

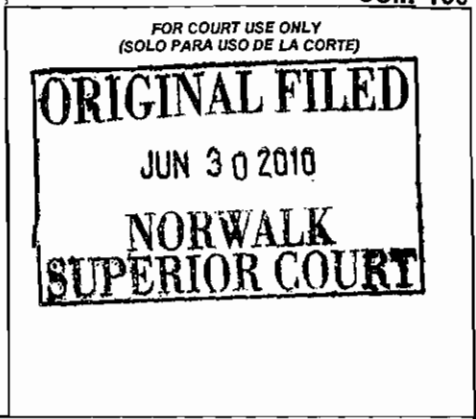
**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

DEFENDANT DOE 1; DEFENDANT DOE 2; DEFENDANT DOE 3,
DEFENDANT DOE 4 and DOES 5 through 1000, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JOHN GA DOE, an individual



NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):
LOS ANGELES COUNTY SUPERIOR COURT, SOUTHEAST DISTRICT
12720 Norwalk Boulevard
Norwalk, California 90650

CASE NUMBER:
(Número del Caso):

VC056637

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Anthony M. De Marco (Bar # 189153) Fax No.:(310) 854-0812
KIESEL, BOUCHER & LARSON, LLP, 8648 Wilshire Blvd., Beverly Hills, CA 90211 Phone No.:(310) 854-4444

DATE:
(Fecha) **JUN 30 2010**

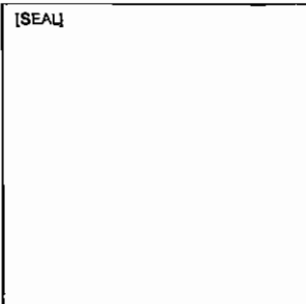
JOHN A. CLARKE Clerk, by
(Secretario)

V. Carranza Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
 under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):



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8 Facsimile: (651) 297-6543

9 Marci A. Hamilton, Esq. (*Pro Hac Vice Pending*)
36 Timber Knoll Drive
10 Washington Crossing, PA 18977
Telephone: (215) 353-8984

11 Attorneys for Plaintiff
12 JOHN GA DOE

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF LOS ANGELES

15 JOHN GA DOE, an individual,
16)
Plaintiff,)

17 v.)

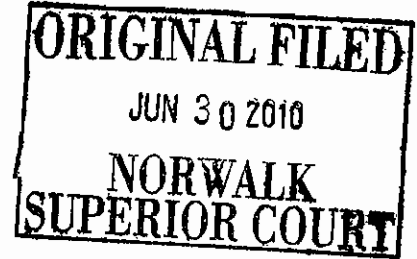
18)
19 DEFENDANT DOE 1; DEFENDANT DOE 2;)
20 DEFENDANT DOE 3; DEFENDANT DOE 4;)
and DOES 5 through 1000, inclusive,)
21 Defendants.)

CASE NUMBER: **VC056637**

COMPLAINT FOR DAMAGES
FOR:

1. Negligence;
2. Negligent Supervision/Failure to Warn;
3. Negligent Hiring and Retention
4. Breach of Fiduciary Duty and/or Confidential Relationship
5. Negligent Failure to Warn, Train, or Educate
6. Negligence Per Se for Statutory Violations
7. Sexual Battery
8. Fraud v. Defendants DOE 1, DOE 2, and DOE 3
9. Negligence
10. Fraud v. Defendant DOE 4
11. Fraud (Intentional non-disclosure)
12. Fraud Negligent Misrepresentation
13. Vicarious Liability

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DEMAND FOR JURY TRIAL



1 Based upon information and belief available to Plaintiff JOHN GA DOE. at the time of the
2 filing of this Complaint, Plaintiff alleges as follows:

3 **PARTIES**

4 1. Plaintiff, JOHN GA DOE. (hereafter referred to as JOHN GA DOE or
5 PLAINTIFF) is an adult male. PLAINTIFF was a minor at the time of the sexual abuse alleged
6 herein and was a resident of Los Angeles County of the State of California at all times relevant
7 hereto.

8 2. Defendant Doe 1 religious order of men, headquarter in Rome, Italy. Defendant
9 Doe 1 is the third largest religious order in the Roman Catholic church. Defendant Doe 1 has been
10 recognized as a civil entity by the Italian government. Defendant Doe 1 actively engages in the
11 training and supervision of priests and brothers in 128 nations around the world. Men cannot
12 become priests of any of the provinces of Defendant Doe 1 without the express approval of
13 Defendant Doe 1. After becoming aware that Father Miani sexually molested a child in Italy in
14 1947, Defendant Doe 1 actively continued Miani's training to become a priest of Defendant Doe 1
15 and actively transferred Miani to Brazil then to California. Defendant Doe 1 had direct supervision
16 of, and control over Miani at all times in which he was priest of Defendant Doe 1.

17 3. Defendant Doe 2 is a province of Defendant Doe 1 which has been separately
18 incorporated since 1920, and which is headquartered in San Francisco, California. Defendant Doe 2
19 owns and operates and controls numerous schools and youth camps throughout California, including
20 Defendant Doe 3 located in Bellflower, California. Father Miani and Jakub were at all times during
21 their abuse of plaintiff, agents of Defendant Doe 2. Defendant Doe 2 in collaboration with
22 Defendant Doe 1 transferred Miani and Jakub to various assignments throughout California and in
23 Canada, often after receiving complaints that each had sexually molested a child.

24 4. Defendant Doe 3 is a high school located in Bellflower, California. Plaintiff was a
25 student of and resided on campus at Defendant Doe 3 during the period when the sexual abuse
26 alleged herein occurred. Defendant Doe 3 further employed Miani and Jakub at the time of the
27 abuse. Defendant Doe 3 is operated, controlled and/or owned by Defendant Doe 2.

28 5. Defendant Doe 4 is the sovereign nation located in Rome, Italy and the ecclesiastical,

1 governmental, and administrative capital of the Roman Catholic Church. Defendant Doe 4 is the
2 composite of the authority, jurisdiction, and sovereignty vested in the Pope and his delegated
3 advisors and/or agents to direct the activities and business of the world-wide Roman Catholic
4 Church. Defendant Doe 4 has unqualified power over the Catholic Church including each and every
5 individual and section of the church, including but not limited to all priests, Bishops, Archbishops,
6 Metropolitans, Cardinals, and all other church workers, as well as dioceses, archdioceses,
7 ecclesiastical provinces, and orders.

8 6. Plaintiff is informed and believes that each Defendant is legally responsible in
9 some manner for the events, happenings and/or tortious and unlawful conduct that caused the
10 injuries and damages alleged in this Complaint. Each Defendant is the agent, servant and/or
11 employee of other Defendants, and each Defendant was acting within the course and scope of his,
12 her or its authority as an agent, servant and/or employee of the other Defendants. Defendants, and
13 each of them, are individuals, corporations, partnerships and other entities which engaged in, joined
14 in and conspired with the other wrongdoers in carrying out the tortious and unlawful activities
15 described in this Complaint, and Defendants, and each of them, ratified the acts of the other
16 Defendants as described in this Complaint. Each Defendant is the alter-ego of each other Defendant.
17 Specifically, Defendant Doe 1 and Defendant Doe 2 are alter-egos of each other.

18 7. Wherever appearing in this Complaint, each and every reference to Defendants, or any
19 of them, is intended to include, and shall be deemed to include, all Defendants including the
20 fictitiously named Defendants.

21 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

22 8. Plaintiff was sexually molested by Father Titian "Jim" Miani while Plaintiff was a
23 student at a Catholic run high school in Bellflower. There are not less than 13 known victims of
24 child sexual abuse at the hand of Miani. Since 1947, numerous complaints have been made to
25 Defendants that Father Miani had sexually molested children. Despite these complaints, Miani
26 remains a priest of the Roman Catholic church. He has never been defrocked.

27 9. At the time of his abuse of plaintiff and each of his other known victims, Miani was a
28 Roman Catholic priest of Defendant Doe 1, a religious order of clergy, based in Rome and founded

1 by St. John Bosco. Clergy of Defendant Doe 1 work in communities in 128 nations around the
2 world. Defendant Doe 1 is the third largest religious order of priests in the Catholic church next to
3 the Jesuits and the Franciscans. Defendant Doe 1's mission is ministry to children, particularly
4 disadvantaged children.

5 10. Defendant Doe 4 is the sovereign nation located in Rome, Italy and the ecclesiastical,
6 governmental, and administrative capital of the Roman Catholic Church. Defendant Doe 4 is the
7 composite of the authority, jurisdiction, and sovereignty vested in the Pope and his delegated
8 advisors and/or agents to direct the activities and business of the world-wide Roman Catholic
9 Church. Defendant Doe 4 has unqualified power over the Catholic Church including each and every
10 individual and section of the church, including but not limited to all priests, Bishops, Archbishops,
11 Metropolitans, Cardinals, and all other church workers, as well as dioceses, archdioceses,
12 ecclesiastical provinces, and orders.

13 11. Defendant Doe 4 directs, supervises, supports, promotes and engages in the oversight
14 of the sovereign nation, the organization, and its employees for the purpose of the business, foreign
15 affairs, and employees of the worldwide Roman Catholic Church, and provides religious and pastoral
16 guidance, education and counseling to Roman Catholics world-wide in exchange for all or a portion
17 of the revenues collected from its members.

18 12. Defendant Doe 4 engages in some of its activities through its agents, cardinals,
19 bishops and clergy, including religious order priests, brothers and sisters, who work under its
20 authority.

21 13. Defendant Doe 4 actively engages in commercial activity in the United States by
22 collecting contributions from members. Moreover, Doe's claims are based in part on his
23 perpetrators' commercial employment relationship with Defendant Doe 4 and its agents. The
24 relevant employment relationship is not peculiar to a sovereign as the employment is not part of civil
25 service, the diplomatic corps, or the military. Nor were the perpetrators privy to governmental policy
26 deliberations or engaged in legislative work.

27 14. Defendant DOE 4's business or private operation, in addition to overseeing its
28 employees not engaged in work peculiar to a sovereign, performs acts that are commercial in nature,

1 including extensive financial operations and fundraising activities throughout the United States.
2 Consistent with its corporate structure, Defendant Doe 4 has instituted worldwide, mandatory
3 policies that perpetuate its financial strength and stability.

4 15. Defendant Doe 4 is a unique entity, with an organizational structure and chain of
5 command that mandates that Doe 4 and its head of state have a significantly high level of
6 involvement in the routine and day-to-day activities of its agents and instrumentalities, particularly
7 with respect to the handling of clergy who have engaged in certain specified conduct, including child
8 sex abuse.

9 16. It enters into treaties and conventions with other foreign states, including but not
10 limited to the *Universal Declaration of Human Rights* and the *Convention on the Rights of the Child*,
11 maintains diplomatic relations with other foreign states, including the United States, and has
12 observer status in the United Nations. Defendant Doe 4 occupies its own sovereign territory located
13 within the city of Rome.

