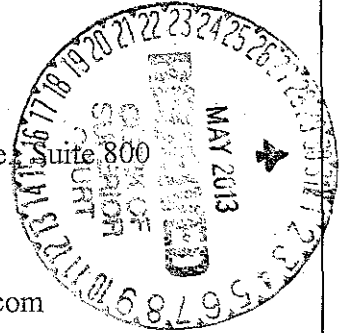


1 Robert E. Pastor, SBN 021963
2 MONTOYA, JIMENEZ & PASTOR, P.A.
3 3200 North Central Avenue, Suite 2550
4 Phoenix, Arizona 85012
5 (602) 279-8969
6 Fax: (602) 256-6667
7 repastor@mjpattorneys.com

John Manly, SBN 020229
MANLY & STEWART
19100 Von Karman Ave, Suite 800
Irvine, California 92612
(949) 252-9990
Fax: (949) 252- 9991
jmanly@manlystewart.com



Attorneys for Plaintiff

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

10 JOHN F.S. DOE, a married man,

11 Plaintiff,

12 v.

13
14 THE ROMAN CATHOLIC CHURCH
15 OF THE DIOCESE OF GALLUP, a
16 corporation sole; THE ESTATE OF
17 FATHER WILLIAM G. ALLISON,
18 deceased; JOHN DOE 1-100; JANE
19 DOE 1-100; and Black & White
20 Corporations 1-100,

Defendants.

Case No.: C V 2013-00362

COMPLAINT

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

22 **JURISDICTION**

- 23
24 1. Plaintiff, John F.S. 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 Coconino County, Arizona.
27
28

- 1 2. Defendant The Roman Catholic Church of the Diocese of Gallup (Gallup) is a
2 corporation sole. The presiding Bishops of the Diocese of Gallup during the
3 relevant times at issue in this Complaint were Bishop Bernard T. Espelage
4 (1940-1969), Bishop Jerome J. Hastrich (1969 – 1990), Bishop Donald
5 Edmond Pelotte (1990 – 2008), and Bishop James S. Wall (2009 – present).
6 Bishop Wall is presently governing Bishop of the Diocese of Gallup.
7
- 8 3. The Diocese of Gallup is incorporated in the State of New Mexico and has its
9 principle place of business in Gallup, New Mexico. The territory of the
10 Diocese of Gallup encompasses 55,000 square miles including the
11 Northeastern portion of Arizona. At the time of the alleged acts or omission,
12 the Diocese of Gallup included portions of North Central Arizona. The
13 Diocese of Gallup was canonically erected on December 16, 1939.
14
- 15 4. Defendant Gallup, acting through its priests, Bishops, Archbishops,
16 employees, and agents of any kind caused acts, events, or omissions to occur
17 in Flagstaff, Coconino County, Arizona out of which these claims arise.
18
- 19 5. The Diocese of Gallup owns, operates, and controls priests and parishes in
20 Coconino County, Arizona, including Our Lady of Guadalupe Catholic
21 Church located in Flagstaff, Arizona.
22
- 23 6. Defendant Father William G. Allison was ordained a Roman Catholic priest
24 incardinated in the Diocese of Alexandria, Louisiana.
25
- 26 7. At all times alleged, Defendant Father Allison was a Roman Catholic priest
27 who caused acts, events, or omissions to occur in Coconino County, Arizona
28 out of which these claims arise. At all times alleged, Defendant Fr. Allison
was employed by and was the actual or apparent agent of Defendant Diocese
of Gallup.
8. Defendant Fr. Allison was under the supervision, employ, or control of

1 Defendant Gallup when he committed the wrongful acts, events, and
2 omission alleged.

3 9. Defendant Father William G. Allison died on December 6, 1987.

4 10. At all times alleged, Defendants Gallup and Fr. Allison, their priests, Bishops,
5 Archbishops, employees and agents were acting within their course and
6 scope of employment or alternatively, acting within their actual or apparent
7 authority. The wrongful acts, events, or omissions committed by Defendants
8 Gallup and Allison and by those priests, Bishops, Archbishops, employees
9 and agents who acted individually and in conspiracy with the other to hide
10 and cover up Allison's history, pattern, and propensity to abuse Catholic
11 children were done within the course and scope of their authority with their
12 employing entities, or incidental to that authority and were acquiesced in,
13 affirmed, and ratified by those entities.

