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17 Attorneys for Plaintiff **RAY T. CHEVEDDEN**

18 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA**

19 RAY T. CHEVEDDEN,)	NO.
20 Plaintiff,)	COMPLAINT SEEKING DAMAGES FOR:
21 v.)	WRONGFUL DEATH and ABUSE OF A
22 THE CALIFORNIA PROVINCE OF)	VULNERABLE AND DEPENDENT ADULT
23 THE SOCIETY OF JESUS dba THE)	WITHIN THE MEANING OF THE WELFARE
24 SACRED HEART JESUIT CENTER,)	AND INSTITUTIONS CODE
25 and DOES 1 through 20, inclusive,)	
26 Defendants.)	

27 Plaintiff RAY T. CHEVEDDEN alleges as follows:

28 **FIRST CAUSE OF ACTION**
(Wrongful Death Against the California Province of the Society
of Jesus dba The Sacred Heart Jesuit Center;
Klein v. Bia Hotel Corporation (1996) 41 CA4th 1133, 49 CR2d 60)

1. Plaintiff Ray T. Chevedden is the natural parent and is a person who would be entitled to the property of the decedent, Fr. James Norman Chevedden, SJ, if he had died

1 intestate. Plaintiff Ray T. Chevedden, thus has standing to bring this action for wrongful death
2 pursuant to the provisions of CCP § 377.60. In addition, the decedent also took care of his
3 elderly and infirm father during periods of his father’s convalescence, and during a period of time
4 when the plaintiff was dependent on his son, therefore providing to him services and benefits
5 that the plaintiff would otherwise have had to seek from other sources.
6

7 2. Decedent James Chevedden was an ordained Roman Catholic priest and member
8 of that order of priests known as the California Province of the Society of Jesus [“the Jesuits”].
9 During a period of time while Fr. Chevedden was residing at the Sacred Heart Jesuit Center
10 located in Los Gatos, California, Fr. Chevedden was sexually molested and physically assaulted,
11 and physically, mentally, and sexually abused by a Brother Charles Leonard Connor, also a
12 member of the California Province of the Society of Jesus.
13

14 3. Plaintiff is informed and believe, and thereon allege that at all times herein
15 mentioned, the defendant California Province of the Society of Jesus owns, controls, operates
16 and manages the Sacred Heart Jesuit Center located at 300 College Avenue, Los Gatos,
17 California. The Sacred Heart Jesuit Center is managed and controlled by the defendant
18 California Province of the Society of Jesus as a retirement home and licensed health care facility
19 for elderly Jesuits as well as those who are physically and mentally vulnerable and infirm among
20 the Jesuit population.
21

22 4. Charles Leonard Connor is a member of the California Province of the Society of
23 Jesus and is ordained as a Catholic brother within the order and has resided and has been
24 employed at the location of 300 College Avenue, Los Gatos, California, at all times herein
25 mentioned.
26

27 5. The true names and capacities, whether individual, corporate, associate, or
28 otherwise, of defendants named herein as Does 1 through 20, inclusive, are unknown to

1 plaintiffs who therefore sue said defendants by such fictitious names. Plaintiff prays leave to
2 amend this complaint when their true names and capacities become known.

3 6. At all times herein mentioned, each of the defendants, including the Doe
4 defendants, was the agent, servant, and employee of the other defendants and was acting at
5 all times within the scope of his/her agency and employment, and with the knowledge and
6 consent of his/her employer. Defendants, and each of them, at all times herein mentioned acted
7 jointly and in concert and conspired and agreed to do the things hereinafter specified; and each
8 and all of the things hereinafter alleged to have been done by defendants of any of them, were
9 done as co-conspirators and thus, as agents for each other, as well as in their respective
10 individual capacities, to advance their own individual interests.

11
12 7. The decedent James Chevedden first entered the Society of Jesus at the Jesuit
13 Novitiate in 1966 at the age of 18. On September 8, 1968, he took his first vows and on July 31,
14 1978, Fr. Chevedden was ordained as a Jesuit priest. On July 31, 1984, Fr. Chevedden took
15 his final vows.

