

1 Robert E. Pastor, SBN 021963
2 MONTROYA, JIMENEZ, & PASTOR P.A.
3 3200 North Central Avenue, Suite 2550
4 Phoenix, Arizona 85012
5 (602) 279-8969
6 Fax: (602) 256-6667
7 repastor@mjpattorneys.com



6 Attorney for Plaintiff

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF COCONINO**

10 JOHN "G. H." DOE, a married man,

Case No.: CV2012-00649

11 Plaintiff,

COMPLAINT

12 v.

13
14 THE ROMAN CATHOLIC CHURCH
15 OF THE DIOCESE OF GALLUP, a
16 corporation sole; MADRE DE DIOS
17 CHURCH & PARISH, an Arizona
18 corporation; THE ESTATE OF
19 FATHER CLEMENT A. HAGEMAN,
20 deceased; FATHER RAUL
21 SANCHEZ, a single man; JOHN DOE
I-X; JANE DOE I-X; and Black &

22 Defendants.

23
24 Plaintiff, for his complaint, states and alleges the following:

25 **JURISDICTION**

- 26 1. Plaintiff, John G.H. Doe, is a resident of Navajo County, Arizona. The acts,
27 events, and or omissions occurred in Arizona. The cause of action arose in
28 Navajo County, Arizona.

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2. Defendant The Roman Catholic Church of the Diocese of Gallup (Gallup) is a corporation sole. The presiding Bishops of the Diocese of Gallup during the relevant times at issue in this Complaint were Bishop Bernard T. Espelage (1940-1969), Bishop Jerome J. Hastrich (1969 – 1990), Bishop Donald Edmond Pelotte (1990 – 2008), and Bishop James S. Wall (2009 – present). Bishop Wall is presently governing Bishop of the Diocese of Gallup.
3. The Diocese of Gallup is incorporated in the State of New Mexico and has its principle place of business in Gallup, New Mexico. The territory of the Diocese of Gallup encompasses 55,000 square miles including the Northeastern portion of Arizona. At the time of the alleged acts or omission, the Diocese of Gallup included portions of North Central Arizona. The Diocese of Gallup was canonically erected on December 16, 1939.
4. Defendant Gallup, acting through its priests, Bishops, Archbishops, employees, and agents of any kind caused acts, events, or omissions to occur in Winslow, Navajo County, Arizona out of which these claims arise.
5. Defendant Madre de Dios Church and Parish is an Arizona corporation. At all times alleged, Madre de Dios was owned, operated, and controlled by the Diocese of Gallup. Madre de Dios Church and Parish are located in Navajo County, Winslow, Arizona.
6. Defendant Madre de Dios, acting through its priests, Bishops, Archbishops, employees and agents of any kind caused acts, events, or omissions to occur in Winslow, Navajo County, Arizona out of which these claims arise.
7. Defendant Father Hageman was ordained as a Roman Catholic priest on June 10, 1930 and was incardinated in the Diocese of Corpus Christi by Bishop Emmanuel B. Ledvina.

- 1 8. At all times alleged, Defendant Father Hageman was a Roman Catholic priest
2 who caused acts, events, or omissions to occur in Winslow, Navajo County,
3 Arizona out of which these claims arise. At all times alleged, Defendant
4 Hageman was employed by and was the actual or apparent agent of
5 Defendants Gallup and or Madre de Dios.
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- 7 9. At all times alleged, Defendant Hageman was under the supervision, employ,
8 or control of Defendants Gallup and Madre de Dios when he committed the
9 wrongful acts, events, and omissions alleged.
- 10 10. Defendant Father Clement A. Hageman died on July 2, 1975 while serving as
11 the administrator of the Madre de Dios Parish in Winslow, Navajo County,
12 Arizona.
- 13 11. Defendant Father Raul Sanchez was ordained as a Roman Catholic priest and
14 was incardinated in the Diocese of Gallup.
- 15 12. At all times alleged, Defendant Father Sanchez was a Roman Catholic priest
16 who caused acts, events, or omissions to occur in Winslow, Navajo County,
17 Arizona out of which these claims arise. At all times alleged, Defendant
18 Sanchez was employed by and was the actual or apparent agent of
19 Defendants Gallup and or Madre de Dios.
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- 21 13. At all times alleged, Defendant Father Sanchez was under the supervision,
22 employ, or control of Defendants Gallup and Madre de Dios when he
23 committed the wrongful acts, events, and omissions alleged.
- 24 14. Defendant Father Raul Sanchez is currently on a leave of absence from the
25 Diocese of Gallup.
- 26 15. At all times alleged, Defendants Gallup, Madre de Dios, Hageman, and
27 Sanchez, their priests, Bishops, Archbishops, employees and agents were
28 acting within their course and scope of employment or alternatively, acting
within their actual or apparent authority. The wrongful acts, events, or
omissions committed by Defendants Hageman, Sanchez and by those priests,