14 11. Plaintiff is informed and believes, and on that basis alleges, that at all times
15 mentioned herein, there existed a unity of interest and ownership among
16 Defendants and each of them, such that any individuality and separateness
17 between Defendants, and each of them, ceased to exist. Defendants, and
18 each of them, were the successors-in-interest and / or alter egos of the other
19 Defendants, and each of them, in that they purchased, controlled, dominated
20 and operated each other without any separate identity, observation of
21 formalities, or other manner of division. To continue maintaining the façade
22 of a separate and individual existence between and among Defendants, and
23 each of them, would serve to perpetuate a fraud and an injustice.

24 12. Defendants JOHN DOE 1-100, JANE DOE 1-100, and BLACK AND
25 WHITE CORPORATIONS 1-100, are fictitious names designating an
26 individual or individuals or legal entities not yet identified who have acted in
27
28

1 concert with the named Defendants either as principals, agents, or co-
2 participants whose true names Plaintiffs may insert when identified.

3
4 13. Plaintiff is informed and believes, and on that basis alleges, that at all times
5 alleged herein, Defendants and each of them and JOHN DOES 1-100, JANE
6 DOES 1-100, and BLACK and WHITE CORPORATIONS 1-100, inclusive,
7 were the agents, representatives and or employees of each and every other
8 Defendant. IN do the things hereinafter alleged, Defendants, and each of
9 them, JOHN DOES 1-100, JANE DOES 1-100, and BLACK and WHITE
10 CORPORATIONS 1-100, inclusive, were acting within the course and scope
11 of said alternative personality, capacity, indemnity, agency, representation
12 and or employment and were within their actual or apparent authority.

13 14. Plaintiff is informed and believes, and on that basis alleges, that all times
14 mention herein, Defendants, and each of them, JOHN DOES 1-100, JANE
15 DOES 1-100, and BLACK and WHITE CORPORATIONS 1-100, inclusive,
16 were the trustees, partners, servants, agents, joint venturers, shareholders,
17 contractors, and or employees of each and every other Defendant, and the
18 acts and omissions alleged were done by them, acting individually, through
19 such capacity and with the scope of their authority, and with the permission
20 and consent of each and every other Defendant and that said conduct was
21 thereafter ratified by each and every other Defendant, and that each of them
22 is jointly and severally liable to Plaintiff.
23

24 **GENERAL ALLEGATIONS**

25 **Defendant Gallup assigned Fr. William G. Allison to parishes throughout**
26 **Northern Arizona after Fr. Allison was treated at a**
27 **Sexual-abuse treatment center in Jemez Springs, New Mexico**

28 15. Plaintiff incorporates all other paragraphs.

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16. Father Allison was ordained a Roman Catholic priest in the Diocese of Alexandria, Louisiana.
17. Plaintiff is informed and believes, and on that basis alleges, that while working as a Roman Catholic priest in the Diocese of Alexandria, Fr. William G. Allison sexually abused and or engaged in sexual misconduct with children.
18. Plaintiff is informed and believes, and on that basis alleges that in 1958 or 1959 Fr. William G. Allison went to the sexual-abuse treatment facility run by the Servants of the Paraclete located in Jemez Springs, New Mexico.
19. Via Coeli at Jemez Springs, New Mexico is a sexual-abuse treatment facility for Catholic priests who engage in sexual misconduct. Father Gerald Fitzgerald founded the Servants of the Paraclete in 1947 to treat Catholic priests who sexually abused children. Fr. Fitzgerald established Via Coeli as a treatment center. Plaintiff is informed and believes, and on that basis alleges, that Fr. Fitzgerald wrote regularly to bishops in the United States and even the Pope that sexual abusers in the priesthood should be laicized or defrocked.
20. As a Roman Catholic Priest incardinated in the Diocese of Alexandria, Louisiana, Father Allison was required to have the permission of the Bishop of the Diocese of Gallup (Bishop Espelage) before being allowed to serve in the Diocese of Gallup.
21. Upon information and belief, on April 10, 1959, the Bishop of Gallup assigned Father Allison to the position of assistant pastor at Our Lady of Guadalupe Catholic Church located in Flagstaff, Arizona. The Bishop of Gallup appointed Fr. Allison assistant to Fr. James Lindenmeyer, pastor at Our Lady of Guadalupe Catholic Church.