16
17 8. From 1972 through 1995, Fr. Chevedden worked abroad as a Jesuit, teaching in
18 various schools and ministering to those in need in Taiwan. However, in August 5, 1995, Fr.
19 Chevedden suffered a mental breakdown and returned to the United States. In that month,
20 while in a psychiatric ward at St. Mary's Medical Center in San Francisco, an assessment was
21 made that Fr. Chevedden suffered from an "acute mental status— probably psychosis." The
22 decedent was admitted to the hospital "on a legal hold as a danger to himself." At this time, it
23 was also noted that Fr. Chevedden had "what appeared to be superficial lacerations on his
24 arms." Fr. Chevedden remained at St. Mary's Medical Center in 1995 for approximately 3.5
25 weeks. After his release, he immediately began counseling and treatment with a psychiatrist in
26 the San Francisco Bay area.
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1 9. In May of 1996, the decedent, Fr. Chevedden, at the behest the Provincial of the
2 California Province for the Society of Jesus, went to the Menninger Clinic in Topeka, Kansas,
3 where he underwent five days of physical and psychiatric evaluations. In a report dated May 28,
4 1996, from the Menninger Clinic, the following diagnosis was made:

5
6 In general, *Father Chevedden is susceptible to environmental stresses and very*
7 *embarrassed about that vulnerability.* At this time we do see a heightened wariness or
8 suspiciousness but this does not approximate psychotic proportions or a paranoid level.
9 Under times of increased stress, Father Chevedden can feel depleted and his anxiety can
10 escalate quickly into panic with paranoia. *Father Chevedden tends to assume a more*
11 *passive role when it comes to interpersonal reactions. Under circumstances where more*
self-assertion, initiative, or reading the reaction of others is necessary, Jim is easily
overwhelmed or less capable of reacting to the given situation. At times Jim relinquishes
his own authority to others which may reinforce his sense of feeling overburdened by the
demands of others. (Italics added).

12 10. Upon his return from the Menninger Clinic in Kansas, Fr. Chevedden took up
13 residence at the Sacred Heart Jesuit Center in Los Gatos, California. Fr. Chevedden was a
14 vulnerable and dependent adult, within the meaning of Welfare & Institutions Code §15600 and
15 Penal Code §§ 288 and 368.

16
17 11. On or about August 19, 1998, Fr. Chevedden attempted suicide by jumping from
18 a 3rd floor scaffolding at the Sacred Heart Jesuit Center. As a result, he fractured both feet. On
19 August 21, 1998, he had surgery on both feet at Valley Medical Center in San Jose, California.
20 Upon his release from the hospital, he was placed in the infirmary at the Sacred Heart Jesuit
21 Center. While in the infirmary and still in a wheelchair, Fr. Chevedden was sexually touched and
22 molested by Brother Charles Connor. Fr. Chevedden was oftentimes pushed to the library and
23 computer room by Br. Connor. On one such occasion, when Fr. Chevedden was sitting in front
24 of his computer, Br. Connor reached around and groped his penis. On other occasions, Br.
25 Connor would massage Fr. Chevedden's shoulders in an inappropriate manner. When Fr.
26 Chevedden expressed alarm and dismay at Br. Connor's actions and rebuffed him, Br. Connor
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1 cruelly and recklessly pushed him in his wheelchair, dropping it and crashing it to the floor,
2 causing him to suffer a great deal of physical and discomfort, due to his broken feet.

3 12. The defendant knew of Br. Connor's propensity to molest those who were ill, infirm
4 and vulnerable and who were residing at the Sacred Heart Jesuit Center in that in May of 1995,
5 the then Superior at the Sacred Heart Jesuit Center, a Fr. Gregory Aherne, S.J., had placed a
6 memorandum in Brother Charles Connor's file after hearing reports that Br. Charles Connor had
7 been molesting two mentally challenged men who worked and resided at the Center. Br. Connor
8 was warned to stay away from the two men and was instructed that he was not to enter the
9 building which housed them. Indeed, Br. Connor had been molesting both men for a period of
10 at least six or seven years before this warning and memorandum was placed in Br. Connor's file.

11
12 13. In spite of this warning placed in his file, Br. Connor continued to molest those
13 mentally-challenged men, from and after 1995, and he molested Fr. Chevedden in 1998. In
14 2000, Br. Charles Connor was arrested and charged with sexually molesting and assaulting
15 those mentally-challenged men who worked and lived at the Sacred Heart Jesuit Center. He
16 eventually entered a plea to those charges and was placed under house arrest at another
17 location away from the Sacred Heart Jesuit Center.

