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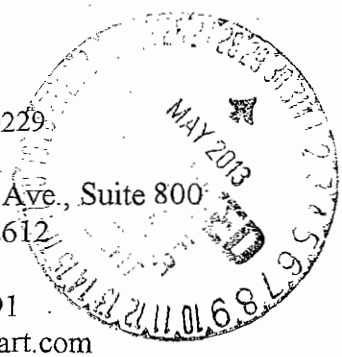

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCONINO

JOHN H.R. DOE, a married man,

Plaintiff,

v.

THE ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, a corporation sole; THE ESTATE OF FATHER CLEMENT A. HAGEMAN, deceased; JOHN DOE 1-100; JANE DOE 1-100; and Black & White Corporations 1-100,

Defendants.

Case No.: CV2013-00359

COMPLAINT

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

JURISDICTION

1. Plaintiff, John H.R. Doe, is a resident of Maricopa County, Arizona. The acts, events, and or omissions occurred in Arizona. The cause of action arose in Yavapai County, Arizona.

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 Holbrook, 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. The Mission parishes at Humboldt, Arizona; Mayer, Arizona; and Camp Verde, Arizona are owned, operated, and controlled by the Diocese of Gallup.

7. Defendant Father Hageman was ordained a Roman Catholic priest on June 10, 1930 and was incardinated in the Diocese of Corpus Christi by Bishop Emmanuel B. Ledvina.

8. At all times alleged, Defendant Father Hageman was a Roman Catholic priest who caused acts, events, or omissions to occur in Yavapai County, Arizona out of which these claims arise. At all times alleged, Defendant Hageman

was employed by and was the actual or apparent agent of Defendant Diocese of Gallup.

9. Defendant Hageman was under the supervision, employ, or control of Defendant Gallup when he committed the wrongful acts, events, and omission alleged.

10. Defendant Father Clement A. Hageman died on July 2, 1975 while serving as the administrator of the Madre de Dios Parish in Winslow, Navajo County, Arizona.

11. At all times alleged, Defendants Gallup, St. Lawrence, and Hageman, their priests, Bishops, Archbishops, employees and agents were 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 Defendant Hageman and by those priests, Bishops, Archbishops, employees and agents who acted individually and in conspiracy with the other to hide and cover up Hageman's history, pattern, and propensity to abuse Catholic children were done within the course and scope of their authority with their employing entities, or incidental to that authority and were acquiesced in, affirmed, and ratified by those entities.

12. Plaintiff is informed and believes, and on that basis alleges, that at all times mentioned herein, there existed a unity of interest and ownership among Defendants and each of them, such that any individuality and separateness between Defendants, and each of them, ceased to exist. Defendants, and each of them, were the successors-in-interest and / or alter egos of the other Defendants, and each of them, in that they purchased, controlled, dominated and operated each other without any separate identity, observation of formalities, or other manner of division. To continue maintaining the façade

of a separate and individual existence between and among Defendants, and each of them, would serve to perpetuate a fraud and an injustice.

13. Defendants JOHN DOE 1-100, JANE DOE 1-100, and BLACK AND WHITE CORPORATIONS 1-100, are fictitious names designating an 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.

GENERAL ALLEGATIONS

Defendants Gallup allowed Hageman to relocate to remote parts of Arizona after Hageman sexually abused boys in Texas

16. Plaintiff incorporates all other paragraphs.

17. Father Hageman was ordained a Roman Catholic priest on June 10, 1930. He was incardinated in the Diocese of Corpus Christi by Bishop Emmanuel B. Ledvina.

18. As a Roman Catholic Priest incardinated in the Diocese of Corpus Christi, Father Hageman 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.

19. As early as 1936 the Roman Catholic Church of the Diocese of Corpus Christi knew or should have known that Father Hageman was sexually abusing / molesting young boys with whom he had a trusting relationship.

20. By April 1939, the pastor at St. Peter's Catholic Church in Loredo, Texas, Father Daniel Laning, informed Bishop Ledvina (Bishop of the Diocese of Corpus Christi) that Father Hageman sexual abused boys. Father Laning urged Father Hageman to request assignment to a monastery for the balance of his life or to request secularization.

21. Father Laning assured Bishop Ledvina that the boys were kept close to him and that news of the affair was kept from public knowledge.

22. 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).

23. As a result of the sexual abuse in Loredo, Texas, Bishop Ledvina banished Father Hageman from the Diocese of Corpus Christi.

24. 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.

25. Father Hageman relocated to Connecticut after the Alexian Brother's denied him the opportunity to serve in the hospital.

