

1 Joseph George, Jr., State Bar Number 200999
Maricar A. Pascual, State Bar Number 313310
2 LAW OFFICES OF JOSEPH C. GEORGE, PH.D.
A Professional Corporation
3 601 University Avenue, Suite 270
4 Sacramento, California 95825
Telephone: 916.641.7300
5 Facsimile: 916.641.7303
mailbox@psyclaw.com
6

7 Michael Reck, State Bar No. 209895
mreck@andersonadvocates.com
8 Jennifer E. Stein, State Bar No. 300775
jennifer@andersonadvocates.com
9 JEFF ANDERSON & ASSOCIATES PA
10 12011 San Vicente Boulevard, Suite 700
Los Angeles, California 90049
Telephone: 310.357.2425
11 Facsimile: 651.297.6543
NCCC@andersonadvocates.com
12

13 Attorneys for Plaintiff **JOSEPH DOE FR 430**

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF ALAMEDA**

16 JOSEPH DOE FR 430, an individual

17 Plaintiff,

18 vs.

19 DOE 1, a religious corporation sole,
20 DOE 2, a religious entity form unknown, and
21 DOE 3 through DOE 100, inclusive

22 Defendants.

) Case Number:

) Case Number: JCCP 5108

) **COMPLAINT FOR DAMAGES:**

) **1. NEGLIGENCE—NEGLIGENT
SUPERVISION, NEGLIGENT
RETENTION**

) **2. NEGLIGENCE—NEGLIGENT
SUPERVISION OF PLAINTIFF-
THEN A MINOR**

) **Filed Pursuant to
Code of Civil Procedure Section 340.1,
as amended by Assembly Bill 218**

) **DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

2 Based upon information and belief available to Plaintiff JOSEPH DOE FR 430 (“Plaintiff”)
3 at the time of the filing of this Complaint, Plaintiff alleges as follows against Defendants DOE 1, a
4 religious corporation sole; DOE 2, a religious entity of form unknown; and DOE 3 through DOE
5 100 (collectively, “Defendants”):

6 **PARTIES**

7 1. Plaintiff is a natural person who was the resident of the County of Fresno, State of
8 California, at all relevant times mentioned herein. The name utilized by Plaintiff in this Complaint
9 is a fictitious name used to protect Plaintiff’s privacy as a victim of childhood sexual assault, as
10 defined by section 340.1 of the Code of Civil Procedure. Plaintiff was born in 1975. Plaintiff was a
11 minor throughout the period of childhood sexual assault alleged herein. Plaintiff brings this
12 Complaint pursuant to Code of Civil Procedure Section 340.1, as amended by Assembly Bill 218,
13 for damages suffered as a result of childhood sexual assault. In addition, Plaintiff’s claim for
14 damages suffered as a result of childhood sexual assault is timely filed as it is filed within three
15 years of January 1, 2020.

16 2. This is an action for damages suffered as a result of childhood sexual assault, as
17 alleged against DEFENDANTS. Pursuant to rulings by the Trial Coordination Judge, this case is
18 appropriate to be designated as a complex case, is appropriate for inclusion in the Judicial Council
19 Coordinated Proceeding Number 5108, *In Re Northern California Clergy Cases* (“JCCP 5108”)
20 and is appropriately filed in The Superior Court of California, County of Alameda. Plaintiff(s) will
21 seek to Add-On this case to JCCP 5108, before the Honorable Winifred Y. Smith, in Department 21
22 of The Superior Court of California, County of Alameda.

23 3. Plaintiff is informed and believes and thereon alleges that at all times material
24 hereto, Defendant DOE 1 was and continues to be a corporation sole, which includes but is not
25 limited to civil corporations, decision making entities, officials, and employees, authorized to
26 conduct business, incorporated in, and conducting business in the State of California, with its
27 principal place of business in Fresno County, California. Defendant DOE 1 purposely conducts or
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1 conducted substantial business operations in and throughout the State of California and County of
2 Fresno. Defendant DOE 1 is or was responsible for Roman Catholic Church operations in Fresno
3 County, California. DOE 1 is or was responsible for the funding, staffing and direction of the
4 parishes, parochial schools, fraternal organizations and other facilities and institutions within the
5 geographic area of the County of Fresno, and encompasses other counties in Northern California.
6 Defendant DOE 1 was the primary entity owning, operating and controlling the activities and
7 behavior of its employees and agents at Defendant DOE 2, including Father Craig Harrison
8 (“PERPETRATOR”), DOE 3 through DOE 100, and all other employees, agents and supervisors of
9 Defendants. Plaintiff is further informed, believes and thereon alleges that Defendant DOE 1 had
10 sole authority and responsibility to control and supervise the ministry of PERPETRATOR from at
11 least 1987.

