

1 Raymond P. Boucher, SBN 115364
Kiesel Boucher Larson
2 8648 Wilshire Blvd.
Beverly Hills, CA 90211-2910
3 (310) 854-4444

Laurence E. Drivon, SBN 46660
David E. Drivon
Drivon &
Tabak215 N. San Joaquin Street
Stockton, CA 95202
(209) 466-0982
Fax (209) 463-7668

4 Jeffrey R. Anderson
Patrick W. Noaker
5 Reinhardt & Anderson
E-1000 First National Bank Bldg.
6 332 Minnesota Street
St. Paul, Minnesota 55101
7 (651) 227-9990

8 SUPERIOR COURT OF CALIFORNIA
LOS ANGELES COUNTY, CENTRAL DISTRICT

9
10 JOHN DOE 50,
JOHN DOE 51,
11 JOHN DOE 52, and
JOHN DOE 53

12 Plaintiffs,

13 vs.

14 ARCHDIOCESE OF LOS ANGELES,
CARDINAL ROGER MAHONY,
15 FR. MICHAEL S. BAKER
AND DOES 1 - 100

16
17 Defendants.

Cause No. _____

**COMPLAINT
FOR RACKETEERING,
PERSONAL INJURIES,
NEGLIGENCE AND FRAUD**

**PLAINTIFFS DEMAND A
JURY TRIAL**

18
19 **PARTIES**

20 1. Plaintiff John Doe 50 is an adult man whose true identity has been provided to Defendants
21 by separate cover letter. Plaintiff John Doe 50 was a minor at the time of the sexual abuse alleged herein
22 occurring in approximately 1976 through 1985.

23 2. Plaintiff John Doe 51 is an adult man whose true identity has been provided to Defendants
24 by separate cover letter. Plaintiff John Doe 51 was a minor at the time of the sexual abuse alleged herein
25 occurring in approximately 1978 and 1979.

26 3. Plaintiff John Doe 52 is an adult man whose true identity has been provided to Defendants
27 by separate cover letter. Plaintiff John Doe 52 was a minor at the time of the sexual abuse alleged herein
28 occurring in approximately 1977 through 1978.

1 enterprise under 18 U.S.C. § 1961(4) and the persons controlling or directing the affairs of Enterprise II
2 have engaged in activities or pattern or practice of conspiracy and racketeering activity in violation of 18
3 U.S.C. § 1962 et seq.

4 13. Alternatively, the relationship between Defendant Archdiocese and Defendant Mahony
5 (hereafter the “Enterprise III”) constitutes an association in fact enterprise under 18 U.S.C. § 1961(4) and
6 the persons controlling or directing the affairs of Enterprise III have engaged in activities or a pattern or
7 practice of conspiracy and racketeering activity in violation of 18 U.S.C. § 1962 et seq.

8 14. Enterprises I, II, and/or III had an ongoing business aside and apart from the racketeering
9 acts alleged herein in that they were involved in the operation of the Roman Catholic Church in the United
10 States.

11 15. The Defendants maintained and exercised control over the enterprises alleged.

12 **ACTIVITY**

13 16. Since approximately 1960 through to the present, persons controlling or directing the affairs
14 of Enterprise I, II, and/or III engaged in or joined in a conspiracy to intentionally, recklessly and/or
15 negligently conceal criminal conduct of its agents, aid and abet the concealment of criminal conduct, aid and
16 abet criminal sexual conduct, fail to report criminal conduct of its agents, obstruct justice, obstruct criminal
17 investigation, obstruct state and/or local law enforcement, evade criminal and/or civil prosecution and
18 liability, bribe and/or pay money to victims in order to keep its criminal conduct secret, violate the civil rights
19 of children and families, engage in mail and/or wire fraud, and commit fraud and/or fraudulent inducement
20 of its parishioners in furtherance of its scheme to protect predatory priests and other clergy from criminal
21 and civil prosecution, to maintain or increase charitable contributions and/or avoid public scandal in the
22 Roman Catholic Church.

23 17. The persons controlling or directing the affairs of Enterprise I, II, and/or III knew that
24 Roman Catholic clergy were sexually abusing and exploiting children and they showed willful indifference
25 and/or a reckless or intentional disregard for the children in order to further their scheme.

26 18. In 1985, the National Conference of Catholic Bishops received a report titled “The Problem
27 of Sexual Molestations By Roman Catholic Clergy.” This report described the continuing and growing
28 problem of child sexual abuse by priests within the Roman Catholic Church. According to the report, if the

1 Roman Catholic Church failed to embrace the problem of its predatory priests and clergy, the church could
2 face liability in excess of \$1,000,000,000.00 over ten years. In addition, the report outlined steps that the
3 Roman Catholic Church, through the National Conference of Catholic Bishops, must take to protect the
4 church and parishioners from the devastating effects of molesting priests. In response, the National
5 Conference of Bishops ignored the report and recommendations and, instead, continued providing a fertile
6 environment for molesting priests. Upon information and belief, Enterprise I, II, and/or III engaged in the
7 racketeering activity described above in order to protect financial interests in addition to protecting predatory
8 priests and other clergy from criminal prosecution and the other aspects of the scheme described above.

9 19. In the same report described above, the reporter cautioned the National Conference of
10 Catholic Bishops to resist the practice by some to sanitize or purge the secret files of potentially dangerous
11 material. In addition, the reporter warned the National Conference of Catholic Bishops that their practice
12 of moving files containing potentially dangerous material to the Apostolic Delegate (delegate to the Vatican
13 where the files would be immune from subpoena) could ultimately destroy the immunity enjoyed by the Holy
14 See. These warnings were not heeded.

15 20. In furtherance of its scheme and enterprise to protect molesting priests and other clergy from
16 criminal prosecution and civil liability, maintain or increase charitable contributions and/or avoid public
17 scandal in the Roman Catholic Church, persons controlling or directing the affairs of Enterprises I, II and/or
18 III, intentionally and fraudulently engaged in the routine practice of maintaining secret "sub secreto" archival
19 files of sexual misconduct by priests. These sub secreto files are accessible to the Bishops only. The
20 existence of these secret files and the contents were not disclosed to or made available to law enforcement
21 authorities, or others, in order for law enforcement to investigate the known crimes of the priests. In fact,
22 it is the practice of the Roman Catholic Church to fraudulently purge the files and hide them from persons,
23 including law enforcement authorities, seeking access to them.

24 21. As evidence of this fraudulent practice and its widespread use, in 1990, in an address by
25 Bishop A. James Quinn to the National Conference of Catholic Bishops titled "NCCB Guidelines, and other
26 Considerations in Pedophilia Cases," Bishop Quinn stated:

27 Nevertheless, personnel files should be carefully examined to determine
28 their content. Unsigned letters alleging misconduct should be expunged.

1 Standard personnel files should contain no documentation relating to
2 possible criminal behavior. Serious moral questions, signed allegations,
3 those should be a part of the secret file anyhow. But they still subpoena
4 them. But comb through your files.

5
6 Now what files have been subpoenaed, they cannot be tampered with;
7 destroyed, removed; that constitutes obstruction of justice and contempt
8 of court. Prior, however, thought and study ought to be given if you think
9 its going to be necessary; if there's something there you really don't want
10 people to see you might send it off to the Apostolic Delegate, because they
11 have immunity to protect something that is potentially dangerous, or that
12 you consider to be dangerous, you might send it there.

13 The Apostolic Delegate is the delegate from the Vatican and Holy See who the church believes
14 enjoys sovereign immunity from lawsuits and subpoenas.

15 22. In furtherance of its scheme, persons controlling or directing the affairs of Enterprises I, II,
16 and/or III have routinely entered into secret settlement agreements with confidentiality provisions that
17 required victims of sexual abuse to preserve the Bishop's secrets from scrutiny by the public and law
18 enforcement authorities.

19 23. In furtherance of the scheme, persons controlling or directing the affairs of Enterprises I,
20 II, and/or III, illegally bribed victims of sexual exploitation and abuse in order to influence them to not report
21 the sexual exploitation and abuse to law enforcement authorities and ultimately to influence the victims to not
22 testify, in court, against members of Enterprise I, II, and/or III. As an example, Anthony J. O'Connell,
23 former Bishop of the Diocese of Knoxville and former Bishop of the Diocese of Palm Beach made cash
24 payments to victims he had sexually abused in order to keep them from reporting Bishop O'Connell's
25 criminal activity and to ultimately influence the victims to not testify against him or other coconspirators in
26 Court. These cash payments began after Bishop O'Connell's abuse of a child seminarian was reported to
27 Bishop Raymond Boland, Bishop of the Diocese of Kansas City-St. Joseph.