1 Bishops, Archbishops, employees and agents who acted individually and in
2 conspiracy with the other to hide and cover up Hageman's and Sanchez'
3 history, pattern, and propensity to sexually abuse Catholic children were
4 done within the course and scope of their authority with their employing
5 entities, or incidental to that authority and were acquiesced in, affirmed, and
6 ratified by those entities.
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- 8 16. Defendants JOHN DOE I-X, JANE DOE I-X, and BLACK AND WHITE
9 CORPORATIONS I-X, are fictitious names designating an individual or
10 individuals or legal entities not yet identified who have acted in concert with
11 the named Defendants either as principals, agents, or co-participants whose
12 true names Plaintiffs may insert when identified.

13 GENERAL ALLEGATIONS

14 **Defendants Gallup and Madre de Dios allowed Hageman to relocate to a**
15 **remote part of Arizona after Hageman sexually abused boys in Texas**

- 16 17. Plaintiff incorporates all other paragraphs.
17 18. Father Hageman was ordained a Roman Catholic priest on June 10, 1930. He
18 was incardinated in the Diocese of Corpus Christi by Bishop Emmanuel B.
19 Ledvina.
20 19. As a Roman Catholic Priest incardinated in the Diocese of Corpus Christi,
21 Father Hageman was required to have the permission of the Bishop of the
22 Diocese of Gallup (Bishop Espelage) before being allowed to serve in the
23 Diocese of Gallup.
24 20. As early as 1936 the Roman Catholic Church of the Diocese of Corpus Christi
25 knew or should have known that Father Hageman was sexually abusing /
26 molesting young boys with whom he had a trusting relationship.
27 21. By April 1939, the pastor at St. Peter's Catholic Church in Laredo, Texas,
28 Father Daniel Laning, informed Bishop Ledvina (Bishop of the Diocese of
Corpus Christi) that Father Hageman sexual abused boys. Father Laning

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urged Father Hageman to request assignment to a monastery for the balance of his life or to request secularization.

- 22. Father Laning assured Bishop Ledvina that the boys were kept close to him and that news of the affair was kept from public knowledge.
- 23. Upon information and belief, in April 1939 Bishop Ledvina did not have any confidence that Father Hageman would be able to overcome or control his "weakness." Bishop Ledvina agreed with Father Laning that the best course of action would be for Father Hageman to enter a monastery for the remainder of his life or to apply to the Holy See for laicization (to defrock or remove a priest's right to exercise the functions of ordained ministry).
- 24. As a result of the sexual abuse in Loredo, Texas, Bishop Ledvina banished Father Hageman from the Diocese of Corpus Christi.
- 25. In September 1939, Father Hageman requested permission from Bishop Ledvina to serve in the Alexian Brother's hospital located in Oshkosh, Wisconsin. Bishop Ledvina advised the rector of the Alexian Brother's hospital of his justified apprehensions, informing the rector that Father Hageman "can put up a good front and will apparently show signs of repentance and reform; but, as was proven by his past record he forgets his resolutions and falls into his old habits, when he seems to think he is no longer suspected, and cleverly hides his gradual fall into his old transgressions." Aware of Father Hageman's prior sexual abuse and cunning ability to fool others, Bishop Ledvina told the rector that he would not trust him.
- 26. Father Hageman relocated to Connecticut after the Alexian Brother's denied him the opportunity to serve in the hospital.
- 27. In September 1940, a priest in Connecticut begged Bishop Ledvina to give Father Hageman another chance. Bishop Ledvina informed Bishop McCauliff of the Diocese of Hartford, Connecticut that the subordinate priest