12 4. Plaintiff is informed and believes and thereon alleges that at all times material
13 hereto, Defendant DOE 1 employed PERPETRATOR as an agent and had the ability to control and
14 supervise PERPETRATOR’s activities. Defendant DOE 1 was an entity that supervised its
15 employees and agents, including its priests, teachers, and administrators, who supervised minor
16 children, including those on its premises and in its programs. At all times material hereto,
17 PERPETRATOR was under the direct supervision, employ, and control of Defendant DOE 1, a
18 religious corporation sole. PERPETRATOR physically perpetrated acts of childhood sexual assault
19 upon Plaintiff when Plaintiff was a minor.

20 5. Plaintiff is informed and believes and thereon alleges that at all times material
21 hereto, Defendant DOE 2 was and is a religious institution organized under the laws of the State of
22 California as a religious entity of form unknown, which includes but is not limited to civil
23 corporations, decision making entities, officials and employees authorized to conduct business and
24 conducting business in the State of California, with its principle place of business in Bakersfield,
25 California. At all times material, Defendant DOE 2 was and continues to be under the direct
26 authority, control and province of Defendant DOE 1 and the Bishop, DOE 1. DOE 2 includes, but is
27 not limited to, the parish/school corporation and entity. Defendant DOE 2 is responsible for the
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1 funding, staffing, and direction of a Catholic church/school located at 900 H Street, Bakersfield,
2 California.

3 6. Plaintiff is informed and believes and thereon alleges that PERPETRATOR was a
4 cleric with DOE 1, DOE 2, and DOE 3 through DOE 100, and was assigned to DOE 2 between
5 approximately 1989 through in or around 1991.

6 7. Plaintiff is informed and believes and thereon alleges that the true names and
7 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as
8 Defendant DOE 3 through DOE 100, inclusive, are currently unknown to Plaintiff, who therefore
9 sues DOE Defendants by such fictitious names, and who will amend the Complaint to show their
10 true names and capacities when such names have been ascertained. Plaintiff is informed and
11 believes and thereon alleges that DOE Defendants are legally responsible in some manner for the
12 events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages
13 alleged in this Complaint.

14 8. Plaintiff is informed and believes and thereon alleges that at all times material hereto
15 there existed a unity of interest and ownership among Defendants and each of them, such that an
16 individuality and separateness between Defendants ceased to exist. Defendants were the
17 successors-in-interests and/or alter egos of the other Defendants in that they purchased, controlled,
18 dominated and operated each other without any separate identity, observation of formalities, or any
19 other separateness. To continue to maintain the façade of a separate and individual existence
20 between and among Defendants, and each of them, would serve to perpetuate a fraud and injustice.

21 9. Plaintiff is informed and believes and thereon alleges that at all times material
22 hereto, Defendants were the agents, representatives and/or employees of each and every other
23 Defendant and were acting within the course and scope of said alternative personality, capacity,
24 identity, agency, representation and/or employment and were within the scope of their authority,
25 whether actual or apparent. At all times material hereto, Defendants were the trustees, partners,
26 servants, joint venturers, shareholders, co-conspirators, contractors, and/or employees of each and
27 every other Defendant, and the acts and omissions alleged herein were done by them, acting
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1 individually, through such capacity and within the scope of their authority and with the permission
2 and consent of each and every other Defendant, and that such conduct was thereafter ratified by
3 each Defendant, and that each Defendant is jointly and severally liable to Plaintiff.

4 10. While religious belief is absolutely protected, conduct is not protected and the
5 actions herein below were illegal secular motivated conduct that is regulated by the law.