18
19 14. In early July 2002, the mentally-challenged men moved from the Sacred Heart
20 Jesuit Center, and the decedent, Fr. Chevedden then learned that not only would Br. Charles
21 Connor be returning to the Sacred Heart Jesuit Center, but also all other sex offenders within
22 the California Province for the Society of Jesus. Fr. Chevedden was greatly distressed and
23 emotionally disturbed at this news. He became desperate to get away from the Sacred Heart
24 Jesuit Center as he did not want to live among the sex offenders, and in particular, in a
25 community with the same man who had molested him. He pleaded with both the Provincial of
26 the California Province of the Society of Jesus, a Fr. Thomas H. Smolich, SJ, as well as the
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1 Superior at the Center to move him away from the Center. He actively sought out other Jesuit
2 communities in which he could live, and where there was a particular need for his talents, and
3 in particular, as a Mandarin-speaking Jesuit priest, fluent in the language and culture of the
4 Chinese people. Indeed, Fr. Chevedden found a community in New York which he believed
5 would take him in, and where he could meet the need for Mandarin-speaking priests in the New
6 York area.

8 15. Further, the decedent advised both the Provincial of the California Province at the
9 Sacred Heart Jesuit Center and the Superior at the Sacred Heart Jesuit Center that the situation
10 of having the perpetrator and victim living in the same community could not possibly be
11 considered good care. The decedent specifically asked that Br. Connor not be allowed into the
12 infirmary where other vulnerable patients could be molested. Fr. Chevedden inquired about the
13 terms of Br. Connor's probation, an inquiry that was met with great offense by his Jesuit
14 superiors. He asked to be moved to the Jesuit Community at the University of Santa Clara while
15 awaiting his transfer papers to New York. He made it clear to all concerned that the present
16 situation was unworkable and that having the sex offenders reside with him at the Sacred Heart
17 Jesuit Center was causing him a great degree of emotional distress and pain and that he felt
18 extremely vulnerable and violated.

21 16. On or about September 27, 2002, Fr. Chevedden wrote to the Provincial of the
22 China Province at the Jesuit residence in Macau, begging for reassignment. He wrote in
23 relevant part:

24 Ever since I learned Br. Charles Connor was going to return to the community here at Los
25 Gatos, I have been thinking about a change in assignment. You may recall that it was
26 Bro. Connor, a convicted sex offender, who touched my penis four years ago while I was
27 recovering from two broken feet. Now that he is back in our community I do not feel as
28 comfortable as before. *My present psychiatrist also recommends a transfer to another location.* In late August and early September I traveled to New York and Boston to make inquiries about the Chinese apostolate in those cities, and discovered the Transfiguration parish in lower Manhattan has the greatest need of Mandarin-speaking priests. I have

1 enclosed an e-mail from the pastor, Fr. Ray Nobelitti, M.M., describing the various works
2 that can be done in the parish ... (Italics added).

3 ... Although my initial incentive for leaving Los Gatos was to avoid an unhappy situation,
4 my main motivation for going to New York is the apostolic need, far greater than the need
5 here in the Bay area or Boston ...

6 17. On September 30, 2002, the decedent also informed the Provincial of the
7 California Province at the Sacred Heart Jesuit Center of the possibility of his moving to New
8 York, his desire to make the transfer, and begging for reassignment.

9 18. On October 1, 2002, the decedent wrote once again to the Provincial of the China
10 Province in Macau, stating:

11 After writing to you on September 27, 2002, I thought I might give some more background
12 regarding the situation here at the Sacred Heart Jesuit Center. *Since early September,*
13 *Fr. Smolich has officially designated our community as a home for those Jesuits who*
14 *have been tried for sexual offenses or those who have been accused of the same. Since*
15 *I consider myself a victim of one of these offenders, I no longer feel at ease in the*
16 *community. If boundaries between Bro. Connor and myself had not been crossed four*
17 *years ago, I might feel different. (Italics added)*

18 Regarding a new assignment, Fr. Martin, my superior, has suggested that I first go to New
19 York on a trial basis or perhaps six months. In that way if things don't work out, I will be
20 able to bow out gracefully ... I regard the possibility of working under Fr. Nobelitti a good
21 thing that will relieve me of much responsibility. However, if you have some other location
22 in mind, I am ready to go...