28 24. As a result of the acts of persons controlling or directing the affairs of Enterprise I, II and/or

1 III, intentionally, showing willful indifference and/or with reckless disregard, maintained a web of predatory
2 priests who perpetrated criminal acts of child sexual abuse throughout the United States and the world over
3 at least a forty (40) year period of time. Persons controlling or directing the affairs of Enterprise I, II and/or
4 III maintained this web by making fraudulent representations, concealing criminal activity, obstructing justice
5 and criminal investigations, evading civil and/or criminal liability, bribing and/or payment of money to victims
6 in order to keep its criminal conduct secret, violating civil rights of children and families, and committing mail
7 and wire fraud. Evidence that persons controlling or directing the affairs of Enterprise I, II and/or III
8 committed a continuing pattern of racketeering activity in furtherance of its scheme by engaging in fraudulent
9 conduct across the nation, includes, but is not limited to, the following examples:

10 a. Fr. Thomas Adamson

11 Father Thomas Adamson (hereinafter "Fr. Adamson"), was an ordained Roman Catholic priest
12 employed by the Catholic Bishop for the Diocese of Winona in Minnesota. From 1958 through December
13 1974, Fr. Adamson was employed by Winona Diocese at various times as a teacher and principal at
14 Diocesan parochial schools and as a parish priest at Diocesan churches across southern Minnesota.
15 Throughout this period, Fr. Adamson engaged in and/or attempted to engage in sexual contact with at least
16 eleven minor boys. Each of these minor boys were students and/or parishioners of the local Diocesan
17 schools and parishes.

18 In 1964, the Bishop of the Winona Diocese learned that Fr. Adamson sexually abused a boy or
19 boys in Caledonia, Minnesota. On discovery of this abuse, the Bishop deceitfully transferred Fr. Adamson
20 to a new parish and took no further steps to investigate the misconduct or prevent further sexual abuse by
21 Adamson.

22 In approximately 1967, the Bishop of the Winona Diocese learned that Fr. Adamson had sexually
23 abused a boy or boys who were students at Rochester Lourdes High School. On discovery of this abuse,
24 the Bishop placed Fr. Adamson in counseling for a short time and then deceitfully transferred him to a new
25 parish without taking further steps to investigate the misconduct or prevent future abuse.

26 In approximately December 1973, and again in April 1974, the Bishop of the Winona Diocese
27 learned that Fr. Adamson had sexually abused more boys in the Rochester, Minnesota area. On discovery
28 of this abuse, the Bishop placed Fr. Adamson in therapy for approximately three months, after which time

1 he was deceitfully returned to his pastoral duties in Rochester without taking further steps to investigate the
2 misconduct or prevent future abuse.

3 In December 1974, the Bishop of the Winona Diocese discovered that Fr. Adamson had sexually
4 abused minor boys in Adrian, Minnesota in 1961-62. In response to threats from the families of these
5 victims to publicly expose Fr. Adamson's history of sexual abuse, the Bishop of the Winona Diocese, acting
6 in furtherance of the scheme described above and acting in concert with the Archbishop for the Archdiocese
7 of St. Paul and Minneapolis, transferred Adamson to the Archdiocese of St. Paul and Minneapolis in
8 Minnesota without taking reasonable steps to prevent future abuse.

9 Beginning in January 1975, Father Adamson was employed by and assigned to the Archbishop of
10 the Archdiocese of St. Paul and Minneapolis as a parish priest in various parishes across the Archdiocese.
11 During this time period, Adamson sexually abused numerous minor boys who were parishioners at the local
12 churches where Adamson was serving as a parish priest.

13 In November 1980, Fr. Adamson admitted that he had sexually abused another young boy, who
14 was a parishioner at Immaculate Conception in Columbia Heights, Minnesota. This sexual abuse was
15 reported to the Archbishop of the Archdiocese of St. Paul and Minneapolis by the father of the abused child,
16 who also threatened to bring criminal charges against Fr. Adamson. In order to protect Fr. Adamson from
17 criminal prosecution, to maintain or increase charitable contributions, and to avoid public scandal, the
18 Archbishop of the Archdiocese of St. Paul and Minneapolis fraudulently represented to the father of the boy
19 that the sexual abuse of his son was an "isolated occurrence." In addition, the Archdiocese of St. Paul and
20 Minneapolis fraudulently represented to the boy's parents that Fr. Adamson would be placed in treatment
21 and the family would be advised of Adamson's whereabouts. Based upon these fraudulent assurances by
22 their church officials, the family did not report Adamson to the law enforcement authorities for criminal
23 prosecution.

24 Upon information and belief, the Bishop of the Winona Diocese and the Archbishop of the
25 Archdiocese of St. Paul and Minneapolis used the U.S. Postal Service and interstate wire service to perform
26 the fraudulent acts described above.

27 b. Fr. James Porter

28 Fr. Porter served in parishes in the Fall River Diocese in Massachusetts from 1960 through 1967.

1 During that time, the Bishop of the Fall River Diocese repeatedly learned that Father Porter sexually
2 molested parish youth. In response, the Bishop of Fall River deceitfully transferred Father Porter to new
3 parishes and instructed him to undergo psychotherapy.

4 From 1960 - 1963, Fr. Porter worked in St. Mary's Parish in North Attleboro, Massachusetts.
5 During that period, Fr. Porter sexually molested over 40 parish children. When the Bishop for the Fall River
6 Diocese learned of the abuse, the Bishop deceitfully transferred Fr. Porter to Sacred Heart Parish in Fall
7 River, Massachusetts.

8 In 1963, while Fr. Porter was at the Sacred Heart Parish, a parent confronted the Bishop of the
9 Diocese of Fall River regarding Fr. Porter's new parish assignment. In response, the Bishop of the Diocese
10 of Fall River fraudulently represented to the parent that they would take the parent's concern seriously and
11 that Fr. Porter posed no risk.

12 From 1963-1965 while Fr. Porter was still at Sacred Heart Parish, Fall River, Massachusetts, Fr.
13 Porter molested two parish youths. As a result, the Bishop of the Diocese of Fall River deceitfully
14 transferred Fr. Porter to St. James Parish in New Bedford, Massachusetts.

15 In 1967 while Fr. Porter was at St. James Parish, New Bedford, Massachusetts, Fr. Porter
16 molested approximately 22 more children in the New Bedford area.

17 In 1967, acting in furtherance of the scheme described above and acting in concert with the
18 Archbishop of the Archdiocese of Santa Fe, the Bishop of the Fall River Diocese and the Order of the
19 Servants of the Paracletes transferred Fr. Porter from the Fall River Diocese to the Archdiocese of Sante
20 Fe, New Mexico in order to allow Fr. Porter to enter the sexual abuse treatment program operated at the
21 Servants of the Paracletes facility in New Mexico for residence and treatment relating to his pedophilia.

22 In October 1968, the Archbishop of the Archdiocese of Santa Fe, Bishop for the Diocese of Fall
23 River and the Servants of the Paracletes allowed Fr. Porter to serve in parishes. In February 1969, the
24 Archbishop of the Archdiocese of Santa Fe learned that Fr. Porter had sexually molested seven (7) parish
25 youth while released from the sexual abuse treatment program.

26 In June 1969, acting in furtherance of the scheme described above and acting in concert with the
27 Bishop of the Crookston Diocese, the Archbishop of the Archdiocese of Santa Fe, the Servants of
28 Paracletes transferred Fr. Porter from the Archdiocese of Santa Fe to the Crookston Diocese in Bemidji,

1 Minnesota where Fr. Porter provided weekend service at the St. Philip's parish in Bemidji, Minnesota.
2 While in Bemidji, Fr. Porter sexually molested twenty-two (22) more children. In September 1970, Father
3 Porter's sexual abuse of parish boys at St. Philip's was discovered by the Bishop of the Crookston Diocese
4 and he was removed from the St. Philip's parish. At that time, Fr. Porter was transferred to residence with
5 the Servants of the Paraclete at the St. Michael's Institute in Missouri. Upon information and belief, the
6 Bishop of the Fall River Diocese, the Archbishop of the Archdiocese of Santa Fe, the Bishop of the
7 Crookston Diocese and the Servants of the Paracletes used the U.S. Postal Service and interstate wire
8 service to perform the fraudulent acts described above.

9 c. Fr. John Geoghan

10 In 1962, Fr. Geoghan molested four (4) boys from the same family in the Blessed Sacrament parish
11 in Saugus, Massachusetts. While there, another priest contacted the Archbishop of the Archdiocese of
12 Boston to report that Fr. Geoghan frequently took boys to his rectory bedroom. That same priest also
13 reported that church officials threatened to reassign him as a missionary in South America for reporting
14 Geoghan.

15 In 1966, the Archbishop of the Archdiocese of Boston deceitfully assigned Fr. Geoghan to St.
16 Bernards parish in Concord, Massachusetts. Although there are no identified victims from St. Bernards,
17 Fr. Geoghan was abruptly transferred by the Archbishop to another parish after only seven months of
18 service.

19 From 1967 through 1974, the Archbishop of the Archdiocese of Boston deceitfully assigned Fr.
20 Geoghan to the St. Paul parish in Hingham, Massachusetts. While there, Fr. Geoghan sexually molested
21 numerous boys. In 1968, Fr. Geoghan was sent by the Archbishop of the Archdiocese of Boston to the
22 Seton Institute in Baltimore, Maryland for treatment relating to Fr. Geoghan's sexual abuse of several parish
23 children.