6 **FACTS**

7 11. Plaintiff is informed and believes that PERPETRATOR was ordained a Roman
8 Catholic priest in 1987. PERPETRATOR was employed by Defendant
9 DOE 1. PERPETRATOR remained under the direct supervision, employ, and control of
10 Defendants. Defendant DOE 1 and Defendant DOE 2 placed PERPETRATOR in positions where
11 he had access to and worked with children as an integral part of his work.

12 12. Defendant DOE 1 assigned PERPETRATOR to DOE 2 (approximately July 1, 1999
13 to April 21, 2021); St. Joseph, Firebaugh (approximately July 1, 1992 to June 30, 1999); St. Francis
14 of Assisi Mission, Mojave (approximately October 17, 1991 to June 30, 1992); DOE 2
15 (approximately June 22, 1989 to October 16, 1991); and Our Lady of Mercy, St. Patrick and Sacred
16 Heart, Merced (approximately September 12, 1987 to June 21, 1989).

17 13. PERPETRATOR is known to have sexually assaulted children, other than Plaintiff.

18 14. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops
19 throughout the world, including the Bishop of DOE 1. The instruction was binding upon the Bishop
20 of DOE 1 until 2001. The instruction directed that allegations and reports of childhood sexual
21 abuse and or childhood sexual assault by priests were required to be kept secret and not disclosed
22 either to civil authorities such as law enforcement, to co-employees or supervisors of parish priests,
23 or to parishioners generally.

24 15. Defendant DOE 1's procedure requires Bishops to keep *subsecreto* files also known
25 as confidential files. These files are not to be made public.

26 16. Because of problems of sexual misconduct (including childhood sexual abuse and or
27 childhood sexual assault) by Catholic clergy, the Catholic Church and other organizations
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1 sponsored treatment centers for priests that had been involved in sexual misconduct. One such
2 treatment center is the Saint John Vianney Center, (founded in 1946) represented on its public
3 website that it is/was “the longest running, internationally renowned, behavioral health facility in
4 North America for Clergy and Religious.” Similarly, a different treatment center, the Servants of
5 the Paraclete represented that it “is an international religious community founded... in 1947 with a
6 specific ministry to serve fellow priests and brothers who are facing particular challenge in their
7 vocations and lives” with locations across the country, including in the states of Missouri and New
8 Mexico. The Saint Luke Institute, is a third similar treatment provider for priests who engage in
9 sexual misconduct and has treatment centers in Maryland, Kentucky, and Missouri.

10 17. Sexual abuse by Catholic clergy has been a reality in the Catholic Church for
11 centuries but has remained covered by deep secrecy. This secrecy is rooted in the official policies of
12 the Catholic Church which are applicable to Defendants and in fact are part of the practices of each
13 Defendant, including Defendant DOE 1. Sexual abuse of minors by Catholic clergy and religious
14 leaders became publicly known in the mid-1980s as a result of media coverage of a case in
15 Lafayette, Louisiana. Since that time, the media has continued to expose cases of clergy sexual
16 abuse throughout the United States. In spite of these revelations as well as the many criminal and
17 civil litigations the Church has been involved in as a result of clergy sexual abuse of minors, the
18 bishops and other Church leaders continued to pursue a policy of secrecy.

19 18. All of the procedures required in the so-called “Dallas Charter” have been previously
20 mandated by Defendant DOE 1 and in the 1922 and 1962 documents, but were consistently ignored
21 by Catholic Bishops. In place of the required processes, which would have kept a written record of
22 cases of clergy sexual abuse, the Bishops applied a policy of clandestine transfer of accused priests
23 from one local or diocesan assignment to another. The receiving parishioners and often the
24 receiving pastors were not informed of any accusations of sexual abuse of minors.

25 19. Refusal to disclose sexually abusive clerics to parishioners and even fellow clerics
26 has been tactic utilized by Defendants to maintain secrecy. Another has been to use various forms of
27 persuasion on victims or their families to convince them to remain silent about incidents of sexual
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1 abuse. These forms of persuasion have included methods that have ranged from sympathetic
2 attempts to gain silence to direct intimidation to various kinds of threats. In so doing, the clergy
3 involved, from Bishops to priests, have relied on their power to overwhelm victims and their
4 families.