23 19. At the end of October, 2002, the decedent's hopes of escaping his tormentors were
24 crushed. The decedent was advised by the Provincial of the California Province at the Sacred
25 Heart Jesuit Center that the New York Archdiocese was very strict about admitting priests and
26 that Fr. Chevedden's history of mental illness would probably not be acceptable to the
27 Archdiocese. Fr. Smolich, the Provincial also mentioned to Fr. Chevedden, that he, the
28 decedent, had trouble with his superiors within the California Province and accused Fr.
Chevedden of having threatened to report the matter of his own molestation to the appropriate
law enforcement authorities and make the matter public if he was not transferred. Fr. Smolich
made it clear to the decedent that he did not look kindly upon these purported "threats."

1 20. Fr. Chevedden was crushed and was determined to go back to Taiwan, if he could
2 not work in New York, understanding that he would have to arrange for a psychiatrist to monitor
3 his medications while abroad as well as to have someone to talk to on a regular basis. The
4 decedent felt he would only find peace away from the Jesuit community in Los Gatos.

5
6 21. As time passed, no transfer was in order and the decedent became increasingly
7 despondent. His psychiatric records are replete with references to his discomfort over his living
8 situation and his despondency and eventual lethargy about the possibility of him ever escaping
9 his tormentor or the sex offenders among whom he was living or of increasing his apostolic work.

10 22. The decedent's remarks, complaints, and comments over his situation continued
11 well into 2003 and 2004, indicating his vulnerable and fragile state of mental health. By March
12 of 2004, the decedent had given up all hope of transfer and advised his Provincial within the
13 California community that he had disposed of any documents referencing the molestations by
14 Brother Connor. At that time, Fr. Smolich, the Provincial of the California Province told the
15 decedent that this act was very "Jesuit" of him. Fr. Smolich then advised the decedent that he
16 would now be accepted into the California Province of the Society of Jesus as a full member and
17 that he would report only to the California Provincial of the Society of Jesus. He was further
18 advised that all ties to his community in the China Province, where Fr. Chevedden was most
19 happy, were now severed.

20
21
22 23. In April of 2004, the decedent felt his apostolic work in Taiwan had come to an end.
23 He also did not think that he would ever be allowed to return to Taiwan to continue his life's work.
24 The decedent expressed remorse over the loss of this work but felt he had to accept the reality,
25 given his limitations. He concluded there was no Jesuit money for any apostolic work he might
26 do. He also concluded there was little or no chance to resume his life-work in Taiwan. He finally
27 concluded there was dwindling opportunity to live in any place other than the one in which he
28

1 was compelled to live in, a licensed health-care facility for the elderly and infirm that had been
2 transformed into a refuge for sex offenders. Fr. Chevedden found this situation intolerable, and
3 his superiors were well aware that he found his living conditions intolerable.

4
5 24. In early and mid-May of 2004, the decedent was alarmed and concerned that there
6 was now a Jesuit novice living among the sex offenders and was fearful for the novice's safety,
7 noting the potential for exposure to the sex offenders. He was also apprehensive about getting
8 the necessary psychiatric treatment for his mental illness.

9
10 25. On May 19, 2004, on the occasion of his 56th birthday, after being released by his
11 superiors to appear for jury duty in a downtown San Jose courtroom, the decedent fell to his
12 death from the sixth floor of a parking structure located in downtown San Jose. On the date of
13 his death, he was clearly incapable of driving. Instead, a sex offender and priest living among
14 the Jesuits at Sacred Heart Jesuit Center had driven the decedent to jury duty on that date. The
15 decedent declined this sex offender priest's offer to pick him up and give him a ride back to the
16 Sacred Heart Jesuit Center. Instead, at approximately 4:30 P.M., Fr. James Chevedden fell to
17 his death.

18
19 26. Plaintiff is informed and believes and thereon alleges that Defendant California
20 Province for the Society of Jesus operated that Sacred Heart Jesuit Center in that location as
21 identified above, as a retirement center for those within its community as well as for those infirm
22 members of its community, and, as such, was a caretaker for those who resided on the premises
23 within the meaning of Welfare & Institutions Code §15600, et seq.