24 From June 1974 through February 1980, the Archbishop of the Archdiocese of Boston assigned
25 Fr. Geoghan to St. Andrew parish in Jamaica Plain, Massachusetts. There, Fr. Geoghan sexually abused
26 many other children including seven brothers in the Dussourd family. In 1982, the boys' aunt, Margaret
27 Gallant, reported the sexual abuse to then Cardinal Medeiros. In the letter Ms. Gallant confirms the practice
28 of concealment and secrecy when she wrote:

1 It was suggested that we keep silent to protect the boys – that is absurd
2 since minors are protected under law, and I do not wish to hear that
3 remark again, since it is insulting to our intelligence.

4 Despite knowing of Fr. Geoghan’s propensity for child sexual abuse, the Bishop of the Archdiocese
5 continued to assign Fr. Geoghan to parishes where he ultimately sexually abused at least one hundred and
6 thirty (130) children.

7 Upon information and belief, the Bishop of the Archdiocese of Boston used the U.S. Postal Service
8 and interstate wire service to fraudulently conceal Fr. Geoghan’s acts of sexual abuse.

9 During Fr. Geoghan’s predatory spree, the following people had supervisory responsibility for Fr.
10 Geoghan: Cardinal Humberto Medeiros (Archdiocese of Boston), Cardinal Bernard Law (Archdiocese
11 of Boston), now Bishop Thomas V. Daily (Diocese of Brooklyn, New York), now Bishop Robert J. Banks
12 (Diocese of Green Bay), now Bishop William F. Murphy (Diocese of Rockville Centre, New York), now
13 Bishop John B. McCormack (Diocese of Manchester, New Hampshire) and now Archbishop Alfred C.
14 Hughes (Archdiocese of New Orleans). Each of these now Bishops participated in the scheme and
15 enterprise to protect molesting priests and other clergy from criminal prosecution, maintain or increase
16 charitable contributions and/or to avoid public scandal in the Roman Catholic Church by concealing the acts
17 of sexual abuse by Fr. Geoghan.

18 d. This scheme described above can also be evidenced in other well-known cases
19 involving former priests Gilbert Gauthé in Louisiana, Robert Ray Peebles in Dallas, Texas, Rudolph Kos also
20 in Dallas, Texas, Paul R. Shanley in Boston, Massachusetts, and David A. Holley in Worcester,
21 Massachusetts/New Mexico/Texas.

22 25. Further evidence that Defendant Archdiocese and Defendant Mahony, in concert with others who
23 controlled or directed the affairs of Enterprise I, II and/or III, committed a continuing pattern of
24 racketeering activity in furtherance of its scheme by engaging in fraudulent conduct includes, but is
25 not limited to, the following examples:

26 a. Father Oliver O’Grady

27 Consistent with and in furtherance of the continuing pattern of racketeering activity in furtherance
28 of its scheme, Enterprise I, II and or III, Defendant Mahony, in approximately 1976, while he was the

1 Bishop for the Diocese of Stockton, California (“Stockton Diocese”) began his pattern of lying to laity.
2 Specifically, Defendant Mahony learned that Fr. Oliver O’Grady had sexually abused a child. Defendant
3 Mahony deceitfully concealed this crime from law enforcement authorities. In order to prevent the victim
4 from reporting the crime to the police, Defendant Mahony fraudulently represented to the parents of the
5 victim that Fr. O’Grady would “never be placed in another parish.” Defendant Mahony then deceitfully
6 placed Fr. O’Grady in another parish where he continued to abuse children.

7 In 1984, a report was made to the Stockton Police that Fr. O’Grady had abused a ten-year-old
8 boy in his parish and that Fr. O’Grady had abused other children in the past. Defendant Mahony obstructed
9 justice and obstructed the criminal investigation by deceiving the parishners, public, police and prosecutors
10 by instructing his attorneys to contact the Stockton police and fraudulently report that Fr. O’Grady’s sexual
11 abuse of the child was “an isolated incident.” Defendant Mahony, through his attorneys, also deceived the
12 parishners, public, police and prosecutors by fraudulently representing to the Stockton police that Fr.
13 O’Grady would “never again be assigned in a church or a parish where he could have access to children.”
14 Relying upon these deceitful and fraudulent representations by the Defendant Mahony, the Stockton Police
15 Department closed its investigation. Subsequent to this deceitful and fraudulent representation and
16 immediately after the police closed its investigation, the Defendant Mahony placed Fr. O’Grady in a parish
17 where he continued to abuse the same ten-year old boy who was the subject of the police report, his siblings
18 and other children in the parish.

19 In September 1985, Defendant Mahony became the Archbishop of Defendant Archdiocese.

20 In 1986, a victim of Fr. O’Grady in the 1970's, reported to the Bishop for the Stockton Diocese
21 that succeeded Defendant Mahony in that position that she was concerned that Fr. O’Grady would continue
22 abusing children in the parishes. The Bishop for the Stockton Diocese fraudulently represented to the
23 woman that Fr. O’Grady had been treated for his problem and that Fr. O’Grady was being heavily
24 supervised and had no access to children.

25 In 1988, the Bishop for the Stockton Diocese was again notified that Fr. O’Grady continued to
26 molest children in his parish. The Bishop for the Stockton Diocese did not investigate the allegations or
27 notify law enforcement authorities.

28 In 1989, amid concerns over O’Grady’s sexual abuse, the Bishop of the Stockton Diocese wrote:

1 Our pursuing the matter in this way is not because of any adverse change in your behavior, but
2 because of cautions that we must continue to take in the tightening legal climate within which we
3 need to survive.

4 Despite the Bishop of the Stockton Diocese's and Defendant Mahony's knowledge of O'Grady's
5 misconduct, O'Grady remained in a parish.

6 In 1992, the ten-year-old boy whose abuse had previously been reported to the Stockton Police
7 and his three siblings went to the Bishop for the Stockton Diocese and reported the abuse by O'Grady. The
8 Bishop pressured the five siblings to not go to law enforcement authorities by deceitfully and fraudulently
9 representing to them that Fr. O'Grady "had been treated," "did not pose a risk to children" and "would be
10 heavily supervised to avoid contact with children." At the time these deceitful and fraudulent
11 misrepresentations were made, the Bishop for the Stockton Diocese knew the statements were false or
12 knew he had no basis in fact to represent that O'Grady posed no risk to children. Despite these false
13 assurances and the pressure from the Bishop not to report the abuse to law enforcement officials, the family
14 reported the criminal sexual abuse to law enforcement authorities. O'Grady was then arrested, convicted
15 and incarcerated for the sexual abuse of these victims and others.

16 Upon information and belief, Defendant Mahony and the successor Bishop for the Stockton Diocese
17 used the U.S. Postal Service and interstate wire service to perform the deceitful and fraudulent acts
18 described above.

19 b. Fr. Santiago Tamayo

20 From approximately 1979 through 1982, seven priests, including Fr. Santiago Tamayo, repeatedly
21 molested a sixteen year old girl. In 1982, the girl became pregnant and Fr. Santiago Tamayo devised a plan
22 to secretly transport the girl to a home in the Philippine Islands owned by Tamayo's brother so that the girl
23 could have her baby in secrecy. Fr. Tamayo and the other priests deceitfully and fraudulently told the girl's
24 mother and father that the girl was going to the Philippines to study medicine.

25 As a part of the fraud and conspiracy to protect the predator priests and to avoid public scandal in
26 the Roman Catholic Church and the accompanying financial consequences, then a Bishop from the
27 Defendant Archdiocese met with the girl and told her to not disclose that she had been molested or that the
28 father of her child was a priest. In exchange, the Bishop from the Defendant Archdiocese agreed to

1 financially assist her. The Bishop from the Defendant Archdiocese never provided the support he promised.
2 After seven months in the Philippines, the young girl became malnourished and ill. At that time, the girl's
3 mother learned that the girl was malnourished and pregnant and not studying medicine. The girl's mother
4 went to the Philippines and brought the young, pregnant girl back to Los Angeles. Upon the girl's return,
5 the offending priests, including Fr. Tamayo, visited the girl and swore her to secrecy.

6 In October of 1983, the girl met with a Bishop from the Defendant Archdiocese. During that
7 meeting, the girl disclosed the molestation and pregnancy as well as the identities of the offending priests.
8 Later, in response, the Bishop told the girl that there was nothing that the Defendant Archdiocese could do.
9 Shortly thereafter, in 1984, the girl filed a civil suit for damages.

10 In order to avoid liability and in an attempt to conceal the predatory molestation and manipulation
11 by the Archdiocesan priests, the Defendant Archdiocese moved the priests out of the United States. The
12 Defendant Archdiocese then deceitfully and fraudulently represented to the girl, public, police and
13 prosecutors and others that the priests had fled the country and their whereabouts were unknown. This
14 representation is proven false by a letter dated June 15, 1984 from John P. McNicholas, attorney of record
15 for the Defendant Archdiocese to the attorney for Fr. Tamayo which stated:

16 Dear George:

17 I understand that your client's current address is:

18 Rev. Santiago Tamayo

19 c/o Dr. Edward Tamayo

20 St. James Medical Clinic

21 Laoag City, Philippine Islands 0301

22 **I have not disclosed this information to the Allred office** [Allred was
23 the attorney for the girl] **or anyone else.** (I received this information on
24 July 13, 1984.)