5 20. Plaintiff was sexually assaulted by PERPETRATOR.

6 21. Plaintiff was raised in a devoutly Catholic family, was baptized, confirmed, and
7 served as an altar server and regularly celebrated weekly mass and received the sacraments through
8 their Church. When Plaintiff was a child, Plaintiff attended DOE 2, which was owned, operated,
9 controlled and run by Defendant DOE 1 and Defendant DOE 2. Plaintiff came in contact with
10 PERPETRATOR as an agent and representative of Defendants, and at DOE 2.

11 22. Plaintiff participated in youth activities and church activities at DOE 2. Plaintiff was
12 educated and taught the theology and tenets of the Roman Catholic Church on matters of faith,
13 morals and religious doctrine. Plaintiff therefore developed great admiration, trust, reverence,
14 respect for, and obedience to the Roman Catholic Church and clergy who occupied positions of
15 great influence and persuasion as holy men and authority figures. Plaintiff was encouraged to trust,
16 respect, and obey PERPETRATOR by and through Defendant DOE 1 and Defendant DOE 2.

17 23. As a minor, Plaintiff regularly attended mass and engaged in confession with priests
18 employed by Defendant DOE 1. Accordingly, a special relationship was formed between Plaintiff,
19 then a minor, and Defendants. As delineated in California Evidence Code sections 1030-1034,
20 codifying the clergymen-penitent privilege, the fact that a special relationship between Defendants
21 and parishioners not only exists, but extends to non-spiritual matters.

22 24. During and through these activities, Plaintiff, as a minor and vulnerable child, was
23 dependent on Defendants and their agents, including PERPETRATOR. Plaintiff was under the
24 custody and control of Defendant DOE 1 and Defendant DOE 2, who had control over Plaintiff's
25 welfare and who were responsible for running DOE 2 with a duty to protect Plaintiff because he
26 was in a special relationship with Defendants. Defendant DOE 1 and Defendant DOE 2 had
27 accepted the entrustment of Plaintiff and had responsibility for Plaintiff and authority over Plaintiff.
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1 25. When Plaintiff was a minor and a member of Defendant DOE 1 and Defendant DOE
2 2, PERPETRATOR sexually assaulted Plaintiff. While performing his duties as a priest, and for the
3 purpose of furthering the duties required in that role, PERPETRATOR befriended Plaintiff and
4 gained Plaintiff's trust and confidence as a spiritual guide, authority figure, and trustworthy mentor.

5 26. Seeing PERPETRATOR as a trustworthy mentor, Plaintiff was conditioned to
6 comply with PERPETRATOR's direction and to respect him as a person of authority in spiritual,
7 ethical, and educational matters. PERPETRATOR's conduct constituted "grooming" of Plaintiff
8 and culminated in his childhood sexual assault and abuse of Plaintiff.

9 27. PERPETRATOR utilized Defendants' facilities and institutions to gain access to
10 Plaintiff. At all relevant times, PERPETRATOR was referred to as "Father" and wore the priest
11 collar and attire. This signified to people that PERPETRATOR was in good standing and
12 authorized by Defendants to act as a priest and agent of the Church. It was by virtue of
13 PERPETRATOR's position as a priest of Defendants that he met and groomed Plaintiff, established
14 trust with Plaintiff, and manipulated that trust in order to sexually assault and abuse Plaintiff.

15 28. PERPETRATOR sexually molested, assaulted and abused Plaintiff on the premises
16 owned, operated, and controlled by Defendant DOE 1 and Defendant DOE 2, including in the
17 church and rectory at DOE 2. PERPETRATOR's sexual assault of Plaintiff included, but was not
18 limited to childhood sexual assault as defined by Code of Civil Procedure section 340.1.

19 29. PERPETRATOR sexually abused Plaintiff for sexual gratification and was, at least
20 in part, based on the Plaintiff's gender and age, who was a minor child at the time.