14 17. Defendant Doe 4 engages in commercial activity in the State of California, the United
15 States and throughout the world.

16 18. As part of its fundraising activities, Doe 4 has continued the long and entrenched
17 tradition of Peter's Pence. Peter's Pence fundraising for Doe 4 has been active since 1871 when it
18 was created by the "Saepe Venerabilis" encyclical authored by Pope Pius IX. Members are
19 encouraged to send their donations throughout the year directly to the Office of the Holy Father in
20 Vatican City, but Doe 4 also directs and coordinates an international campaign each and every year
21 on June 29 or the closest Sunday to the Solemnity of Saints Peter and Paul for its subdivisions,
22 agencies, and/or instrumentalities to take up a specific collection for the benefit of Doe 4.
23 [Http://www.vatican.va/roman_curia/secretariat_state/obolo_spietro/documents/index_en.htm](http://www.vatican.va/roman_curia/secretariat_state/obolo_spietro/documents/index_en.htm) (last
24 visited July 9, 2009).

25 19. Peter's Pence raises funds that are required to be sent directly to Doe 4. Dioceses,
26 Bishops, Archbishops and other agents are ordered to send the funds directly to "His Holiness Pope
27 Benedict XVI, 00120, Vatican City State – Europe." As part of Peter's Pence, Doe 4 is involved in the
28 United States in creating materials to advertise for its campaign and benefits directly from solicitation

1 letters sent to members of its organization throughout the United States. It is also directly involved in
2 and authorizes and supports appeals at parishes throughout the United States for members to give money
3 to Doe 4 and the creation and distribution of materials to help its agents recruit funds for the Peter's
4 Pence Collection. Doe 4 also uses other forms of media such as ads and posters to solicit funds in the
5 United States.

6 20. On information and belief the Peter's Pence operation has provided Doe 4 with millions
7 of dollars each year from the United States. The Peter's Pence collection brought in almost \$80 million
8 for Doe 4 in 2007 and over \$100 million in 2006, with the United States providing the largest percentage
9 of the funds. Doe 4's business divisions in the United States facilitate the largest portion of money
10 collected for Doe 4 in the Peter's Pence Collection.

11 21. As part of its business and private operation Defendant Doe 4 requires its agents in
12 charge of its operation in a particular geographical location to come to Rome and report about the state
13 of Doe 4's operations, including any problems involving issues that are commercial in nature, including
14 financial status and business issues. Doe 4 calls these Ad Limina visits. These agents, as appointed
15 leaders of the local business and private operations including those in the United States, are required to
16 make this visit at least once every five years. As part of its business and private operation, Doe 4 also
17 requires its divisions to write detailed reports about the status of the operation including but not limited
18 to personnel issues, finances, and real estate holdings. With respect to the income of pastors and their
19 supervisors, Doe 4 requires information regarding whether it is from real estate, public funds, an
20 uncertified sum accruing through individual stole fees, or from a contribution made by the faithful or
21 by the diocese. These reports are sometimes called "quinquennial reports."

22 22. Doe 4 has direct involvement with seminaries in the United States including California,
23 where it trains agents in its organization and operation. On August 15, 1990, Pope John Paul II issued
24 an apostolic constitution on Catholic higher education entitled Ex corde Ecclesiae. The Apostolic
25 Constitution described, in detail, the top-down relationship between Doe 4 and its educational
26 institutions like seminaries. According to the Catholic Church Extension Society, no matter where it's
27 located or how it's structured, every institution within the organization answers to Doe 4. Doe 4's
28 Congregation for Catholic Education has jurisdiction over all Catholic institutions of higher learning,

1 including seminaries. As a result, it oversees and controls the admissions requirements and curricula to
2 ensure that candidates are properly prepared. In addition, since 1971, U.S. seminaries have adhered to
3 the Program of Priestly Formation (PPF) promulgated by the U.S. bishops' conference and also approved
4 by Defendant DOE 4. Inside the Seminary, http://www.catholicextension.org/site/epage/54472_667 (last
5 visited July 10, 2009). Doe 4 has a vast enterprise in the United States which recruits and solicits
6 members in order to support its business operations in the United States and worldwide.

7 23. Defendant Doe 4 is solely responsible for creating new divisions of its business and
8 private enterprise (called a "Diocese" or "Archdiocese") around the world. Only Doe 4 has this power.
9 Doe 4 created all of the Dioceses and Orders in California. It creates, divides and re-aligns dioceses,
10 archdioceses and ecclesiastical provinces. It also gives final approval to the creation, division or
11 suppression of provinces of religious orders and it is solely responsible for modification or elimination
12 of one of the divisions of its business enterprise. Defendant Doe 4 reserves the exclusive right to perform
13 numerous local activities within its business operation within the United States including but not limited
14 to marriage annulments, marriage dissolutions, Pius Wills, laicization of clerics, dispensations from
15 canon law, and appeals of a bishop's decision. Doe 4 has control over and involvement with property
16 owned by all Catholic entities in California.

17 24. Defendant Doe 4 directly and definitely controls the standards, morals, and obligations
18 of the clergy of the Catholic Church. Defendant Doe 4 also does this by and through its agents and
19 instrumentalities, including the Congregation for the Clergy and the Congregation for Religious both
20 delegated by the Pope and acting on his behalf and acting under his authority. Defendant Doe 4 interacts
21 with its local business units including those in the United States in a manner that controls their day-to-
22 day business and provides for no discretion on numerous issues, and in particular the handling of child
23 sex abuse by clergy and the determinations whether clergy remain in the Doe 4's employ. Doe 4
24 routinely promulgates its policies through various means including encyclical, canon law, and Papal
25 pronouncements.

26 25. Defendant Doe 4 promotes the sacred liturgy, directs and coordinates the spreading of
27 its doctrine and other things necessary to promote its doctrine. It creates, appoints, assigns and re-
28 assigns bishops, superiors of religious orders, and through the bishops and superiors of religious orders

1 has the power to directly assign. Doe 4 has the final and sole power to remove individual clergy. All
2 bishops, clergy, and priests, including religious order priests, vow to show respect and obedience to the
3 Pope and their bishop.

4 26. Defendant Doe 4 also examines and is responsible for the work and discipline and all
5 those things which concern bishops, superiors of religious orders, priests and deacons of the religious
6 clergy. In furtherance of this duty, Defendant Doe 4 requires bishops to file a report, on a regular basis,
7 outlining the status of, and any problems with clergy. Defendant Doe 4 promulgates and enforces the
8 laws and regulations regarding the education, training and standards of conduct and discipline for its
9 members and those who serve in the governmental, administrative, judicial, educational and pastoral
10 workings of the Catholic Church world-wide. Defendant Doe 4 is also directly and solely responsible
11 for removing superiors of religious orders, bishops, archbishops and cardinals from service and/or
12 making them ineligible for positions of leadership in the various divisions and offices of the Catholic
13 church.

14 27. Defendant Doe 4 buys and sells real and personal property, and purchases and supplies
15 goods and services in pursuit of its private and business activities.

16 28. Defendant, Doe 4 – even beyond its collection through Peter’s Pence and other means,
17 is supported through the contributions of its parishioners, which are received as part of a regular course
18 of commercial conduct in the form of donations of money, real property and personal property.

19 29. A major source of funds for Defendant Doe 4 is monies received from its parishioners
20 in the form of tithing. The amount of money flowing to Defendant Doe 4 from the United States is
21 directly affected by the beliefs of its parishioners in the righteousness of Defendant Doe 4 and its
22 conduct. As members of the Church, they are obligated to revere, respect, and obey the edicts issued
23 from Doe 4, and are under threat of a denial of the sacraments or excommunication if they do not follow
24 those edicts.

25 30. Another major source of funding that Doe 4 and its agents receive is in the form of
26 tuition for attendance at its Catholic Schools.

27 31. The Defendant, Doe 4, directs and mandates the morals and standards of conduct of all
28

1 clergy of the Roman Catholic Church. Defendant Doe 4 ostensibly does this by and through its agents
2 and instrumentalities, by enforcement of the CODE OF CANON LAW written and promulgated by
3 Defendant Doe 4 and used as the employee manual for clergy.

4 32. Defendant Doe 4 creates, appoints, assigns, reassigns and retires all clerics in the order
5 of bishop. It accords definitive approval to the election of the heads of religious orders and, through the
6 religious superiors and the bishops of dioceses, it exercises the power to directly assign and remove
7 individual priests and deacons. It also determines whether religious orders are to be disciplined for
8 inappropriate behavior and whether they may remain in the Church following inappropriate behavior.

9 33. All bishops, priests and clergy, including religious order priests, vow to show respect and
10 obedience to Defendant Doe 4. For example, when a priest is ordained, he kneels before his bishop and
11 promises him and his successors obedience and respect. On the day a priest receives the fullness of the
12 priesthood in his ordination to the episcopacy, he stands before his consecrators and the assembled
13 people of God and promises his obedience and loyalty to the supreme Roman pontiff, Defendant Doe
14 4. He receives financial support throughout the full length of his life, and he may not be deprived of his
15 pension or his clerical status unless Doe 4 approves.

16 34. Each Cardinal takes an oath upon becoming a Cardinal which requires obedience to Doe
17 4 and also requires secrecy in certain circumstances. An English translation of that oath is "I [name and
18 surname], Cardinal of the Holy Roman Church, promise and swear to be faithful henceforth and forever,
19 while I live, to Christ and his Gospel, being constantly obedient to the Holy Roman Apostolic Church,
20 to Blessed Peter in the person of the Supreme Pontiff [name of current Pontiff], and of his canonically
21 elected Successors; to maintain communion with the Catholic Church always, in word and deed; not to
22 reveal to anyone what is confided to me in secret, nor to divulge what may bring harm or dishonor to
23 Holy Church; to carry out with great diligence and faithfulness those tasks to which I am called by my
24 service to the Church, in accord with the norms of the law."

25 35. Defendant Doe 4, examines and is responsible for the work and discipline and all those
26 things which concern bishops, superiors or religious orders, priests and deacons. In furtherance of this
27 duty, the Defendant Doe 4, among other things, requires bishops to file a report, on a regular basis,
28 outlining the status of and any problems with priests and clergy.

1 36. Defendant Doe 4, promulgates and enforces the laws and regulations regarding the
2 education, training and standards of conduct and discipline for those who serve in the governmental,
3 administrative, judicial, educational and pastoral workings of the Roman Catholic Church worldwide.

4 37. No priest, cleric, superior of a religious order, bishop, archbishop or cardinal may be
5 removed from service or a position of leadership without the approval of Defendant Doe 4; nor can any
6 priest, cleric, superior of a religious order, bishop, archbishop or cardinal remain in service or a position
7 of leadership over the objection of the Defendant Doe 4.

8 38. Defendant Doe 4, is directly and absolutely responsible for removing bishops,
9 archbishops and cardinals from service and/or making them ineligible for positions of leadership in the
10 various divisions and offices of the Roman Catholic Church by issuing instructions, mandates and
11 dictates in the United States.

