their leaders and agents out as people of high morals, as  
11 possessing immense power, teaching families and children to obey these  
12 leaders and agents, teaching families and children to respect and revere these  
13 leaders and agents, soliciting youth and families to their programs, marketing  
14 to youth and families, recruiting youth and families, and holding out the people  
15 that worked in the programs as safe.

16 16. At the time of the sexual abuse, Father Joseph C. Briceno was the pastor of St.  
17 William Roman Catholic Church. Father Briceno is a convicted sex offender  
18 who sexually abused children. The Roman Catholic Church laicized or  
19 defrocked Father Briceno in 2010. In keeping with the policies, procedures,  
20 patterns, practices, directives, orders, and mandates of the Roman Catholic  
21 Church, the Diocese of Phoenix and other diocese and parishes, Father Joseph  
22 C. Briceno concealed all matters regarding child sexual abuse and or sexual  
23 misconduct with minors involving other priests, bishops, employees, agents,  
24 religious workers, and or volunteers.

25 17. Plaintiff was raised in a devout Catholic family and attended St. William  
26 Catholic Parish. Plaintiff and his family came in contact with Valdez as an  
27 agent and representative of Defendants, and at St. William.

28 18. Plaintiff participated in youth activities, educational activities, and/or church

1 activities with Valdez at St. William. Plaintiff, therefore, developed great  
2 admiration, trust, reverence, and respect for the Roman Catholic Church,  
3 including their agents, including Valdez.

4 19. During and through these activities, Plaintiff, as a minor and vulnerable child,  
5 was dependent on Defendants and Valdez. Defendants had custody of Plaintiff  
6 and accepted the entrustment of Plaintiff and, therefore, had responsibility for  
7 Plaintiff and authority over Plaintiff.

8 20. In approximately 1986, when Plaintiff was approximately 14 to 15 years old,  
9 Valdez engaged in unpermitted sexual contact with Plaintiff.

10 21. Valdez committed the sexual abuse of Plaintiff during the course of and/or  
11 incidental to her employment and or agency with Defendants.

12 22. The unpermitted sexual contact Valdez perpetrated on Plaintiff, included, but  
13 was not limited to conduct defined by Arizona Revised Statutes § 13-1401 and  
14 or § 13-1405.

15 23. Plaintiff's relationship to Defendants, as a vulnerable child, student and  
16 participant in school activities and religious education, was one in which  
17 Plaintiff was subject to the ongoing influence of Defendants and Valdez.

18 24. The culture of the Catholic Church over Plaintiff created pressure on Plaintiff  
19 not to immediately report the abuse Plaintiff suffered.

20 25. Each Defendant owed a duty of care to Plaintiff not to place Valdez in a setting  
21 that would pose a danger to Plaintiff.

22 26. Defendants knew or should have known that Valdez was a danger to children  
23 before Valdez sexually assaulted Plaintiff.

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

1 that they did not have sufficient information about whether or not their leaders  
2 and people working at Catholic institutions within the Diocese of Phoenix were  
3 safe.

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

10 29. Defendants knew or should have known that Defendants had numerous agents  
11 who had sexually molested children. Defendants knew or should have known  
12 that child molesters have a high rate of recidivism. Defendants knew or should  
13 have known that some of the leaders and people working in Catholic  
14 institutions within the Diocese were not safe and that there was a specific  
15 danger of child sex abuse for children participating in their youth programs.

16 30. Instead, Defendants negligently deemed that Valdez was fit to work with  
17 children and/or that any previous problems were fixed or cured and/or that  
18 Valdez would not sexually assault children and/or that Valdez would not injure  
19 children.

20 31. Defendants owed Plaintiff a duty of reasonable care because they had superior  
21 knowledge about the risk that Valdez posed to Plaintiff, the risk of abuse in  
22 general in their programs and/or the risks that their facilities posed to minor  
23 children.

