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A/K/A BEAU POTTER
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN DIEGO**

10 WILLIAM POTTER, A/K/A BEAU
POTTER, an individual)

11)
12 Plaintiff,)

13 vs.)

14 THE ROMAN CATHOLIC BISHOP OF
SAN DIEGO, a Corporation Sole, A/K/A
15 DIOCESE OF SAN DIEGO,)

16 THE ROMAN CATHOLIC BISHOP OF
SAN BERNARDINO, a Corporation Sole,
17 A/K/A DIOCESE OF SAN BERNARDINO)

18 ST. CATHERINE OF SIENA A/K/A ST.
CATHERINE OF SIENA CHURCH A/K/A
19 SAINT CATHERINE OF SIENA CHURCH
A/K/A ST. CATHERINE OF SIENA
20 SCHOOL, a Religious entity form unknown,)

21 AQUINAS HIGH SCHOOL A/K/A
AQUINAS HIGH SCHOOL, SAN
22 BERNARDINO, a Religious entity form
unknown, and)

23)
24 DOE 5 through DOE 100.)

25 Defendants.)
26

Case No: 37-2021-00022744-CU-PO-CTL

**AMENDED COMPLAINT FOR
DAMAGES:**

1. **NEGLIGENCE;**
2. **NEGLIGENT
SUPERVISION/FAILURE TO
WARN;**
3. **NEGLIGENT
HIRING/RETENTION;**
4. **NEGLIGENT FAILURE TO
WARN, TRAIN, OR EDUCATE
PLAINTIFF**

[Demand for Jury Trial]

**Judge: Hon. Timothy Taylor
Dept.: C-72**

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1 Based upon information and belief available to Plaintiff, WILLIAM POTTER, A/K/A
2 BEAU POTTER at the time of the filing of this Complaint for Damages, Plaintiff makes the
3 following allegations:

4 **PARTIES**

5 1. Plaintiff, WILLIAM POTTER, A/K/A BEAU POTTER is an adult male born in 1967.
6 Plaintiff was a minor at the time of the sexual abuse alleged herein.

7 2. Defendant THE ROMAN CATHOLIC BISHOP OF SAN DIEGO, a Corporation Sole,
8 A/K/A DIOCESE OF SAN DIEGO, (“Defendant Diocese 1”) is a corporation sole, authorized to
9 conduct business and conducting business in the State of California, with its principal place of
10 business in San Diego, California. Defendant Diocese 1 has or had responsibility for some or all
11 Roman Catholic Church operations in the Counties of San Diego and San Bernardino, California.
12 Defendant Diocese 1 is a Diocese in which the sexual abuse occurred.

13 2.1. Defendant THE ROMAN CATHOLIC BISHOP OF SAN BERNARDINO, a Corporation
14 Sole, A/K/A DIOCESE OF SAN BERNARDINO, (“Defendant Diocese 2”) is a corporation sole,
15 authorized to conduct business and conducting business in the State of California, with its principal
16 place of business in San Bernardino, California. Defendant Diocese 2 has or had responsibility for
17 some or all Roman Catholic Church operations in the County of San Bernardino, California.
18 Defendant Diocese 2 is a Diocese in which the sexual abuse occurred.

19 2.2. Defendant ST. CATHERINE OF SIENA A/K/A ST. CATHERINE OF SIENA CHURCH
20 A/K/A SAINT CATHERINE OF SIENA CHURCH A/K/A ST. CATHERINE OF SIENA
21 SCHOOL, a Religious entity form unknown, (“Defendant Parish”) is a Roman Catholic parish and
22 school located in Rialto, California. Defendant Parish is the parish and school or other organization
23 where Plaintiff was a student and member at the time of the wrongful conduct. Defendant Diocese
24 2 was either independently liable for its own conduct as alleged herein, and/or is liable as a
25 successor in interest to another entity, and/or is an alter ego of Defendant Diocese 1.

26 2.3. Defendant AQUINAS HIGH SCHOOL A/K/A AQUINAS HIGH SCHOOL, SAN
27 BERNARDINO, a Religious entity form unknown, (“Defendant School”) is a Roman Catholic
28 school located in San Bernardino, California. Defendant School is the school or other organization

1 where Plaintiff was a student or member at the time of the wrongful conduct. Defendant School
2 was either independently liable for its own conduct as alleged herein, and/or is liable as a successor
3 in interest to another entity, and/or is an alter ego of Defendant Diocese 2.