24
25 27. Defendants, and each of them were aware that both their employees and residents
26 of that Jesuit facility located at 300 College Avenue, Los Gatos, California had to be cognizant
27 of the special needs of the decedent. The defendants knew or should have known that the
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1 decedent was a vulnerable and dependent adult, susceptible to environmental stresses and
2 very embarrassed about that vulnerability.

3 28. Defendants, and each of them, were aware that employees occupying positions
4 of supervision with regard to decedent would be occupying a special position of complete trust
5 and confidence. Furthermore, such employees would be in a position of complete authority and
6 control with regard to the decedent, a vulnerable adult. Moreover, defendants were aware said
7 employees would also be occupying supervisorial positions with regard to the decedent,
8 requiring to monitor and review the conduct of other employees at the center and to report any
9 violations pertaining to the abuse and/or mistreatment of the decedent to the proper law
10 enforcement authorities.
11

12 29. Moreover, defendants, were aware of the particular vulnerabilities, susceptibilities,
13 and illnesses of the decedent. The defendant, by taking decedent into the facility as a resident,
14 agreed to abide by the regulations governing community care facilities and/or residential facilities
15 for the elderly and infirm within the State of California. As such, the defendant was required to
16 monitor the decedent's health and report changes in the decedent's physical and/or mental
17 health, to determine whether it could continue to provide care.
18

19 30. The defendant, by taking the decedent as a resident as the Sacred Heart Jesuit
20 Center had a duty to use reasonable care to prevent the decedent from harming himself by his
21 own acts, be they voluntary or involuntary. The defendant California Province of the Society of
22 Jesus assumed a special relationship when it agreed to allow the decedent to reside at the
23 Sacred Heart Jesuit Center and specifically, it had a duty to exercise reasonable care to prevent
24 the decedent from harming himself where it had prior knowledge and/or notice of facts from
25 which it could be concluded that the decedent, Fr. James Chevedden, was likely to harm himself
26 unless protective measures were taken. Instead of exercising that care, as required by its
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1 special relationship with the decedent, the defendant in fact exacerbated the decedent's illness
2 and preyed on his weakened and fragile mental state.

3 31. The defendant knew, or had reason to know, that the decedent was sick, as
4 evidenced in communications from those in charge at the Sacred Heart Jesuit Center within days
5 following his death. In the words of Fr. Chevedden's Superior at the Sacred Hear Jesuit Center,
6 Fr. Chevedden suffered from an "acute paranoiac psychosis". In the words of that same
7 superior, one of the symptoms of his illness was "severe depression", which could lead to "an
8 overwhelming compulsion to self-destruction." Moreover, the defendant knew of the decedent's
9 mental infirmities when he returned from Taiwan in 1995, and when he underwent various
10 psychiatric examinations at the behest of the defendant. Further, the defendant knew that the
11 decedent had made a previous attempt at suicide, after which he ended up in the infirmary at
12 the Sacred Heart Jesuit Center.
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15 32. The defendant also knew of the decedent's growing despondency over his living
16 situation, and of the extraordinary lengths to which he had gone to find appropriate assignments
17 and residences away from the sex offenders with whom he was living at the Sacred Heart Jesuit
18 Center in Los Gatos, and specifically, away from the Jesuit brother who had molested him.
19

20 33. In spite of this very direct and specific knowledge, the defendant would not transfer
21 the decedent, would now allow him to move away from the Sacred Heart Jesuit Center, and on
22 the date of his death, allowed him to be taken to the Santa Clara County courthouse in a vehicle
23 driven by a Jesuit priest and known sex offender. It was on this occasion, the occasion of the
24 decedent's 56th birthday, that according to County Medical Examiner's reports, he took his own
25 life.
26

27 34. The defendant violated state regulations governing residential care facilities for the
28 elderly, dependent and infirm, by among other things, failing to notify the decedent's family of

1 his mental state, by failing to adequately supervise the decedent to determine if the Sacred
2 Heart Jesuit Center was capable of providing a safe residence for him, by actively exacerbating
3 the conditions of decedent's fragile mental state, and by failing to monitor and/or observe the
4 decedent for changes in his mental, emotional or social functioning. The defendant is presumed
5 negligent under *Evidence Code* § 669. In failing to abide by regulations, and in taking the
6 actions that it did, the defendant provided the means and opportunity for the decedent's
7 apparent suicide.
8

