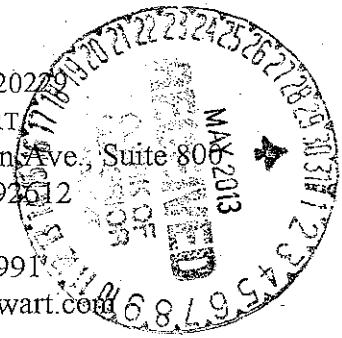


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6 Attorneys for Plaintiff

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

10 JANE B.L. DOE, a married woman,

Case No.: CV 2013-00363

11
12 Plaintiff,

COMPLAINT

13 v.

14 THE ROMAN CATHOLIC CHURCH
15 OF THE DIOCESE OF GALLUP, a
16 corporation sole; THE ESTATE OF
17 FATHER JOHN T. SULLIVAN,
18 deceased; JOHN DOE 1-100; JANE
19 DOE 1-100; and Black & White
20 Corporations 1-100,

Defendants.

21 Plaintiff, for her complaint, states and alleges the following:

22
23 **JURISDICTION**

- 24 1. Plaintiff, Jane B.L. Doe, is a resident of Maricopa County, Arizona. The acts,
25 events, and or omissions occurred in Arizona. The cause of action arose in
26 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. The Diocese of Gallup owns, operates, and controls priests and parishes in Coconino County, Arizona.
6. Madre de Dios Catholic Church and parish located in Winslow, Arizona is owned, operated, and controlled by the Diocese of Gallup.
7. Defendant Father John T. Sullivan was ordained a Roman Catholic priest on May 30, 1942 and was incardinated in the Diocese of Manchester, New Hampshire by Bishop John B. Peterson.
8. At all times alleged, Defendant Father Sullivan was a Roman Catholic priest who caused acts, events, or omissions to occur in Navajo County, Arizona out of which these claims arise. At all times alleged, Defendant Fr. Sullivan was employed by and was the actual or apparent agent of Defendant Diocese of Gallup.

- 1 9. Defendant Fr. Sullivan was under the supervision, employ, or control of
2 Defendant Gallup when he committed the wrongful acts, events, and
3 omission alleged.
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- 5 10. Defendant Father John T. Sullivan died on September 19, 1999.
6
- 7 11. At all times alleged, Defendants Gallup and Sullivan, their priests, Bishops,
8 Archbishops, employees and agents were acting within their course and
9 scope of employment or alternatively, acting within their actual or apparent
10 authority. The wrongful acts, events, or omissions committed by Defendants
11 Gallup and Sullivan and by those priests, Bishops, Archbishops, employees
12 and agents who acted individually and in conspiracy with the other to hide
13 and cover up Sullivan's history, pattern, and propensity to abuse Catholic
14 children were done within the course and scope of their authority with their
15 employing entities, or incidental to that authority and were acquiesced in,
16 affirmed, and ratified by those entities.
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- 18 12. Plaintiff is informed and believes, and on that basis alleges, that at all times
19 mentioned herein, there existed a unity of interest and ownership among
20 Defendants and each of them, such that any individuality and separateness
21 between Defendants, and each of them, ceased to exist. Defendants, and
22 each of them, were the successors-in-interest and / or alter egos of the other
23 Defendants, and each of them, in that they purchased, controlled, dominated
24 and operated each other without any separate identity, observation of
25 formalities, or other manner of division. To continue maintaining the façade
26 of a separate and individual existence between and among Defendants, and
27 each of them, would serve to perpetuate a fraud and an injustice.
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13. Defendants JOHN DOE 1-100, JANE DOE 1-100, and BLACK AND
WHITE CORPORATIONS 1-100, are fictitious names designating an

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individual or individuals or legal entities not yet identified who have acted in concert with the named Defendants either as principals, agents, or co-participants whose true names Plaintiffs may insert when identified.

14. Plaintiff is informed and believes, and on that basis alleges, that at all times alleged herein, Defendants and each of them and JOHN DOES 1-100, JANE DOES 1-100, and BLACK and WHITE CORPORATIONS 1-100, inclusive, were the agents, representatives and or employees of each and every other Defendant. IN do the things hereinafter alleged, Defendants, and each of them, JOHN DOES 1-100, JANE DOES 1-100, and BLACK and WHITE CORPORATIONS 1-100, inclusive, were acting within the course and scope of said alternative personality, capacity, indemnity, agency, representation and or employment and were within their actual or apparent authority.