25 On the same day, June 15, 1984, the Defendant Archdiocese wrote a letter to Fr. Santiago
26 Tamayo stating:

27 Enclosed please find a check for \$375.00. **We would ask that you do not reveal that you are**
28 **being paid by the Los Angeles Archdiocese unless requested under oath.** This check is

1 congrua sustentatio [proper annual income of a cleric] because you are incardinated here in Los
2 Angeles.

3 If, however, you would take a position in the Diocese in which you live, I would request that you
4 have your Bishop send us a copy of your assignment.

5 * * *

6 Sincerely yours in Christ,

7 Reverend Monsignor John A. Rauden

8 Chancellor

9 * * *

10 cc: **Cardinal Timothy Manning**

11 * * *

12 In 1987, Fr. Tamayo wrote letters to Defendant Mahony and the Defendant Archdiocese seeking
13 permission to return to the United States. The Defendant Archbishop responded by paying Fr. Tamayo to
14 remain in the Philippine Islands in order to protect Fr. Tamayo and Defendant Archdiocese from civil and
15 criminal liability and to avoid public scandal. Specifically, in a letter dated December 28, 1987, Reverend
16 Monsignor Thomas J. Curry, Vicar for Clergy wrote:

17 Dear Father Tamayo:

18 Thank you for your letters to me and to **Archbishop Mahony**. I
19 understand from your letter that you would like to return to this
20 Archdiocese. However, given all that has taken place, that does not seem
21 advisable, and all the advisors to the Archdiocese Counsel against it for the
22 foreseeable future. **Our lawyers also inform us that you are liable to**
23 **personal suits arising out of your past actions. Therefore it is not**
24 **advisable that you return at all to the United States. Such suits can**
25 **only open old wounds and further hurt anyone concerned, including**
26 **the Archdiocese.**

27 After much consideration, it is the opinion of the Archdiocesan authorities
28 that you should seek to settle elsewhere, and we encourage you to seek

1 incardination in the Philippines. **While you are pursuing this possibility**
2 **the Archdiocese would like to pay you a salary...**

3 In early 1988, Fr. Tamayo returned to the United States to answer for his misconduct. The
4 Defendant Archdiocese and Defendant Mahony became very upset when they learned of Fr. Tamayo's
5 return because the priest knew of Defendant Archdiocese's fraud and concealment and he was in a position
6 to disclose the fraud and concealment to law enforcement authorities and others. In a letter dated August
7 26, 1988, Rev. Monsignor Thomas J. Curry stated:

8 I was surprised to learn by way of your sister's phone call to this office that
9 you are in the Los Angeles area.

10
11 **In my letter to you of December 28, 1987, I stated that you continue**
12 **to be liable for personal suits arising out of your past actions, which**
13 **suits would do damage to you, your family, and anyone concerned,**
14 **including the Archdiocese. I advised you to settle elsewhere.**

15 We initiated salary payments to assist you while you were pursuing the
16 possibility of permanent settlement in the Philippines.

17 **I cannot emphasize too strongly that there has been no change in the**
18 **situation. Therefore I am requesting that you return to the**
19 **Philippines promptly.**

20 Sincerely yours,

21 (Rcv. Msgr.) Thomas J. Curry

22 Vicar for Clergy

23 cc: **Archbishop Roger Mahony**

24 c. Fr. Michael S. Baker

25 Defendant Baker sexually abused numerous children through the 1970's, 1980's and 1990's.
26 In 1986, while Defendant Mahony was Archbishop of Defendant Archdiocese, Defendant Baker
27 confessed to Defendant Mahony that he had molested two children in his parish. Defendant
28 Mahony never conducted an investigation of these victims or other possible victims or made any

1 kind of pastoral outreach to the victims. Instead, Defendant Mahony, in furtherance of the scheme
2 of Enterprise I, II and/or III to protect predatory priests, including Defendant Priest, and other
3 clergy from criminal and civil prosecution, to maintain or increase charitable contributions and/or
4 avoid public scandal in the Roman Catholic Church, Defendant Mahony concealed the criminal
5 conduct of the Defendant Priest and by doing so aided and abetted Defendant Priest in further
6 criminal sexual conduct with other children. Specifically, on one occasion, Defendant Baker and
7 Defendant Mahony met, along with the attorney for Defendant Archdiocese, John McNicolas and
8 Vicar for Clergy Thomas Curry. During this meeting, attorney McNicolas suggested that the police
9 should be called to investigate Defendant Priest's criminal conduct, however, Defendant Mahony
10 refused to call or allow anyone else to call the police. In fact, Defendant Cardinal did not even ask
11 Defendant Priest for any details about the abuse or perform any investigation and Defendant Priest
12 remained in the priesthood. Contrary to the law and Defendant Mahony's stated policies in dealing
13 with sexual abuse allegations, Defendant Mahony did not report Defendant Priest's illegal, criminal
14 and harmful conduct to law enforcement authorities or parishioners. Rather, Defendant Mahony
15 permitted Defendant Priest to remain in the priesthood, permitting him to have frequent and
16 unsupervised access to children. In his subsequent assignments, Defendant Priest was assigned to
17 a parish or position where he had no superior or no one to monitor his actions.

18 By these acts, Defendant Mahony ratified Defendant Priest's conduct. Defendant Mahony
19 represented Defendant Priest as a fit priest knowing, however, that Defendant Priest was a predator
20 pedophile. Defendant Mahony refused to notify law enforcement authorities or investigate
21 Defendant Priest. Not only did Defendant Mahony's conduct result in a fraud, it also resulted in the
22 subsequent abuse of minors. At least three boys, including John Doe 53, were sexually abused after
23 Defendant Mahony concealed Defendant Priest's acts in 1986. In furtherance of the scheme of
24 Enterprise I, II and/or III to protect predatory priests, including Defendant Priest, and other clergy
25 from criminal and civil prosecution, to maintain or increase charitable contributions and/or avoid
26 public scandal in the Roman Catholic Church, Defendant Mahony and Defendant Archdiocese
27 entered into a secret 1.3 million dollar settlement with two of the boys abused after 1986 requiring
28 that they remain absolutely silent regarding Defendant Priest's abuse of them. Again, Defendant

1 Mahony never notified the law enforcement authorities of this illegal and criminal conduct.

2 Upon information and belief, Defendant Mahony and Defendant Archdiocese used the
3 U.S. Postal service and interstate wire service to perform the fraudulent acts described above. For
4 example, in a series of email communications as recent as March 2002, Defendant Mahony
5 admitted that he and Defendant Archdiocese had mislead law enforcement officials by not providing
6 information about Defendant Priest to law enforcement officials. According to Defendant Mahoney
7 “There is no middle ground on this; we are losing the battle because we are somehow ‘hiding’ those
8 three” and “If we don’t, today, ‘consult’ with the [LAPD] about those three names, I can guarantee
9 you that I will get hauled into a Grand Jury proceeding and I will be forced to give all the names,
10 etc.” In subsequent email communications it was discovered that consistent with the scheme of
11 Enterprise I, II and/or III, Defendant Mahoney himself was the person who refused to provide
12 information about Defendant Priest to law enforcement officials.

13 26. Upon information and belief, persons controlling or directing the affairs of Enterprises I, II, and/or
14 III fraudulently misrepresented the facts of known sexual misconduct to prospective seminarians and
15 their families for the economic purpose of maintaining or increasing the charitable contributions and
16 tuition payments of parishioners, seminarians and prospective seminarians. Upon information and
17 belief, much, if not all, of the solicitations for contributions were effectuated by using the United
18 States Postal Service or interstate wire service.

19 27. Each of the persons controlling or directing the affairs of Enterprises I, II, and/or III conspired with
20 each other, the above-named priest perpetrators and others in the Roman Catholic Church in the
21 conduct of a pattern of racketeering activity described above to acquire or maintain an interest in
22 or control of an enterprise which affects interstate trade and commerce by using the United States
23 Postal Service, e-mail and/or the telephone in violation of 18 U.S.C. § 1962(d) and other California
24 laws.

25 28. Defendants’ fraudulent acts affected interstate commerce by affecting charitable contributions and
26 tuition payments of parishioners across the nation.

27 29. As a result of the scheme and racketeering activity of persons controlling or directing the affairs of
28 Enterprises I, II, and/or III, thousands of children, including Plaintiffs, were subjected to sexual

1 abuse and deceit by Roman Catholic clergy through a pattern of racketeering activity over a period
2 of at least three decades.

3 30. As a result of the illegal acts of the persons controlling or directing the affairs of Enterprise I, II,
4 and/or III, Plaintiffs and many others suffered damage in the deprivation of his chosen business and
5 profession of the priesthood, loss of earning capacity in his present business endeavor and the right
6 to pursue monetary compensation for his injuries.

7 31. The persons controlling or directing the affairs of Enterprises I, II and/or III engaged in a continuing
8 pattern and practice of the illegal activities as set forth herein throughout various jurisdictions in the
9 United States and the world.

10 **BACKGROUND FACTS**

11 **APPLICABLE TO JOHN DOE 50**

12 32. Plaintiff John Doe 50 was raised in a devoutly Roman Catholic family, was baptized, confirmed and
13 regularly celebrated weekly mass and received the sacraments through the Roman Catholic Church.