4 2.4. Father RAMON MARRUFO (“Perpetrator 1”) was at all times relevant a cleric and/or
5 ordained priest in the Roman Catholic Church. During the dates of abuse alleged herein,
6 Perpetrator 1 was a practicing priest assigned to Defendant Diocese 1, Defendant Parish, and Does 5
7 through 100, and was under the direct supervision, employ and control of Defendant Diocese 1,
8 Defendant Parish and Does 5 through 100.

9 2.5 Father ROBERT J. DONAT (“Perpetrator 2”) was at all times relevant an ordained priest in
10 the Roman Catholic Church. During the dates of abuse alleged herein, Perpetrator 2 was a
11 practicing priest assigned to Defendant Diocese 2, Defendant School, and Does 5 through 100, and
12 was under the direct supervision, employ and control of Defendant Diocese 2, Defendant School
13 and Does 5 through 100.

14 3. Defendants Does 5 through 100, inclusive, are individuals and/or business or
15 corporate entities incorporated in and/or doing business in California, or otherwise acting within the
16 State of California, whose true names and capacities are unknown to Plaintiff who therefore sues
17 such Defendants by such fictitious names, and who will amend the Complaint to show the true
18 names and capacities of each such Doe Defendants when ascertained. Each such Defendant Doe is
19 legally responsible in some manner for the events, happenings and/or tortious and unlawful conduct
20 that caused the injuries and damages alleged in this Complaint. Defendant Diocese 1, Defendant
21 Diocese 2, Defendant School, Defendant School, and Does 5 through 100 are sometimes hereafter
22 referred to as the “Defendants.”

23 4. Each Defendant is the agent, servant and/or employee of other Defendants, and each
24 Defendant was acting within the course and scope of his, her or its authority as an agent, servant
25 and/or employee of the other Defendant. Defendants, and each of them, are individuals,
26 corporations, partnerships, and other entities which engaged in, joined in and conspired with the
27 other wrongdoers in carrying out the tortious and unlawful activities described in this Complaint.

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1 5. Venue is proper in San Diego Superior Court because this action involves childhood sexual
2 assault committed by an employee, volunteer, representative or agent of a Roman Catholic entity or
3 association within the geographic confines of San Diego, Imperial, Riverside or San Bernardino
4 Counties, and / or involves childhood sexual assault committed by an employee, volunteer,
5 representative or agent of a Roman Catholic entity or association who was assigned to work within
6 the geographic confines of San Diego, Imperial, Riverside or San Bernardino Counties. As such,
7 this case is related to the Judicial Council Coordinated Proceeding entitled *The San Diego Diocese*
8 *Cases*, Case No. JCCP 5105, and will ultimately be added on to that proceeding, which has been
9 assigned to Judge Eddie Sturgeon of The San Diego Superior Court. The two primary Diocese
10 Defendants involved in The San Diego Diocese Cases, as well as Liaison Counsel for the
11 Defendants have agreed to San Diego Superior Court as an appropriate filing venue for matters to
12 be added on the JCCP 5105, subject to their right to request transfer for trial at a later date.

13 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

14 6. Plaintiff is informed and believes that Perpetrator 1 was ordained a Roman Catholic priest in
15 or around 1976. Perpetrator 1 was employed by Defendant Diocese 1, Defendant Diocese 2 and
16 Defendant Parish. Perpetrator 1 remained under the direct supervision, employ, and control of
17 Defendants. Defendant Diocese 1, Defendant Diocese 2 and Defendant Parish placed Perpetrator 1
18 in positions where he had access to and worked with children as an integral part of his work,
19 including prior to Perpetrator 1's ordination.

20 6.1. Perpetrator 1 was assigned to various locations that are within or were within the boundaries
21 of Defendant Diocese 1 and/or Defendant Diocese 2. Perpetrator 1 was assigned to St. Brigid in
22 Pacific Beach, San Diego from approximately 1976 to 1978. Perpetrator 1 was then moved to St.
23 Mary Star of the Sea Church in Oceanside, California in approximately 1980 to 1983. Perpetrator 1
24 was then assigned to St. Rose of Lima in Chula Vista, California from approximately 1984 to 1985.
25 Perpetrator 1 was once again transferred, this time to St. Mark's Church in San Marcos, California
26 in approximately 1986 for only that year. Then, from approximately 1987 to 1990, Perpetrator 1
27 was assigned to Our Lady of Angels, in San Diego, California. Perpetrator 1 was then again moved,
28 this time to St. Mary's Church in Escondido, California from approximately 1991 to 1994.