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22. Plaintiff is informed and believes, and on that basis alleges that while Fr. Allison was assigned to Our Lady of Guadalupe Catholic Church in Flagstaff, the Chancellor for the Diocese of Gallup wrote Fr. Lindenmeyer that the Bishop was aware that Fr. Allison had a particular friendship with a young man that led to unhealthy talk. The Chancellor of the Diocese of Gallup asked Fr. Lindenmeyer to keep the inquiry in the strictest of confidence.
 23. Upon information and belief, on December 11, 1961, the Bishop of Gallup decided Fr. Allison's services in the Diocese of Gallup can no longer be utilized. The Bishop of Gallup terminated Fr. Allison "to avoid grave scandal to the Church and to religion." The Bishop of Gallup suggested that Fr. Allison return to the sexual-abuse treatment facility in Jemez Springs, New Mexico.
 24. On November 30, 1963, Father James Lindenmeyer of the Diocese of Gallup wrote other priests warning them of Father Allison. Fr. Lindenmeyer wrote that that three boys came to me and "have told me of incidents involving [Fr. Allison] and I have no reason whatsoever to doubt their word." Fr. Lindenmeyer did not report the incidents to police. Instead, Fr. Lindenmeyer "request[ed] that all this be kept in the strictest confidence, just as the seal of the Confessional."
 25. Like the pattern and practice of moving pedophile priests from one parish to another without informing anyone of the priest's sexual abuse of Catholic children, Defendant Gallup re-assigned Father William Allison to positions outside the Diocese of Gallup to avoid scandal and news of his sexual misconduct.

1 26. On November 30, 1964, Fr. Roger Mahoney (now Cardinal Mahoney), who at
2 the time was the Diocesan Director for the Diocese of Fresno, wrote, "From
3 what we have been able to observe and document, it is quite certain that
4 Father Allison is a sick man and in need of professional treatment." Fr.
5 Mahoney was aware of the allegations in Arizona, but did not report the
6 incidents of sexual abuse to police. Instead, he kept them secret.

7
8 27. Defendants Diocese of Gallup and Allison, through its bishop, priests, and
9 agents of any kind, knew or should have known that Father Allison would
10 have contact with Catholic children while assigned to Catholic Churches
11 throughout Northern Arizona.

12 **Allison sexually abused John F.S. Doe**

13 **When he was a young boy living in rural Arizona**

14 28. Plaintiff incorporates all other paragraphs.

15 29. To cope with the trauma of sexual abuse John F.S. Doe involuntarily and
16 unconsciously blocked the memories of sexual abuse from his mind.

17 30. In the winter of 2012, John F.S. Doe began to recover some of the memories
18 of sexual abuse by Father Allison.

19 31. John F.S. Doe participated in the Catholic tradition of serving as an altar boy
20 at Our Lady of Guadalupe Catholic Church located in Flagstaff, Arizona.
21 Father William G. Allison provided religious instruction and ministered to
22 the children and altar boys, including Plaintiff.

23
24 32. Father Allison gave John F.S. Doe special benefits. Father Allison took
25 Plaintiff to the movies and bought him candy, soda, and other treats. Father
26 Allison allowed Plaintiff to explore parts of the parish and rectory that were
27 off limits to children.
28

1 33. Father Allison sexually abused John F.S. Doe when he was an altar boy at
2 Our Lady of Guadalupe Catholic Church located in Flagstaff, Arizona. The
3 sexual abuse included, but was not limited to touching, masturbation, and
4 oral sex.
5

6 **Defendants covered up and fraudulently concealed**
7 **Allison's history and propensity of sexual abuse**

8 34. Plaintiff incorporates all other paragraphs.