12 39. The problem of childhood sexual abuse committed by Roman Catholic clerics and others
13 within the Defendant's control is almost as old as the Roman Catholic Church itself. The first formal
14 legislation was passed at the Council of Elvira in Spain in 306 A.D. This council passed legislation
15 condemning sexual abuse by the clergy, including sexual abuse of boys. The Council of Elvira was the
16 first in a series of legislative attempts by the Church to curb its problem of childhood sexual abuse
17 committed by its clergy.

18 40. In the 11th century, a writing authored by Father Peter Damien, THE BOOK OF
19 GOMORRAH, was presented to the Defendant Doe 4. This work encouraged punishment of priests and
20 clerics who sexually molested and abused children, particularly boys.

21 41. In 1917 Defendant Doe 4 codified all of its rules, regulations and laws, including those
22 applicable to its employees, agents, and instrumentalities, in one document known as the CODE OF
23 CANON LAW. This code specifically forbade priests and clerics from having sexual relations or
24 relationships with children under the age of sixteen, demonstrating that the Defendant Doe 4 was well
25 aware of the centuries-old practice of childhood sexual abuse by Roman Catholic priests and clerics.
26 Today, in the current version of the Code (Vatican II), the sexual abuse of children by priests and clerics
27 continues to be expressly forbidden.

28 42. Defendant Doe 4 has known about the widespread problem of childhood sexual abuse

1 committed by its clergy for centuries, but has covered up that abuse and thereby perpetuated the abuse.
2 Secret settlement agreements with victims have been used to silence the victims and their families and
3 to protect the abuser from criminal prosecution by United States and state authorities. This practice was
4 designed to shield Defendant Doe 4 from "scandal", and has been mandated not only in the United States
5 but throughout the world, including North and South America, Europe and Australia. Defendant Doe
6 4 is responsible for the historically verified practice of the hierarchy, including the bishops, moving
7 sexually abusive priests to areas where allegations of the offender's abusive conduct were not known.
8 Defendant Doe 4 has never taken appropriate or effective steps to remove sexually abusive priests from
9 the ministry. The absolute power of Defendant Doe 4 over its bishops and clergy in the United States
10 was demonstrated in 2002, when the most powerful American bishop's organization, the U.S.
11 Conference of Catholic Bishops adopted a proposed policy designed to protect children from priest
12 sexual abuse. The bishops were powerless to implement this policy without approval from Defendant
13 Doe 4. Defendant Doe 4 denied approval of key provisions sought by the U.S. bishops which would have
14 required that its agents in the United States report all known or suspected child abuse to the civil
15 authorities. Defendant Doe 4 also refused to give the U.S. bishops the power to remove abusive priests
16 from the ministry.

17 43. While the "public" policy of Defendant Doe 4 is to forbid childhood sexual abuse by
18 priests and clerics within its control, the actual "private" or secret policy is to harbor and protect its
19 abusive priests, clerics, bishops, archbishops, cardinals, agents, and employees from public disclosure
20 and prosecution, in order to maintain the Pope's rightful claim of control and thereby ensure that its
21 parishioners, followers and financial contributors will keep confidence in the institution, continue to
22 view the Doe 4 and the Pope as deserving of allegiance, and, therefore, continue to contribute money
23 and property to Defendant Doe 4.

24 44. Defendant Doe 4 has mandated a multi-level policy of mandatory secrecy over all matters
25 involving the administrative, legislative and judicial activities of the Defendant Doe 4 offices and
26 departments under the direct authority of the Pope, as well as over all similar activity in the various
27 dioceses throughout the world. There are degrees of secrecy demanded of the bishops, clergy, and
28 members. The highest level of secrecy is the absolute secrecy mandated for all communications which

1 take place in the sacrament of penance, commonly referred to as "confession." The highest level of
2 secrecy outside the confessional is known as the "Pontifical secret," which is imposed on certain
3 activities of the various departments or congregations of Doe 4. Violation of the Pontifical Secret results
4 in certain severe penalties, including excommunication.

5 45. At all times material hereto, and as part of both its course of commercial conduct and
6 particular commercial transactions and acts, the Defendant directed its bishops in the United States to
7 conceal from its parishioners and the general public the sexual abuse of children committed by its
8 priests, bishops, clerics, agents and employees in order to avoid public scandal, and to perpetuate its
9 Christian public image and power to ensure the continued receipt of funds from its parishioners and
10 other financial contributors, all in furtherance of the Defendant's commercial activities.

11 46. Plaintiff was sexually abused as a child by one of the Defendant's clerics, agents
12 or employees. The Defendant's directives to conceal the sexual abuse of children committed by its
13 clerics, agents, and employees in order to maximize revenue and image by avoiding scandal was a
14 substantial factor in bringing about Plaintiff's abuse.

15 47. At all times material hereto, Defendant Doe 4 violated customary international law of
16 human rights by ignoring, tolerating, disregarding, permitting, allowing, condoning and/or failing to
17 report inhuman and degrading treatment such as the sexual abuse of minor children. This conduct
18 constitutes a violation of various human rights conventions, including the Universal Declaration of
19 Human Rights and the Convention on the Rights of the Child, which Defendant Doe 4 signed and
20 ratified, and the Defendant Doe 4's violation of customary international law and conventions was a
21 substantial factor in bringing about the Plaintiff's injuries.

22 48. At all times material hereto, Defendant Doe 4 breached duties owed to the Plaintiffs
23 under customary international law of human rights, the federal common law, the law of the fifty states,
24 and the law of the State of California, thereby causing injury to Plaintiff.

25 49. At all times material hereto, Defendant Doe 4's directives, which, among other things,
26 prohibited the reporting of child sexual abuse to law enforcement authorities, constitute an act or acts
27 of concealment or misleading or obstructive conduct under statutory law, common law, and customary
28 international law.

1 50. At all times material hereto, Defendant Doe 4's concealment of its policy of harboring
2 and protecting its abusive priests, clerics, bishops, archbishops, cardinals, agents and employees from
3 public disclosure and prosecution constitutes an act or acts of concealment or misleading or obstructive
4 conduct under statutory law, common law, and customary international law.

5 51. Doe 4 has established exclusive policies and standards that dictate how sexual abuse of
6 children by its employees will be handled. With respect to this aspect of its employment policy and
7 business, Doe 4 mandates certain procedures and absolute secrecy by all involved on pain of immediate
8 removal from the organization (excommunication), retains the power at all times to conduct the
9 inquisition of the case itself, and admits no deviations from its mandate. Through its mandated policies
10 and its agents and instrumentalities, Doe 4 is an integral part of the day-to-day handling of cases of child
11 sex abuse by clergy.

12 52. In 1922, Doe 4 released a confidential document regarding cases of solicitation of sex
13 in the confessional and sex with children. This document mandated a specific procedure for Doe 4's
14 agents to use when a cleric abused kids. The document required strict secrecy.

15 53. The 1922 document showed that Doe 4 was fully aware that there was a systemic
16 problem of its agents sexually molesting children using the confessional.

17 54. In 1962, Doe 4 released the confidential document, Instruction on The Manner of
18 Proceeding in Cases of Solicitation, (The Vatican Press, 1962), available at
19 <http://www.scribd.com/doc/8690038/The-1962-Vatican-Document-on-Clergy-Sexual-Abuse> (The
20 heading of the document says "From the Supreme and Holy Congregation of the Holy Office To All
21 Patriarchs, Archbishops, Bishops and Other Diocesan Ordinaries 'Even of the Oriental Rite'")
22 (Hereinafter referred to as "Crimen Sollicitationis"), which is a document containing mandatory and
23 specific instructions regarding the handling of child sex abuse by clergy. It permits no discretion in the
24 handling of such cases. According to the document itself, it is an "instruction, ordering upon those to
25 whom it pertains to keep and observe it in the minutest detail." Crimen Sollicitationis at paragraph 24.

26 55. The 1962 document again reinforced that Doe 4 had knowledge that there was a
27 systemic problem of its agents sexually molesting children using the confessional.

28 56. In Ireland, a government-generated in-depth report that investigated and analyzed the

1 sexual abuse of minors by clergy documented that the Catholic Church had a systemic problem of
2 numerous clergy sexually abusing youth. The report reached several conclusions including but not
3 limited to: Cases of sexual abuse were managed within the institution with a view to minimizing the
4 risk of public disclosure and consequent damage to the institution; the offenses were not reported to the
5 police; the recidivist nature of sexual abuse was well known to authorities within the institution; the
6 Church authorities knew that the sexually abusing clergy were often long-term offenders who repeatedly
7 abused children wherever they were working; When confronted with evidence of sexual abuse, a
8 standard response of the religious authorities was to transfer the offender to another location where, in
9 many instances, he was free to abuse again; sexual abuse was endemic in boys' institutions
10 <http://www.childabusecommission.com/rpt/04-06.php> (last viewed July 14, 2009). Defendant Doe 4
11 was an active manager and mandated the policies that led to these horrific occurrences in Ireland.

12 57. Also during this time Defendant Doe 4 was involved in the formation of secret facilities
13 in the United States where sexually offending clergy would be sent for short periods of time. In 1962,
14 Fr. Gerald Fitzgerald, working in the United States, was in communication with Defendant Doe 4. At
15 the request of the prefect, Cardinal Alfredo Ottaviani, one of Doe 4's officials, he prepared a report dated
16 April 11, 1962. In this report he discussed the various types of sexual problems of priests, including
17 sexual abuse of minors: "On the other hand, where a priest for many years has fallen into repeated sins
18 which are considered, generally speaking, as abnormal (abuse of nature) such as homosexuality and most
19 especially the abuse of children, we feel strongly that such unfortunate priests should be given the
20 alternative of a retired life within the protection of monastery walls or complete laicization."

21 58. In 1963 Fr. Gerald had a private audience with Pope Paul VI (1963-1978) and on
22 August 27, 1963 submitted a report to the pope at the pope's request. Concerning priests who sexually
23 abuse minors he said to the pope: "Problems that arise from abnormal, homosexual tendencies are going
24 to call for, not only spiritual, but understanding psychiatric counseling. Personally I am not sanguine
25 of the return of priests to active duty who have been addicted to abnormal practices, especially sins with
26 the young.....Where there is indication of incorrigibility, because of the tremendous scandal given, I
27 would most earnestly recommend total laicization." Defendant Doe 4 chose to keep this report and
28 knowledge a secret under its long standing policy to avoid scandal at all costs. At this point Doe 4 knew

1 that it had a widespread problem of its clergy sexually molesting minors, including in the United States,
2 and it authorized, facilitated and participated in the creation of these facilities in the United States where
3 sexually offending clergy could be sent before they were moved to another parish to work and potentially
4 abuse again.