1 was out of order. According to Bishop Ledvina, Father Hageman had
2 already been given a second chance when he was assigned to an older priest
3 as an assistant. During that assignment, Bishop Ledvina warned that Father
4 Hageman should be watched closely and nothing should be taken for granted.
5 Bishop Ledvina eventually learned that Father Hageman had fallen back into
6 his old sinful habits. Bishop Ledvina informed Bishop McCauliff that Father
7 Hageman could not return to the two cities he was previously assigned
8 because he may experience "bodily violence from outraged parents." Bishop
9 Ledvina again shared his belief that Father Hageman should request
10 laicization.
11

- 12 28. In November 1940, Archbishop Rudolf A. Gerken (Archdiocese of Santa Fe)
13 sent Father Hageman to the mission at Smith Lake in Thorough, New Mexico
14 in the newly created Diocese of Gallup.
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16 29. On or about December 1940, Archbishop Gerken informed the newly
17 installed Bishop of the Diocese of Gallup, Bishop Bernard T. Espelage, that
18 Father Hageman was guilty of playing with boys.
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20 30. In December 1940, Bishop Espelage requested information about Father
21 Hageman from Bishop Ledvina. Bishop Ledvina confirmed that Father
22 Hageman was guilty of playing with boys. Without explanation, however,
23 Bishop Ledvina recommended that Bishop Espelage "try him out, maybe [he]
24 might prove trustworthy at last."
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26 31. Bishop Espelage allowed Father Hageman to serve as a Roman Catholic priest
27 in the Diocese of Gallup. Bishop Espelage, succeeding Bishops, priests, and
28 or administrators assigned Father Hageman to parishes located throughout
the Diocese of Gallup during Father Hageman's employment with the
Diocese of Gallup.

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32. On or about August 1, 1942, Bishop Espelage, assigned Father Hageman to Our Lady of Guadalupe Church and Parish in Holbrook, Arizona.

33. Defendants Gallup and Madre de Dios through their respective priests, Bishops, Archbishops, employees, or agents knew or should have known that Hageman would have contact with Catholic parishioners including young children creating an unreasonable and unjustifiable risk of harm to young children, including Plaintiff.

34. In October 1952 a group of men from Our Lady of Guadalupe Church and Parish in Holbrook, Arizona confronted Hageman and accused him of sexually abusing boys in the parish. The men informed Bishop Espelage who then contacted Hageman.

35. Father Hageman responded to Bishop Espelage (Diocese of Gallup) admitting that he was “imprudent in [his] dealings with boys.”

Hageman sexually abused John G.H. Doe

When he was a young boy in Winslow, Arizona

36. Plaintiff incorporates all other paragraphs.

37. To cope with the trauma of sexual abuse John G.H. Doe involuntarily and unconsciously blocked the memories of sexual abuse from his mind.

38. In or about February 2011, John G.H. Doe began to discover memories of clergy sexual abuse.

39. In or around 1971 John G.H. Doe participated in the Catholic tradition of serving as an altar boy at Madre de Dios Church and Parish. Father Clement A. Hageman provided religious instruction to the altar boys, including Plaintiff. As an altar boy, Father Hageman gave John G.H. Doe special benefits.

40. Father Hageman sexually abused John G.H. Doe when he was an altar boy at Madre de Dios Church and Parish in Winslow, Arizona.