14 33. Plaintiff John Doe 50 attended church at St. Paul of the Cross parish in La Mirada, California and
15 St. Hilarys Catholic Church in Pico Rivera, California between, at least, 1976 and 1986 and served
16 as an altar boy during those years. Plaintiff John Doe 50 first met and came to know Defendant
17 Priest as his parish priest, spiritual counselor and as the director of the altar boys.

18 34. From approximately 1976 through 1985, in the course of spiritual counseling, and supervision,
19 Defendant Priest sexually abused and exploited Plaintiff John Doe 50 by engaging in illegal sexual
20 contact with him when John Doe 50 was under eighteen (18) years old.

21 35. As a result, Plaintiff John Doe 50's position as a minor, together with Defendant Priest's position
22 in the Roman Catholic Church as a priest, holy man and authority figure, Defendant Priest was able
23 to continue to have control and influence over Plaintiff John Doe 50. By his words and actions,
24 Defendant Priest represented to Plaintiff John Doe 50 that the object of his relationship with Plaintiff
25 John Doe 50 was to provide counseling, comfort and advice. This representation was untrue and
26 was intended by Defendant Priest to deceive Plaintiff John Doe 50, to gain Plaintiff John Doe 50's
27 trust and confidence and to obtain control over them. Plaintiff John Doe 50 believed Defendant
28 Priest, justifiably relied upon him and gave him his trust and confidence. By his words and actions,

1 Defendant Priest assured Plaintiff John Doe 50 that Defendant Priest's conduct was proper.
2 Defendant Priest actively concealed the wrongfulness of his exploitation and misconduct involving
3 Plaintiff John Doe 50.

4 36. The applicable statutes of limitations are tolled because the Defendants fraudulently concealed
5 Defendant Priest's exploitation and misconduct from law enforcement, Plaintiff John Doe 50's family
6 and other parishioners. As a result of Defendant Priest's conduct, Plaintiff John Doe 50 was unable
7 to discover the wrongfulness of Defendant Priest's conduct. Defendant Archdiocese and Defendant
8 Mahony concealed the nature of Defendant Priest's sexual abuse of Plaintiff John Doe 50 by further
9 fraudulently allowing Defendant Priest to continue to serve as a priest and spiritual advisor despite
10 Defendant Priest's criminal conduct.

11 37. Upon information and belief after learning of Defendant Priest's conduct, Defendant Archdiocese
12 and Defendant Mahony ratified his conduct by failing to report him to law enforcement authorities,
13 failing to notify police, prosecution, parishioners and the laity. Further, Defendants' conduct
14 communicated to Plaintiff John Doe 50 that Defendant Priest's conduct was proper and that legal
15 action was not necessary. Therefore, Defendants knew, or should have known, that his actions
16 would silence Plaintiff John Doe 50, prevent them from discovering his injuries, his complaints and
17 possible other complaints, and ultimately exacerbate his emotional distress and trauma. Defendants
18 should therefore be estopped from asserting any defense that Plaintiff John Doe 50's action is not
19 timely under California law because Defendants, individually and in concert with each other,
20 fraudulently concealed the wrongfulness of Defendant Priest's conduct and the causal relationship
21 of the harm suffered by Plaintiff John Doe 50.

22 38. The applicable statute of limitations was further tolled because Defendants' conduct placed Plaintiff
23 John Doe 50 under duress. Defendant Priest led Plaintiff John Doe 50 to believe that Plaintiff John
24 Doe 50 could trust him as a benevolent and trustworthy male and spiritual advisor, who cared about
25 him. Defendant Priest's conduct placed Plaintiff John Doe 50 under powerful psychological duress
26 in that this conduct caused Plaintiff John Doe 50 to believe that he must comply or lose the advice,
27 counsel, attention, caring and comfort that Defendant Priest otherwise purported to give them.
28 Defendant Priest's exploitation and concealment placed Plaintiff John Doe 50 under continuing

1 duress in that he caused Plaintiff John Doe 50 to believe that he was at fault for engaging in sexual
2 conduct with Defendant Priest.

3 39. The sexual abuse and exploitation of Plaintiff John Doe 50 and the circumstances under which it
4 occurred caused Plaintiff John Doe 50 to develop various psychological coping mechanisms which
5 reasonably made them incapable of ascertaining the resulting damages from that conduct.

6 40. As a direct result of the sexual exploitation, Plaintiff John Doe 50 has suffered, and continues to
7 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
8 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was
9 prevented and will continue to be prevented from performing his daily activities and obtaining the
10 full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and
11 will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

12 **BACKGROUND FACTS**

13 **APPLICABLE TO JOHN DOE 51**

14 41. Plaintiff John Doe 51 was raised in a devoutly Roman Catholic family, was baptized, confirmed and
15 regularly celebrated weekly mass and received the sacraments through the Roman Catholic Church.

16 42. Plaintiff John Doe 51 attended church at St. Paul the Cross parish in La Mirada, California between,
17 at least, 1978 and 1979 and served as an altar boy during those years. Plaintiff John Doe 51 first
18 met and came to know Defendant Priest as his parish priest, spiritual counselor and as the director
19 of the altar boys.

20 43. In approximately 1978 and 1979, in the course of spiritual counseling, and supervision, Defendant
21 Priest sexually abused and exploited Plaintiff John Doe 51 by engaging in illegal sexual contact with
22 him when John Doe 51 was under eighteen (18) years old.

23 44. As a result, Plaintiff John Doe 51's position as a minor, together with Defendant Priest's position
24 in the Roman Catholic Church as a priest, holy man and authority figure, Defendant Priest was able
25 to continue to have control and influence over Plaintiff John Doe 51. By his words and actions,
26 Defendant Priest represented to Plaintiff John Doe 51 that the object of his relationship with Plaintiff
27 John Doe 51 was to provide counseling, comfort and advice. This representation was untrue and
28 was intended by Defendant Priest to deceive Plaintiff John Doe 51, to gain Plaintiff John Doe 51's

1 trust and confidence and to obtain control over them. Plaintiff John Doe 51 believed Defendant
2 Priest, justifiably relied upon him and gave him his trust and confidence. By his words and actions,
3 Defendant Priest assured Plaintiff John Doe 51 that Defendant Priest's conduct was proper.
4 Defendant Priest actively concealed the wrongfulness of his exploitation and misconduct involving
5 Plaintiff John Doe 51.

6 45. The applicable statutes of limitations are tolled because the Defendants fraudulently concealed
7 Defendant Priest's exploitation and misconduct from law enforcement, Plaintiff John Doe 51's family
8 and other parishioners. As a result of Defendant Priest's conduct, Plaintiff John Doe 51 was unable
9 to discover the wrongfulness of Defendant Priest's conduct. Defendant Archdiocese and Defendant
10 Mahony, concealed the nature of Defendant Priest's sexual abuse of Plaintiff John Doe 51 by further
11 fraudulently allowing Defendant Priest to continue to serve as a priest and spiritual advisor despite
12 Defendant Priest's criminal conduct.

13 46. Upon information and belief after learning of Defendant Priest's conduct, Defendant Archdiocese
14 and Defendant Mahony ratified his conduct by failing to report him to law enforcement authorities,
15 failing to notify police, prosecution, parishioners and the laity. Further, Defendants' conduct
16 communicated to Plaintiff John Doe 51 that Defendant Priest's conduct was proper and that legal
17 action was not necessary. Therefore, Defendants knew, or should have known, that his actions
18 would silence Plaintiff John Doe 51, prevent them from discovering his injuries, his complaints and
19 possible other complaints, and ultimately exacerbated his emotional distress and trauma. Defendants
20 should therefore be estopped from asserting any defense that Plaintiff John Doe 51's action is not
21 timely under California law because Defendants, individually and in concert with each other,
22 fraudulently concealed the wrongfulness of Defendant Priest's conduct and the causal relationship
23 of the harm suffered by Plaintiff John Doe 51.

24 47. The applicable statute of limitations was further tolled because Defendants' conduct placed Plaintiff
25 John Doe 51 under duress. Defendant Priest led Plaintiff John Doe 51 to believe that Plaintiff John
26 Doe 51 could trust him as a benevolent and trustworthy male and spiritual advisor, who cared about
27 him. Defendant Priest's conduct placed Plaintiff John Doe 51 under powerful psychological duress
28 in that this conduct caused Plaintiff John Doe 51 to believe that he must comply or lose the advice,

1 counsel, attention, caring and comfort that Defendant Priest otherwise purported to give them.
2 Defendant Priest's exploitation and concealment placed Plaintiff John Doe 51 under continuing
3 duress in that he caused Plaintiff John Doe 51 to believe that he was at fault for engaging in sexual
4 conduct with Defendant Priest.

5 48. The sexual abuse and exploitation of Plaintiff John Doe 51 and the circumstances under which it
6 occurred caused Plaintiff John Doe 51 to develop various psychological coping mechanisms which
7 reasonably made him incapable of ascertaining the resulting damages from that conduct.