15. Plaintiff is informed and believes, and on that basis alleges, that all times mention herein, Defendants, and each of them, JOHN DOES 1-100, JANE DOES 1-100, and BLACK and WHITE CORPORATIONS 1-100, inclusive, were the trustees, partners, servants, agents, joint venturers, shareholders, contractors, and or employees of each and every other Defendant, and the acts and omissions alleged were done by them, acting individually, through such capacity and with the scope of their authority, and with the permission and consent of each and every other Defendant and that said conduct was thereafter ratified by each and every other Defendant, and that each of them is jointly and severally liable to Plaintiff.

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GENERAL ALLEGATIONS

The Diocese of Gallup accepted and assigned Fr. John T. Sullivan to churches in the diocese even though Fr. Sullivan had a history of sexual abuse or sexual misconduct.

16. Plaintiff incorporates all other paragraphs.
17. Plaintiff is informed and believes, and on that basis alleges, that Father John T. Sullivan fathered a child born on October 27, 1949. Fr. Sullivan impregnated a parishioner while assigned to a Roman Catholic Church in Claremont, New Hampshire. He was accused of counseling the woman to seek an abortion and even arranged to have her admitted to a local hospital under a fictitious name. The Chancellor of the Diocese of New Hampshire arranged for Catholic Charities to pay the costs associated with the mother's medical care and treatment. Father Sullivan's child was adopted on or about September 7, 1950.
18. In December 1951 to February 1952, Father John T. Sullivan stalked a Boston College nursing student. On February 19, 1952, Fr. James F. Geary, S.J., a regent for the Boston College School of Nursing wrote the Bishop of Manchester that Father Sullivan's relationship with a female student went beyond the acceptable norm. Father Sullivan made frequent phone calls to the nursing student's dormitory, waited until late hours of the night in the lounge of the dormitory for the student to return, wrote her letters without solicitation, followed her to her classroom, and followed her as she attempted to catch a streetcar from campus. On February 21, 1952, the Bishop of Manchester commanded that Fr. Sullivan report to his office.
19. Father John T. Sullivan attempted suicide by exposing himself to carbon monoxide poisoning.

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20. In April 1952, Fr. Walsh of St. Kiernan's Parish in Berlin, New Hampshire received a complaint from a woman who was engaged to be married, the woman's brother, and the woman's aunt. The three parishioners complained that Fr. Sullivan asked the young woman for a date. After she refused the date, Fr. Sullivan obtained the young woman's address. Fr. Sullivan went to her house unannounced and searched through the house for the young woman after being told she was not home. The young woman was encourage to report the incident to police but did not after meeting with Fr. Walsh.
 21. The Bishop of the Diocese of Manchester, suspended Fr. John T. Sullivan from all priestly activities on June 16, 1952 for "grave scandal and failure to observe previous restrictions placed upon you."
 22. The Bishop of Manchester released Father Sullivan from suspension on August 21, 1952 and reassigned him to Holy Angels Catholic Church in Westville, New Hampshire.
 23. In 1956, the Bishop of Manchester received an anonymous letter from a parishioner from Holy Angels Catholic Church in Westville, New Hampshire that Father John T. Sullivan was carrying on a "clandestine affair with a high-school girl."
 24. On July 11, 1956, the Bishop of the Diocese of Manchester suspended Fr. John T. Sullivan from all priestly ministry for a second time. The Bishop prayed to "God that [the] penalty may make [him] realize [his] course of constant serious scandal and divert him from it."
 25. On July 13, 1956, the Chancellor for the Diocese of New Hampshire interviewed two male parishioners from Holy Angels Catholic Church. The two men reported seeing Father Sullivan parked in a car on a desolate road with another person, presumably a woman. Witnesses saw Fr. Sullivan

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parked in the cemetery late at night with a woman. Father Sullivan routinely waited outside a young woman's place of employment and drove her away.

26. On November 25, 1956, the Bishop of Manchester was informed that Father Sullivan exercised priestly ministries by hearing confession in direct violation of the Bishop's order suspending Fr. Sullivan.
27. On September 14, 1957, Father John T. Sullivan requested that the Bishop of Manchester release him and reassigned him to a new diocese because "I am too well aware of the fact that my many scandals will serve only as impediments to my priestly work should I ever receive an assignment" in New Hampshire. Fr. Sullivan consulted the Catholic Directory and requested one of the "Western Diocese that are in need of priests."
28. On September 23, 1957, the Bishop of Manchester wrote Father Gerald Fitzgerald, superior general of Via Coeli at Jemez Springs, New Mexico. The Bishop explained that his problem priest, Father John T. Sullivan, engaged in a "series of scandal-causing escapades with young girls." The Bishop of Manchester considered Father Sullivan to be "insane, diabolically cunning, and again, as at present, sincerely remorseful." The Bishop of Manchester believed the solution to the problem was a "fresh start in some diocese where he is not known."
29. On September 26, 1957, Father Fitzgerald candidly warned the Bishop of Manchester that "[f]rom our long experience with characters of this type, and without passing judgment on the individual, most of these men would be clinically classified as schizophrenic. Their repentance and amendment is superficial and, if not formally at least sub-consciously, is motivated by a desire to be again in a position where they can continue their wonted activity. A new diocese means only greener pastures." Father Fitzgerald agreed to