24 32. Defendants owed a duty to Plaintiff to protect him from harm because  
25 Defendants' actions created a foreseeable risk of harm to Plaintiff. As a  
26 vulnerable child participating in the programs and activities Defendants offered  
27 to minors, Plaintiff was a foreseeable victim. As a vulnerable child who Valdez  
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had access to through Defendants’ facilities and programs, Plaintiff was a foreseeable victim.

33. Defendants also breached their duty to Plaintiff by actively maintaining and employing Valdez in a position of power and authority through which Valdez had access to children, including Plaintiff, and power and control over children, including Plaintiff.

34. Each Defendant breached its duties to Plaintiff. Defendants failed to use ordinary care in determining whether their facilities were safe and/or determining whether they had sufficient information to represent their facilities as safe. Defendants’ breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger, failure to have sufficient policies and procedures in place to prevent child sex abuse, failure to properly implement policies and procedures to prevent child sex abuse, failure to take reasonable measures to ensure that policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child sex abuse, failure to properly train the employees at institutions and programs within Defendants’ geographical confines, failure to train the minors within Defendants’ geographical confines about the dangers of sexual abuse by clergy and other agents and/or employees; failure to have any outside agency test their safety procedures, failure to protect the children in their programs from child sex abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train their employees properly to identify signs of child sexual abuse by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

1 35. Defendants also breached their duty to Plaintiff by failing to warn Plaintiff and  
2 Plaintiff's family of the risk that Valdez posed and the risks of child sexual  
3 abuse in Catholic institutions. Defendants also failed to warn Plaintiff or  
4 Plaintiff's family about any of the knowledge that Defendants had about child  
5 sexual abuse.

6 36. Defendants additionally violated a legal duty by failing to report known and/or  
7 suspected abuse of children by Valdez and/or their other agents to the police  
8 and law enforcement.

9 37. Defendants were negligent and/or made representations to Plaintiff and  
10 Plaintiff's family during each and every year of Plaintiff's minority.

11 38. As a direct and proximate result of Defendants' conduct described herein,  
12 Plaintiff has suffered, and will continue to suffer, sexual and physical damage  
13 and abuse, great pain of mind and body, severe and permanent emotional  
14 distress, physical manifestations of emotional distress, embarrassment, loss of  
15 self-esteem, humiliation, physical, personal and psychological injuries.  
16 Plaintiff was prevented, and will continue to be prevented, from performing  
17 normal daily activities and obtaining the full enjoyment of life; and/or has  
18 incurred and will continue to incur expenses for psychological treatment,  
19 therapy, and counseling, and, on information and belief has and/or will incur  
20 loss of income and/or loss of earning capacity.

21 **COUNT I**  
22 **NEGLIGENCE**

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

24 40. Each Defendant owed Plaintiff a duty of reasonable care to protect the Plaintiff  
25 from injury.

26 41. Each Defendant owed Plaintiff a duty of care because each Defendant had a  
27 special relationship with Plaintiff.  
28



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

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

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

19 48. By establishing and operating the Diocese of Phoenix and St. William, which  
20 offered educational programs to children and which may have included a  
21 school, religious education, and or religious ceremonies, and by accepting the  
22 enrollment and participation of the minor Plaintiff as a participant in those  
23 educational programs, Defendants owed Plaintiff a duty to properly supervise  
24 Plaintiff to prevent harm from generally foreseeable dangers.

25 49. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because  
26 Defendants invited Plaintiff onto their property and Valdez posed a dangerous  
27 condition on Defendants' property.

28 50. Defendants also breached their duty to Plaintiff by failing to warn Plaintiff and

1 Plaintiff's family of the risk that Valdez posed and the risks of child sexual  
2 abuse in Catholic institutions. They also failed to warn them about any of the  
3 knowledge that Defendants had about child sexual abuse.

4 51. Defendants breached their duties to Plaintiff by failing to use reasonable care.  
5 Defendants' failures include, but are not limited to, failing to properly  
6 supervise Valdez, failing to properly supervise Plaintiff, and failing to protect  
7 Plaintiff from a known danger.