8 49. As a direct result of the sexual exploitation, Plaintiff John Doe 51 has suffered, and continues to
9 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
10 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was
11 prevented and will continue to be prevented from performing his daily activities and obtaining the
12 full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and
13 will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

14 **BACKGROUND FACTS**

15 **APPLICABLE TO JOHN DOE 52**

16 50. Plaintiff John Doe 52 was raised in a devoutly Roman Catholic family, was baptized, confirmed
17 and regularly celebrated weekly mass and received the sacraments through the Roman Catholic
18 Church.

19 51. Plaintiff John Doe 52 attended church at St. Paul the Cross parish in La Mirada, California
20 between, at least, 1977 and 1978 and served as an altar boy during those years. Plaintiff John
21 Doe 52 first met and came to know Defendant Priest as his parish priest, spiritual counselor and
22 as the director of the altar boys.

23 52. In approximately 1977 and 1978, in the course of spiritual counseling, and supervision,
24 Defendant Priest sexually abused and exploited Plaintiff John Doe 52 by engaging in illegal
25 sexual contact with him when John Doe 51 was under eighteen (18) years old.

26 53. As a result, Plaintiff John Doe 52's position as a minor, together with Defendant Priest's position
27 in the Roman Catholic Church as a priest, holy man and authority figure, Defendant Priest was able
28 to continue to have control and influence over Plaintiff John Doe 52. By his words and actions,

1 Defendant Priest represented to Plaintiff John Doe 52 that the object of his relationship with Plaintiff
2 John Doe 52 was to provide counseling, comfort and advice. This representation was untrue and
3 was intended by Defendant Priest to deceive Plaintiff John Doe 52, to gain Plaintiff John Doe 52's
4 trust and confidence and to obtain control over them. Plaintiff John Doe 52 believed Defendant
5 Priest, justifiably relied upon him and gave him his trust and confidence. By his words and actions,
6 Defendant Priest assured Plaintiff John Doe 52 that Defendant Priest's conduct was proper.
7 Defendant Priest actively concealed the wrongfulness of his exploitation and misconduct involving
8 Plaintiff John Doe 52.

9 54. The applicable statutes of limitations are tolled because the Defendants fraudulently concealed
10 Defendant Priest's exploitation and misconduct from law enforcement, Plaintiff John Doe 52's
11 families and other parishioners. As a result of Defendant Priest's conduct, Plaintiff John Doe 52 was
12 unable to discover the wrongfulness of Defendant Priest's conduct. Defendant Archdiocese and
13 Defendant Mahony, concealed the nature of Defendant Priest's sexual abuse of Plaintiff John Doe
14 52 by further fraudulently allowing Defendant Priest to continue to serve as a priest and spiritual
15 advisor despite Defendant Priest's criminal conduct.

16 55. Upon information and belief after learning of Defendant Priest's conduct, Defendant Archdiocese
17 and Defendant Mahony ratified his conduct by failing to report him to law enforcement authorities,
18 failing to notify police, prosecution, parishioners and the laity. Further, Defendants' conduct
19 communicated to Plaintiff John Doe 52 that Defendant Priest's conduct was proper and that legal
20 action was not necessary. Therefore, Defendants knew, or should have known, that his actions
21 would silence Plaintiff John Doe 52, prevent them from discovering his injuries, his complaints and
22 possible other complaints, and ultimately exacerbated his emotional distress and trauma. Defendants
23 should therefore be estopped from asserting any defense that Plaintiff John Doe 52's action is not
24 timely under California law because Defendants, individually and in concert with each other,
25 fraudulently concealed the wrongfulness of Defendant Priest's conduct and the causal relationship
26 of the harm suffered by Plaintiff John Doe 52.

27 56. The applicable statute of limitations was further tolled because Defendants' conduct placed Plaintiff
28 John Doe 52 under duress. Defendant Priest led Plaintiff John Doe 52 to believe that Plaintiff John

1 Doe 52 could trust him as a benevolent and trustworthy male and spiritual advisor, who cared about
2 him. Defendant Priest's conduct placed Plaintiff John Doe 52 under powerful psychological duress
3 in that this conduct caused Plaintiff John Doe 52 to believe that they must comply or lose the
4 advice, counsel, attention, caring and comfort that Defendant Priest otherwise purported to give
5 them. Defendant Priest's exploitation and concealment placed Plaintiff John Doe 52 under continuing
6 duress in that he caused Plaintiff John Doe 52 to believe that he was at fault for engaging in sexual
7 conduct with Defendant Priest.

8 57. The sexual abuse and exploitation of Plaintiff John Doe 52 and the circumstances under which it
9 occurred caused Plaintiff John Doe 52 to develop various psychological coping mechanisms which
10 reasonably made him incapable of ascertaining the resulting damages from that conduct.

11 58. As a direct result of the sexual exploitation, Plaintiff John Doe 52 has suffered, and continues to
12 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
13 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was
14 prevented and will continue to be prevented from performing his daily activities and obtaining the
15 full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and
16 will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

17 **BACKGROUND FACTS**

18 **APPLICABLE TO JOHN DOE 53**

19 59. Plaintiff John Doe 53 was raised in a devoutly Roman Catholic family, was baptized, confirmed
20 and regularly celebrated weekly mass and received the sacraments through the Roman Catholic
21 Church.

22 60. Plaintiff John Doe 53 attended church at St. Elisabeth's parish in Van Nuys, California between,
23 at least, 1990 and 1993 and served as an altar boy during those years. Plaintiff John Doe 53
24 first met and came to know Defendant Priest as a priest at St. Elisabeth. During this time,
25 Defendant Baker befriended Plaintiff John Doe 53's family and the Plaintiff John Doe 53.

26 61. In approximately 1990 through 1993, Defendant Priest sexually abused and exploited Plaintiff
27 John Doe 53 by engaging in illegal sexual contact with him when John Doe 53 was under
28 eighteen (18) years old.

1 62. As a result, Plaintiff John Doe 53's position as a minor, together with Defendant Priest's position
2 in the Roman Catholic Church as a priest, holy man and authority figure, Defendant Priest was
3 able to continue to have control and influence over Plaintiff John Doe 53. By his words and
4 actions, Defendant Priest represented to Plaintiff John Doe 53 that the object of his relationship
5 with Plaintiff John Doe 53 was to provide counseling, comfort and advice. This representation
6 was untrue and was intended by Defendant Priest to deceive Plaintiff John Doe 53, to gain
7 Plaintiff John Doe 53's trust and confidence and to obtain control over them. Plaintiff John Doe
8 53 believed Defendant Priest, justifiably relied upon him and gave him his trust and confidence.
9 By his words and actions, Defendant Priest assured Plaintiff John Doe 53 that Defendant Priest's
10 conduct was proper. Defendant Priest actively concealed the wrongfulness of his exploitation
11 and misconduct involving Plaintiff John Doe 53.

12 63. The applicable statutes of limitations are tolled because the Defendants fraudulently concealed
13 Defendant Priest's exploitation and misconduct from law enforcement, Plaintiff John Doe 53's
14 family and other parishioners. As a result of Defendant Priest's conduct, Plaintiff John Doe 53
15 was unable to discover the wrongfulness of Defendant Priest's conduct. Defendant Archdiocese
16 and Defendant Mahony, concealed the nature of Defendant Priest's sexual abuse of Plaintiff
17 John Doe 53 by further fraudulently allowing Defendant Priest to continue to serve as a priest
18 and spiritual advisor despite Defendant Priest's criminal conduct.

19 64. Upon information and belief after learning of Defendant Priest's conduct, Defendant
20 Archdiocese and Defendant Mahony ratified his conduct by failing to report him to law
21 enforcement authorities, failing to notify police, prosecution, parishioners and the laity. Further,
22 Defendants' conduct communicated to Plaintiff John Doe 53 that Defendant Priest's conduct
23 was proper and that legal action was not necessary. Therefore, Defendants knew, or should
24 have known, that his actions would silence Plaintiff John Doe 53, prevent them from discovering
25 his injuries, his complaints and possible other complaints, and ultimately exacerbated his
26 emotional distress and trauma. Defendants should therefore be estopped from asserting any
27 defense that Plaintiff John Doe 53's action is not timely under California law because
28 Defendants, individually and in concert with each other, fraudulently concealed the wrongfulness

1 of Defendant Priest's conduct and the causal relationship of the harm suffered by Plaintiff John
2 Doe 53.

3 65. The applicable statute of limitations was further tolled because Defendants' conduct placed
4 Plaintiff John Doe 53 under duress. Defendant Priest led Plaintiff John Doe 53 to believe that
5 Plaintiff John Doe 53 could trust him as a benevolent and trustworthy male and spiritual advisor,
6 who cared about him. Defendant Priest's conduct placed Plaintiff John Doe 53 under powerful
7 psychological duress in that this conduct caused Plaintiff John Doe 53 to believe that they must
8 comply or lose the advice, counsel, attention, caring and comfort that Defendant Priest otherwise
9 purported to give them. Defendant Priest's exploitation and concealment placed Plaintiff John
10 Doe 53 under continuing duress in that he caused Plaintiff John Doe 53 to believe that he was at
11 fault for engaging in sexual conduct with Defendant Priest.