1 accept Father John T. Sullivan as a permanent guest, but refused "to
2 recommend to Bishops men of this character, even presuming the sincerity of
3 their conversion." Father Fitzgerald further explained to the Bishop of
4 Manchester that a man of this character "would be behind bars if he were not
5 a priest."

- 6
7 30. Father Gerald Fitzgerald founded the Servants of the Paraclete in 1947 to deal
8 with problem priests. Fr. Fitzgerald established Via Coeli at Jemez Springs,
9 New Mexico, a treatment facility for priests who engaged in sexual
10 misconduct. Plaintiff is informed and believes, and on that basis alleges, that
11 Fr. Fitzgerald wrote regularly to bishops in the United States and even the
12 Pope that sexual abusers in the priesthood should be laicized or defrocked.
- 13 31. In September and October 1957, Fr. Sullivan wrote other bishops in the
14 United States requesting an assignment. He specifically contacted the
15 Diocese of Corpus Christi and the Diocese of Burlington.
- 16 32. On October 18, 1957, the Bishop of Manchester warned the Bishop of
17 Burlington that he has "strong doubts as to [Fr. Sullivan's] possible reform.
18 The only possible solution of his case seemed to me that he become a
19 permanent guest Via Coeli or the he be laicized."
- 20 33. On October 21, 1957, after receiving additional information regarding Fr.
21 Sullivan's scandals, the Bishop of Burlington concluded that "those who
22 fiddle around with the young never seem to be cured" and giving Fr. Sullivan
23 a new start in a new diocese "is not wise in this case."
- 24 34. On October 28, 1957, the Bishop of Manchester warned a second bishop, the
25 Bishop of New Orleans that he has "strong doubts as to [Fr. Sullivan's]
26 possible reform. The only possible solution of his case seemed to me that he
27 become a permanent guest Via Coeli or the he be laicized."
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35. On December 4, 1957, the Bishop of Manchester warned a third bishop, the Bishop of Toledo, Ohio, that Fr. Sullivan could not be recommended to any Bishop because Fr. Sullivan's scandals "range from parenthood, through violation of the Mann Act, attempted suicide, and abortion." The Mann Act criminalized the transportation of any individual across interstate lines to engage in sexual activity. The Bishop of Manchester warned that a new diocese is another opportunity for new pastures.
36. On November 28, 1957, Father Sullivan wrote the Bishop of Lafayette requesting acceptance into the diocese and an assignment to a parish. Fr. Sullivan explained that although the Bishop of Manchester has suspended him, the Bishop of Manchester agreed to release Fr. Sullivan and lift the suspension if another bishop accepted Fr. Sullivan. The Bishop of Manchester, however, would not put the promise in writing.
37. On December 6, 1957, the Bishop of Manchester warned a fourth bishop, the Bishop of Lafayette, Indiana, that Fr. Sullivan was not fit to serve as a Roman Catholic priest because Fr. Sullivan's scandals "range from parenthood, through violation of the Mann Act, attempted suicide, and abortion." Fr. Sullivan "admitted fatherhood and paid for the delivery and subsequent support of the child until the mother eventually married."
38. On December 18, 1957, the Bishop of Manchester warned a fifth bishop, the Bishop of Jefferson City, Missouri, that his "conscience will not allow [him] to recommend [Father Sullivan] to any Bishop and [he] feels that every inquiring Bishop should know some of the circumstances that range from parenthood, through violation of the Mann Act, attempted suicide, and abortion. [A] new diocese would only mean new pastures."

