

**CERTIFIED
COPY**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

94 2-18300-1

C.J.C.)

Plaintiff,)

vs.)

CORPORATION OF THE CATHOLIC)
BISHOP OF YAKIMA, a sole)
corporation; FATHER RICHARD)
SCULLY; and FATHER DALE)
CALHOUN,)

Defendants.)

SNOHOMISH COUNTY CAUSE
NO. 94-2-01931-5

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

94 JUL 25 AM 11:01

FILED

SNOHOMISH COUNTY RECORD NO. 94-2-01931-5 ON AGREED ORDER TO
CHANGE VENUE TO KING COUNTY FROM THE SUPERIOR COURT OF THE STATE
OF WASHINGTON FOR SNOHOMISH COUNTY TO THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY.

nd

CASE#: 94-2-01931-5 JUDGMENT# N/J
 TITLE: CJC VS CORP OF CATHOLIC BISHOP OF YAKIMA ET AL
 FILED: 03-15-94
 CAUSE: TTD TORT-OTHER

RESOLUTION: CHV DATE: 07-14-94 CHANGE OF VENUE/JURISDICTION
 COMPLETION: JODF DATE: 07-14-94 JUDGMENT/ORDER/DECREE FILED
 CASE STATUS: ACT DATE: 03-15-94 ACTIVE
 CONSOLIDT:
 NOTE1:
 NOTE2:* VENUE CHANGED TO KING COUNTY

-----APPEARANCE DOCKET-----

SUB#	DATE	CODE/ CONN	DESCRIPTION/NAME	SECONDARY	MICROFILM
-	03-15-94	\$FFR	FILING FEE RECEIVED	110.00	
1	03-15-94	CICS	CASE INFORMATION COVER SHEET		
2	03-15-94	SMCMP ATP01	SUMMONS & COMPLAINT ROGERS, JAMES STEVEN		
3	03-23-94	NTAFR DEF01 ATD01	NOTICE OF APPEARANCE CORP OF THE CATHOLIC BISHOP OF WEIGAND, WILLIAM LOREN		
4	03-23-94	AFSR	AFFIDAVIT OF SERVICE		
5	04-01-94	AFSR	AFFIDAVIT/DECLARATION OF SERVICE		
6	04-06-94	AFSR	AFFIDAVIT/DECLARATION OF SERVICE		
7	04-11-94	NTWSUB WTD01 ATD02	NOTICE WITHDRAW & SUBSTITUT COUNSEL /CORP OF CATHOLIC BISHOP WEIGAND, WILLIAM LOREN FREY, THOMAS DANIEL		
8	04-29-94	NTAFR DEF02 ATD03	NOTICE OF APPEARANCE SCULLY, RICHARD KINERK, MARY COLLEEN		
9	05-13-94	NTAFR DEF03 ATD04 ATD05	NOTICE OF APPEARANCE CALHOUN, DALE CUNNINGHAM, JOEL DEAN HARRISON, BONNIE BAKEMAN		
10	06-08-94	AN DEF01	ANSWER CORP OF THE CATHOLIC BISHOP OF		
11	07-13-94	NTACA	NOTICE OF AITY CHANGE OF ADDRESS		
12	07-14-94	ORCHV COM02	ORDER FOR CHANGE OF VENUE -AGREED TO KING COUNTY COMMISSIONER MERI ARNETT-KREMIAN		
-	07-14-94	EXWACT	EX-PARTE ACTION WITH ORDER *****		

=====
 =====END=====

CERTIFIED

COPY

FILED

KAY D. ANDERSON
COUNTY CLERK
SNOHOMISH CO., WASH.

SUPERIOR COURT OF WASHINGTON FOR SNOHOMISH COUNTY

C.J.C.,)
)
Plaintiff,)
)
v.)
)
CORPORATION OF THE CATHOLIC BISHOP)
OF YAKIMA, a sole corporation;)
FATHER RICHARD SCULLY; and FATHER)
DALE CALHOUN,)
)
Defendants.)