9 35. As a proximate cause and result of the actions of the defendant, plaintiff Ray T.
10 Chevedden has suffered the society and companionship of his son. In addition, he lost the value
11 of the decedent's services and advice, all to his damage in an amount to be proven at trial.
12

13 WHEREFORE, plaintiff prays judgment as hereinafter follows:

14 **SECOND CAUSE OF ACTION**

15 **Abuse of A Dependent and Vulnerable Adult**

16 **(Welfare & Institutions Code §§ 15600, et seq.; Estate of Lowrie (2004) 118 CA4th
17 220; Covenant Care, Inc. v. Superior Court (2004) 32 C4th 771; Country Villa
18 Claremont Healthcare Center, Inc. (2004) 120 CA4th 426; Intrieri v. Superior Court
19 (2004) 117 CA4th 72)**

20 36. Plaintiff realleges and incorporates by this reference paragraphs 1 through 34 of
21 the as though fully set forth herein.

22 37. The Decedent, as stated hereinabove, was a dependent and vulnerable adult within
23 the meaning of Welfare & Institutions Code §§15610, et seq.

24 38. The Defendants, and each of them, were and are care custodians as that term is
25 defined in Welfare & Institutions Code §§15610.17. Moreover, under Welfare & Institutions
26 Code §§15630, the defendants had a mandatory duty of reporting any suspected abuse of a
27 vulnerable and dependent adult.
28

1 39. The decedent was the victim of abuse as pled hereinabove and as that term is
2 defined in Welfare & Institutions Code §§15610.7 as well as in Welfare & Institutions Code
3 §§15610.63

4 40. Decedent suffered greatly as a result of the acts of the defendants, including
5 enduring great mental suffering as that term is defined in Welfare & Institutions Code
6 §§15610.53. Specifically, that term is defined to mean “fear, agitation, confusion, severe
7 depression, or other forms of severe emotional distress that is brought by forms of intimidating
8 behavior, threats, harassment, or by deceptive acts performed or false or misleading statements
9 made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious
10 emotional distress” of the dependent and vulnerable adult.

11 41. Further, the defendants, and each of them, willfully caused or permitted the
12 decedent to be placed in a situation such that his person and health were endangered and the
13 actions of the defendant subjected the decedent to great and unjustifiable mental pain suffering,
14 for which plaintiff seeks an award of damages in this action.

15 42. Plaintiff is informed and believes and thereon alleges that the defendants, including
16 those in administration and management of the Sacred Heart Jesuit Center knew of the reported
17 acts of sexual harassment and sexual abuse by Brother Charles Connor of others at least as
18 early as 1995, and knew of the abuse of the decedent by Br. Connor before the decedent’s
19 death but did not report the abuse to the appropriate law enforcement authorities as required by
20 Welfare and Institutions Code § 15630. Indeed, the decedent was threatened and told to remain
21 silent when he came forward with his allegations, and when he simply asked at a minimum, to
22 be transferred away from his perpetrator, was repeatedly rebuffed in those efforts and was told
23 that was not possible.
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1 43. As a result of those actions of the defendant as described hereinabove, the
2 Decedent did in fact endure great mental suffering, anguish, and emotional distress. The
3 Defendant proximately caused the decedent to suffer physical and psychological injuries and
4 damages, including but not limited to, guilt, anxiety, embarrassment, humiliation, loss of trust,
5 confusion, anger, and other long term psychological effects. The decedent was injured in his
6 health, strength, and activity, sustaining injury to his body and shock and injury to his nervous
7 system and person, all of which caused him to suffer great mental, physical and nervous pain
8 and suffering, ultimately culminating in the suicide of the decedent.
9

10 44. At all times herein mentioned, the defendant had care and custody of the
11 decedent, who was a dependent and vulnerable adult. The defendant had the care, custody
12 and control of the decedent, and refused to relinquish the same. As such the defendant is liable
13 for both the physical abuse and harm to the decedent as well as his great mental pain and
14 suffering as defined by Welfare and Institutions Code §§15610.07, 15610.57 and 15656.
15