1 **Sanchez sexually abused John G.H. Doe**

2 **When he was a young boy in Winslow, Arizona**

- 3 41. Plaintiff incorporates all other paragraphs.
- 4 42. After Father Clement Hageman died, Defendant Gallup, acting through its
- 5 priests, Bishops, Archbishops, employees, or agents, assigned Father Raul
- 6 Sanchez to Madre de Dios Church and Parish in Winslow, Arizona.
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- 8 43. Defendant
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11 **Defendants Gallup, Madre de Dios, Hageman, & Sanchez**

12 **covered up and fraudulently concealed**

13 **Hageman's history and propensity of sexual abuse**

- 14 44. Plaintiff incorporates all other paragraphs.
- 15 45. Defendants Gallup and Madre de Dios through its priests, Bishops,
- 16 Archbishops, employees, or agents of any kind knew or should have known
- 17 that Hageman sexually abused young boys. Defendants Gallup and Madre de
- 18 Dios also knew or should have known of his propensity to sexually abuse
- 19 children.
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- 21 46. Defendants Gallup, Madre de Dios, Hageman, and Sanchez did not disclose
- 22 or report the sexual abuse. Instead, acting individually and in concert with
- 23 each other and other priests, bishops, dioceses, and archdioceses, and co-
- 24 conspirators, Defendants kept the news of Hageman's sexual abuse from the
- 25 church members, including Plaintiff and his family.
- 26
- 27 47. Defendants Gallup, Madre de Dios, Hageman, and Sanchez, their priests,
- 28 Bishops, Archbishops, and agents of any kind followed the orders,
- commandments, directives, policies, or procedures of the Roman Catholic
- Church mandated by the priests, Bishops, Archbishops, Cardinals, Vatican,
- the Holy See, the Holy Office, and the Holy Father requiring that all matters

1 and details regarding clergy sexual abuse be kept absolutely secret. The
2 secrets of priest sexual abuse were commonly regarded as a secret of the
3 Holy Office.

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5 48. Defendants Gallup, Madre de Dios, Hageman, and Sanchez, their priests,
6 Bishops, Archbishops, and agents of any kind also followed the orders,
7 commandments, directives, policies, or procedures of the Roman Catholic
8 Church mandated by the Vatican, the Holy See, the Holy Office, Bishops,
9 Archbishops, Cardinals and the Holy Father allowing a priest accused of
10 sexual abuse to be transferred to a new assignment without ever disclosing
11 the priest's history of sexual abuse.

12 49. Defendants Gallup, Madre de Dios, Hagman, and Sanchez acted individually
13 and in concert with one another and others including but not limited to other
14 priests, bishops, archbishops, diocese, and archdiocese to engage in a pattern
15 and practice of protecting priests who sexually abused parishioners and
16 children by ratifying, concealing, failing to report, or investigate clergy
17 sexual abuse, molestation, and or sexual misconduct.

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19 **Defendants are estopped from alleging the statute of limitations as a defense**
20 **because they fraudulently concealed Fr. Hageman's and Father Sanchez' abuse of**
21 **Catholic children and their propensity to sexually abuse Catholic Children.**

22 50. Plaintiff incorporates all other paragraphs.

23 51. Defendant Gallup through its priests, Bishops, Archbishops, and agents of any
24 kind assigned Father Hageman to parishes throughout Northern Arizona,
25 including Madre de Dios Church and Parish located in Winslow, Arizona.

26 52. By October of 1952, Defendants Gallup, Madre de Dios, Hageman and
27 Sanchez knew or should have known that Father Hageman and Father
28 Sanchez sexually abused Catholic boys at Madre de Dios in Winslow,
Arizona.

53. After a group of men from Our Lady of Guadalupe Church in Holbrook,

1 Arizona informed the Bishop and confronted Hageman with accusation of
2 sexual abuse, Defendants Gallup, Guadalupe, and Hageman, individually and
3 in conspiracy with the other and other priests, bishops, archbishops, and
4 agents of any kind, led the congregation, including Plaintiff and his family, to
5 believe that Father Hageman had to leave the parish in Holbrook, Arizona for
6 lower altitudes because of health reasons.
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8 54. Defendant Gallup and Hageman did not reveal to the congregation of faithful
9 Catholics, including Plaintiff and his family, that Father Hageman sexually
10 abused Catholic children.