1 Subsequently, from approximately 1995 to 2008, Perpetrator 1 was assigned to St. Francis of Assisi
2 in Vista, California. Perpetrator 1 was then listed as being on Sabbatical in 2009. Perpetrator 1 was
3 finally assigned to St. Peter the Apostle Catholic Parish and School in Fallbrook, California from
4 approximately 2010 until approximately 2019.

5 7. Perpetrator 1 is known to have sexually assaulted children, other than Plaintiff. Perpetrator 1
6 was accused in approximately 2020 of childhood sexual assault that occurred from approximately
7 1985 to 1987. That claim against Perpetrator 1 was settled with Defendant Diocese 1 in
8 approximately 2021.

9 8. Plaintiff is informed and believes that Perpetrator 2 was ordained a Roman Catholic priest in
10 or around 1966. Perpetrator 2 was employed by Defendant Diocese 1 and Defendant Diocese 2.
11 Perpetrator 2 remained under the direct supervision, employ, and control of Defendants. Defendant.
12 Defendant Diocese 1, Defendant Diocese 2, and Defendant School placed Perpetrator 2 in positions
13 where he had access to and worked with children as an integral part of his work.

14 9. Perpetrator 2 became a cleric at Defendant School, in San Bernardino, California, in or
15 around 1969. Perpetrator 2 served the parishioners and community of Defendants.

16 9.1. Perpetrator 2 was assigned to various locations within or were within the boundaries of
17 Defendant Diocese 1 and Defendant Diocese 2. Perpetrator 2 was assigned to St. Kieran's in El
18 Cajon, California in approximately 1967. Perpetrator 2 was then moved to Marian High School in
19 Imperial Beach, California in approximately 1968. Following this, Perpetrator 2 was assigned to
20 Our Lady of Mt. Carmel, in San Ysidro, California from approximately 1968 to 1969. Perpetrator 2
21 was then transferred to St. Anne in San Bernardino, California in approximately 1970 to 1974.
22 Perpetrator 2 continued to transfer to various institutions within or were within the boundaries of
23 Defendant Diocese 1 and Defendant Diocese 2 until he retired in approximately 2006. Perpetrator 2
24 remained a cleric until his facilities were removed on approximately September 12, 2011.

25 10. Perpetrator 2 is known to have sexually assaulted children, other than Plaintiff.

26 11. On or about December 9, 2018, Defendant Diocese 2, a corporation sole, publicly released
27 and published on the World Wide Web, a list of clergy with credible accusations of child sexual
28 abuse. Defendant Perpetrator 2 was identified on said list of credibly accused. Perpetrator 2 has had

1 multiple accusations of child sexual assault including a publicized allegation in 1973.

2 12. From approximately 1974 through approximately 1980, Perpetrator 1 engaged in
3 unpermitted, harmful and offensive sexual conduct upon the person of Plaintiff. Said conduct was
4 undertaken while Perpetrator 1 was an employee, volunteer, representative, or agent of Defendant
5 Diocese 1, Defendant Parish, and Does 5 through 100.

6 12.1 Additionally, from approximately 1982 through approximately 1986, Perpetrator 2 engaged
7 in unpermitted, harmful and offensive sexual conduct upon the person of Plaintiff. Said conduct
8 was undertaken while Perpetrator 2 was an employee, volunteer, representative, or agent of
9 Defendant Diocese 2, Defendant School, and Does 5 through 100.

10 13. Prior to or during the abuse alleged above, Defendants knew or had reason to know, or were
11 otherwise on notice, of misconduct that created a risk of childhood sexual assault by an employee,
12 volunteer, representative, or agent. Defendants also failed to take reasonable steps or to implement
13 reasonable safeguards to avoid acts of childhood sexual assault.

14 14. [Reserved.]

15 15. As a direct and proximate result of the wrongful conduct alleged herein, Plaintiff has
16 suffered, and continues to suffer physical injury, shock, emotional distress, physical manifestations
17 of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
18 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue
19 to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life;
20 and/or has incurred and will continue to incur expenses for medical and psychological treatment,
21 therapy, and counseling.