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39. The Bishop of Manchester gave the same warning to eight additional bishops or archbishops; the Bishop of Bismark, North Dakota on December 20, 1957; the Bishop of Sioux City, Iowa on December 26, 1957; the Bishop of Superior, Wisconsin on December 26, 1957; the Bishop of Fort Wayne, Indiana on January 13, 1958; the Bishop of Salt Lake City, Utah on January 16, 1958; the Archbishop of Milwaukee on February 3, 1958; the Bishop of Honolulu, Hawaii on February 24, 1958; the Archbishop of Seattle, Washington on March 6, 1958; and the Bishop of Grand Rapids, Michigan on March 18, 1958. In each letter, the Bishop of Manchester recommended that Father Sullivan become a permanent guest at Via Coeli "to help save his soul."
 40. Father John T. Sullivan applied to 17 different diocese in the hope of continuing his ministry. He was denied each time with few exception.
 41. In March of 1958, the Bishop of Grand Rapids gave Father John T. Sullivan permission to work as a Catholic priest in the Diocese of Grand Rapids. Fr. Sullivan was given three assignments from 1958 to 1959.
 42. The Bishop of Grand Rapids dismissed Fr. Sullivan on April 4, 1960. He wrote the Bishop of Manchester stating, "I honestly believe Father Sullivan is a psychopath" and, "while nothing of an immoral nature came out in the open while he was with us, there were indications of danger of his conduct with children."
 43. On August 19, 1960, at 4:30 p.m. Father F.J. Maney called the Diocese of Manchester Chancery office to report Father John T. Sullivan sexually abused two minor girls. Father Sullivan told the girls "he would soon be settled in this state; that he was also a doctor and that he would explain to her the facts of life."

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- 44. On August 19, 1960, the Bishop of Manchester interviewed Father John T. Sullivan. Fr. Sullivan was told he would not receive an assignment in the diocese because of his past history and present involvements. The bishop gave Fr. Sullivan two weeks to find "a benevolent Bishop who might accept him. After that period, he is to go to Via Coeli or some other institution of its type or be laicized." The Bishop of Manchester refused to recommend Fr. Sullivan to any other Bishop.
- 45. On or about August 21, 1960, during an interview with Fr. Richard O. Boner, Fr. Sullivan admitted every fact as given by the fourteen year old victim.
- 46. The Diocese of Manchester, New Hampshire did not report the sexual abuse to civil authorities.
- 47. By August 23, 1960, Father John T. Sullivan left the Diocese of Manchester. He found refuge at Via Coeli at Our Lady of the Snow in Nevis, Minnesota.
- 48. After only a few months at the treatment facility in Minnesota, Fr. Sullivan wrote the Archbishop of La Crosse, Wisconsin seeking an assignment to a church. On December 28, 1960, the Chancellor of the Diocese of Manchester, Fr. Thomas S. Hansberry, warned the Archbishop of La Crosse that Father Sullivan is "known throughout the State of New Hampshire for his efforts to seduce teen-age girls and he left here in the nick of time after his last escapade. I suggest that Monsignor Baer keep a close watch on him during the period of his visit in his parish."
- 49. On February 14, 1961, the Bishop of Manchester warned yet another Catholic bishop, the Bishop of Amarillo, Texas that Fr. Sullivan "has been in serious trouble all during his career and I would advise extreme caution on the part of the pastor to whom he has been assigned, especially as regards his relations with teen-age girls."

1 50. On June 5, 1961, after four month in Amarillo, Texas, Fr. John T. Sullivan
2 was ordered to report to Via Coeli in Jemez Springs, New Mexico after the
3 Bishop of Amarillo discovered that "the problem which has pursued him –
4 which he divulged to me on his arrival, and about which you wrote on
5 February 14, 1961 – if it had not yet cropped up, seemed to be in imminent
6 danger of doing so." The Bishop of Amarillo refused to recommend him for
7 any priestly service anywhere.
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9 51. In June 1961, Fr. Sullivan finally reported to Via Coeli at Jemez Springs,
10 New Mexico. On June 26, 1961, the Bishop of Manchester wrote Fr. Gerald
11 Fitzgerald, the Superior General at Via Coeli, amazed that Fr. Sullivan had
12 been able to escape prosecution from civil authorities:

13 Allow me to thank you for your letter of June 9th concerning
14 Rev. John T. Sullivan of this diocese. I am sure that you are
15 acquainted with details of his case from correspondence
16 with Bishop Brady several years ago. This probably gives
17 you a better picture of the situation than Father Sullivan
18 would pain for you himself. At that time, you expressed the
19 opinion that he should plan to remain at Via Coeli for life or
20 be laicized.
21

22 During the past few years, there has been no evidence of a
23 change for the better in Father Sullivan. He worked for a
24 while in Grand Rapids diocese and was released. Although
25 I have no official confirmation of the basic reason, I have
26 heard from good authority that it was the same as in
27 previous cases. He returned to the diocese of Manchester
28 for a brief period and immediately became involved with
two teenage girls. He left under a cloud and went to your
Minnesota house on his own. In spite of our warning to the

1 Superior, he was permitted to take outside work but
2 apparently did not keep it for long. He next turned up in
3 Amarillo and Bishop Markovky gave him parish work
4 without consulting us. He has now arrived at Jemez Springs.
5 I must say that I am very much disturbed over this errant
6 padre. He has been in very serious difficulties in every
7 parish in which he has served. Priests who have known him
8 are of the opinion that he should have been laicized years
9 ago. The scandals in which he has been involved have been
10 most serious and it is amazing that he has escaped civil
11 prosecution.
12