11 55. On December 29, 1952, Defendants Gallup and Hageman, through its priests,
12 bishops, archbishops, and agents of any kind re-assigned Father Hageman to
13 St. Mary's Catholic Church and Parish in Kingman, Arizona.

14 56. Defendants Gallup and Hageman knew or should have known that Father
15 Hageman continued his sinful habit of playing with boys while assigned to
16 St. Mary's Church and Parish in Kingman, Arizona.
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18 57. In 1961, Defendant Gallup through its priests, bishops, archbishops, and
19 agents of any kind removed Father Hageman from St. Mary's Catholic
20 Church and Parish in Kingman, Arizona after another priest found Father
21 Hageman passed out drunk in front of the church.

22 58. On or about November of 1963, Defendants Gallup and Hageman,
23 individually and in conspiracy with the other priests, bishops, archbishops,
24 and agents of any kind, led the congregation of faithful Catholics at St.
25 Mary's Church to believe that Father Hageman had to leave the parish in
26 Kingman, Arizona because of health reasons.
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28 59. On or about August 11, 1964, Defendant Gallup, through its priests, bishops,
archbishops, and agents of any kind re-assigned Father Hageman to St.
Francis / St. Lawrence Catholic Churches and Parishes in Camp Verde,
Arizona.

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- 60. Defendants Gallup and Hageman knew or should have known that Father Hageman continued his sinful habit of playing with boys while assigned to St. Francis / St. Lawrence Catholic Churches in Camp Verde, Arizona.
- 61. On or about December 15, 1965, Defendant Gallup through its priests, bishops, archbishops, and agents of any kind re-assigned Father Hageman to Madre de Dios Church and Parish in Winslow, Arizona.
- 62. Defendants Gallup and Hageman knew or should have known that Father Hageman continued his sinful habit of playing with boys while assigned to Madre de Dios Catholic Church in Winslow, Arizona.
- 63. In keeping with the orders, commandments, directives, policies, or procedures of the Roman Catholic Church mandated by the priests, Bishops, Archbishops, Cardinals, Vatican, the Holy See, the Holy Office, and the Holy Father required that all matters and details regarding clergy sexual abuse be kept absolutely secret, all Defendants individually and in conspiracy with each other and other priest, bishops, archbishops, diocese, and agents of any kind, did not reveal to the congregation of faithful Catholics in the Diocese of Gallup and its parishes, including Plaintiff and his family, that Father Hageman and Father Sanchez sexually abused Catholic children.
- 64. In keeping with the orders, commandments, directives, policies, and or procedures of the Roman Catholic Church, Defendant Gallup, acting through its priests, Bishops, Archbishops, deacons, and agents of any kind engaged in a pattern and practice of covering-up clergy sexual abuse by assigning pedophile priests to rural communities in Northern Arizona.
- 65. Defendant Gallup, acting through its priests, Bishops, Archbishops, deacons, and agents of any kind assigned Father Clement Hageman, Father Raul Sanchez, Father John T. Sullivan, Father James M. Burns, Father Samuel Wilson, and Father John Boland to the Catholic churches, parishes, and schools in Winslow, Arizona including Madre de Dios Church and Parish.

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66. Defendant Gallup, its priests, Bishops, Archbishops, deacons, and agents of
any kind, knew or should have known that Father Clement Hageman, Father
Raul Sanchez, Father John T. Sullivan, Father James M. Burns, Father
Samuel Wilson, and Father John Boland sexually abused Catholic children
and or that they had a propensity to sexually abuse Catholic children.

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67. Defendants are equitably estopped from alleging the statute of limitations as a
defense in this case because of the inequitable conduct of Defendants,
because of their attempts to fraudulently conceal the abuse and breaches of
fiduciary duties.

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Fr. Hageman & Father Sanchez were agents of
Defendants Gallup & Madre de Dios.

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68. All Defendants, with their pattern and practice of ignoring, covering up, and
or fraudulently concealing Fr. Hageman's and Father Sanchez' sexual abuse of
John G.H. Doe and other Catholic children, demonstrated deliberate
indifference, conscious disregard, and reckless disregard to John G.H. Doe's
mental and physical well-being.