21 30. PERPETRATOR's conduct was "childhood sexual assault" as defined by the Code
22 of Civil Procedure section 340.1(d) as amended by Assembly Bill 218, including any act committed
23 against Plaintiff that occurred when the Plaintiff was under the age of 18 years and that would have
24 been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1)
25 or (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or
26 (b) of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c),
27 of Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section
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1 289 of the Penal Code; any sexual conduct as defined in paragraph (1) of subdivision (d) of Section
2 311.4 of the Penal Code; Section 647.6 of the Penal Code; and/or any prior laws of this state of
3 similar effect at the time the act was committed.

4 31. Plaintiff did not, and was unable to give free or voluntary consent to the sexual acts
5 perpetrated against Plaintiff by PERPETRATOR, as Plaintiff was a minor child at the time of the
6 childhood sexual assault alleged herein.

7 32. By using his position within Defendants' institutions, Defendant DOE 1, Defendant
8 DOE 2, DOE Defendants and PERPETRATOR, demanded and required that Plaintiff respect
9 PERPETRATOR in his position as a priest, teacher, spiritual advisor, confidant, counselor and
10 mentor for Defendants.

11 33. As a direct and proximate result of PERPETRATOR's childhood sexual assault
12 against Plaintiff, which was enabled and facilitated by Defendants, and each of them, Plaintiff has
13 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
14 to be proven at the time of trial.

15 34. As a direct and proximate result of Plaintiff's sexual assault by PERPETRATOR,
16 which was enabled and facilitated by Defendants, and each of them, Plaintiff has suffered economic
17 injury, all to Plaintiff's general, special and consequential damage in an amount to be proven at
18 trial, but in no event less than the minimum jurisdictional amount of this Court.

19 35. PERPETRATOR at all times material hereto was an employee, agent and/or
20 representative of Defendant DOE 1, Defendant DOE 2, and DOE Defendants. PERPETRATOR
21 engaged in unlawful sexual conduct with Plaintiff when Plaintiff was a minor. Defendants are
22 vicariously liable for the childhood sexual assault committed by PERPETRATOR, including but not
23 limited to through the theories of *respondeat superior*, ratification, and authorization.

24 PERPETRATOR's childhood sexual misconduct and assault with Plaintiff occurred while he was
25 functioning on behalf of Defendants, and was made possible because of that agency.

26 36. Under Church protocol and practice, in return for the vow of obedience by a priest,
27 the Bishop accepts responsibility for the care and welfare of a priest as well as to supervise the
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1 priest's ministry. A diocesan priest may not engage in any form of public ministry without the
2 permission of his Bishop. By allowing a priest to engage in public ministry, such as by allowing
3 him to wear his religious/priestly attire and hold himself out as a priest, the Bishop is certifying that
4 the priest is in good standing and sexually safe.

5 37. Defendants ratified and authorized PERPETRATOR's childhood sexual assault of
6 Plaintiff by (1) failing to discharge, dismiss, discipline, suspend and/or supervise PERPETRATOR
7 or other priests known by Defendants to have sexually assaulted children, or to have been accused
8 of sexually abusing children, (2) actively shielding PERPETRATOR from responsibility for his
9 childhood sexual assault of Plaintiff and other minors, (3) failing to acknowledge the existence of
10 complaints against PERPETRATOR of childhood sexual assault on Plaintiff and minors, (4) failing
11 to report such complaints to civil or criminal authorities, (5) providing financial support to
12 PERPETRATOR during and/or after the childhood sexual assault of Plaintiff and/or other minors,
13 and (6) failing to take steps to timely remove PERPETRATOR from the priesthood so as to
14 permanently prevent him from using his authority bestowed upon him by Defendants to gain access
15 to minors and sexually assault them.

16 38. By taking the above wrongful, negligent, and/or intentional actions and/or failing to
17 act after having knowledge or having reason to know of such childhood sexual assault of Plaintiff
18 and/or other minors, Defendants ratified and authorized PERPETRATOR's sexual assault of
19 minors. By ratifying PERPETRATOR's sexual assault of minors, Defendants in legal effect
20 committed and caused the childhood sexual assault of Plaintiff when Plaintiff was a minor.

21 39. Defendants failed to uphold numerous mandatory duties imposed upon them by state
22 and federal law, and by written policies and procedures applicable to Defendants.