13 *Ltr from Bishop of Manchester to Fr. Gerald Fitzgerald 6/26/1961*
14

- 15 52. After only a few weeks with Fr. John T. Sullivan at the treatment center in
16 Jemez Springs, New Mexico Fr. Fitzgerald wrote the Bishop of Manchester
17 informing him the Fr. Sullivan wants to be activated back to priestly
18 ministry. Fr. Fitzgerald was most disturbed by Fr. Sullivan's "generic lack
19 of comprehension of the damage done by his past." Fr. Fitzgerald believed
20 Fr. Sullivan should be laicized or defrocked "not because he wishes it but to
21 protect the good name of the Church, he should be reduced involuntarily to
22 the lay state with the liberty of a layman to contract honest matrimony. The
23 reduction would be penalty, protecting the honor of the Church." *Ltr from*
24 *Fr. Fitzgerald to Bishop of Manchester 06/30/1961.*
25
26 53. On September 23, 1961, Fr. Fitzgerald wrote the Bishop of Manchester to
27 inform him that Fr. Sullivan had been temporarily assigned to the Diocese of
28 Gallup to replace a sick priest. Fr. Fitzgerald wrote:

Some time ago, and in answer to an appeal from the
Chancery of Gallup, N.M. for the temporary replacement of

1 a sick priest, we permitted Father John Sullivan to go there
2 during the emergency. When I called Bishop Espelage this
3 morning that Your Excellency would not wish Father John
4 to be aware from here indefinitely, the good Bishop assured
5 me that he hoped to keep him as he was doing a fine job and
6 was very much liked by the poor Mexican people among
7 whom he was working.
8

9 *Ltr from Fr. Fitzgerald to Bishop of Manchester 9/13/1961.*

- 10 54. Defendant Gallup, its bishop, priests, administrators, and agents of any
11 assigned, directed, controlled, and or supervised Fr. John T. Sullivan while
12 he worked in the Diocese of Gallup.
- 13 55. The Bishop of Gallup assigned Father John T. Sullivan to Madre de Dios
14 Catholic Church in Winslow, Arizona from 1959 to 1962.
- 15 56. Fr. Sullivan, acting through the rights, responsibility, faculties, and privileges
16 granted to him by the Catholic Bishops, including the Bishop of Gallup,
17 conferred on Jane B.L. Doe the Holy Sacrament of Confirmation o April 5,
18 1959.
- 19 57. Father John T. Sullivan was excardinated from the Diocese of Manchester on
20 January 14, 1965.
- 21 58. The Bishop of Gallup incardinated Fr. John T. Sullivan into the Diocese of
22 Gallup on January 19, 1965.
- 23 59. The Diocese of Gallup refuses to disclose Fr. John T. Sullivan's file even
24 though the Diocese of Manchester and the Diocese of Phoenix have already
25 released those records.
- 26 60. In 1983, Fr. John T. Sullivan returned to the Diocese of Manchester.
27
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1 61. Plaintiff is informed and believes, and on that basis alleges, on or about
2 August 25, 1983, the Diocese of Manchester received another report of
3 sexual misconduct by Fr. Sullivan. Fr. Sullivan made sexual advances
4 toward a thirteen-year old girl. He attempted to kiss her and shower her with
5 gifts.

6
7 62. On August 30, 1983, The Bishop of Manchester stripped Fr. Sullivan of his
8 priestly faculties stating, "you may no longer serve the people of the Diocese
9 in any sort of priestly ministry."

10 **Fr. John T. Sullivan sexually abused Jane B.L. Doe**

11 **When she was a young girl living in rural Arizona**

12 63. Plaintiff incorporates all other paragraphs.

13 64. To cope with the trauma of sexual abuse Jane B.L. Doe involuntarily and
14 unconsciously blocked the memories of sexual abuse from her mind.

15 65. In the winter of 2013, Jane B.L. Doe began to recover some of the memories
16 of sexual abuse by Father Sullivan.

17 66. In the late 1950's and early 1960's Jane B.L. Doe attended mass and received
18 religious instruction at Madre de Dios Catholic Church in Winslow, Arizona.
19 Father John T. Sullivan provided religious instruction to the children of
20 Madre de Dios, including Plaintiff.

21
22 67. Father Sullivan gave Jane B.L. Doe special benefits. Jane B.L. Doe sat on his
23 lap and visited him in his living quarters.