9 35. Defendants Gallup and Allison through its priests, Bishops, Archbishops,
10 employees, or agents of any kind knew or should have known that Allison
11 sexually abused young boys. Defendants Gallup and Allison also knew or
12 should have known of his propensity to sexually abuse children.

13 36. Defendants Gallup and Allison did not disclose or report the sexual abuse.
14 Instead, acting individually and in concert with each other and other priests,
15 bishops, dioceses, and archdioceses, and co-conspirators, Defendants kept the
16 news of Allison's sexual abuse from the church members, including Plaintiff
17 and his family.

18 37. Defendants Gallup and Allison, their priests, Bishops, Archbishops, and
19 agents of any kind followed the orders, commandments, directives, policies,
20 or procedures of the Roman Catholic Church mandated by the priests,
21 Bishops, Archbishops, Cardinals, Vatican, the Holy See, the Holy Office, and
22 the Holy Father requiring that all matters and details regarding clergy sexual
23 abuse be kept absolutely secret. The secrets of priest sexual abuse were
24 commonly regarded as a secret of the Holy Office.
25

26 38. Defendants Gallup and Allison, their priests, Bishops, Archbishops, and
27 agents of any kind also followed the orders, commandments, directives,
28 policies, or procedures of the Roman Catholic Church mandated by the

1 Vatican, the Holy See, the Holy Office, Bishops, Archbishops, Cardinals and
2 the Holy Father allowing a priest accused of sexual abuse to be transferred to
3 a new assignment without ever disclosing the priest's history of sexual abuse.

- 4 39. Defendants Gallup and Allison acted individually and in concert with one
5 another and others including but not limited to other priests, bishops,
6 archbishops, diocese, and archdiocese to engage in a pattern and practice of
7 protecting priests who sexually abused parishioners and children by ratifying,
8 concealing, failing to report, or failing to investigate clergy sexual abuse,
9 molestation, and or sexual misconduct.
10

11 **Defendants are estopped from alleging the statute of limitations as a defense**
12 **because they fraudulently concealed Fr. Allison's abuse of Catholic children and**
13 **his propensity to sexually abuse Catholic Children.**

- 14 40. Plaintiff incorporates all other paragraphs.

- 15 41. Defendant Gallup through its priests, Bishops, Archbishops, and agents of any
16 kind assigned Father Allison to parishes throughout Northern Arizona,
17 including the Catholic churches located in Flagstaff, Arizona; Seligman,
18 Arizona; and Holbrook, Arizona.

- 19 42. Defendants Gallup and Allison did not reveal to the congregation of faithful
20 Catholics, including Plaintiff and his family, that Father Allison sexually
21 abused Catholic children.
22

- 23 43. Defendants Gallup and Allison, individually and in conspiracy with the other
24 priests, bishops, archbishops, and agents of any kind, led the congregation of
25 faithful Catholics in Flagstaff, Arizona, Selligman, Arizona, and Holbrook,
26 Arizona to believe that Father William G. Allison was fit to serve as a Roman
27 Catholic priest ministering to Catholic children.

- 28 44. In keeping with the orders, commandments, directives, policies, or procedures

1 of the Roman Catholic Church mandated by the priests, Bishops,
2 Archbishops, Cardinals, Vatican, the Holy See, the Holy Office, and the Holy
3 Father requiring that all matters and details regarding clergy sexual abuse be
4 kept absolutely secret, Defendants Gallup and Allison individual and in
5 conspiracy with each other and other priest, bishops, archbishops, diocese,
6 and agents of any kind, did not reveal to the congregation of faithful
7 Catholics in the Diocese of Gallup and its parishes, including Plaintiff and his
8 family, that Father Allison sexually abused Catholic children.
9

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

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

19 47. All Defendants, with their pattern and practice of ignoring, covering up, and
20 or fraudulently concealing Fr. Allison's sexual abuse of John F.S. Doe and
21 other Catholic children, demonstrated deliberate indifference, conscious
22 disregard, and reckless disregard to John F.S. Doe's mental and physical well-
23 being.
24

25 48. All Defendants' pattern and practice of ignoring, covering up, and
26 fraudulently concealing repeated and frequent sexual abuse perpetrated by Fr.
27 Allison and other clergy was done pursuant to the Catholic Church's official
28 and unofficial policies and practices.