NO. 94-2-01931-5

AGREED ORDER TO CHANGE VENUE TO KING COUNTY

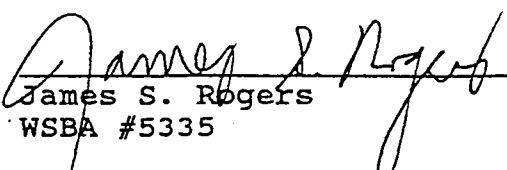
CLERK'S ACTION REQUIRED

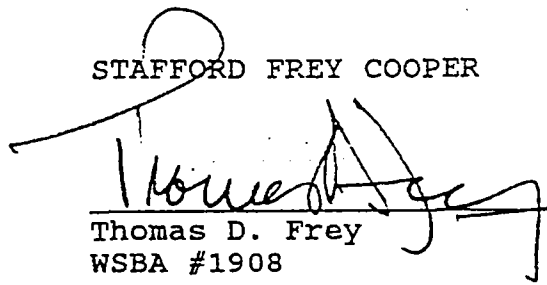
The parties hereby stipulate that the venue in the above-referenced case is not proper in Snohomish County and agree to have the case moved to King County Superior Court.

Stipulation entered into on the 10th day of July, 1994.

LAW OFFICES OF JAMES S. ROGERS

STAFFORD FREY COOPER


James S. Rogers
WSBA #5335
Attorneys for Plaintiff


Thomas D. Frey
WSBA #1908
Attorneys for Catholic Bishop of Yakima

copy per

md
12

1 CABLE, LANGENBACH, HENRY &
2 KINERK

WILLIAMS, KASTNER & GIBBS

3 Colleen Kinerk
4 Colleen Kinerk
5 WSBA #7676

Joel D. Cunningham
Joel D. Cunningham
WSBA #5586

6 Attorneys for Scully

Attorneys for Calhoun

7 O R D E R

8 Therefore, it is hereby:

9 ORDERED that venue of this action be changed from Snohomish
10 County to King County Superior Court for disposition, and it is
11 further

12 ORDERED that the Clerk of the Court is directed to transfer all
13 files and materials in this matter to the Clerk of the Court of King
14 County Superior Court, and that there is no just reason for delay in
15 transferring this matter.

16 DONE IN OPEN COURT 7-14-94.

17
18 Wesley A. Arnett-Thompson
19 JUDGE/COURT COMMISSIONER

20 PRESENTED BY:

21 WILLIAMS, KASTNER & GIBBS

22
23 By Joel D. Cunningham
24 Joel D. Cunningham
WSBA #05586

Thayne Delmon Jarro
#18529

25 Attorneys for Defendant Calhoun

FILED

94 MAR 15 PM 3:38

KAY D. ANDERSON
COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SNOHOMISH COUNTY

C.J.C.,

Plaintiff,

v.

CORPORATION OF THE CATHOLIC
BISHOP OF YAKIMA, a sole
corporation; FATHER RICHARD
SCULLY; and FATHER DALE
CALHOUN,

Defendants.

NO 94 2 01931 5

SUMMONS (20 DAYS)

TO: DEFENDANT FATHER DALE CALHOUN

A lawsuit has been started against you in the above-entitled court by the plaintiff herein. Plaintiff's claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the person signing this Summons within twenty (20) days after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the plaintiff is entitled to what he

SUMMONS (20 DAYS) - 1

THE LAW OFFICES OF

JAMES ROGERS

706 Second Avenue
Suite 1601
Seattle, WA 98104
(206) 621-8525
FAX (206) 621-8200

Handwritten initials

1 asks for because you have not responded. If you serve a Notice of
2 Appearance on the undersigned person, you are entitled to notice
3 before a default judgment may be entered.