23 40. As a minor at DOE 2, which was owned, operated, and controlled by the Defendants,
24 and where PERPETRATOR was employed, retained, and worked, Plaintiff was under Defendants'
25 direct supervision, care, and control. This constituted a special relationship, fiduciary relationship
26 and/or special care relationship between Plaintiff and Defendants. Additionally, as a minor child
27 under the custody, care, and control of Defendants, Defendants stood *in loco parentis* with respect
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1 to Plaintiff while Plaintiff was at DOE 2. As the responsible parties and/or employers controlling
2 PERPETRATOR, Defendants were also in a special relationship with Plaintiff, and owed special
3 duties to Plaintiff.

4 41. Defendants knew or had reason to know, or were otherwise on notice, that
5 PERPETRATOR had engaged in unlawful sexual-related conduct with minors in the past, and/or
6 was continuing to engage in such conduct with Plaintiff, and failed to take reasonable steps, and to
7 implement reasonable safeguards, to avoid acts of unlawful sexual conduct in the future by
8 PERPETRATOR.

9 42. Defendants had a duty to disclose these facts to Plaintiff, Plaintiff's parents and/or
10 guardians and others, but instead Defendants negligently and/or intentionally suppressed, concealed,
11 or failed to disclose this information for the express purposes of maintaining PERPETRATOR's
12 image as an ethical, wholesome, safe, and trusted spiritual leader at and within the institution run by
13 the Defendants. The duty to disclose this information arose from the special, trusting, confidential,
14 fiduciary, and *in loco parentis* relationship between Defendants and Plaintiff.

15 43. Instead, Defendants ignored and/or concealed the childhood sexual assault of
16 Plaintiff and others by PERPETRATOR and continued to allow numerous children, including the
17 Plaintiff, to be in private, secluded areas with PERPETRATOR, despite knowledge of or reasons to
18 suspect PERPETRATOR's prior sexually abusive acts toward minors.

19 44. Plaintiff is informed, believes and thereon alleges that Defendants were given notice
20 of inappropriate conduct committed by PERPETRATOR.

21 45. Defendants failed to report and concealed from Plaintiff, Plaintiff's parents and/or
22 guardians, other minor children in their care and their parents, law enforcement authorities, civil
23 authorities, and others, the true facts and relevant information necessary to bring PERPETRATOR
24 to justice for the sexual misconduct he committed with minors and to protect those entrusted in their
25 care, including Plaintiff.

26 46. During the period of childhood sexual assault of Plaintiff at the hands of
27 PERPETRATOR, Defendants had the authority and ability to stop PERPETRATOR's childhood
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1 sexual assault of Plaintiff, but negligently and/or willfully failed to do so, thereby allowing the
2 childhood sexual assault to occur and continue unabated. This failure was part of Defendants' plan
3 and arrangement to conceal wrongful acts, to avoid or interfere with detections, to block public
4 disclosure, to avoid scandal, to avoid disclosure of their tolerance of childhood sexual assault, to
5 preserve a false appearance of propriety, and to avoid investigation and action by public authority,
6 including law enforcement.

7 47. At the time of PERPETRATOR's childhood sexual assault of Plaintiff, as defined by
8 Code of Civil Procedure section 340.1(d), Defendants knew or had reason to know, or were
9 otherwise on notice of prior acts of childhood sexual assault committed by PERPETRATOR, and
10 despite such knowledge and/or notice, failed to take reasonable steps or implement reasonable
11 safeguards to protect Plaintiff from childhood sexual assault. These acts and/or omissions on the
12 part of Defendants were committed in spite of their ability to exercise control over the personal and
13 business affairs of PERPETRATOR. Accordingly, Defendants are liable for PERPETRATOR's
14 childhood sexual abuse of Plaintiff in that their wrongful, intentional and/or negligent acts were a
15 legal cause of Plaintiff's childhood sexual assault.