1 49. The allegations set forth in the General Allegations render the Defendants
2 liable for Fr. Allison's sexual abuse of John F.S. Doe and other children
3 because such abuse was and should have been foreseeable and reasonable
4 precautionary measures would have prevented sexual abuse by Fr. Allison
5 and other clergy within the purview and/or control of Defendants.
6

7 **COUNT I**

8 **SEXUAL ASSAULT / SEXUAL ABUSE / MOLESTATION**

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

10 **(Father William G. Allison)**

11 50. Plaintiff incorporates all other paragraphs.

12 51. Defendant Father William G. Allison intentionally, knowingly, recklessly, or
13 negligently engaged in sexual conduct with John F.S. Doe.

14 52. Defendant Fr. Allison intentionally, knowingly, recklessly, or negligently
15 engaged in sexual conduct with John F.S. Doe without his consent and when
16 he was a minor incapable of consenting to such sexual conduct.

17 53. As a direct and proximate cause of Defendant Allison's wrongful acts
18 Plaintiff suffered and will continue to suffer in the future great pain of mind
19 and body, shock, emotional distress, embarrassment, loss of self-esteem,
20 disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss
21 of consortium, loss of love and affection, sexual dysfunction, past and future
22 medical expenses for psychological treatment, therapy, and counseling.

23 54. The allegations set forth in this Count constitute traditional negligence and
24 negligence per se for violation of A.R.S. § 13-3623 and other relevant statutes
25 and laws, including the common law, enacted for the protection of a specific
26 class of persons of which John C.V. Doe is a member.
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COUNT II
BREACH OF FIDUCIARY DUTY
(All Defendants)

- 55. Plaintiff incorporates all other paragraphs.
- 56. Defendants' relationship with Plaintiff John F.S. Doe was one of spiritual guide, counselor, and shepherd. As a fiduciary to Plaintiff, Defendants owed a duty to investigate, obtain, and disclose sexual misconduct, sexual assault, sexual abuse, molestation, sexual propensities, and other inappropriate acts of its priests, including Defendant Father William G. Allison. As fiduciary, counselor and spiritual guide, Defendants owed Plaintiff a duty to work solely for his benefit.
- 57. Defendants breached their fiduciary duties owed to Plaintiff.
- 58. 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 III
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)

- 59. Plaintiff incorporates all other paragraphs.
- 60. Defendants' wrongful conduct, including sexual abuse, conspiracy to conceal sexual abuse, failure to report Allison's sexual abuse of children, acquiescence, affirmance, and ratification of Allison's sexual abuse exceeded the bounds of decency and were extreme and outrageous causing Plaintiff to suffer severe emotional and psychological distress.

1 61. As a direct and proximate cause of Defendants' wrongful conduct Plaintiff
2 suffered and will continue to suffer in the future great pain of mind and body,
3 shock, emotional distress, embarrassment, loss of self-esteem, disgrace,
4 humiliation, anger, rage, frustration, loss of enjoyment of life, loss of
5 consortium, loss of love and affection, sexual dysfunction, past and future
6 medical expenses for psychological treatment, therapy, and counseling.
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8 **COUNT IV**

9 **INTENTIONAL / NEGLIGENT MISREPRESENTATION**

10 **(All Defendants)**

11 62. Plaintiff incorporates all other paragraphs.

12 63. Defendants Gallup have a duty to provide true, accurate, and or complete
13 information to prevent a substantial and foreseeable risk of injury to young
14 Catholic children, including Plaintiff.