12 66. The sexual abuse and exploitation of Plaintiff John Doe 53 and the circumstances under which it
13 occurred caused Plaintiff John Doe 53 to develop various psychological coping mechanisms
14 which reasonably made him incapable of ascertaining the resulting damages from that conduct.

15 67. As a direct result of the sexual exploitation, Plaintiff John Doe 53 has suffered, and continues to
16 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
17 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
18 enjoyment of life; was prevented and will continue to be prevented from performing his daily
19 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
20 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
21 treatment, therapy, and counseling.

22 COUNT I

23 RICO--VIOLATION OF 18 U.S.C. § 1962 (c)

24 68. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

25 69. Defendants are persons under 18 U.S.C. § 1961(3).

26 70. The relationship described as Enterprise I, II and/or III constitutes an association-in-fact
27 enterprise under 18 U.S.C. § 1961 (4).

28 71. Enterprise I, II and/or III described herein predated the sexual abuse and exploitation described

1 above.

2 72. The persons described above and others associated with or employed by those persons were
3 employed by or associated with Enterprise I, II and/or III.

4 73. The persons controlling or directing the affairs of Enterprise I, II and/or III engaged in activities
5 which affected interstate or foreign commerce.

6 74. The persons described above aided and abetted by each other, their agents, employees and
7 others, conducted and participated directly or indirectly in the conduct and affairs of the
8 enterprise and/or associated themselves with the enterprise described as Enterprise I, II, and/or
9 III through a pattern or racketeering activity in violation of 18 U.S.C. § 1962(c) as described.

10 75. The persons controlling or directing the affairs of Enterprise I, II and/or III conspired to and did
11 take specific acts to conceal the sexual misconduct perpetrated by Defendant Priest from 1976
12 through 1993. Those specific acts included racketeering and conspiracy were of an ongoing
13 nature continuing into the future.

14 76. Plaintiffs were injured in their business and/or property by reason, as described herein, of the
15 above violation of 18 U.S.C. § 1962(c).

16 **COUNT II**

17 **RICO--VIOLATION OF 18 U.S.C. § 1962 (d)**

18 77. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

19 78. The persons controlling or directing the affairs of Enterprise I, II and/or III agreed to enter into a
20 conspiracy to violate the provisions of 18 U.S.C. § 1962(c) as described above. As evidence of
21 this agreement, the persons controlling or directing the affairs of Enterprise I, II and/or III and
22 other co-conspirators committed the acts described herein and conspired to conceal Defendant
23 Priest's criminal activity, or aided and abetted Defendant Priest in concealing his, criminal
24 activity. As further evidence of the agreement, the persons controlling or directing the affairs of
25 Enterprise I, II and/or III and other co-conspirators conspired with Defendant Priest to evade
26 and/or aided and abetted Defendant Priest in evading criminal prosecution and the public
27 embarrassment and liability related thereto.

28 79. This secret agreement was fraudulently concealed from Plaintiffs as well as law enforcement

1 officials.

2 80. Plaintiffs were injured in their business and/or property, as alleged herein, by reason of the above
3 violation of 18 U.S.C. § 1962 (d).

4 **COUNT III**

5 **CHILDHOOD SEXUAL ABUSE OF JOHN DOE 50 IN**

6 **VIOLATION OF CAL. CODE § 340.1**

7 81. Plaintiff John Doe 50 incorporates all paragraphs of this Complaint as if fully set forth herein.

8 82. Between approximately 1976 and 1985, Defendant Priest engaged in unpermitted, harmful and
9 offensive sexual conduct and contact upon the person of Plaintiff John Doe 51 in violation of Cal.
10 Code § 340.1.

11 83. As a result of the above-described conduct, Plaintiff John Doe 51 has suffered, and continues to
12 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
13 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
14 enjoyment of life; was prevented and will continue to be prevented from performing his daily
15 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
16 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
17 treatment, therapy, and counseling.

18 **COUNT IV**

19 **BATTERY UPON JOHN DOE 50**

20 84. Plaintiff John Doe 50 incorporates all paragraphs of this Complaint as if fully set forth herein.

21 85. From approximately 1976 through 1985, Defendant Priest engaged in unpermitted, harmful and
22 offensive sexual contact upon the person of Plaintiff John Doe 50.

23 86. As a result of the above-described conduct, Plaintiff John Doe 50 has suffered, and continues to
24 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
25 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
26 enjoyment of life; was prevented and will continue to be prevented from performing his daily
27 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
28 capacity; and/or has incurred and will continue to incur expenses for medical and psychological

1 treatment, therapy, and counseling.

2 **COUNT V**

3 **CHILDHOOD SEXUAL ABUSE OF JOHN DOE 51 IN**

4 **VIOLATION OF CAL. CODE § 340.1**

5 87. Plaintiff John Doe 51 incorporates all paragraphs of this Complaint as if fully set forth herein.

6 88. Between approximately 1978 and 1979, Defendant Priest engaged in unpermitted, harmful and
7 offensive sexual conduct and contact upon the person of Plaintiff John Doe 51 in violation of Cal.
8 Code § 340.1.

9 89. As a result of the above-described conduct, Plaintiff John Doe 51 has suffered, and continues to
10 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
11 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
12 enjoyment of life; was prevented and will continue to be prevented from performing his daily
13 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
14 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
15 treatment, therapy, and counseling.

16 **COUNT VI**

17 **BATTERY UPON JOHN DOE 51**

18 90. Plaintiff John Doe 51 incorporates all paragraphs of this Complaint as if fully set forth herein.

19 91. From approximately 1978 through 1979, Defendant Priest engaged in unpermitted, harmful and
20 offensive sexual contact upon the person of Plaintiff John Doe 51.

21 92. As a result of the above-described conduct, Plaintiff John Doe 51 has suffered, and continues to
22 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
23 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
24 enjoyment of life; was prevented and will continue to be prevented from performing his daily
25 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
26 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
27 treatment, therapy, and counseling.

28 **COUNT VII**

1 **CHILDHOOD SEXUAL ABUSE OF JOHN DOE 52 IN**

2 **VIOLATION OF CAL. CODE § 340.1**

3 93. Plaintiff John Doe 52 incorporates all paragraphs of this Complaint as if fully set forth herein.

4 94. Between approximately 1977 and 1978, Defendant Priest engaged in unpermitted, harmful and
5 offensive sexual conduct and contact upon the person of Plaintiff John Doe 52 in violation of Cal.
6 Code § 340.1.

7 95. As a result of the above-described conduct, Plaintiff John Doe 52 has suffered, and continues to
8 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
9 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
10 enjoyment of life; was prevented and will continue to be prevented from performing his daily
11 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
12 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
13 treatment, therapy, and counseling.

14 **COUNT VIII**

15 **BATTERY UPON JOHN DOE 52**

16 96. Plaintiff John Doe 52 incorporates all paragraphs of this Complaint as if fully set forth herein.

17 97. From approximately 1977 through 1978, Defendant Priest engaged in unpermitted, harmful and
18 offensive sexual contact upon the person of Plaintiff John Doe 52.

19 98. As a result of the above-described conduct, Plaintiff John Doe 52 has suffered, and continues to
20 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
21 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
22 enjoyment of life; was prevented and will continue to be prevented from performing his daily
23 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
24 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
25 treatment, therapy, and counseling.

26 **COUNT IX**

27 **CHILDHOOD SEXUAL ABUSE OF JOHN DOE 53 IN**

28 **VIOLATION OF CAL. CODE § 340.1**

1 99. Plaintiff John Doe 53 incorporates all paragraphs of this Complaint as if fully set forth herein.

2 100. Between approximately 1990 and 1993, Defendant Priest engaged in unpermitted, harmful and
3 offensive sexual conduct and contact upon the person of Plaintiff John Doe 53 in violation of Cal.
4 Code § 340.1.

5 101. As a result of the above-described conduct, Plaintiff John Doe 53 has suffered, and continues to
6 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
7 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
8 enjoyment of life; was prevented and will continue to be prevented from performing his daily
9 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
10 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
11 treatment, therapy, and counseling.

12 **COUNT X**

13 **BATTERY UPON JOHN DOE 53**

14 102. Plaintiff John Doe 53 incorporates all paragraphs of this Complaint as if fully set forth herein.

15 103. Between approximately 1990 through 1993, Defendant Priest engaged in unpermitted, harmful
16 and offensive sexual contact upon the person of Plaintiff John Doe 53.

17 104. As a result of the above-described conduct, Plaintiff John Doe 53 has suffered, and continues to
18 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
19 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
20 enjoyment of life; was prevented and will continue to be prevented from performing his daily
21 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
22 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
23 treatment, therapy, and counseling.

24 **COUNT XI**

25 **BREACH OF FIDUCIARY DUTY**

26 105. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

27 106. By holding himself out as a qualified Roman Catholic priest, religious instructor and counselor,
28 and by undertaking the religious instruction and spiritual and emotional counseling of Plaintiffs,

1 Defendant Priest entered into a fiduciary relationship with the minor Plaintiffs.

2 107. By holding himself out as the Archbishop and Cardinal of the Defendant Archdiocese,
3 Defendant Mahony has entered into a fiduciary relationship with the minor Plaintiffs.