5 59. Defendant Doe 4's policy of secrecy under penalty of immediate removal from the
6 organization (excommunication) for all involved in an accusation against clergy for the crime of
7 solicitation – which includes sexual abuse of a minor – created a shroud of secrecy insulating Miani from
8 consequence. This policy is explicitly laid out in the 1962 Vatican secret document, *Crimen*
9 *Sollicitationis*. Which specifies, in paragraph 4, that although the penalty for a Church member who
10 violates the vow of secrecy regarding child sex abuse by clergy is usually excommunication, extreme
11 cases can also result in removal from ministry or “They [the Ordinary, or controlling agent] will also be
12 able to transfer him to another [assignment], unless the Ordinary of the place has forbidden it because
13 he has already accepted the denunciation and has begun the inquisition.” Through this policy and others
14 Doe 4 knowingly allowed, permitted and encouraged child sex abuse by its priests, including Miani.

15 60. Doe 4 retains at all times the power over who conducts the “inquisition” that
16 investigates claims regarding the “crime of solicitation.” *Crimen Sollicitationis* at paragraph 2. While
17 it delegates power over such proceedings to its chosen agents, it retains the unilateral power at all times
18 to “summon[] the case to itself.” *Id.* In addition, if it is unclear whether the “denounced person” is
19 under the jurisdiction of any of Doe 4's agents, the 1962 document orders the agent with knowledge of
20 the abuse to send the case “to the Supreme Holy Congregation of the Holy Office.” *Crimen*
21 *Sollicitationis* at paragraph 31.

22 61. Doe 4 specifically has carved out the treatment of child sex abuse by clergy from other
23 employment issues in order to have continuing control over this issue, and governs it every day and
24 perpetually according to non-negotiable and mandatory standards that it first set into place in 1867,
25 which is approximately when civil law also outlawed child sex abuse, and then reiterated and elaborated
26 in 1922, 1962 and 2001. Doe 4 has defined the “worst crime” to be covered by its dictated procedures,
27 standards, and mandatory treatment, as “any obscene, external act, gravely sinful, perpetrated in any way
28 by a cleric or attempting by him with youths of either sex or with brute animals (bestiality).” *Crimen*

1 *Sollicitationis* at paragraph 73. There is no discretion given to its agents in the handling of such cases:

2 What is treated in these cases has to have a greater degree of care and observance so that
3 those same matters be pursued in a most secretive way, and, after they have been defined
4 and gives over to execution, they are to be restrained by a perpetual silence. (Instruction
5 of the Holy Office, February 20, 1867, n. 14), each and everyone pertaining to the tribunal
6 in any way or admitted to knowledge of the matters because of their office, is to observe
7 the strictest secret, which is commonly regarded as a secret of the Holy Office, in all
8 matters and with all persons, under the penalty of excommunication *latae sententiae*, ipso
9 facto and without any declaration [of such a penalty] having been incurred and reserved
10 to the sole person of the Supreme Pontiff, even to the exclusion of the Sacred Penitentiary,
11 are bound to observe [this secrecy] inviolably. *Crimen Sollicitationis* at paragraph 11.

8 62. Defendant Doe 4 mandated secrecy for all those involved, including agents and itself, in
9 handling allegations of sexual abuse. Penalties for the crime of solicitation include an order to move
10 offending priests to other locations once they have been determined to be “delinquent.” In response to
11 allegations, the document mandates that supplementary penalties include “As often as, in the prudent
12 judgment of the Ordinary, it seems necessary for the amendment of the delinquent, for the removal of
13 the near occasion [of soliciting in the future], or for the prevention of scandal or reparation for it, there
14 should be added a prescription for a prohibition of remaining in a certain place (Canon 2302).” *Crimen*
15 *Sollicitationis* at paragraph 64. Defendant Doe 4 created and maintained this policy of secrecy and
16 transfers, threatening all involved with excommunication and, thus, damnation, if they do not comply.
17 According to *Crimen Sollicitationis*, once these non-discretionary penalties are levied, only the Doe 4
18 through the Congregation of the Holy Office, has the power to alter or remit the punishment.

19 63. In *Crimen Sollicitationis*, Doe 4 created a specific procedure which local Ordinaries, as
20 agents of Defendant Doe 4 were required to follow. Moreover, the commandment of silence regarding
21 cases of sexual abuse embodied in the instruction on pains of removal (excommunication) operated to
22 deprive the local agents of any meaningful discretion. Even if *Crimen Sollicitationes* can be read to
23 allow the local agent of Doe 4 to choose one of a limited number of options, the instruction from Doe
24 4 nonetheless mandates which of those specific options should be chosen, and mandates how each is to
25 be handled. In addition, Doe 4 reserves to itself the power to reverse whichever of the limited set of
26 options is chosen.

27 64. Pope John Paul II issued an Apostolic Letter, *Sacramentorum Sanctitatis Tutela*, dated
28 April 30, 2001, available at <http://www.bishop-accountability.org/resources/resource->

1 files/churchdocs/Sacramentorum AndNormaeEnglish.htm#_ftn27 (last visited July 10, 2009), which
2 confirms the direct relationship between Defendant Doe 4 and employees who commit these crimes of
3 solicitation. The letter supplemented the 1962 *Crimen Solicitationis* and confirmed its position as an
4 executive disciplinary handbook:

5 "It is to be kept in mind that an Instruction of this kind had the force of law since the
6 Supreme Pontiff, according to the norm of can. 247, § 1 of the *Codex Iuris Canonici*
7 promulgated in 1917, presided over the Congregation of the Holy Office, and the
8 Instruction proceeded from his own authority... Pope Paul VI... confirmed the
9 Congregation's judicial and administrative competence... Finally, by the authority with
10 which we are invested, in the Apostolic Constitution, *Pastor Bonus*, promulgated on June
11 28, 1988, we expressly established, "[The Congregation for the Doctrine of the Faith]
examines delicts against the faith and more grave delicts whether against morals or
committed in the celebration of the sacraments, which have been referred to it and,
whenever necessary, proceeds to declare or impose canonical sanctions according to the
norm of both common and proper law," thereby further confirming and determining the
judicial competence of the same Congregation for the Doctrine of the Faith as an Apostolic
Tribunal.

12 65. Actions of Defendant Doe 4 occurring in the United States include the transmission and
13 receipt in the United States of policies, directives, orders or other direction or guidance, whether explicit
14 or implicit.

15 66. Plaintiff was harmed as a result of Defendant Doe 4's practice and policy of not
16 reporting suspected child abuse to law enforcement officials and requiring secrecy of all its agents who
17 received reports of abuse. There are children today who are in imminent danger of abuse because the
18 Defendant Doe 4 has failed to report or release the names of agents that have been either been convicted
19 or credibly accused of molesting children, or that Defendant Doe 4 itself has found guilty of abuse.

20 67. There are a number of priests, brothers, and agents who Defendant Doe 4 continued in
21 ministry after Defendant Doe 4 knew or suspected that those agents had molested children.

22 68. Defendant Doe 4 knew that there was a high probability that these clerics would
23 sexually molest more children, but sought to protect itself from scandal, sought to keep its income
24 stream going, at the peril of children.

25 69. On information and belief, Defendant Doe 4 did not report all allegations of childhood
26 sexual abuse by its agents and former agents to law enforcement, those directly in the path of danger,
27 or the public. Further Defendant Doe 4 adopted and enforced a policy and practice where its agents
28 were not supposed to report abuse by Defendant Doe 4's agents to law enforcement, those directly in

1 the path of danger, or the public.

2 70. After 2001 Defendant Doe 4 instructed its agents that all cases of sexual abuse by its
3 agents were to be handled through Defendant Doe 4. Since then Defendant Doe 4 has found out about
4 thousands of cases. Defendant Doe 4 has not released the names of the sex offenders that it learned
5 about since 2001 to the public and to law enforcement.

6 71. Defendant Doe 4 has known that child molesters have a very high rate of recidivism,
7 meaning that they are likely to abuse more children. As such, Defendant Doe 4 knew that children,
8 parents, and guardians who did not possess Defendant Doe 4's knowledge about its agents and former
9 agents and who unsuspectingly were around these agents and former agents were at a high risk to be
10 sexually molested.

11 72. Because of the high rate of recidivism, Defendant Doe 4's agents and former agents had
12 probably already molested numerous children. As such, Defendant Doe 4 knew that there were many
13 victims out there that were hurt because of Defendant Doe 4's policies of secrecy, deception, and self
14 protection.

15 73. Children are at risk because the public and law enforcement do not know the identity
16 and the locations of these agents and former agents of Defendant Doe 4 who have been accused of
17 sexual misconduct.

18 74. At all times material, Defendant Doe 4 employed priests, including one Father Titian
19 Jim Miani ("Miani"), to provide religious and pastoral services. Father Miani's duties were limited to
20 performing ecclesiastical and parochial services. At no time did he perform legislative work or
21 governmental functions on behalf of the Doe 4 and was not a civil servant or diplomatic or military
22 employee of the sovereign Defendant Doe 4. Father Miani was employed by Defendant Doe 4 as a
23 priest. The duties of Miani's employment included but were not restricted to teaching the word of God
24 and the law of the church, providing religious, educational, and counseling services, and obtaining
25 financial support for the Church. Defendant Doe 4 controlled Miani, was responsible for punishment
26 if there was wrongdoing, and had some stake in paying Miani for his services. Defendant Doe 4
27 controlled all aspects of Miani's conduct including his clothing, his routine, his practices, and his
28 teachings. Defendant Doe 4 also supplied Miani with materials for his fundraising and solicitation of

1 property. Defendant Doe 4 had the sole authority to remove Miani from his position as a priest. At all
2 times material, Miani was a Roman Catholic priest, employed by and an agent of Defendant Doe 4,
3 under its direct supervision and control, particularly on the issue of child sex abuse.

4 75. At Ordination, each priest agreed to be obedient to their Bishop and the Doe 4 (the
5 Pope).

6 76. Doe 4 has complete and final control over each Bishop, Archbishop, Cardinal, Religious
7 leader and priest within the Catholic Church.

8 77. Doe 4 has complete and total control, including day to day control, over each aspect of
9 the Catholic Church. To the extent that some of the entities underneath Defendant Doe 4's absolute
10 control are separate corporations, Doe 4 maintains complete control over these separate corporations.
11 Doe 4 directs and requires each of these entities to strictly follow all of its policies and procedures,
12 requires each of these entities to report its activities to Defendant Doe 4, requires each cleric working
13 with the separate corporation to swear absolute obedience to Defendant Doe 4, and is the only entity that
14 can create or terminate these corporations. And with respect to the particular issue of child sex abuse,
15 Doe 4 demands complete and unswerving obedience regarding procedures, the scope of potential
16 penalties, and how each case will be disposed of ultimately.

17 78. Any corporations, including but not limited to any Archdiocese, Diocese or Order in
18 California which was or is incorporated, were and are an alter ego of Defendant Doe 4. Doe 4 retained
19 and does still retain complete and final control over these corporations.

20 79. Additionally, Doe 4 determined long ago that it would require some of the entities under
21 its control to incorporate in order to reduce Defendant Doe 4's exposure to claims by people that it
22 harmed, in order to keep the public from discovering Defendant Doe 4's involvement in the systematic
23 cover-up and concealment of child sex abuse by its agents, and in order to defraud those people that its
24 agents harmed, including those that its agents sexually abused as children.