22 **FIRST CAUSE OF ACTION**

23 **NEGLIGENCE**

24 **(Against All Defendants)**

25 16. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

26 17. Defendant Diocese 1, Defendant Diocese 2, Defendant Parish, Defendant School and Does 5
27 through 100 had a duty to protect the minor Plaintiff, and a duty to properly supervise the minor
28 Plaintiff, when he was entrusted to Defendants' care by Plaintiff's parents. Plaintiff's care, welfare,

1 and/or physical custody was temporarily entrusted to Defendants. Defendants voluntarily accepted
2 the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of
3 care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults
4 dealing with children owe to protect them from harm. Further, as childcare custodians, Defendants
5 owed a mandatory obligation to report known or suspected child maltreatment, abuse or neglect to
6 law enforcement, and to educate its employees on their obligations to so report under California
7 Penal Code § 11164, et seq.

8 18. Defendants, by and through their agents, servants, and employees, knew or reasonably
9 should have known of the Perpetrators' dangerous and exploitive propensities and/or that the
10 Perpetrators were an unfit agents. It was foreseeable that if Defendants did not adequately exercise
11 or provide the duty of care owed to children in its care, including but not limited to Plaintiff, the
12 children entrusted to Defendants' care would be vulnerable to sexual abuse by the Perpetrators.

13 19. Defendants breached these duties of care to the minor Plaintiff by allowing the Perpetrators
14 to come into contact with the minor Plaintiff without supervision; by failing to adequately hire,
15 supervise, or retain the Perpetrators who it permitted and enabled to have access to Plaintiff; by
16 failing to supervise Plaintiff to ensure that he could not be sexually assaulted by Perpetrators; by
17 failing to investigate or otherwise confirm or deny such facts about the Perpetrators; by failing to
18 tell or concealing from Plaintiff, Plaintiff's parents, guardians, or law enforcement officials in
19 violation of its mandatory reporting obligations that the Perpetrators were or may have been
20 sexually abusing minors; by failing to tell or concealing from Plaintiff's parents, guardians, or law
21 enforcement officials that Plaintiff was or may have been sexually abused after Defendants knew or
22 had reason to know that the Perpetrators may have sexually abused Plaintiff, thereby enabling
23 Plaintiff to continue to be endangered and sexually abused, and/or creating the circumstance where
24 Plaintiff was less likely to receive medical/mental health care and treatment, thus exacerbating the
25 harm done to Plaintiff; by failing to promulgate or enforce the rules and regulations necessary to
26 protect Plaintiff from the foreseeable risk of sexual assault by Perpetrators; and/or by holding out
27 the Perpetrators to the Plaintiff and his parents or guardians as being in good standing and
28 trustworthy. Defendants cloaked within the facade of normalcy Defendants' and/or the Perpetrators

1 contact and/or actions with the Plaintiff and/or with other minors who were victims of the
2 Perpetrators, and/or disguised the nature of the sexual abuse and contact.

3 20. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
4 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
5 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;
6 has suffered and continue to suffer spiritually; was prevented and will continue to be prevented
7 from performing Plaintiff's daily activities and obtaining the full enjoyment of life; and/or has
8 incurred and will continue to incur expenses for medical and psychological treatment, therapy, and
9 counseling.

10 **SECOND CAUSE OF ACTION**

11 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

12 **(Against All Defendants)**

13 21. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

14 22. Defendant Diocese 1, Defendant Diocese 2, Defendant Parish, Defendant School, and Does
15 5 through 100 had a duty to provide reasonable supervision of the Perpetrators; to use reasonable
16 care in investigating the Perpetrators and to provide adequate warning to the Plaintiff, the Plaintiff's
17 family, minor students, and minor parishioners of the Perpetrators' dangerous propensities and
18 unfitness.

19 23. Defendants, by and through their agents, servants, and employees, knew or reasonably
20 should have known of the Perpetrators' dangerous and exploitive propensities and/or that the
21 Perpetrators were an unfit agents. Despite such knowledge, Defendants negligently failed to
22 supervise the Perpetrators in the position of trust and authority as a Roman Catholic Priest, religious
23 instructor, counselor, school administrator, school teacher, surrogate parent, spiritual mentor,
24 emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts
25 against the Plaintiff. Defendants failed to provide reasonable supervision of the Perpetrators, failed
26 to use reasonable care in investigating the Perpetrators, and failed to provide adequate warning to
27 Plaintiff and Plaintiff's family of the Perpetrators' dangerous propensities and unfitness.
28 Defendants further failed to take reasonable measures to prevent future sexual abuse.

1 24. As a result of the above described conduct, Plaintiff has suffered, and continues to
2 suffer physical injury, shock, emotional distress, physical manifestations of emotional distress,
3 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has
4 suffered and continues to suffer spiritually; was prevented and will continue to be prevented from
5 performing Plaintiff's daily activities and obtaining the full enjoyment of life; and/or has incurred
6 and will continue to incur expenses for medical and psychological treatment, therapy, and
7 counseling.