16 45. The defendant willfully caused the decedent, with knowledge of his vulnerabilities,
17 to suffer unjustifiable mental pain and placed him and kept him in a position such that his person
18 and his health were endangered. Indeed, as noted the psychiatric report cited in paragraph 9
19 above notes, the decedent was “susceptible to environmental stresses and very embarrassed
20 about that vulnerability.” This report further notes that “at this time we do see a heightened
21 wariness or suspiciousness but this does not approximate psychotic proportions or a paranoid
22 level.” Thus, this report concludes that given favorable conditions,— i.e., the normal conditions
23 expected from a licensed health-care facility for the elderly and infirm within the definition as
24 found in the Welfare and Institutions Code of the State of California — Fr. Chevedden’s
25 susceptibility to “environmental stresses” would progress to “a heightened wariness of
26 suspiciousness” and go no further. Given unfavorable conditions, however, Fr. Chevedden’s
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1 susceptibility to “environmental stresses” would progress to “approximate psychotic proportions
2 or a paranoid level.”

3 46. The unfavorable conditions to which the California Province of the Society of Jesus
4 repeatedly subjected Fr. Chevedden ensured the deterioration of his psychological state to
5 “psychotic proportions or a paranoid level.” The “psychotic proportions” and “paranoid level” of
6 Fr. Chevedden’s condition became ever more pronounced as the adverse conditions to which
7 he was subjected continued and then worsened.

8
9 47. The defendant California Province of the Society of Jesus took active measures
10 that provoked the degeneration of Fr. Chevedden’s psychological state, including the very state
11 that the psychiatric report maintains would “escalate quickly into panic with paranoia.” The
12 interaction between the adverse conditions created by the California Province of the Society of
13 Jesus and Fr. Chevedden’s internal constitution imposed a well-defined direction to this
14 degeneration, eliciting behavior of “psychotic proportions or a paranoid level,” about which the
15 defendant was warned eight years before Fr. Chevedden’s death.

16
17 48. The defendant acted in bad faith, knowing the particular vulnerabilities and
18 susceptibilities of the decedent as set forth hereinabove.

19 49. The actions of the defendant were reckless, oppressive, fraudulent and/or
20 malicious. Indeed, the defendant acted recklessly with a deliberate disregard of the probability
21 that an injury would occur.

22
23 49. The decedent, Fr. Chevedden was substantially unable to manage his own affairs
24 and was subject to undue influence at all times while the prohibited acts were ongoing and
25 thereafter, until he died on May 19, 2004. As noted in the same psychiatric report cited
26 hereinabove: “Fr. Chevedden tends to assume a more passive role when it comes to
27 interpersonal reactions. Under circumstances where more self-assertion, initiative, or reading
28

1 the reaction of others is necessary, Jim is easily overwhelmed or less capable of reacting to the
2 given situation. At times Jim relinquishes his own authority to others which may reinforce his
3 sense of feeling overburdened by the demands of others.”

4
5 50. The acts of the defendant and those in control of the defendant’s business were
6 a substantial factor in causing the death of the decedent. All of those acts as set forth above,
7 were accomplished, authorized, or adopted and approved by those in control of the Sacred
8 Heart Jesuit Center located in Los Gatos, California.

9
10 51. The acts of the defendants, and each of them, were willful, wanton, malicious and
11 oppressive, and/or were done in conscious disregard of the rights of the decedent. Plaintiff is
12 not seeking punitive damages at this time, but will be amending this complaint to add a claim for
13 punitive damages pursuant to CCP § 425.14 once the Defendant has appeared in this action
14 and facts may be presented to the court to merit such an award.

15
16 52. Finally, Plaintiff is entitled to recover attorney’s fees pursuant to the provision of
17 Welfare & Institutions Code §15657 and are requesting an award of same pursuant to this
18 Complaint.

19 WHEREFORE, Plaintiff prays for judgment as hereinafter follows:

- 20 1. For general damages for each of the plaintiffs in a sum in excess of \$10,000,000;
- 21 2. For special damages in an amount to be proven;
- 22 3. For punitive damages in an amount to be proven at the appropriate time;
- 23 4. For attorneys fees in an amount to proven;
- 24 5. For costs of suit herein incurred; and
- 25 6. For such other and further relief as may be just and proper.

26
27 DATED: _____

28 _____
M. JEAN STARCEVICH, Attorney
for Plaintiff RAY T. CHEVEDDEN