15 64. Instead of reporting and disclosing the incidents of sexual abuse, Allison's
16 history of sexual abuse, or Allison's propensity to sexually abuse young boys,
17 Defendants breached their duties to Plaintiff by providing vague, incomplete,
18 and inconsistent information regarding Allison's ability to serve as a Roman
19 Catholic priest.
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21 65. 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 V
NEGLIGENT SUPERVISION / RETENTION
(Defendants Gallup)

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66. Plaintiff incorporates all other paragraphs.
67. Defendant Gallup 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.
68. The Diocese of Gallup knew or should have known that Defendant Allison sexually abused children.
69. Defendants, individually and in concert with the others, breached their duties to Plaintiff.
70. 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 VI
ENDANGERMENT
(All Defendants)

71. Plaintiff incorporates all other paragraphs.
72. Defendants have a duty to protect children from foreseeable and unjustifiable risks of harm.
73. Defendants knew or should have known Fr. Allison sexually abused children before he was assigned to the Catholic churches / parishes in Flagstaff, Arizona; Selligman, Arizona, and Holbrook, Arizona.

- 1 74. Defendants, individually and or in agreement with each other, assigned
2 William G. Allison to rural parishes in Northern Arizona.
- 3 75. Fr. Allison posed a substantial risk of significant physical and psychological
4 injury to Catholic children, including Plaintiff.
- 5 76. Defendants, individually and in concert with the each other, recklessly
6 endangered the health and well being of Catholic children, including Plaintiff
7 by exposing them to Fr. Allison who was a substantial risk of significant
8 physical and mental injury to young Catholic children including Plaintiff.
- 9 77. Defendants, individually and in concert with each other, recklessly
10 endangered the health and well being of Catholic children, including Plaintiff,
11 by employing and engaging in pattern and practice, customs and traditions, of
12 ignoring, covering up, and or fraudulently concealing clergy sexual abuse.
- 13 78. As a direct and proximate cause of Defendants' reckless endangerment,
14 Plaintiff suffered and will continue to suffer in the future great pain of mind
15 and body, shock, emotional distress, embarrassment, loss of self-esteem,
16 disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss
17 of consortium, loss of love and affection, sexual dysfunction, past and future
18 medical expenses for psychological treatment, therapy, and counseling.

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21 **COUNT VII**

22 **CHILD ABUSE**

23 **(A.R.S. § 13-3623 and the common law)**

24 **(All Defendants)**

- 25 79. Plaintiff incorporates all other paragraphs.
- 26 80. Fr. Allison had the care and custody of John F.S. Doe both because he was a
27 parishioner under the purview of Fr. Allison and because he attended
28 training and religious instruction in the Catholic faith, including as an altar
boy, under the custody and control of Fr. Allison.

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81. Defendants Gallup and Allison had the care and custody of John F.S. Doe both because they assigned and/or permitted Fr. Allison to serve in Flagstaf, Arizona and because of their pattern, practice, custom, and tradition of training and educating Catholic boys and permitting/requiring these boys to serve as altar boys in churches under their purview.

82. Gallup and Allison had the care and custody of John F.S. Doe through traditional agency law.

83. Under circumstances likely to produce serious and significant physical and psychological injury and while John F.S. 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 F.S. Doe in a situation in which his person, physical health, and mental/emotional health were endangered.

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

85. As a direct and proximate cause of Defendants' sexual 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)

86. Plaintiff incorporates all other paragraphs.

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- 87. At all times relevant to this complaint, Fr. Allison was over the age of 18 and John F.S. Doe was under the age of 15.
- 88. Fr. Allison intentionally, knowingly and/or recklessly caused serious physical and mental/emotional injury to Plaintiff.
- 89. Fr. Allison intentionally, knowingly, recklessly and/or negligently placed Plaintiff in reasonable apprehension of imminent physical injury.
- 90. Fr. Allison intentionally, knowingly, recklessly and/or negligently touched Plaintiff with the intent to injure, insult or provoke.
- 91. 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.
- 92. 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

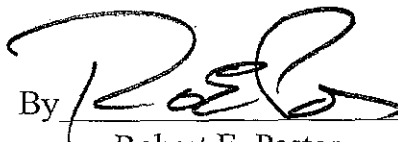
- 93. Plaintiff requests judgment in favor of Plaintiff and against Defendants as follows to:
 - a. For Plaintiff's general and special damages in an amount to be proven at trial by jury;
 - b. For Plaintiff's incurred costs together with interest at the highest lawful rate on the total amount of all sums awarded from the date of judgment until paid;

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- 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