8 **THIRD CAUSE OF ACTION**

9 **NEGLIGENT HIRING/RETENTION**

10 **(Against All Defendants)**

11 25. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

12 26. Defendant Diocese 1, Defendant Diocese 2, Defendant Parish, Defendant School and Does 5
13 through 100 had a duty to not hire and/or retain the Perpetrators given the Perpetrators' dangerous
14 and exploitive propensities.

15 27. Defendants, by and through their agents, servants, and employees, knew or reasonably
16 should have known of the Perpetrators' dangerous and exploitive propensities and/or that the
17 Perpetrators were an unfit agent. Despite such knowledge, Defendants negligently hired and/or
18 retained the Perpetrators in the position of trust and authority as a Roman Catholic Priest, religious
19 instructor, counselor, school administrator, school teacher, surrogate parent, spiritual mentor,
20 emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts
21 against the Plaintiff. Defendants failed to use the care of a reasonably prudent person when
22 investigating, hiring, and retaining Perpetrators and failed to provide adequate warning to Plaintiff
23 and Plaintiff's family of the Perpetrators' dangerous propensities and unfitness. Further,
24 Defendants further failed to take reasonable measures to prevent future sexual abuse.

25 28. As a result of the above described conduct, Plaintiff has suffered, and continues to
26 suffer physical injury, shock, emotional distress, physical manifestations of emotional distress,
27 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has
28 suffered and continues to suffer spiritually; was prevented and will continue to be prevented from

1 performing Plaintiff's daily activities and obtaining the full enjoyment of life; and/or has incurred
2 and will continue to incur expenses for medical and psychological treatment, therapy, and
3 counseling.

4 **FOURTH CAUSE OF ACTION**

5 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF**

6 **(Against All Defendants)**

7 29. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

8 30. Defendant Diocese 1, Defendant Diocese 2, Defendant Parish, Defendant School, and Does 5
9 through 100 owed a duty to protect Plaintiff from the foreseeable risk of sexual assault by
10 Defendants' employees, volunteers, representatives and/or agents by providing reasonable
11 protective measures to warn, train or educate Defendants' employees, volunteers, representatives
12 and/or agents, Plaintiff's parents or guardians, and/or Plaintiff about the known risk of childhood
13 sexual assault inherent in Defendants' programs, pursuant to *Juarez v. Boy Scouts of America, Inc.*,
14 97 Cal. Rptr. 2d 12, 81 Cal. App. 4th 377 (2000).

15 31. Defendants breached their duty to take reasonable protective measures to protect Plaintiff
16 and other minor parishioners and/or students from the risk of childhood sexual abuse by the
17 Perpetrators, or others, by failing to warn, train, or educate Plaintiff, Plaintiff's parents or guardians,
18 and Defendants' employees, volunteers, representatives and/or agents about how to avoid, rebuff,
19 minimize or respond to such a risk; by failing to warn, train, or educate Plaintiff, Plaintiff's parents
20 or guardians, and Defendants' employees, volunteers, representatives and/or agents about how to
21 report inappropriate or suspicious behaviors to law enforcement or others of Defendants' agents; by
22 failing to train or educate Defendants' employees, volunteers, representatives and/or agents about
23 their mandatory reporting obligations pursuant to California Penal Code § 11164, et seq.; and by
24 failing to promulgate or enforce those rules necessary to protect Plaintiff and other minor students
25 or minor parishioners from the foreseeable risk of child sexual assault within Defendants' programs
26 or on their premises.

27 32. As a result of the above described conduct, Plaintiff has suffered, and continues to
28 suffer physical injury, shock, emotional distress, physical manifestations of emotional distress,

1 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has
2 suffered and continues to suffer spiritually; was prevented and will continue to be prevented from
3 performing Plaintiff's daily activities and obtaining the full enjoyment of life; and/or has incurred
4 and will continue to incur expenses for medical and psychological treatment, therapy, and
5 counseling.

6 WHEREFORE, Plaintiff prays for damages; costs; attorney's fees; interest; statutory/civil
7 penalties according to law; and such other relief as the court deems appropriate and just.

8 **JURY DEMAND**

9 Plaintiff demands a jury trial on all issues so triable.

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JEFF ANDERSON & ASSOCIATES PA



Dated: June 2, 2021

Michael Reck
Attorney for Plaintiff WILLIAM POTTER A/K/A
BEAU POTTER