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

27. In November 1940, Archbishop Rudolf A. Gerken (Archdiocese of Santa Fe) sent Father Hageman to the mission at Smith Lake in Thorough, New Mexico in the newly created Diocese of Gallup.

28. On or about December 1940, Archbishop Gerken informed the newly installed Bishop of the Diocese of Gallup, Bishop Bernard T. Espelage, that Father Hageman was guilty of playing with boys.

29. In December 1940, Bishop Espelage requested information about Father Hageman from Bishop Ledvina. Bishop Ledvina confirmed that Father Hageman was guilty of playing with boys. Without explanation, however, Bishop Ledvina recommended that Bishop Espelage "try him out, maybe [he] might prove trustworthy at last."

30. Bishop Espelage allowed Father Hageman to serve as a Roman Catholic priest in the Diocese of Gallup. Bishop Espelage, succeeding Bishops, priests, and or administrators assigned Father Hageman to parishes located throughout the Diocese of Gallup during Father Hageman's employment with the Diocese of Gallup.

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

32. Defendant Gallup 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.

33. 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.

34. Father Hageman responded to Bishop Espelage (Diocese of Gallup) admitting that while he was drinking he was "imprudent in [his] dealings with boys."

35. In November 1952, Defendant Gallup, acting through its Bishop, priests, and agents of any kind, removed Father Hageman from his position at Our Lady of Guadalupe Church and Parish. Father Hageman moved to Phoenix, Arizona where he ministered to the Yaqui Indian Mission Churches.

36. On December 29, 1952, the Bishop of the Diocese of Gallup appointed Father Clement Hageman as Administrator of the St. Mary's Church in Kingman, Arizona. Father Hageman's appointment was effective January 19, 1953.

37. Defendant Gallup knew or should have known that Father Hageman would have contact with Catholic children when it assigned him to work at the parish in Kingman, Arizona.

38. On June 12, 1959, the Bishop of the Diocese of Gallup assigned Father Alfred Tachias to assist Defendant Father Clement Hageman at St. Mary's Church in Kingman, Arizona.

39. On October 31, 1960, Father Alfred Tachias wrote the Bishop of Gallup informing him that Father Hageman "suffers from drinking to access" and that Father Hageman was creating a scandalous situation.

40. On September 7, 1961, Father Eugene McCarthy wrote the Bishop of Gallup informing him that Father Tachias was overwhelmed with the scandal that Father Hageman was creating. Fr. McCarthy informed the Bishop of Gallup that Father Hageman was found passed out in front of the rectory in broad day light the day before school was to start.

41. On or about January 9, 1963, Father Tachias called the Bishop of Gallup to report that Father Hageman returned from Las Vegas and was still drunk.

The following day, on January 10, 1963, the Bishop of Gallup wrote Father Hageman threatening to remove Hageman from working in the Diocese of Gallup.

42. Upon information and belief, Defendant Diocese of Gallup knew or should have known that Father Hageman sexually abused Catholic children while he was assigned to the parish in Kingman, Arizona.

43. On November 12, 1963, the Bishop of Gallup removed Father Hageman from his position at St. Mary's Catholic Church in Kingman, Arizona.

44. Before leaving Kingman, Arizona, Father Hageman lied to the parishioners about his removal from the parish telling them that his doctor commanded that he leave Kingman, Arizona for medical treatment and that he was preparing to have for a surgery.

45. Before leaving Kingman, Arizona, Father Hageman placed an ad in the local newpaper stating, "due to poor health which has worsened in the past year, Reverend Clement A. Hageman has given up his duties at St. Mary's Catholic Church."

46. On July 27, 1964, even though he received complaints of sexual misconduct while Father Hageman was assigned to the parishes in Holbrook, Arizona and Kingman, Arizona, the Bishop of Gallup assigned Father Hageman to reside in Cottonwood, Arizona where he would serve the mission parishes in Mayer, Camp Verde, and Humboldt, Arizona.

47. On December 1, 1965, the Bishop of Gallup assigned Father Hageman to Madre de Dios Catholic Church located in Winslow, Arizona.

48. Defendants Diocese of Gallup and Hageman, through its bishop, priests, and agents of any kind, knew or should have known that Father Hageman would have contact with Catholic children while assigned to Catholic Churches throughout Northern Arizona.