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69. All Defendants' pattern and practice of ignoring, covering up, and
fraudulently concealing repeated and frequent sexual abuse perpetrated by Fr.
Hageman, Father Sanchez, and other clergy was done pursuant to the Catholic
Church's official and unofficial policies and practices

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70. The allegations set forth in the General Allegations render the Defendants
liable for Fr. Hageman's and Father Sanchez' sexual abuse of John G.H. Doe
and other children because such abuse was and should have been foreseeable
and reasonable precautionary measures would have prevented sexual abuse by
Fr. Hageman, Father Sanchez, and other clergy within the purview and/or
control of Defendants.

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COUNT I
SEXUAL ASSAULT / SEXUAL ABUSE / MOLESTATION
(A.R.S. § 13-1406 and the common law)
(Father Clement A. Hageman & Father Raul Sanchez)

71. Plaintiff incorporates all other paragraphs.
72. Defendants Father Clement A. Hageman and Father Raul Sanchez intentionally, knowingly, recklessly, or negligently engaged in sexual conduct with John G.H. Doe.
73. Defendants Fr. Hageman and Fr. Sanchez intentionally, knowingly, recklessly, or negligently engaged in sexual conduct with John G.H. Doe without his consent and when he was a minor incapable of consenting to such sexual conduct.
74. As a direct and proximate cause of Defendant Hageman's and Sanchez' wrongful acts Plaintiff suffered and will continue to suffer in the future great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of love and affection, sexual dysfunction, past and future medical expenses for psychological treatment, therapy, and counseling.
75. The allegations set forth in this Count constitute traditional negligence.
76. The allegations set forth in this Count constitute negligence per se for violation of A.R.S. § 13-3623 and other relevant statutes and laws, including the common law, enacted for the protection of a specific class of persons of which John G.H. Doe is a member.

COUNT II
BREACH OF FIDUCIARY DUTY
(All Defendants)

77. Plaintiff incorporates all other paragraphs.
78. Defendants' relationship with Plaintiff John C.V. Doe was one of spiritual guide, counselor, and shepherd. As a fiduciary to Plaintiff, Defendants owed

1 a duty to investigate, obtain, and disclose sexual misconduct, sexual assault,
2 sexual abuse, molestation, sexual propensities, and other inappropriate acts of
3 its priests, including Defendants Hageman and Sanchez. As fiduciary,
4 counselor and spiritual guide, Defendants owed Plaintiff a duty to work solely
5 for his benefit.
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7 79. Defendants breached their fiduciary duties owed to Plaintiff.

8 80. As a direct and proximate cause of Defendants' breach Plaintiff suffered and
9 will continue to suffer in the future great pain of mind and body, shock,
10 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
11 anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of
12 love and affection, sexual dysfunction, past and future medical expenses for
13 psychological treatment, therapy, and counseling.
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15 **COUNT III**

16 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

17 81. Plaintiff incorporates all other paragraphs.

18 82. Defendants' wrongful conduct, including sexual abuse, conspiracy to conceal
19 sexual abuse, failure to report Hageman's and Sanchez' sexual abuse of
20 children, acquiescence, affirmance, and ratification of Hageman's and
21 Sanchez' sexual abuse exceeded the bounds of decency and were extreme and
22 outrageous causing Plaintiff to suffer severe emotional and psychological
23 distress.

24 83. As a direct and proximate cause of Defendants' wrongful conduct Plaintiff
25 suffered and will continue to suffer in the future great pain of mind and body,
26 shock, emotional distress, embarrassment, loss of self-esteem, disgrace,
27 humiliation, anger, rage, frustration, loss of enjoyment of life, loss of
28 consortium, loss of love and affection, sexual dysfunction, past and future
medical expenses for psychological treatment, therapy, and counseling.