4 108. By holding itself out as the regional representative of the Roman Catholic Church responsible for
5 the supervision of all churches and clergy within its geographic boundary and responsible for the
6 care of al parishioners including children, within its geographic boundary. Defendant
7 Archdiocese has entered into a fiduciary relationship with the minor Plaintiffs.

8 109. Defendants breached their fiduciary duty to Plaintiffs by engaging in the negligent and wrongful
9 conduct described herein.

10 110. As a direct result of Defendants breach of their fiduciary duties, Plaintiffs have suffered, and
11 continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations
12 of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
13 enjoyment of life; were prevented and will continue to be prevented from performing their daily
14 activities and obtaining the full enjoyment of life; have sustained loss of earnings and earning
15 capacity; and/or have incurred and will continue to incur expenses for medical and psychological
16 treatment, therapy, and counseling.

17 **COUNT XII**

18 **VICARIOUS LIABILITY**

19 **(RESPONDEAT SUPERIOR)**

20 111. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

21 112. For the purpose of furthering his assigned duties as priest and counselor, Defendant Priest
22 identified Plaintiffs as a young male children in need of help. Defendant Priest then sought and
23 gained the trust and confidence of Plaintiffs and sought and gained Plaintiffs' trust so that they
24 would respect Defendant Priest's authority and guidance and comply with his instruction.

25 113. For the purpose of furthering his assigned duties as priest, and counselor, Defendant Priest also
26 sought and gained Plaintiffs' trust, friendship, admiration, and obedience. As a result, Plaintiffs
27 were conditioned to comply with Defendant Priest's direction and to look to him as an authority
28 on matters spiritual, moral, ethical and temporal.

1 114. Using the power, authority and trust of his position as priest, spiritual advisor, confessor, and
2 holy authority figure to Plaintiffs, Defendant Priest enticed, induced, directed, and coerced
3 Plaintiffs to engage in Defendant Priest's sexual abuse and exploitation of Plaintiffs.

4 115. Using the power, authority and trust of his position, Defendant Priest enticed, induced, directed
5 and/or coerced Plaintiffs to engage in acts of sexual abuse and exploitation. Using the power,
6 authority and trust of his position as the Archbishop and Cardinal of Defendant Archdiocese,
7 Defendant Mahony concealed Defendant Priest's sexual abuse and exploitation causing Plaintiffs
8 John Doe 50, John Doe 51 and John Doe 52 to be further injured and aiding and abetting
9 Defendant Priest in sexually abusing and exploiting Plaintiff John Doe 53. Defendant
10 Archdiocese is therefore vicariously liable for the acts and omissions of his agent Defendant
11 Priest and Defendant Mahony.

12 116. As a result of the above-described conduct, Plaintiffs have suffered, and continues to suffer great
13 pain of mind and body, shock, emotional distress, physical manifestations of emotional distress,
14 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; were
15 prevented and will continue to be prevented from performing their daily activities and obtaining
16 the full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have
17 incurred and will continue to incur expenses for medical and psychological treatment, therapy,
18 and counseling.

19 **COUNT XIII**

20 **NEGLIGENT RETENTION AND/OR SUPERVISION**

21 117. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

22 118. Upon information and belief, Defendant Archdiocese and Defendant Mahony, by and through
23 their agents, servants and employees, knew or reasonably should have known of Defendant
24 Priest's dangerous and exploitive propensities and/or that Defendant Priest was an unfit agent.

25 119. Defendant Archdiocese and Defendant Mahony had duty to not retain Defendant Priest given
26 Defendant Priest's dangerous and exploitive propensities, to provide reasonable supervision of
27 Defendant Priest, to use reasonable care in investigating Defendant Priest, and to use provide
28 adequate warning to Plaintiffs and their families of Defendant Priest's dangerous propensities and

1 had committed a felony.

2 126. As a result of the above-described conduct, Plaintiffs have suffered, and continues to suffer great
3 pain of mind and body, shock, emotional distress, physical manifestations of emotional distress,
4 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was
5 prevented and will continue to be prevented from performing his daily activities and obtaining the
6 full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred
7 and will continue to incur expenses for medical and psychological treatment, therapy, and
8 counseling.

9 **COUNT XVI**

10 **FIDUCIARY FRAUD AND CONSPIRACY TO COMMIT**

11 **FIDUCIARY FRAUD**

12 127. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

13 128. By holding himself out as a qualified Roman Catholic priest, religious instructor and counselor,
14 and by undertaking the religious instruction and spiritual and emotional counseling of Plaintiffs,
15 Defendants and each of them entered into a fiduciary relationship with the minor Plaintiffs.

16 129. By holding themselves as the shepherd and leader of the Roman Catholic Church for Los
17 Angeles, Ventura and Santa Monica counties in California, Defendant Archdiocese and
18 Defendant Mahony entered into a fiduciary relationship with the Plaintiff parishners.

19 130. As a fiduciaries to Plaintiffs, Defendant Archdiocese and Defendant Mahony had the duty to
20 obtain and disclose information relating to sexual misconduct of Defendant Priest.

21 131. Defendants misrepresented, concealed or failed to disclose information relating to sexual
22 misconduct of Defendant Priest.

23 132. Defendants knew that they misrepresented, concealed or failed to disclose information relating to
24 sexual misconduct of Defendant Priest.

25 133. Plaintiffs justifiably relied upon Defendants for information relating to sexual misconduct of
26 Defendant Priest.

27 134. Upon information and belief, Defendants, in concert with each other and with the intent to
28 conceal and defraud, conspired and came to a meeting of the minds whereby they would

1 misrepresent, conceal or fail to disclose information relating to the sexual misconduct of
2 Defendant Priest.

3 135. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

4 136. As a direct result of Defendant Archdiocese's and Defendant Mahony's fraud and conspiracy,
5 Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional
6 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem,
7 disgrace, humiliation, and loss of enjoyment of life; were prevented and will continue to be
8 prevented from performing their daily activities and obtaining the full enjoyment of life; have
9 sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur
10 expenses for medical and psychological treatment, therapy, and counseling.

11 **COUNT XVII**

12 **FRAUD AND CONSPIRACY TO COMMIT FRAUD**

13 137. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

14 138. Defendant Archdiocese and Defendant Mahony knew of the sexual misconduct of Defendant
15 Priest.

16 139. Defendants misrepresented, concealed or failed to disclose information relating to sexual
17 misconduct of Defendant Priest as described herein.

18 140. Defendants knew that they misrepresented, concealed or failed to disclose information relating to
19 sexual misconduct of Defendant Priest.

20 141. Plaintiffs justifiably relied upon Defendants for information relating to sexual misconduct of
21 Defendant Priest.

22 142. Upon information and belief, Defendants, in concert with each other and with the intent to
23 conceal and defraud, conspired and came to a meeting of the minds whereby they would
24 misrepresent, conceal or fail to disclose information relating to the sexual misconduct of
25 Defendant Priest.

26 143. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

27 144. As a direct result of Defendant Archdiocese's and Defendant Mahony's fraud and conspiracy,
28 Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional

1 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem,
2 disgrace, humiliation, and loss of enjoyment of life; were prevented and will continue to be
3 prevented from performing their daily activities and obtaining the full enjoyment of life; have
4 sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur
5 expenses for medical and psychological treatment, therapy, and counseling.

6 **COUNT XVIII**

7 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

8 145. Plaintiffs incorporates all paragraphs of this Complaint as if fully set forth herein.

9 146. Defendants' conduct was extreme and outrageous and was intentional or done recklessly.

10 147. As a result of Defendants' conduct, Plaintiffs experienced and continue to experience severe
11 emotional distress resulting in bodily harm.

12 148. As a result of the above-described conduct, Plaintiffs have suffered, and continues to suffer great
13 pain of mind and body, shock, emotional distress, physical manifestations of emotional distress,
14 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; were
15 prevented and will continue to be prevented from performing his daily activities and obtaining the
16 full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred
17 and will continue to incur expenses for medical and psychological treatment, therapy, and
18 counseling.

19 WHEREFORE, Plaintiffs pray for judgment against the Defendants and each of
20 them as follows:

- 21 a. For general damages in a sum which will be shown according to proof;
22 b. For medical expenses, loss of earnings and other incidental expenses according to
23 proof;
24 c. For prejudgment interest;
25 d. For costs of suit incurred; and
26 e. For such other and further relief as the Court deems just and proper.

27 **JURY DEMAND**

28 Plaintiffs demand a jury trial on all issues so triable.

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

KIESEL BOUCHER LARSON

Dated: _____

By: _____
Raymond P. Boucher, SBN 115364
8648 Wilshire Blvd.
Beverly Hills, CA 90211-2910
(310) 854-4444

DRIVON & TABAK

Dated: _____

By: _____
Laurence E. Drivon, SBN 46660
David E. Drivon, SBN 158360
215 N. San Joaquin Street
Stockton, CA 95202
(209) 466-0982
Fax (209) 463-7668

REINHARDT & ANDERSON

By: Jeffrey R. Anderson
Patrick W. Noaker
E-1000 First National Bank Bldg.
332 Minnesota Street
St. Paul, Minnesota 55101
(651) 227-9990

ATTORNEYS FOR Plaintiff