8 52. As a direct and proximate cause of Defendants' wrongful acts Plaintiff  
9 sustained physical, emotional, and psychological injuries, along with pain and  
10 suffering.

11 **COUNT II**  
12 **NEGLIGENT TRAINING AND SUPERVISION**

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

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

20 55. Defendants had a duty, arising from their employment of Valdez, to ensure that  
21 she did not sexually molest children.

22 56. 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 57. Defendants were negligent in the training, supervision, and instruction of their  
27 employees. Defendants failed to timely and properly educate, train, supervise,  
28 and/or monitor their agents or employees with regard to policies and

1 procedures that should be followed when sexual abuse of a child is suspected  
2 or observed.

3 58. Defendants were additionally negligent in failing to supervise, monitor,  
4 chaperone, and/or investigate Valdez and/or in failing to create, institute,  
5 and/or enforce rules, policies, procedures, and/or regulations to prevent  
6 Valdez's sexual abuse of Plaintiff.

7 59. In failing to properly supervise Valdez, and in failing to establish such training  
8 procedures for employees and administrators, Defendants failed to exercise the  
9 degree of care that a reasonably prudent person would have exercised under  
10 similar circumstances.

11 60. As a direct and proximate cause of Defendants' wrongful acts Plaintiff  
12 sustained physical, emotional, and psychological injuries, along with pain and  
13 suffering.

14  
15 **COUNT III**  
16 **NEGLIGENT RETENTION**

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

19 62. Defendants became aware or should have become aware of Valdez's propensity  
20 for child sexual abuse, and failed to take any further action to remedy the  
21 problem and failed to investigate or remove Valdez from working with  
22 children.

23 63. Defendants negligently and/or recklessly retained Valdez with knowledge of  
24 Valdez's propensity for the type of behavior, which resulted in Plaintiff's  
25 injuries in this action.

26 64. Defendants negligently retained Valdez in a position where he had access to  
27 children and could foreseeably cause harm which Plaintiff would not have  
28 been subjected to had Defendants taken reasonable care.

65. In failing to timely remove Valdez from working with children or terminate the

1 employment of Valdez, Defendants failed to exercise the degree of care that a  
2 reasonably prudent person would have exercised under similar circumstances.

3 66. As a direct and proximate cause of Defendants' wrongful acts Plaintiff  
4 sustained physical, emotional, and psychological injuries, along with pain and  
5 suffering.

6 **PRAYER FOR RELIEF**

7 67. Plaintiff requests judgment in favor of Plaintiff and against Defendants as  
8 follows to:

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

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**DATED** this 18<sup>th</sup> day of November, 2020.

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

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

By: */s/Robert E. Pastor*

By: */s/Jeffrey R. Anderson*

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Attorneys for Plaintiff

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**From:** TurboCourt Customer Service CustomerService@TurboCourt.com  
**Subject:** AZTurboCourt E-Filing Courtesy Notification  
**Date:** November 18, 2020 at 12:32 PM



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PLEASE DO NOT REPLY TO THIS EMAIL.

A party in this case requested that you receive an AZTurboCourt Courtesy Notification.

AZTurboCourt Form Set #5162683 has been DELIVERED to Maricopa County.

You will be notified when these documents have been processed by the court.

Here are the filing details:

Case Number: (Note: If this filing is for case initiation, you will receive a separate notification when the case # is assigned.)

Case Title: John RJ Doe vs. The Roman Catholic Church of the Diocese of Phoenix et al.

Filed By: Robert E Pastor

AZTurboCourt Form Set: #5162683

Keyword/Matter #:

Delivery Date and Time: Nov 18, 2020 12:32 PM MST

Forms:

Cv Cover Sheet

Certificate of Compulsory Arbitration - Is Not Subject To

Summons

Summons

Attached Documents:

Component: Component