24 68. Father Sullivan sexually abused Jane B.L. Doe at Madre de Dios Catholic
25 Church. The sexual abuse included, but was not limited to, touching and
26 digital penetration.

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**Defendants Gallup and Sullivan
covered up and fraudulently concealed**

Sullivan's history and propensity of sexual abuse

69. Plaintiff incorporates all other paragraphs.
70. Defendants Gallup and Sullivan through its priests, Bishops, Archbishops, employees, or agents of any kind knew or should have known that Sullivan sexually abused Catholic children. Defendants Gallup and Sullivan also knew or should have known of his propensity to sexually abuse children.
71. Defendants Gallup and Sullivan did not disclose or report the sexual abuse. Instead, acting individually and in concert with each other and other priests, bishops, dioceses, and archdioceses, and co-conspirators, Defendants kept the news of Sullivan's sexual abuse from the church members, including Plaintiff and his family.
72. Defendants Gallup and Sullivan, their priests, 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 and details regarding clergy sexual abuse be kept absolutely secret. The secrets of priest sexual abuse were commonly regarded as a secret of the Holy Office.
73. Defendants Gallup and Sullivan, their priests, Bishops, Archbishops, and agents of any kind also followed the orders, commandments, directives, policies, or procedures of the Roman Catholic Church mandated by the Vatican, the Holy See, the Holy Office, Bishops, Archbishops, Cardinals and the Holy Father allowing a priest accused of sexual abuse to be transferred to a new assignment without ever disclosing the priest's history of sexual abuse.

1 74. Defendants Gallup and Sullivan acted individually and in concert with one
2 another and others including but not limited to other priests, bishops,
3 archbishops, diocese, and archdiocese to engage in a pattern and practice of
4 protecting priests who sexually abused parishioners and children by ratifying,
5 concealing, failing to report, or failing to investigate clergy sexual abuse,
6 molestation, and or sexual misconduct.
7

8 **Defendants are estopped from alleging the statute of limitations as a defense**
9 **because they fraudulently concealed Fr. Sullivan's abuse of Catholic children and**
10 **his propensity to sexually abuse Catholic Children.**

11 75. Plaintiff incorporates all other paragraphs.

12 76. Defendant Gallup through its priests, Bishops, Archbishops, and agents of any
13 kind assigned Father Sullivan to parishes throughout Northern Arizona,
14 including the Catholic churches located in Winslow, Arizona, Cottonwood,
15 Arizona, Seligman, Arizona, Clarkdale, Arizona, and Kingman, Arizona.

16 77. Even though Defendants and the Roman Catholic Church was aware of Fr.
17 Sullivan's sexual abuse of Catholic Children, the Catholic Bishops of
18 Manchester, Gallup, and Phoenix allowed Fr. Sullivan to work in Catholic
19 parishes with children.
20

21 78. Defendants Gallup and Sullivan did not reveal to the congregation of faithful
22 Catholics, including Plaintiff and his family, that Father Sullivan sexually
23 abused Catholic children.

24 79. Defendants Gallup and Sullivan knew or should have known that Father
25 Sullivan continued to sexually abuse Catholic Children while assigned to
26 parishes throughout Arizona.
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80. Defendants Gallup and Sullivan, individually and in conspiracy with the other priests, bishops, archbishops, and agents of any kind, led the congregation of faithful Catholics in Winslow, Arizona, Cottonwood, Arizona, Seligman, Arizona, Clarkdale, Arizona, and Kingman, Arizona to believe that Father John T. Sullivan was fit to serve as a Roman Catholic priest ministering to Catholic children.

81. 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 requiring that all matters and details regarding clergy sexual abuse be kept absolutely secret, Defendants Gallup and Sullivan individual 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 Sullivan sexually abused Catholic children.

82. Defendants cover-up and fraudulent concealment of Fr. Sullivan's sexual abuse of children is part of a pattern and practice to cover-up the sexual misconduct of Catholic priests working in the Diocese of Gallup. The cover-up of clergy sexual abuse includes but is not limited to Fr. Clement Hageman, Fr. James Burns, Fr. John Boland, Fr. William Allison, Fr. Raul Sanchez, and Fr. Samuel Wilson.

83. 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.

1 84. All Defendants, with their pattern and practice of ignoring, covering up, and
2 or fraudulently concealing Fr. Sullivan's sexual abuse of Jane B.L. Doe and
3 other Catholic children, demonstrated deliberate indifference, conscious
4 disregard, and reckless disregard to Jane B.L. Doe's mental and physical
5 well-being.

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7 85. All Defendants' pattern and practice of ignoring, covering up, and
8 fraudulently concealing repeated and frequent sexual abuse perpetrated by Fr.
9 Sullivan and other clergy was done pursuant to the Catholic Church's official
10 and unofficial policies and practices.