25 80. Doe 4 is the only entity that can fire a priest.

26 81. Doe 4 is the only entity that can fire a Bishop, Cardinal, or Religious leader.

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1 **FACTS SUPPORTING CONCEALMENT OF CRIMINAL CONDUCT**

2 **BY DEFENDANT DOE 1**

3 82. Since approximately the 1940s through the present, persons controlling, directing
4 and/or participating in the operation of Defendant Doe 1 and its related entities, conspired to
5 intentionally, recklessly and/or negligently conceal criminal conduct of its agents, aided and abetted the
6 concealment of criminal conduct, aided and abetted criminal sexual conduct, failed to report criminal
7 conduct of its agents, evaded criminal and/or civil prosecution and liability, committed fraud and/or
8 fraudulently induced its prospective and current students, alumni, parishioners and the public in
9 furtherance of its scheme to protect predatory priests and other clergy from criminal prosecution, to
10 maintain or increase charitable contributions and/or avoid public scandal.

11 83. The following evidence shows that persons controlling and/or participating in the
12 operation of Defendant Doe 1 engaged in a pattern and practice of fraudulent conduct in order to
13 conceal the criminal and harmful acts of its agents and employees:

14 Father Titan "Jim" Miani:

15 84. In 1947, while he was being trained to be a priest, at Vescovile Seminary in
16 Pordenone Italy, Titian "Jim" Miani assaulted and sexually molested a child. The abuse was reported
17 by the child to the seminary and Defendant Doe 1. Despite the complaint, Defendant Doe 1 continued
18 training Miani to become a priest, sending him to Brazil to perform missionary work with aboriginal
19 children. After only a few months in Brazil Defendant Doe 1 transferred Miani to California, to
20 complete his studies with Defendant Doe 2 to become a priest. Defendant Doe 2 is a province of
21 Defendant Doe 1 which operated in the Western United States and Western Canada.

22 85. Before Miani could be transferred to California, however, Defendant Doe 1
23 gave a recommendation of his fitness to the United States Government, who had previously rejected
24 Miani's immigration to this country. Thereafter Miani attended seminary at Salesian College in Aptos
25 California, a facility owned and operated by Defendant Doe 2 with the approval of Defendant Doe 1.

26 86. As was the practice at the seminary for all priests in training, officials with
27 Defendant Doe 2 regularly provided updates of Miani's training to Defendant Doe 1. At Salesian
28 College, Miani along with other priests in training learned brutal practices designed to terrorize and

1 control students. One such practice was the use of a homemade electric chair on students. This
2 practice of using homemade electric chairs was engaged in at many communities of the Defendants Doe
3 1 and Doe 2 around the world.

4 87. In 1955, Miani was ordained a priest in the Defendant Doe 1 religious order.
5 Defendant Doe 1 and Doe 2 immediately thereafter transferred Miani to Edmonton Canada, to St.
6 Mary's boarding school, which was operated by Defendant Doe 1 and Doe 2. St. Mary's was a
7 residential boarding school that housed Native American children who were forcibly removed from
8 their families for reeducation. Numerous of these children who could not leave the facility were
9 subjected to physical violence and sexual abuse by priests, brothers and other personnel of Defendant
10 Doe 1 and Defendant Doe 2. Shortly after Miani's arrival at St. Mary's, he became aware of sexual
11 abuse of a child by another employee at St. Mary's and of the Director of the School's condoning of the
12 abuse. Emboldened by the permissive and perverse attitude of the Director and Defendant Doe 2 and
13 Doe 1, Miani began sexually molesting numerous children on school grounds, on camping trips and on
14 car rides to and from school functions. So brazen was Miani, that he sodomized a screaming boy in the
15 infirmary of the school, with the doors to the infirmary open and the priests living quarters the next
16 door down.

17 88. Numerous complaints of sexual assaults by Miani were made by students to the Director
18 of the school. One such complaint led to an investigation by the local Catholic Diocese, at which point
19 Defendant Doe 2 and Doe 1 transferred Miani back to California where they sent Miani to work at
20 Defendant Doe 3, a Catholic High School in Bellflower, California. However, instead of punishing
21 Miani, Defendants promoted Miani to the position of Dean of Students at Defendant Doe 3.

22 89. Defendant Doe 3 also served as a residential boarding school for boys. Upon arrival,
23 Miani began sexually abusing boys who lived on campus, including sexually abusing boys that other
24 priests and brothers had sexually molested. One such boy was Plaintiff. Plaintiff, over the course of
25 several years, was sexually assaulted by Father Miani and Father Jakub, both of whom were priests of
26 Defendant Doe 1 and Doe 2 who were employed at Defendant Doe 3.

27 90. After Defendants became aware of additional complaints that Miani had sexually
28 abused students, Defendants transferred Miani to various assignments in Northern California. At no

1 time did Defendants investigate or in any way discipline Miani for his conduct. At no time did
2 Defendants report any of his conduct to civil authorities. At no time did Defendants seek to defrock
3 Miani. Instead when Miani sought to leave the order of Defendants 1 and 2, he was actively
4 discouraged.

5 91. Eventually, Miani sought to become a priest of the Stockton Diocese as a parish
6 priest. Defendant Doe 2 informed the Diocese of Stockton of Miani's good standing and fitness to
7 serve as a priest instead of informing the Diocese of Stockton of the numerous complaints that had been
8 made of Miani sexually abusing children. In 1972 Defendant Doe 1 gave its approval for Miani to
9 become a parish priest of the Diocese of Stockton.

10 92. In the 1990's and 2000's, complaints continued to surface of Miani's sexual
11 abuse of children. The Diocese of Stockton requested that Defendant Doe 2 provide it with its file on
12 Miani to support its request to defrock him. Defendant Doe 2 instead allowed Miani to determine what
13 portions of the file would be turned over to the Diocese of Stockton. None of the evidence of prior
14 complaints of sexual abuse Defendant Doe 2's file regarding Miani were turned over to the Diocese of
15 Stockton.

16 93. As of 2008, despite more than 13 known victims, Miani had not been defrocked and
17 remained a priest. Upon information and belief, Defendant Doe 4 and the Congregation for the
18 Doctrine of Faith were made aware of the numerous complaints of child sex abuse against Miani
19 sometime after 2001. As of 2008, Defendant Doe 1, 2, and 3 had taken no action to aid in Miani being
20 defrocked. For more than 150 years, since shortly after its founding, the Defendants have recognized
21 the heightened danger that its purportedly celibate priests and brothers would sexually molest poor and
22 disadvantaged children placed in their care. Instead of alerting parents, the community or law
23 enforcement to this danger, the defendants created secret rules and codes, known only to fellow priests
24 and brothers to feebly regulate and alert fellow clergy of abuse. When these measures routinely failed
25 to prevent abuse, and victims and witnesses made complaints, the defendants utilized their statewide,
26 national and international structure to transfer priests to new assignments outside the reach of law
27 enforcement. At no time through the present have the defendants stopped placing its loyalty to fellow
28 clergy above its responsibility to protect children. To this day the defendants continue to employ priests

1 and brothers who have been convicted or accused of sexually molesting children. Priests and brothers
2 such as Father Larry Lorenzoni, Brother Ernest Martinez, Father Richard Presenti, Father Benjamin
3 Debenne, Brother Steve Whalen and others continue to work for Defendants and/or reside at
4 Defendants' facilities with regular access to children. All the while the Defendants have steadfastly
5 refused to alert parents or the community of the risks posed to their children by these predators.
6 Defendants' policies of absolute loyalty to clerics and secrecy regarding their sexual abuse of children,
7 has long fostered a culture within the Defendants that encouraged the sexual abuse of children. This
8 culture often condoned the abuse of defenseless and captive children. It also resulted in numerous
9 pedophile priests and brothers simultaneously working at Defendants' boarding schools, where they
10 often abused the same children, some times passing the defenseless children from perpetrator to
11 perpetrator. At least 22 Salesian priests or brothers and teachers of the California branch of the
12 Defendants have been accused of sexually molesting children. Those include the following: (1) Father
13 Titian "Jim" Miani; (2) Brother Ernie Martinez; (3) John Verhart; (4) Father Larry Lorenzoni; (5)
14 Brother Anthony Juarez; (6) Brother Mark Epperson; (7) Brother Ralph Murguia; (8) Brother John Vos;
15 (9) Father Benjamin Debenne; (10) Brother Jesse Dominguez; (11) Father Richard Presenti; (12)
16 Brother Steve Whalen; (13) Father Manuel Jimenez; (14) Father John Tkelick; (15) Brother Roy Vetari;
17 (16) Father Simsich; (17) Brother Harold Danielson; (18) Father Sal Billante; (19) Brother John; (20)
18 Brother Juan Sanchez; (21) Teacher Marc Dejardins; (22) Brother Pacheco. Many of these individuals
19 sexually abused the same children.

20 94. This pattern and practice of defendants is by no means limited to the California branch
21 of the defendants. The following are but two examples from other branches.

22 Rev. Carlos Peralta:

23 95. As a member of the religious order of Defendant Doe 1, Rev. Carlos Peralta
24 (hereinafter Peralta) and a school administrator in Peru, Peralta was responsible for the custody, care,
25 health, welfare, and safety of the students.

26 96. From an early point Defendant Doe 1 had information regarding and was or should
27 have been on notice of Peralta's dangerous and exploitive propensities.

28 97. On information and belief, as a result of Peralta's conduct and behavior, he developed

1 a reputation in the Defendant Doe 1 community for acting out with students.

2 98. On information and belief, despite his conduct, behavior, and reputation in the
3 Defendant Doe 1 community, Defendant Doe 1 allowed Peralta to remain as a faculty member and
4 faculty resident, where he continued to have unsupervised access to students.

5 99. On information and belief, Defendant Doe 1 did nothing more to investigate or
6 discover the existence of any other victims of Peralta. Instead, in conformity with its pattern and
7 practice, it concealed these acts from victims, prospective students, current students, their families,
8 alumni, parishioners, the public and/or law enforcement authorities.

9 100. In 1991, Peralta was caught with a young boy in his bedroom at the school in Peru.
10 The abuse was reported to the top Defendant Doe 1 official in Peru.

11 101. In 1995, several young students told Defendant Doe 1 leaders in Peru that Peralta had
12 abused them. Defendant Doe 1 church disciplinary board concluded that "unspeakable things have
13 occurred" and Peralta was ordered to be kept away from children.

14 102. In 1997, Peralta was sent to a clergy abuse treatment center in Argentina.

15 103. Despite the report of abuse, in 1998, Peralta was transferred to a Defendant Doe 1
16 parish in Chicago with top Defendant Doe 1 official in Peru sending Peralta with a permission to work
17 form that stated Peralta enjoys a good reputation and has no problem working with minors.

18 104. In 1999, Peralta was accused of molesting four boys in Chicago, and he was transferred
19 to a treatment center in Virginia, and then to a Defendant Doe 1 residence in New Jersey.