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COUNT IV
INTENTIONAL / NEGLIGENT MISREPRESENTATION
(Gallup and Madre de Dios)

84. Plaintiff incorporates all other paragraphs.
85. Defendants Gallup and Madre de Dios have a duty to provide true, accurate, and or complete information to prevent a substantial and foreseeable risk of injury to young Catholic children, including Plaintiff.
86. Instead of reporting and disclosing the incidents of sexual abuse, Hageman & Sanchez' history of sexual abuse, or Hageman's and Sanchez' propensity to sexually abuse young boys, Defendants breached their duties to Plaintiff by providing vague, incomplete, and inconsistent information regarding Hageman's and Sanchez' ability to serve as a Roman Catholic priest.
87. As a direct and proximate cause of Defendants' breach Plaintiff suffered and will continue to suffer in the future great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of love and affection, sexual dysfunction, past and future medical expenses for psychological treatment, therapy, and counseling.

COUNT V
NEGLIGENT SUPERVISION / RETENTION
(Defendants Gallup and Madre de Dios)

88. Plaintiff incorporates all other paragraphs.
89. Defendants Gallup and Madre de Dios had a duty to hire, fire, train, retain, supervise, and or counsel employees or priests who had the knowledge, education, training, physical, psychological, and spiritual ability to serve as Roman Catholic Priests.

1 90. As early as 1936, the Roman Catholic Church, including Defendants Gallup,
2 and Madre de Dios knew or should have known that Defendants Hageman
3 and Sanchez sexually abused children.
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5 91. Defendants, individually and in concert with the others, breached their duties
6 to Plaintiff.

7 92. As a direct and proximate cause of Defendants' breach Plaintiff suffered and
8 will continue to suffer in the future great pain of mind and body, shock,
9 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
10 anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of
11 love and affection, sexual dysfunction, past and future medical expenses for
12 psychological treatment, therapy, and counseling

13 **COUNT VI**
14 **ENDANGERMENT**
15 **(All Defendants)**

16 93. Plaintiff incorporates all other paragraphs.

17 94. Defendants have a duty to protect children from foreseeable and unjustifiable
18 risks of harm.

19 95. Defendants knew Fr. Hageman was guilty of playing with boys before he was
20 assigned to the parish in Winslow, Arizona.

21 96. Defendants knew or should have known that Fr. Sanchez was not fit to
22 minister to Catholic children because of his pattern, practice, and propensity
23 to sexually abuse Catholic children and other sexually deviant behavior.

24 97. Defendants, individually and or in agreement with each other, assigned
25 Clement Hageman and Father Raul Sanchez to Madre de Dios Church and
26 Parish in Winslow, Arizona.

27 98. Fr. Hageman and Father Raul Sanchez posed a substantial risk of significant
28 physical and psychological injury to Catholic children, including Plaintiff.

99. Defendants, individually and in concert with the each other, recklessly
endangered the health and well being of Catholic children, including Plaintiff

1 by exposing them to Fr. Hageman, Father Sanchez, and other Catholic priests
2 who were a substantial risk of significant physical and mental injury to young
3 Catholic children including Plaintiff.

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5 100. Defendants, individually and in concert with each other, recklessly
6 endangered the health and well being of Catholic children, including Plaintiff,
7 by employing and engaging in pattern and practice, customs and traditions, of
8 ignoring, covering up, and or fraudulently concealing clergy sexual abuse.

9 101. As a direct and proximate cause of Defendants' reckless endangerment,
10 Plaintiff suffered and will continue to suffer in the future great pain of mind
11 and body, shock, emotional distress, embarrassment, loss of self-esteem,
12 disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss
13 of consortium, loss of love and affection, sexual dysfunction, past and future
14 medical expenses for psychological treatment, therapy, and counseling.

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16 **COUNT VII**
17 **CHILD ABUSE**
18 **(A.R.S. § 13-3623 and the common law)**
19 **(All Defendants)**

20 102. Plaintiff incorporates all other paragraphs.

21 103. Fr. Hageman and Fr. Sanchez had the care and custody of John G.H. Doe both
22 because he was a parishioner under the guidance and supervision of Fr.
23 Hageman and Fr. Sanchez and because he attended training for and acted as
24 an altar boy under the training and supervision of Fr. Hageman and Fr.
25 Sanchez.