11 86. The allegations set forth in the General Allegations render the Defendants
12 liable for Fr. Sullivan's sexual abuse of Jane B.L. Doe and other children
13 because such abuse was and should have been foreseeable and reasonable
14 precautionary measures would have prevented sexual abuse by Fr. Sullivan
15 and other clergy within the purview and/or control of Defendants.

16 **COUNT I**

17 **SEXUAL ASSAULT / SEXUAL ABUSE / MOLESTATION**

18 **(A.R.S. § 13-1406 and the common law)**

19 **(Father John T. Sullivan)**

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21 87. Plaintiff incorporates all other paragraphs.

22 88. Defendant Father John T. Sullivan intentionally, knowingly, recklessly, or
23 negligently engaged in sexual conduct with Jane B.L. Doe.

24 89. Defendant Fr. Sullivan intentionally, knowingly, recklessly, or negligently
25 engaged in sexual conduct with Jane B.L. Doe without her consent and when
26 she was a minor incapable of consenting to such sexual conduct.

27 90. As a direct and proximate cause of Defendant Sullivan's wrongful acts
28 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

1 of consortium, loss of love and affection, sexual dysfunction, past and future
2 medical expenses for psychological treatment, therapy, and counseling.

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4 91. The allegations set forth in this Count constitute traditional negligence and
5 negligence per se for violation of A.R.S. § 13-3623 and other relevant statutes
6 and laws, including the common law, enacted for the protection of a specific
7 class of persons of which John C.V. Doe is a member.

8 **COUNT II**

9 **BREACH OF FIDUCIARY DUTY**

10 **(All Defendants)**

- 11 92. Plaintiff incorporates all other paragraphs.

12 93. Defendants' relationship with Plaintiff Jane B.L. Doe was one of spiritual
13 guide, counselor, and shepherd. As a fiduciary to Plaintiff, Defendants owed
14 a duty to investigate, obtain, and disclose sexual misconduct, sexual assault,
15 sexual abuse, molestation, sexual propensities, and other inappropriate acts of
16 its priests, including Defendant John T. Sullivan. As fiduciary, counselor and
17 spiritual guide, Defendants owed Plaintiff a duty to work solely for his
18 benefit.

- 19 94. Defendants breached their fiduciary duties owed to Plaintiff.

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

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(All Defendants)

- 96. Plaintiff incorporates all other paragraphs.
- 97. Defendants' wrongful conduct, including sexual abuse, conspiracy to conceal sexual abuse, failure to report Sullivan's sexual abuse of children, acquiescence, affirmance, and ratification of Sullivan's sexual abuse exceeded the bounds of decency and were extreme and outrageous causing Plaintiff to suffer severe emotional and psychological distress.
- 98. As a direct and proximate cause of Defendants' wrongful conduct 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 IV

INTENTIONAL / NEGLIGENT MISREPRESENTATION

(All Defendants)

- 99. Plaintiff incorporates all other paragraphs.
- 100. Defendant Gallup 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.
- 101. Instead of reporting and disclosing the incidents of sexual abuse, Sullivan's history of sexual abuse, or Sullivan's propensity to sexually abuse Catholic children, Defendants breached their duties to Plaintiff by providing vague, incomplete, misleading and inconsistent information regarding Sullivan's ability to serve as a Roman Catholic priest.

1 102. As a direct and proximate cause of Defendants' breach Plaintiff suffered and
2 will continue to suffer in the future great pain of mind and body, shock,
3 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
4 anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of
5 love and affection, sexual dysfunction, past and future medical expenses for
6 psychological treatment, therapy, and counseling.
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9 **COUNT V**
10 **NEGLIGENT SUPERVISION / RETENTION**
11 **(Defendants Gallup)**

12 103. Plaintiff incorporates all other paragraphs.

13 104. Defendant Gallup had a duty to hire, fire, train, retain, supervise, and or
14 counsel employees or priests who had the knowledge, education, training,
15 physical, psychological, and spiritual ability to serve as Roman Catholic
16 Priests.

17 105. The Diocese of Gallup knew or should have known that Defendant Sullivan
18 sexually abused children.

19 106. Defendants, individually and in concert with the others, breached their duties
20 to Plaintiff.

21 107. As a direct and proximate cause of Defendants' breach Plaintiff suffered and
22 will continue to suffer in the future great pain of mind and body, shock,
23 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
24 anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of
25 love and affection, sexual dysfunction, past and future medical expenses for
26 psychological treatment, therapy, and counseling.
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COUNT VI
ENDANGERMENT
(All Defendants)

108. Plaintiff incorporates all other paragraphs.

109. Defendants have a duty to protect children from foreseeable and unjustifiable risks of harm.

110. Defendants knew or should have known Fr. Sullivan sexually abused Catholic children before he was assigned to the Catholic churches / parishes in Winslow, Arizona, Cottonwood, Arizona, Seligman, Arizona, Clarkdale, Arizona, and Kingman, Arizona.