16 **VENUE**

17 48. This is an action for damages suffered as a result of childhood sexual assault, as
18 alleged against DEFENDANTS. Pursuant to rulings by the Trial Coordination Judge, this case is
19 appropriate to be designated as a complex case, is appropriate for inclusion in the Judicial Council
20 Coordinated Proceeding Number 5108, *In Re Northern California Clergy Cases* ("JCCP 5108")
21 and is appropriately filed in The Superior Court of California, County of Alameda. Plaintiff(s) will
22 seek to Add-On this case to JCCP 5108, before the Honorable Winifred Y. Smith, in Department 21
23 of The Superior Court of California, County of Alameda.

24 **FIRST CAUSE OF ACTION**
25 **NEGLIGENCE**
26 **(As to ALL Defendants)**

27 49. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
28 paragraphs of this Complaint as if fully set forth herein.

1 50. Defendants' conduct, actions, and omissions served to create an environment in
2 which PERPETRATOR was afforded years of continuous secluded access to minor children,
3 including Plaintiff, who was a minor at the time Plaintiff was sexually abused, molested and
4 assaulted by PERPETRATOR.

5 51. At the time PERPETRATOR performed the acts alleged herein it was or should have
6 been reasonably foreseeable to Defendants that by continuously exposing and making Plaintiff
7 available to PERPETRATOR, Defendants were placing Plaintiff at grave risk of being sexually
8 assaulted by PERPETRATOR. By knowingly subjecting Plaintiff to this foreseeable danger,
9 Defendants were duty-bound to take reasonable steps and implement reasonable safeguards to
10 protect Plaintiff from PERPETRATOR. Further, at all times alleged herein, Defendants possessed a
11 sufficient degree of control over PERPETRATOR's personal and business affairs so as to keep
12 PERPETRATOR away from Plaintiff and other minor children, and prevent any childhood sexual
13 assault against them. Defendants, however, failed to take reasonable steps or implement reasonable
14 safeguards for Plaintiff's protection.

15 52. As a direct and proximate result of Defendants' acts and omissions Plaintiff has
16 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
17 to be proven at the time of trial.

18 **NEGLIGENT SUPERVISION OF PERPETRATOR**

19 53. Defendants owed Plaintiff a duty to provide reasonable supervision over
20 PERPETRATOR, to use reasonable care in investigating PERPETRATOR's background, and to
21 provide adequate warning to the Plaintiff, and others, of PERPETRATOR's dangerous propensities.

22 54. Defendants, by and through their respective agents, servants and employees, knew or
23 had reason to know of PERPETRATOR's dangerous and exploitive propensities. Despite such
24 knowledge, Defendants negligently failed to supervise PERPETRATOR, a supervisor of minor
25 children with the propensity and ability to commit wrongful acts against Plaintiff. Defendants
26 failed to provide reasonable supervisions of PERPETRATOR, failed to use reasonable care in
27 investigating PERPETRATOR, and failed to provide adequate warning to Plaintiff and others of
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1 PERPETRATOR's dangerous propensities and unfitness. Defendants further failed to take
2 reasonable measures to prevent the childhood sexual assault, molestation and harassment of minor
3 children, including Plaintiff.

4 55. As institutions entrusted with the care of minors, where staff, employees, agents, and
5 management, such as PERPETRATOR, were placed in contact with minor children, Defendants
6 expressly and implicitly represented that these individuals, including PERPETRATOR, were not a
7 threat to children and others who would fall under PERPETRATOR's influence, control, direction,
8 and guidance.

9 56. Defendants were aware or had reason to have been aware of how vulnerable children
10 were to sexual harassment, molestation and assault by mentors, advisors, teachers, counselor and
11 other persons of authority within Defendants.

12 57. Defendants breached their duty to Plaintiff by, *inter alia*, failing to adequately
13 monitor and supervise PERPETRATOR and failing to stop PERPETRATOR from committing
14 wrongful sexual acts with minors, including Plaintiff. Plaintiff is informed and believes that
15 employees, staff and agents of Defendants knew and/or suspected the assault was occurring at the
16 time and failed to investigate the matter further.

17 58. As a direct and proximate result of Defendants' acts and omissions, Plaintiff has
18 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
19 to be proven at the time of trial.