26 104. Defendants Gallup and Madre de Dios had the care and custody of John G.H.
27 Doe both because they assigned and/or permitted Fr. Hageman and Fr.
28 Sanchez to serve at Madre de Dios Church and Parish and because of their
pattern, practice, custom, and tradition of training altar boys and
permitting/requiring these boys to serve as altar boys in churches under their

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purview.

105. Gallup and Guadalupe had the care and custody of John H.G. Doe through traditional agency law.

106. Under circumstances likely to produce serious and significant physical and psychological injury and while John G.H. Doe was under the care and custody of all Defendants, Defendants and each of them caused, permitted, allowed, and/or established patterns, practices, customs, and traditions that placed John G.H. Doe in a situation in which his person, physical health, and mental/emotional health were endangered.

107. Defendants, and each of them, intentionally, recklessly and or negligently endangered and abused Plaintiff.

108. As a direct and proximate cause of Defendants' abuse of Plaintiff, Plaintiff suffered and will continue to suffer in the future great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of love and affection, sexual dysfunction, past and future medical expenses for psychological treatment, therapy, and counseling.

COUNT VIII
ASSAULT AND BATTERY
(A.R.S. §§ 13-1204, 13-1203, and the common law)
(All Defendants)

109. Plaintiff incorporates all other paragraphs.

110. At all times relevant to this complaint, Fr. Hageman and Fr. Sanchez were over the age of 18 and John G.H. Doe was under the age of 15.

111. Fr. Hageman and Fr. Sanchez intentionally, knowingly and/or recklessly caused serious physical and mental/emotional injury to Plaintiff.

112. Fr. Hageman and Fr. Sanchez intentionally, knowingly, recklessly and/or negligently placed Plaintiff in reasonable apprehension of imminent physical injury.

- 1 113. Fr. Hageman and Fr. Sanchez intentionally, knowingly, recklessly and/or
2 negligently touched Plaintiff with the intent to injure, insult or provoke.
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4 114. The allegations set forth in this Count constitute negligence and negligence
5 per se for violation of A.R.S. §§ 13-1204, 13-1203 and other relevant statutes
6 and laws, including the common law, enacted for the protection of a specific
7 class of persons of which Plaintiff is a member.
8 115. As a direct and proximate cause of Defendants' abuse of Plaintiff, Plaintiff
9 suffered and will continue to suffer in the future great pain of mind and body,
10 shock, emotional distress, embarrassment, loss of self-esteem, disgrace,
11 humiliation, anger, rage, frustration, loss of enjoyment of life, loss of
12 consortium, loss of love and affection, sexual dysfunction, past and future
13 medical expenses for psychological treatment, therapy, and counseling.

14 **PRAYER FOR RELIEF**

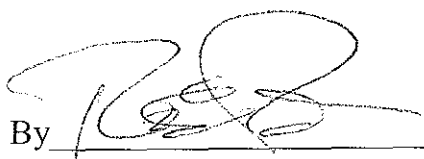
- 15 116. Plaintiff requests judgment in favor of Plaintiff and against Defendants as
16 follows to:
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18 a. For Plaintiff's general and special damages in an amount to
19 be proven at trial by jury;
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21 b. For Plaintiff's incurred costs together with interest at the
22 highest lawful rate on the total amount of all sums awarded
23 from the date of judgment until paid;
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25 c. For the fair and reasonable monetary value of Plaintiff's past,
26 present, and future pain and suffering in an amount to be
27 proven at trial by jury;
28
29 d. For the medical expenses incurred up to the date of trial and
any additional expenses necessary for future medical care and
treatment;
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31 e. For punitive damages or exemplary damages to be set by a
jury in an amount sufficient to punish Defendants for their

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outrageous conduct and to make an example out of them so
that others do not engage in similar conduct in the future;
f. For such other and further relief as this Court may deem just and
proper.

DATED this 28th day of September 2012.

MONTOYA, JIMENEZ, & PASTOR, P.A.

By 
Robert E. Pastor
Attorney for Plaintiff