20 105. In 2001, Peralta was working at a Defendant Doe 1 parish in Mexico City.

21 106. Upon information and belief, Peralta is still working as a Defendant Doe 1 priest in
22 Mexico.

23 Father William Burke:

24 107. As a member of the religious order of Defendant Doe 1, Rev. William Burke
25 (hereinafter Burke) and a school administrator in Florida at Mary Help of Christians School in Tampa,
26 Burke was responsible for the custody, care, health, welfare, and safety of the students.

27 108. From an early point Defendant Doe 1 had information regarding and was or should
28 have been on notice of Burke's dangerous and exploitive propensities.

1 109. On information and belief, as a result of Burke's conduct and behavior, he developed
2 a reputation in the Defendant Doe 1 community for acting out with students.

3 110. In 1985 or 1986, a minor reported being abused by Burke. The abuse was reported to
4 an official within Defendant Doe 1, a school principal. Despite the report of abuse, Burke was allowed
5 to remain working at the school.

6 111. In 1989, another minor reported to one of Defendant Doe 1's agents that he was
7 abused by Burke. Law enforcement questioned officials in Defendant Doe 1, and were told they did
8 not know the location of Burke so law enforcement should come back later. When law enforcement
9 returned, they learned Burke had been moved by officials of Defendant Doe 1 out of state to New
10 Jersey, thereby obstructing law enforcement.

11 112. Despite the report of abuse, in 1985 or 1986 and 1989, Burke remained a brother of
12 Defendant Doe 1.

13 113. On information and belief, despite his conduct, behavior, and reputation in the
14 Defendant Doe 1 community, Defendant Doe 1 allowed Burke to remain as a faculty member and
15 faculty resident, where he continued to have unsupervised access to students.

16 114. On information and belief, Defendant Doe 1 did nothing more to investigate or
17 discover the existence of any other victims of Burke. Instead, in conformity with its pattern and
18 practice, it concealed these acts from victims, prospective students, current students, their families,
19 alumni, parishioners, the public and/or law enforcement authorities.

20 **TOLLING OF STATUTE OF LIMITATIONS PURSUANT TO CALIFORNIA CODE OF**
21 **CIVIL PROCEDURE SECTION 351.**

22 115. Alternatively to Miani and other Doe Defendants being agents of Defendant Doe 1,
23 Plaintiff pleads the following facts. Defendant Doe 1, is headquartered in Rome, Italy. At no time
24 since the abuse of Plaintiff was committed, has Defendant Doe 1 (1) been physically located within
25 California; (2) had any employees in California; (3) owned or operated any property in California; (4)
26 held any legal interest in any entity in California; (5) held any leasehold or other financial asset in
27 California; (6) had any agent for service of process in California; (7) had any telephone number, P.O.
28 Box, or address in California; nor engaged in any marketing or fundraising activity in California.

1 116. Alternatively to Miani and other Doe Defendants being agents of Defendant Doe 1,
2 Plaintiff pleads the following facts. The Economer General of Defendant Doe 1, Claudio Marangio,
3 the civil representative of Defendant Doe 1, stated under Oath in a declaration the following, in an
4 effort to quash service on the Defendant Doe 1 of a Northern California action. The Defendant Doe
5 1 does not own any property in California; has had no legal operations in California; has no legal
6 interest in any entity in California; holds no leasehold interest or other financial assets in California;
7 has no employees in California; has no agent for the service of process in California; has no telephone,
8 P.O. Box or address in the United States; engages in no marketing or fundraising activity in the United
9 States.

10 117. Pursuant to California Code of Civil Procedure Section 351 at all times since
11 the abuse of plaintiff Defendant Doe 1 has been located outside of California and thus at all times since
12 the abuse the statute of limitations for the abuse plaintiff suffered has been tolled.

13 118. Miani and Jakub sexually molested JOHN GA DOE using their authority as priests to
14 gain the trust and obedience of JOHN GA DOE. Miani and Jakub further used Plaintiff's youth,
15 immaturity and inexperience to infect Plaintiff's life and sexually abuse him. During the abuse, Miani
16 and Jakub routinely used their position as priests of the Church to not only gain access to JOHN GA
17 DOE, but also to justify the abuse to him, such that the boy at the time of the abuse did not appreciate
18 the wrongfulness of the abuse or the injury it was causing him. The abuse caused JOHN GA DOE deep
19 shame, embarrassment, and self loathing. These feelings, as well as the Perpetrators' continued position
20 of trust and reverence in the community, caused JOHN GA DOE to bury his own memories of the abuse
21 as far as he could out of his conscious mind, thus rendering him unable to perceive that the abuse he
22 suffered from as a child were causing him psychological injury as an adult. JOHN GA DOE did not
23 begin to actively think about the abuse as an adult, or perceive the injurious nature of the abuse and its
24 effects upon his adult life until mid -July 2007, when he was interviewed by investigators regarding his
25 time at Defendant Doe 3.

26 119. As a result of the Miani and Jakub's conduct, JOHN GA DOE became subject to
27 psychological mechanisms of denial and dissociation, which by their natural operation reasonably and
28 justifiably prevented JOHN GA DOE from being able to know the psychological and emotional injuries

1 which were occurring and which would in the future continue to occur and develop in him. Said
2 mechanisms naturally and reasonably prevented JOHN GA DOE from being able to discover the
3 psychological injuries in his adult life were causally connected to the sexual abuse, and being able to
4 discover the wrongfulness of Defendant's conduct until he was forced to think about the abuse as an
5 adult in mid July of 2007, when he was interviewed by investigators.

6 120. Plaintiff does not have access to the Defendants' files regarding the perpetrators, or
7 the ability to interview officials with the Church Defendants, or possession of the Church Defendants'
8 policies and procedures regarding child abuse prevention and reporting. The Church Defendants have
9 had a pattern of withholding from the community complaints regarding their clergy sexually abusing
10 minors.

11 121. Accordingly, Plaintiff alleges the following on information and belief: before the last
12 instance of the perpetrators priests abusing Plaintiff, Defendants officials received complaints that the
13 perpetrators Miani and Jakub had sexually abused minors and failed to take any action to prevent the
14 perpetrators from utilizing their position as priests to continue molesting Plaintiff; Defendants were also
15 aware prior to the last instance of abuse, that the perpetrators routinely violated policies of the
16 Defendants designed to protect children from being abused; Despite knowledge of these violations,
17 Defendants took no steps to either investigate the perpetrators' conduct with children or prevent further
18 conduct with children in violation of Defendants' policies and practices. These policies and practices,
19 while communicated to church leaders were either not disseminated to church members including
20 Plaintiff and his parents, or were negligently disseminated such that Plaintiff and his parents were
21 prevented from being able to adequately protect against the abuse.

22 122. As a result of his ordeal with the perpetrators, Plaintiff was drawn at a very young age
23 into a life of depravation and/or depression, which continues into adulthood. Plaintiff has come to
24 realize the gravity and long lasting ramifications of the sexual abuse perpetrated on him at such a young
25 age. Plaintiff reasonably and blamelessly was prevented from knowing or becoming aware that the
26 profound psychological injury he has suffered from boyhood was caused by or connected with the
27 childhood sexual abuse by the perpetrators and is, therefore blameless in the "postponed accrual" of
28 Plaintiff's Causes of Action herein.

1 123. As a direct result of the wrongful conduct alleged herein, Plaintiff has suffered,
2 and continues to suffer great pain of mind and body, shock, and emotional distress, physical
3 manifestations of emotional distress, embarrassment, loss of self esteem, disgrace, humiliation, and loss
4 of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue
5 to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has
6 sustained and continues to sustain loss of earnings and earning capacity; and has incurred and will
7 continue to incur expenses for medical and psychological treatment, therapy and counseling.

8 124. In doing the things herein alleged, Defendants acted willfully and with intent to cause
9 injury to Plaintiff, and subjected Plaintiff to cruel and unjust hardship in conscious disregard for
10 Plaintiff's rights , and intentionally misrepresented, deceived, and concealed material facts, thereby
11 depriving Plaintiff of legal rights and causing injury to Plaintiff. Defendants were therefore guilty of
12 malice, oppression, and fraud in conscious disregard of Plaintiff's rights and Plaintiff is therefore
13 entitled to an award of exemplary or punitive as against Defendants.

14 **FIRST CAUSE OF ACTION**

15 **NEGLIGENCE**

16 **(Plaintiff Against Defendants DOE 1, DOE 2 and DOE 3)**

17 125. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

18 126. Defendants had a duty to protect the minor Plaintiff when he was entrusted to their
19 care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted
20 to Defendants, and Defendants accepted the entrusted care of the Plaintiff. As such, Defendants owed
21 Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff
22 the higher duty of care that adults dealing with children owe to protect them from harm. In this case,
23 Plaintiff required the heightened level of care appropriate for a minor.

24 127. The perpetrators were able, by virtue of their unique authority and position as priests
25 in the Catholic Church, to identify the vulnerable victims and their families upon which the Perpetrators
26 could perpetrate such sexual abuse; to manipulate their authority to procure compliance with their
27 sexual demands from their victims; to induce the victim to continue to allow the abuse; and to coerce
28 him not to report it to any other persons or authorities.

1 128. Defendants, by and through their agents, servants and employees, knew or reasonably
2 should have known of the Perpetrators' dangerous and exploitive propensities and/or that the
3 Perpetrators were unfit agents. It was foreseeable that if Defendants did not adequately exercise or
4 provide the duty of care owed to children in their care, including but not limited to the Plaintiff, the
5 children entrusted to Defendants' care would be vulnerable to sexual abuse by the Perpetrators.

6 129. Defendants breached their duty of care to the minor Plaintiff by allowing the
7 Perpetrators to come in contact with the minor Plaintiff without supervision; by failing to adequately
8 supervise, or negligently retaining the Perpetrators who they permitted and enabled to have access to
9 the Plaintiff; by failing to investigate or otherwise confirm or deny such facts about the Perpetrators;
10 by failing to tell or concealing from Plaintiff, Plaintiff's parents guardians, or law enforcement officials
11 that the Perpetrators were or may have been sexually abusing minors; by failing to tell or concealing
12 from Plaintiff's parents, guardians or law enforcement officials that Plaintiff was or may have been
13 sexually abused after Defendants knew or had reason to know that the Perpetrators may have sexually
14 abused Plaintiff; therefore enabling Plaintiff to continue to be endangered and sexually abused, and/or
15 creating the circumstance where Plaintiff was less likely to receive medical/mental health care and
16 treatment, thus exacerbating the harm done to Plaintiff; and/or by holding out the Perpetrators to the
17 Plaintiff and his parents or guardians as being in good standing and trustworthy. Defendants cloaked
18 within the facade or normalcy Defendants' and/or the Perpetrators' contact and/or actions with the
19 Plaintiff and/or with other minors who were victims of the Perpetrators, and/or disguised the nature of
20 the sexual abuse and contact.

21 130. As a direct result of the wrongful contact alleged herein, Plaintiff has suffered and
22 continues to 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 enjoyment of
24 life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and
25 obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical
26 and psychological treatment, therapy, and counseling.