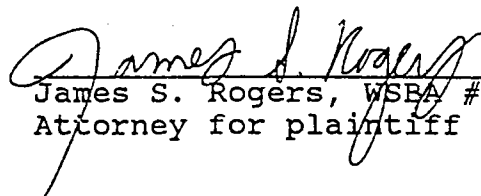
4 You may demand that the plaintiff file this lawsuit with the
5 court. If you do so, the demand must be in writing and must be
6 served upon the person signing this summons. Within 14 days after
7 you serve the demand, the plaintiff must file this lawsuit with the
8 court, or the service upon you of this summons and complaint will
9 be void.

10 If you wish to seek the advice of an attorney in this matter,
11 you should do so promptly so that your written response, if any,
12 may be served in time.


13 This Summons is issued pursuant to Rule 4 of the Superior
14 Court Civil Rules of the State of Washington.

15 DATED this 14 day of March, 1994.

16
17 THE LAW OFFICES OF JAMES S. ROGERS

18
19
20 
James S. Rogers, WSBA #5335
Attorney for plaintiff

21
22 RICHTER-WIMBERLEY, P.S.

23
24 
25 F. G. Fancher, WSBA #1926
26 Attorney for plaintiff

SUMMONS (20 DAYS) - 2

THE LAW OFFICES OF
JAMES S. ROGERS
705 Second Avenue
Suite 1601
Seattle, WA 98104
(206) 621-8525
FAX (206) 272-8224

FILED
94 MAR 15 PM 3:38
KAY D. ANDERSON
COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SNOHOMISH COUNTY

C.J.C.,

Plaintiff,

v.

CORPORATION OF THE CATHOLIC
BISHOP OF YAKIMA, a sole
corporation; FATHER RICHARD
SCULLY; and FATHER DALE
CALHOUN,

Defendants.

NO. 94 2 01931 5

SUMMONS (60 DAYS)

TO: DEFENDANT FATHER RICHARD SCULLY

A lawsuit has been started against you in the above-entitled court by the plaintiff herein. Plaintiff's claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the person signing this Summons within sixty (60) days after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the plaintiff is entitled to what he

SUMMONS (60 DAYS) - 1

THE LAW OFFICES OF
JAMES ROGERS
705 Second Avenue
Suite 1601
Seattle, WA 98104
(206) 621-8525
FAX (206) 228-8004

1 asks for because you have not responded. If you serve a Notice of
2 Appearance on the undersigned person, you are entitled to notice
3 before a default judgment may be entered.

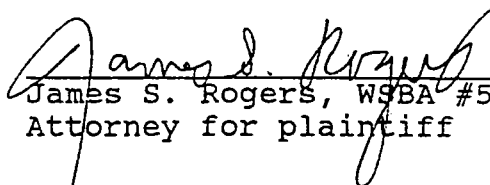
4 You may demand that the plaintiff file this lawsuit with the
5 court. If you do so, the demand must be in writing and must be
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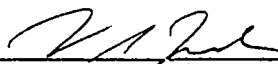
13 This Summons is issued pursuant to Rule 4 of the Superior
14 Court Civil Rules of the State of Washington.

15 DATED this 14 day of March, 1994.

16
17 THE LAW OFFICES OF JAMES S. ROGERS

18
19
20 
21 James S. Rogers, WSBA #5335
22 Attorney for plaintiff

23 RICHTER-WIMBERLEY, P.S.

24
25 
26 F. G. Fancher, WSBA #1926
Attorney for plaintiff

SUMMONS (20 DAYS) - 2

THE LAW OFFICES OF
JAMES S. ROGERS

706 Second Avenue
Suite 1601
Seattle, WA 98104
(206) 621 6525
FAX (206) 423 8004

FILED

94 MAR 15 PM 3:37

KAY D. ANDERSON
COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SNOHOMISH COUNTY

C.J.C.,

Plaintiff,

v.

CORPORATION OF THE CATHOLIC
BISHOP OF YAKIMA, a sole
corporation; FATHER RICHARD
SCULLY; and FATHER DALE
CALHOUN,

Defendants.