111. Defendants, individually and or in agreement with each other, assigned Fr. John T. Sullivan to Madre de Dios Catholic Church located in Winslow, Arizona.

112. Fr. Sullivan posed a substantial risk of significant physical and psychological injury to Catholic children, including Plaintiff.

113. Defendants, individually and in concert with the each other, recklessly endangered the health and well being of Catholic children, including Plaintiff by exposing them to Fr. Sullivan who was a substantial risk of significant physical and mental injury to young Catholic children including Plaintiff.

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

115. As a direct and proximate cause of Defendants' reckless endangerment, 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 VII
CHILD ABUSE
(A.R.S. § 13-3623 and the common law)
(All Defendants)

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4 116. Plaintiff incorporates all other paragraphs.

5 117. Fr. Sullivan had the care and custody of Jane B.L. Doe both because she was
6 a parishioner under the purview of Fr. Sullivan and because she attended and
7 received instruction on the Catholic faith from Fr. Sullivan.

8 118. Defendants Gallup and Sullivan had the care and custody of Jane B.L. Doe
9 both because they assigned and/or permitted Fr. Sullivan to serve in Winslow,
10 Arizona and because of their pattern, practice, custom, and tradition of
11 providing religious instruction to Catholic children.

12 119. Gallup and Sullivan had the care and custody of Jane B.L. Doe through
13 traditional agency law.

14 120. Under circumstances likely to produce serious and significant physical and
15 psychological injury and while Jane B.L. Doe was under the care and custody
16 of all Defendants, Defendants and each of them caused, permitted, allowed,
17 and/or established patterns, practices, customs, and traditions that placed Jane
18 B.L. Doe in a situation in which his person, physical health, and
19 mental/emotional health were endangered.

20 121. Defendants, and each of them, intentionally, recklessly and or negligently
21 endangered and sexually abused Plaintiff.

22 122. As a direct and proximate cause of Defendants' sexual abuse of Plaintiff,
23 Plaintiff suffered and will continue to suffer in the future great pain of mind
24 and body, shock, emotional distress, embarrassment, loss of self-esteem,
25 disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss
26 of consortium, loss of love and affection, sexual dysfunction, past and future
27 medical expenses for psychological treatment, therapy, and counseling.
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COUNT VIII
ASSAULT AND BATTERY
(A.R.S. §§ 13-1204, 13-1203, and the common law)
(All Defendants)

123. Plaintiff incorporates all other paragraphs.

124. At all times relevant to this complaint, Fr. Sullivan was over the age of 18 and Jane B.L. Doe was under the age of 15.

125. Fr. Sullivan intentionally, knowingly and/or recklessly caused serious physical and mental/emotional injury to Plaintiff.

126. Fr. Sullivan intentionally, knowingly, recklessly and/or negligently placed Plaintiff in reasonable apprehension of imminent physical injury.

127. Fr. Sullivan intentionally, knowingly, recklessly and/or negligently touched Plaintiff with the intent to injure, insult or provoke.

128. The allegations set forth in this Count constitute negligence and negligence per se for violation of A.R.S. §§ 13-1204, 13-1203 and other relevant statutes and laws, including the common law, enacted for the protection of a specific class of persons of which Plaintiff is a member.

129. 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.

PRAYER FOR RELIEF

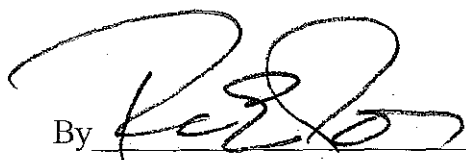
130. Plaintiff requests judgment in favor of Plaintiff and against Defendants as follows to:

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- a. For Plaintiff's general and special damages in an amount to be proven at trial by jury;
- b. For Plaintiff's incurred costs together with interest at the highest lawful rate on the total amount of all sums awarded from the date of judgment until paid;
- c. For the fair and reasonable monetary value of Plaintiff's past, present, and future pain and suffering in an amount to be proven at trial by jury;
- d. For the medical expenses incurred up to the date of trial and any additional expenses necessary for future medical care and treatment;
- e. For punitive damages or exemplary damages to be set by a jury in an amount sufficient to punish Defendants for their 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 May 2013.

MONTOYA, JIMENEZ & PASTOR, P.A.

By 
Robert E. Pastor
Attorneys for Plaintiff