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1 **SECOND CAUSE OF ACTION**

2 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

3 **(Plaintiff Against Defendants DOE 1, DOE 2, and DOE 3)**

4 131. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth
5 herein.

6 132. Defendants had a duty to provide reasonable supervision of both the Perpetrators and
7 the Plaintiff; to use reasonable care in investigating the Perpetrators; and to provide adequate warning
8 to the Plaintiff, or the Plaintiff's family members, of the Perpetrators' dangerous propensities or
9 unfitness.

10 133. Defendants, by and through their agents, servants and employees, knew or
11 reasonably should have known of the perpetrators' dangerous and exploitative propensities and/or that
12 the perpetrators were unfit agents. Despite such knowledge, Defendants negligently failed to
13 supervise the perpetrators in the position of trust and authority as a priest with a leadership role with
14 youth where he was able to commit the wrongful acts against the Plaintiff. Defendants failed to prove
15 the reasonable supervision of the perpetrators, failed to use reasonable care in investigating the
16 perpetrators, and failed to provide adequate warning to Plaintiff and Plaintiff's family of the
17 perpetrators' dangerous propensities and unfitness. Defendants further failed to take reasonable
18 measures to prevent future sexual abuse.

19 134. As a direct result of the wrongful contact alleged herein, Plaintiff has suffered
20 and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations
21 of emotional distress, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment
22 of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and
23 obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical
24 and psychological treatment, therapy, and counseling.

25 **THIRD CAUSE OF ACTION**

26 **NEGLIGENT HIRING AND RETENTION**

27 **(Plaintiff Against Defendants DOE 1 and DOE 2)**

28 135. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth

1 herein.

2 136. Defendants had a duty to not hire and/or retain the perpetrators, and other employees,
3 agents, volunteers and other representatives, given the perpetrators' dangerous and exploitive
4 propensities.

5 137. Defendants, by and through their agents, servants and employees, knew or reasonably
6 should have known of the perpetrators' dangerous and exploitive propensities and/or that the
7 perpetrators were unfit agents. Despite such knowledge, Defendants negligently hired and retained the
8 perpetrators in the position of trust and authority as a priest with a leadership role with youth where he
9 was able to commit the wrongful acts against the Plaintiff. Defendants failed to use reasonable care in
10 investigating the perpetrators and failed to provide adequate warning to Plaintiff and Plaintiff's family
11 of the perpetrators' dangerous propensities and unfitness. Defendants further failed to take reasonable
12 measures to prevent future sexual abuse.

13 138. As a direct result of the wrongful contact alleged herein, Plaintiff has suffered and
14 continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
15 emotional distress, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment of
16 life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and
17 obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical
18 and psychological treatment, therapy, and counseling.

19 **FOURTH CAUSE OF ACTION**

20 **BREACH OF FIDUCIARY DUTY AND/OR CONFIDENTIAL RELATIONSHIP**

21 **(Plaintiff Against All Defendants)**

22 139. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

23 140. Because of Plaintiff's young age, and because of the status of the Perpetrators as
24 authority figures to Plaintiff, Plaintiff was vulnerable to the Perpetrators. The Perpetrators sought
25 Plaintiff out and were empowered by and accepted the Plaintiff's vulnerability. Plaintiff's
26 vulnerability also prevented Plaintiff from effectively protecting himself.

27 141. By holding the Perpetrators out as qualified priests, teachers, leaders, ministers,
28 instructors, and mentors for children and by undertaking the instruction, supervision, assistance, and

1 counseling of Plaintiff, Defendants entered into a fiduciary and/or confidential relationship with the
2 minor Plaintiff.

3 142. Defendants and each of them breached their fiduciary duty to Plaintiff by engaging in
4 the negligent and wrongful conduct described herein.

5 143. As a direct result of the wrongful contact alleged herein, Plaintiff has suffered and
6 continues to 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 enjoyment of
8 life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and
9 obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical
10 and psychological treatment, therapy, and counseling.

11 **FIFTH CAUSE OF ACTION**

12 **NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE**

13 **(Plaintiff Against Defendants DOE 1 and DOE 2)**

14 144. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

15 145. Defendants breached their duty to take reasonable protective measures to protect
16 Plaintiff and other minor students from the risk of childhood sexual abuse by the Perpetrators, such as
17 the failure to properly warn, train, or educate Plaintiff and other minor parishioners and/or students
18 about how to avoid such a risk, pursuant to *Juarez v. Boy Scouts of America, Inc.* (2000) 97 Cal App.4th
19 377.

20 146. As a direct result of the wrongful contact alleged herein, Plaintiff has suffered and
21 continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
22 emotional distress, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment of
23 life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and
24 obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical
25 and psychological treatment, therapy, and counseling.

26 **SIXTH CAUSE OF ACTION**

27 **NEGLIGENCE PER SE FOR STATUTORY VIOLATIONS**

28 **(Plaintiff Against Defendants DOE 1, DOE 2 and DOE 3)**

1 147. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

2 148. At all times, or sometimes herein mentioned, there was in full force and effect
3 Penal Code §§ 32; 1166; 273a; 266j; 285; 286(b)(1) & (2); 2868; 288(a) & (b); 288(a) and (b);
4 288a(b)(1) & (2); 288a(c); 289(h),(I)& (j); 647.6; or any prior laws of California of similar effect at the
5 time these acts described herein were committed. These laws made unlawful certain acts relating
6 to the sexual abuse of minors.

7 149. At the times mentioned herein, Defendants were in violation of the aforesaid statutes
8 in doing the acts set forth herein.

9 150. Plaintiff was within the class of persons to be protected by Penal Code §§ 32;
10 1166; 273a; 266j; 285; 286(b)(1) & (2); 2868; 288(a) & (b); 288(a) and (b); 288a(b)(1) & (2); 288a(c);
11 289(h),(I)& (j); 647.6; or any prior laws of California of similar effect at the time these acts described
12 herein were committed.

13 151. As a direct result of the wrongful contact alleged herein, Plaintiff has suffered and
14 continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
15 emotional distress, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment of
16 life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and
17 obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical
18 and psychological treatment, therapy, and counseling.

19 **SEVENTH CAUSE OF ACTION**

20 **SEXUAL BATTERY**

21 **(Plaintiff Against All Defendants)**

22 152. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

23 153. In or around 1963-65, the Perpetrators engaged in unpermitted, harmful and offensive
24 sexual contact upon the person of Plaintiff.

25 154. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual
26 abuse of Plaintiff by the Perpetrators arose from, was incidental to, and was in the course and scope of
27 the Perpetrators' employment with Defendants, and each of these Defendants ratified or approved of
28 that sexual contact.

1 155. As a direct result of the wrongful contact alleged herein, Plaintiff has suffered and
 2 continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
 3 emotional distress, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment of
 4 life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and
 5 obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical
 6 and psychological treatment, therapy, and counseling.

7 **EIGHTH CAUSE OF ACTION**

8 **FRAUD**

9 **(Plaintiff Against Defendants DOE 1, DOE 2 and DOE 3)**

10 156. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

11 157. Defendants knew and/or had reason to know of the sexual misconduct of the
 12 Perpetrators.

13 158. Defendants misrepresented, concealed or failed to disclose information relating to
 14 sexual misconduct of the Perpetrators as described herein, and Defendants continued to misrepresent,
 15 conceal, and fail to disclose information relating to sexual misconduct of the Perpetrators as described
 16 herein.

17 159. Defendants knew that they misrepresented, concealed or failed to disclose
 18 information relating to sexual misconduct of the perpetrators.

19 160. Plaintiff and his family justifiably relied upon Defendants for information relating to
 20 the sexual misconduct of the perpetrators.

21 161. Defendants, with the intent to conceal and defraud, did misrepresent, conceal or fail to
 22 disclose information relating to the sexual misconduct of the Perpetrators.

23 162. As a direct result of the wrongful contact alleged herein, Plaintiff has suffered and
 24 continues to 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 enjoyment of
 26 life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and
 27 obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical
 28 and psychological treatment, therapy, and counseling.

1 NINTH CAUSE OF ACTION

2 NEGLIGENCE

3 (Plaintiff Against Defendant DOE 4)

4 163. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this
5 count.

6 164. Defendant DOE 4, by and through its agents, servants and employees, breached duties
7 owed to the Plaintiffs under the common law of the states, the federal common law, the laws of the fifty
8 states, the law of the State of California and customary international law of human rights, including but
9 not limited to:

10 a. The duty to provide safe care, custody and control of the minor children entrusted
11 by their parents to the Roman Catholic churches and schools under the absolute
12 control of Defendant DOE 4.

13 b. The duty to warn parents who entrusted their children's care, custody and control
14 to the churches and schools of the Roman Catholic Church that priests and other
15 clerics were known pedophiles, sexual predators and perpetrators of childhood
16 sexual abuse.

17 c. The duty to report known or suspected perpetrators of childhood sexual abuse to
18 authorities as required by statutory law, common law, and customary
19 international law.

20 165. Defendant DOE 4, knew that its priests, clerics and agents in the United States, including
21 California, were committing acts of childhood sexual abuse and engaging in dangerous and exploitive
22 conduct as pedophiles, sexual predators and perpetrators of childhood sexual abuse, and that these
23 priests, clerics, bishops, archbishops, cardinals, agents, and employees created an unsafe condition on
24 the premises of the aforesaid churches and schools, institutions to whom the custody and control of said
25 minor children was placed.

26 166. The acts and omissions of Defendant DOE 4 alleged herein, including the concealment
27 of its policy of harboring and protecting its abusive priests, agents and employees from public disclosure
28 and prosecution and directives prohibiting the reporting of child sexual abuse to authorities, as part of

1 a regular course of commercial conduct and particular commercial transactions and acts, were a
2 substantial factor in bringing about the damages suffered by the Plaintiff as a result of childhood sexual
3 abuse.

4 WHEREFORE, Plaintiff demands judgment against Defendant DOE 4 in an amount to be
5 determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief
6 that the Court deems just and equitable.

7 **TENTH CAUSE OF ACTION**

8 **FRAUD**

9 **(Plaintiff Against Defendant DOE 4)**

10 167. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this
11 count.

12 168. Defendant affirmatively represented to Plaintiff and his family that Perpetrators did not
13 have a history of molesting children, that Defendant DOE 4 did not know or suspect that Perpetrators
14 had a history of molesting children and that Defendant DOE 4 did not know that Perpetrators were a
15 danger to children.

16 169. Perpetrators did have a history of sexually molesting children. Defendant DOE 4 knew
17 that Perpetrators had a history of sexually molesting children and that he was a danger to children.

18 170. Plaintiff justifiably relied upon Defendant DOE 4's misrepresentations which caused him
19 to be sexually molested by Perpetrators and suffer the other damages described herein.

20 171. Defendant DOE 4 knew that its misrepresentations were false or at least were reckless
21 without care of whether these representations were true or false.