NO 94 2 01931 5

SUMMONS (20 DAYS)

TO: DEFENDANT CORPORATION OF THE CATHOLIC BISHOP OF YAKIMA

A lawsuit has been started against you in the above-entitled court by the plaintiff herein. Plaintiff's claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the person signing this Summons within twenty (20) days after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the plaintiff is entitled to what he

SUMMONS (20 DAYS) - 1

THE LAW OFFICES OF
JAMES S. ROGERS

705 Second Avenue
Suite 1601
Seattle, WA 98104
(206) 621 8525
FAX (206) 222 8101

1 asks for because you have not responded. If you serve a Notice of
2 Appearance on the undersigned person, you are entitled to notice
3 before a default judgment may be entered.

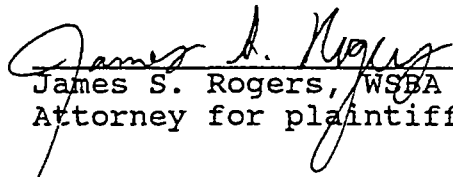
4 You may demand that the plaintiff file this lawsuit with the
5 court. If you do so, the demand must be in writing and must be
6 served upon the person signing this summons. Within 14 days after
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10 If you wish to seek the advice of an attorney in this matter,
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15 DATED this 14 day of March, 1994.

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17 THE LAW OFFICES OF JAMES S. ROGERS

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21 James S. Rogers, WSBA #5335
22 Attorney for plaintiff

23 RICHTER-WIMBERLEY, P.S.

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26 F. G. Fancher, WSBA #1926
Attorney for plaintiff

FILED

94 MAR 15 PM 3:38

KAY D. ANDERSON
COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SNOHOMISH COUNTY

C.J.C.,

Plaintiff,

v.

CORPORATION OF THE CATHOLIC
BISHOP OF YAKIMA, a sole
corporation; FATHER RICHARD
SCULLY; and FATHER DALE
CALHOUN,

Defendants.

NO. 94 2 01931 5

COMPLAINT FOR DAMAGES

Plaintiff alleges as follows:

I. PARTIES

1. Plaintiff was at all relevant times a resident of Yakima County, Washington; he currently resides in Benton County, Washington.

2. Defendant Father Dale Calhoun currently resides in Snohomish County, Washington.

3. Defendant Father Richard Scully currently resides in Hereford, Texas.

4. The Corporation of the Catholic Bishop of Yakima, Washington ("Diocese") has its principal place of business in

1 Yakima County, Washington.

2 **II. JURISDICTION AND VENUE**

3 5. This court has jurisdiction over defendants because (a)
4 the Diocese was at all relevant times doing business in Washington,
5 and (b) the remaining defendants were, at all relevant times,
6 residing in Washington.

7 6. Venue is proper in Snohomish County pursuant to RCW
8 4.12.025, because defendant Dale Calhoun resides in Snohomish
9 County, Washington.

10 **III. FACTS**

11 7. C.J.C. was born on March 16, 1965 in Yakima, Washington.
12 He has two brothers, one older and one younger. C.J.C. attended
13 St. Paul's Elementary School, a Catholic school in Yakima, and
14 Carroll High School, a Catholic school in Yakima.

15 8. C.J.C. was an altar boy from the age of 10 to 17 in the
16 Diocese. C.J.C. first met Father Calhoun when he was 12 years old.
17 Father Calhoun was the parish priest at St. Paul's parish, C.J.C.'s
18 family's parish. Father Calhoun was a frequent guest at C.J.C.'s
19 family's house. He took C.J.C. and his brothers on trips to
20 California. Father Calhoun took C.J.C.'s older brother to Europe
21 in approximately 1977. Father Calhoun was later transferred to the
22 Tri-Cities where he served as parish priest at Christ the King
23 Parish in Richland until the early 1980s.

24 9. After Father Calhoun was transferred to Richland, Father
25 Scully, another parish priest, began visiting the family home.
26 Father Scully took C.J.C. and his younger brother on a trip to

California in or about late June or early July, 1980. During the California trip, Father Scully began giving neck rubs to C.J.C.