20 **NEGLIGENT RETENTION OF PERPETRATOR**

21 59. Defendants owed Plaintiff a duty not to retain PERPETRATOR given his pedophile
22 propensities, which Defendants knew or had reason to know had they engaged in a meaningful and
23 adequate investigation of his background.

24 60. As institutions entrusted with the care of minors, where staff, employees, agents and
25 management, such as PERPETRATOR were placed in contact with minors, Defendants expressly
26 and implicitly represented that these individuals, including PERPETRATOR, were not a sexual
27 threat to children and others who would fall under PERPETRATOR's influence, control, direction
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1 and guidance.

2 61. Defendants knew or had reason to know, suspected or otherwise been on notice of
3 PERPETRATOR's misconduct.

4 62. As a direct and proximate result of Defendants' acts and omissions Plaintiff has
5 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
6 to be proven at the time of trial.

7 **SECOND CAUSE OF ACTION**
8 **NEGLIGENCE**
9 **(As to ALL Defendants)**

10 **NEGLIGENT SUPERVISION OF PLAINTIFF, THEN A MINOR**

11 63. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
12 paragraphs of this Complaint as if fully set forth herein.

13 64. Plaintiff's Second Cause of action is an alternative additional theory of liability as
14 alleged as against Defendants, and each of them.

15 65. Defendants, and each of them, are liable for the acts and omissions of their
16 employees and agents, including PERPETRATOR, acting within the course and scope of their
17 employment and/or agency. At all times herein, Defendants' employees, including
18 PERPETRATOR, were acting within the course and scope of their employment.

19 66. Defendants, and each of them, had a duty to provide supervision of Plaintiff, a
20 minor, and to use reasonable care in supervising Plaintiff, a minor, when Plaintiff was involved in
21 activities sponsored, supervised, organized, directed, and/or operated by Defendants or their agents
22 and employees.

23 67. Defendants, and each of them, breached their duty of care.

24 68. Defendants, and each of them, negligently failed to properly and/or adequately
25 supervise Plaintiff, a minor, and failed to use reasonable care in protecting Plaintiff, a minor, from
26 PERPETRATOR's misconduct that created a risk of childhood sexual assault while Plaintiff, a
27 minor, was involved in activities sponsored, supervised, organized, directed, and/or operated by
28 Defendants' and their agents and/or employees.

1 69. Defendant DOE 1, Defendant DOE 2, and DOE 3 through DOE 100's breach was a
2 substantial factor in PERPETRATOR's childhood sexual assault of Plaintiff.

3 70. As a direct, legal, and proximate cause of Defendant DOE 1, Defendant DOE 2, and
4 DOE 3 through DOE 100's acts, omissions and/or negligence, PERPETRATOR committed acts of
5 childhood sexual assault against Plaintiff.

6 71. As a direct and proximate result of Defendants' acts and omissions Plaintiff has
7 suffered and will continue to suffer physical, psychological, emotional and economic harm in a sum
8 to be proven at the time of trial.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff prays for the following relief against Defendants:

- 11 1. For damages for past and future medical, psychotherapy, and related expenses
12 according to proof at the time of trial;
- 13 2. For general damages for physical and mental pain and suffering and emotional
14 distress in a sum to be proven at the time of trial;
- 15 3. For damages for past loss wages and past earning capacity and/or future lost wages
16 and loss of earning capacity according to proof at the time of trial;
- 17 4. For interest as allowed by law;
- 18 5. For costs of suit herein; and
- 19 6. For such other and further relief as the Court deems proper.

20 Dated: *06.08.2021*

LAW OFFICES OF JOSEPH C. GEORGE, PH.D.

21
22 By: _____

Joseph George, Jr.
Maricar A. Pascual
Attorneys for Plaintiff
JOSEPH DOE FR 430

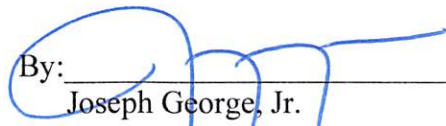
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in this matter.

Dated: 06-08-2021

LAW OFFICES OF JOSEPH C. GEORGE, PH.D.

By: 

Joseph George, Jr.
Maricar A. Pascual
Attorneys for Plaintiff
JOSEPH DOE FR 430