22 172. Defendant DOE 4 made the misrepresentations with the intent to deceive Plaintiff and
23 to induce him to act on the misrepresentations to his detriment.

24 WHEREFORE, Plaintiff demands judgment against Defendant DOE 4 in an amount to be
25 determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief
26 that the Court deems just and equitable.

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ELEVENTH CAUSE OF ACTION
FRAUD (INTENTIONAL NON-DISCLOSURE)
(Plaintiff Against Defendant DOE 4)

Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

173. Defendant knew that Perpetrators had a history of sexually molesting children before Perpetrators sexually molested Plaintiff.

174. Whether or not Perpetrators had a history of sexual abuse was a material fact to Plaintiff.

175. Plaintiff relied on this non-disclosure.

176. Defendant DOE 4 intentionally did not disclose this fact to the then minor Plaintiff in order to induce him to act on the misrepresentations to his detriment.

177. Plaintiff relied upon this intentional non-disclosure, which caused him to be sexually molested by Perpetrators and suffer the other damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant DOE 4 in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

TWELFTH CAUSE OF ACTION
FRAUD (NEGLIGENT MISREPRESENTATION)
(Plaintiff Against Defendant DOE 4)

178. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

179. Defendant DOE 4, through its agents, represented to Plaintiff and his family that Perpetrators did not have a history of molesting children and that Perpetrators were not a danger to children.

180. Perpetrators did have a history of sexually molesting children and were a danger to children.

181. Defendant DOE 4 owed a duty of care to Plaintiff because it knew or should have known that Perpetrators would have access to children including Plaintiff, should have known that Perpetrators

1 were a danger to children, and should have known that Perpetrators had molested children before they
2 molested Plaintiff, and should have known that parents and children would place the utmost trust in
3 Miani.

4 182. Defendant DOE 4, through its agents, failed to use ordinary care in making the
5 representation or in ascertaining the facts related to Miani. Defendant DOE 4 reasonably should have
6 foreseen that its representation would subject Plaintiff to the unreasonable risk of harm.

7 183. Defendant DOE 4 failed to use ordinary care to determine Miani's significant/ lengthy
8 history of molesting children and whether he was safe for work with children before it made its
9 representation about Miani. Defendant DOE 4 failures include but are not limited to: failure to ask
10 Perpetrator whether he sexually molested children, failure to ask Miani's co-workers whether he
11 molested children or whether they had any concerns about Perpetrator and children, failure to investigate
12 Perpetrator's interest in children, failure to have a sufficient system to determine whether Perpetrator
13 molested children and whether he was safe, failure to train its employees properly to identify signs of
14 child molestation by fellow employees, and failure to investigate warning signs about Perpetrator when
15 they did arise.

16 184. Plaintiff believed and justifiably relied upon Defendant DOE 4's representations which
17 caused him to be sexually molested by Perpetrator and suffer the other damages described herein.

18 WHEREFORE, Plaintiff demands judgment against Defendant DOE 4 in an amount to be
19 determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief
20 that the Court deems just and equitable.

21 **THIRTEENTH CAUSE OF ACTION**

22 **VICARIOUS LIABILITY**

23 **(Plaintiff Against Defendants DOE 1, DOE 2, and DOE 4)**

24 185. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

25 186. Defendants are vicariously liable for the intentional and/or negligent torts of the priest
26 because (1.) The Defendants authorized the wrongful conduct; (2.) The Defendants ratified the wrongful
27 conduct and/or (3.) Public policy dictates that the Defendants should be held responsible for the
28 wrongful conduct under the theory commonly referred to as Respondeat Superior.

1 187. Defendants are vicariously liable for the intentional and/or negligent torts of the
2 Perpetrators because they were acting within the scope of their misconduct, where such misconduct was
3 foreseeable.

4 188. Defendants are vicariously liable because after knowledge or opportunity to learn of
5 the Perpetrators' misconduct, Defendants continued the Perpetrators in service for Defendants.
6 Defendants are also vicariously liable because Defendants authorized the Perpetrators to engage in the
7 tortious conduct.

8 189. The risk of abuse of a priest's authority, trust, reverence, respect and access to
9 vulnerable families and young, vulnerable children have all been long known to the Defendants. It has
10 been long known to the Defendants that priests with such authority, trust, reverence, respect and access
11 to vulnerable families and young children create a risk of misusing their position to sexually molest
12 children. Defendants have enacted policies designed to prevent this type of misconduct as part of their
13 recognition that priests with access to young, vulnerable children create a special risk of sexual abuse
14 to those children.

15 190. For the reasons set forth above, the Defendants could have and should have
16 reasonably foreseen that the Perpetrators; tortious conduct might occur in conjunction with his assigned
17 duties.

18 191. Since they could have foreseen, should have foreseen, and did foresee the possibility of
19 this tortious conduct occurring as an outgrowth of the Perpetrators' duties, Defendant's are vicariously
20 liable for the tortious conduct.

21 WHEREFORE, Plaintiff prays for damages; injunctive relief; costs; interest; attorneys' fees;
22 statutory/civil penalties according to law; and such other relief as the court deems appropriate and just.

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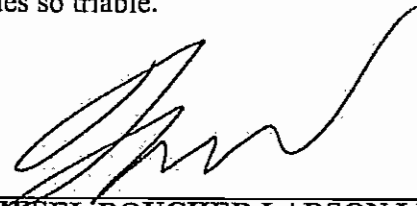
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JURY TRIAL DEMAND

Plaintiff demands a jury trial for all issues so triable.

Dated: June 30, 2010

By: 

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ATTORNEY FOR (Name): Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 12720 Norwalk Blvd.
MAILING ADDRESS:
CITY AND ZIP CODE: Norwalk, 90650
BRANCH NAME: SOUTHEAST

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JUN 30 2010
**NORWALK
SUPERIOR COURT**

CASE NAME:
JOHN GA DOE v DEFENDANT DOE 1, et al.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

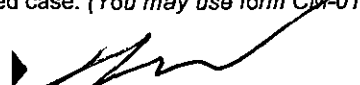
CASE NUMBER: **VC056637**
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|---|
| <p>Auto Tort</p> <input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) <p>Other P/IPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input checked="" type="checkbox"/> Other P/IPD/WD (23) <p>Non-P/IPD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-P/IPD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | <p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|---|---|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 9
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-075.)

Date: June 30, 2010
ANTHONY M. DE MARCO
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties In Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
Auto (22)–Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Anti-trust/Trade Regulation (03)
Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)	Breach of Rental/Lease	Construction Defect (10)
	Contract (<i>not unlawful detainer or wrongful eviction</i>)	Claims Involving Mass Tort (40)
	Contract/Warranty Breach–Seller Plaintiff (<i>not fraud or negligence</i>)	Securities Litigation (28)
	Negligent Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Enforcement of Judgment
Asbestos Property Damage	Collection Case–Seller Plaintiff	Enforcement of Judgment (20)
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Abstract of Judgment (Out of County)
Product Liability (<i>not asbestos or toxic/environmental</i>) (24)	Insurance Coverage (<i>not provisionally complex</i>) (18)	Confession of Judgment (<i>non-domestic relations</i>)
Medical Malpractice (45)	Auto Subrogation	Sister State Judgment
Medical Malpractice–Physicians & Surgeons	Other Coverage	Administrative Agency Award (<i>not unpaid taxes</i>)
Other Professional Health Care Malpractice	Other Contract (37)	Petition/Certification of Entry of Judgment on Unpaid Taxes
Other PI/PD/WD (23)	Contractual Fraud	Other Enforcement of Judgment Case
Premises Liability (e.g., slip and fall)	Other Contract Dispute	Miscellaneous Civil Complaint
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Real Property	RICO (27)
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	Other Complaint (<i>not specified above</i>) (42)
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Declaratory Relief Only
Other PI/PD/WD	Other Real Property (e.g., quiet title) (26)	Injunctive Relief Only (<i>non-harassment</i>)
Non-PI/PD/WD (Other) Tort	Writ of Possession of Real Property	Mechanics Lien
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Other Commercial Complaint Case (<i>non-tort/non-complex</i>)
Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)	Quiet Title	Other Civil Complaint (<i>non-tort/non-complex</i>)
Defamation (e.g., slander, libel) (13)	Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)	Miscellaneous Civil Petition
Fraud (16)	Unlawful Detainer	Partnership and Corporate Governance (21)
Intellectual Property (19)	Commercial (31)	Other Petition (<i>not specified above</i>) (43)
Professional Negligence (25)	Residential (32)	Civil Harassment
Legal Malpractice	Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)	Workplace Violence
Other Professional Malpractice (<i>not medical or legal</i>)	Judicial Review	Elder/Dependent Adult Abuse
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Election Contest
Employment	Petition Re: Arbitration Award (11)	Petition for Name Change
Wrongful Termination (36)	Writ of Mandate (02)	Petition for Relief From Late Claim
Other Employment (15)	Writ–Administrative Mandamus	Other Civil Petition
	Writ–Mandamus on Limited Court Case Matter	
	Writ–Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal–Labor	
	Commissioner Appeals	

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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 30/45 HOURS/ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
<input type="checkbox"/> A7240 Other Professional Health Care Malpractice		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.
		<input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.	
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.	
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.	
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.	

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

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Employment

Contract

Real Property

Judicial Review Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not Insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.
	<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
	<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6008 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
	<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
	<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
	<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
	<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
	<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
	<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
	<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
	<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
	<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
	<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
	<input type="checkbox"/> A6190 Election Contest	2.
	<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
	<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
	<input type="checkbox"/> A6100 Other Civil Petition	2., 9.


SHORT TITLE: JOHN GA DOE v. DEFENDANT DOE 1, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 13640 Bellflower Boulevard	
CITY: Bellflower	STATE: CA	ZIP CODE: 90706	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Southeast courthouse in the Southeast District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

Dated: June 30, 2010



 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 03-04 (Rev. 03/06).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES NORWALK SUPERIOR COURT		ORIGINAL FILED JUN 30 2010 NORWALK SUPERIOR COURT
COURTHOUSE ADDRESS: 12720 NORWALK BLVD. NORWALK, CA 90650		
PLAINTIFF: <u>John GA Doe</u>		CASE NUMBER: VC056637
DEFENDANT: <u>Defendant Doe</u>		
NOTICE OF CASE MANAGEMENT CONFERENCE		

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: NOV 05 2010	Time: 1:30 P.M.	Dept.: SE"F"
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NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section.68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.

Dated: JUN 30 2010


 Judicial Officer **Judge Raul A. Sahagun**

CERTIFICATE OF SERVICE

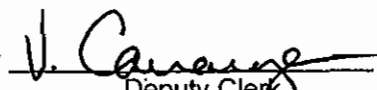
I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

by depositing in the United States mail at the courthouse in NORWALK, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

by personally giving the party notice upon filing of the complaint.

JOHN A. CLARKE, Executive/Officer Clerk

Dated: JUN 30 2010

By 
 Deputy Clerk **V. Carranza**