10. In November, 1980, when C.J.C. was 15 years old, Father Scully sexually molested him in Father Scully's third floor apartment in the St. Paul Elementary School. In or about December, 1980, a second molestation occurred at the same location. In 1981, when C.J.C. was 16 years old, C.J.C. was in Tri-Cities, and Father Calhoun sexually molested him in Christ the King parish rectory.

11. The Diocese knew or should have known of defendant Scully and defendant Calhoun's pedophilia or pedophile tendencies before the abuse of plaintiff.

12. Within the past three years, plaintiff has begun to understand that many problems he has had in his life and continues to have were caused by the priests' sexually abusing him as a boy.

IV. COUNT ONE: NEGLIGENCE OF DEFENDANT DIOCESE

Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges:

13. The Diocese knew or should have known that Father Scully and Father Calhoun were pedophiles, and despite such knowledge, the Diocese negligently retained and failed to adequately supervise Fathers Scully and Calhoun in their positions of trust and authority with the Diocese.

14. As a direct and proximate result of the Diocese's negligent retention and supervision of Fathers Scully and Calhoun, plaintiff has suffered great harm, entitling plaintiff to special and general damages.

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15. The Diocese failed to warn parishioners where Fathers Scully and Calhoun were parish priests of Fathers Scully and Calhoun's pedophilia. The Diocese knew or should have known that Fathers Scully and Calhoun had sexually molested young boys and, by entrusting young boys (including plaintiff) to Father Scully and Calhoun's guidance and supervision, the Diocese breached its duty to the children of the Diocese.

16. As a direct and proximate result of the Diocese's failure to warn, and its negligent entrustment of Fathers Scully and Calhoun, plaintiff has suffered severe harm, entitling plaintiff to recover special and general damages.

V. COUNT TWO: RESPONDEAT SUPERIOR

Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges:

17. At all times material hereto, defendants Father Richard Scully and Dale Calhoun were employed as parish priests by the Diocese, and were acting within the course and scope of their employment as parish priests when plaintiff was sexually abused. The Diocese is liable for the tortious conduct of Fathers Scully and Calhoun under the doctrine of respondeat superior.

18. As a direct and proximate result of defendant Diocese's tortious conduct under the doctrine of respondeat superior, plaintiff has suffered severe harm, and is entitled to special and general damages.

1
2 **VI. COUNT THREE: FAULT OF FATHERS SCULLY AND CALHOUN**

3 Plaintiff incorporates all paragraphs of this Complaint as if
4 fully set forth under this count, and further alleges:

5 19. As Roman Catholic Priests, defendants Fathers Richard
6 Scully and Dale Calhoun had a duty to adhere to the standard of
7 care of Catholic priests and pastors similarly situated in the
8 community, which included but was not limited to the duty to act as
9 a spiritual adviser, leader, counselor and teacher of lay members
10 of the Diocese, including children.

11 20. Defendants Fathers Scully and Calhoun breached their
12 priestly duty of care to plaintiff by sexually abusing him while
13 devoting all their time to the Diocese at the parishes where they
14 worked.

15 21. As a direct and proximate result of defendant Scully and
16 Calhoun's fault, plaintiff has suffered severe harm, entitling
17 plaintiff to recover special and general damages.

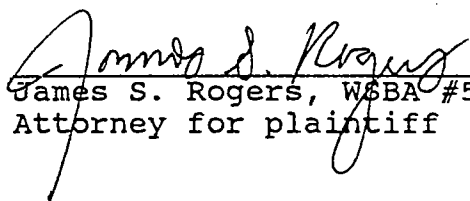
18 WHEREFORE, plaintiff demands judgment against defendants, and
19 each of them, for damages as follows:

- 20 1. Plaintiff's special damages, in an amount to be proven at
21 trial, including all prejudgment interest thereon at the
22 highest rate allowed by law;
- 23 2. Plaintiff's general damages, in an amount to be proven at
24 trial;
- 25 3. Plaintiff's costs and disbursements incurred herein; and
26


1
2 4. Such other and further relief as the Court deems just and
3 equitable under the circumstances.

4 DATED this 14 day of March, 1994.
5

6 THE LAW OFFICES OF JAMES S. ROGERS
7

8
9 
10 James S. Rogers, WSBA #5335
11 Attorney for plaintiff

12 RICHTER-WIMBERLEY, P.S.
13

14 
15 F. G. Fancher, WSBA #1926
16 Attorney for plaintiff

STATE OF WASHINGTON


COUNTY OF KING

} s.s.

I, M. JANICE MICHELS, Clerk of the Superior Court of the State of Washington, for the County of King, do hereby certify that I have compared the foregoing copy with the original instrument as the same appears on file and of record in my office, and that the same is true perfect transcript of said original and of the whole thereof. In TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Superior Court at my office in Seattle on the day of MAR 07 1995

M. JANICE MICHELS, Superior Court Clerk

By



Deputy Clerk

MAR 16 1995

CASE#: 94-2-18300-1 JUDGMENT# NO JUDGE ID: 21
 TITLE: CJC VS CORPORATION OF THE CATHOLIC BISHOP OF YAKIMA ET AL
 FILED: 07-25-94
 CAUSE: TTD TORT-OTHER

RESOLUTION: DATE:
 COMPLETION: DATE:
 CASE STATUS: ACT DATE: 07-25-94 ACTIVE
 CONSOLIDT:
 NOTE1:*CASE PREASSIGNED-SUB 13
 NOTE2:

-----PARTIES-----

CONN.	LAST NAME,	FIRST MI	TITLE	LITIGANTS	DATE
PLA01	CJC				
DEF01	CORPORATION OF THE CATHOLIC BISHOP				
	OF YAKIMA				
DEF02	SCULLY, RICHARD				
DEF03	CALHDUN, DALE				
ATP01	ROGERS, JAMES STEVEN				
BAR#	05335				
ATD01	FREY, THOMAS DANIEL				
BAR#	01908				
ATD02	KINERK, MARY COLLEEN				
BAR#	07676				
ATD03	CUNNINGHAM, JOEL DEAN				
BAR#	05586				

-----APPEARANCE DOCKET-----

SUB#	DATE	CODE/ CONN	DESCRIPTION/NAME	SECONDARY	MICROFILM
-	07-25-94	#FFR	FILING FEE RECEIVED	110.00	
			WILLIAMS KASTNER ET AND		
1	07-25-94	RCDCHV	RECORD ON CHANGE OF VENUE FROM		
			SNOHOMISH COUNTY		
2	07-25-94	*DRSCS	SET CASE SCHEDULE	01-11-96ST	
3	07-25-94	TRLC	TRANSMITTAL LETTER - COPY FILED		
3A	07-25-94	NT	NOTICE RE CASE SCHEDULE		
4	07-27-94	NTDEX	NOTICE OF ORAL EXAM		
5	07-27-94	AFML	AFFIDAVIT OF MAILING		
6	08-04-94	RQ	REQUEST ASSIGNMT TO JUDGE		
7	08-04-94	NTDEX	NOTICE OF ORAL EXAM		
8	08-18-94	AN	ANSWER /CALHDUNS		
9	08-18-94	AFSR	AFFIDAVIT/DECLARATION OF SERVICE		
10	09-02-94	OR	ORDER DENY REQ FOR PREASSIGNMENT		
			TO BE ASSIGNED TO IC		
11	09-22-94	NTDEX	NOTICE OF ORAL EXAM /CONTINUED		
12	10-11-94	FQ	REQUEST FOR RECONSIDERATION		
13	10-25-94	URP	ORDER OF PREASSIGNMENT /JARVIS		
14	11-02-94	MTHRG	MOTION HEARING		
			CR NOT REPORTED		
		JDG21	JUDGE PETER JARVIS, DEPT 21		