Hageman sexually abused John H.R. Doe

When he was a young boy in Yavapai County, Arizona

49. Plaintiff incorporates all other paragraphs.

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

51. In the summer of 2011, John H.R. Doe began to recover some of the memories of sexual abuse by Father Hageman.

52. In 1964 and 1965 John H.R. Doe participated in the Catholic tradition of serving as an altar boy at the Catholic churches located in Mayer, Camp Verde, and Humboldt, Arizona. Father Clement A. Hageman provided religious instruction to the altar boys, including Plaintiff.

53. As an altar boy, Father Hageman gave John R.H. Doe special benefits. John R.H. Doe was allowed to smoke cigarettes and drink alcohol with Father Hageman. Plaintiff was allowed to travel with Father Hageman to serve mass in neighboring communities. He was also allowed to have sleepovers with Father Hageman.

54. Father Hageman sexually abused John H.R. Doe when he was an altar boy at the Catholic churches located in Mayer, Campe Verde, and Humboldt, Arizona. The sexual abuse included, but was not limited to touching, masturbation, and the use of a vibrator.

Defendants Gallup and Hageman

covered up and fraudulently concealed

Hageman's history and propensity of sexual abuse

55. Plaintiff incorporates all other paragraphs.

56. Defendants Gallup and Hageman through its priests, Bishops, Archbishops, employees, or agents of any kind knew or should have known that Hageman

sexually abused young boys. Defendants Gallup and Hageman also knew or should have known of his propensity to sexually abuse children.

57. Defendants Gallup and Hageman 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 Hageman's sexual abuse from the church members, including Plaintiff and his family.

58. Defendants Gallup and Hageman, 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.

59. Defendants Gallup and Hageman, 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.

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

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

61. Plaintiff incorporates all other paragraphs.

62. Defendant Gallup through its priests, Bishops, Archbishops, and agents of any kind assigned Father Hageman to parishes throughout Northern Arizona, including the Catholic churches located in Mayer, Camp Verde, and Humboldt, Arizona.

63. By October of 1952, Defendants Gallup and Hageman knew or should have known that Father Hageman sexually abused Catholic children.

64. Defendants Gallup and Hageman did not reveal to the congregation of faithful Catholics, including Plaintiff and his family, that Father Hageman sexually abused Catholic children.

65. Defendants Gallup and Hageman knew or should have known that Father Hageman continued his sinful habit of playing with boys while assigned to parishes throughout Northern Arizona.

66. Defendants Gallup and Hageman, individually and in conspiracy with the other priests, bishops, archbishops, and agents of any kind, led the congregation of faithful Catholics in Holbrook, Arizona; Kingman, Arizona; Mayer, Arizona; Camp Verde, Arizona; Humboldt, Arizona; and Winslow, Arizona to believe that Father Clement Hageman was fit to serve as a Roman Catholic priest ministering to Catholic children.

67. Defendants Gallup and Hageman knew or should have known that Father Hageman continued his sinful habit of playing with boys while assigned to Catholic Churches in Holbrook, Arizona; Kingman, Arizona; Mayer, Arizona; Camp Verde, Arizona; Humboldt, Arizona; and Winslow, Arizona Camp Verde, Arizona.

68. 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 Hageman 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 Hageman sexually abused Catholic children.

69. 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.

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

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

72. The allegations set forth in the General Allegations render the Defendants liable for Fr. Hageman's sexual abuse of John H.R. 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 and other clergy within the purview and/or control of Defendants.

COUNT I

SEXUAL ASSAULT / SEXUAL ABUSE / MOLESTATION

(A.R.S. § 13-1406 and the common law)

(Father Clement A. Hageman)

73. Plaintiff incorporates all other paragraphs.

74. Defendant Father Clement A. Hageman intentionally, knowingly, recklessly, or negligently engaged in sexual conduct with John H.R. Doe.

75. Defendant Fr. Hageman intentionally, knowingly, recklessly, or negligently engaged in sexual conduct with John H.R. Doe without his consent and when he was a minor incapable of consenting to such sexual conduct.

76. As a direct and proximate cause of Defendant Hageman's 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.

77. The allegations set forth in this Count constitute traditional negligence and 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 C.V. Doe is a member.

COUNT II

BREACH OF FIDUCIARY DUTY

(All Defendants)

78. Plaintiff incorporates all other paragraphs.

79. Defendants' relationship with Plaintiff John H.R. 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 Clement A. Hageman. As fiduciary, counselor and spiritual guide, Defendants owed Plaintiff a duty to work solely for his benefit.

80. Defendants breached their fiduciary duties owed to Plaintiff.

81. 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

82. Plaintiff incorporates all other paragraphs.

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

84. 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

(Gallup)

85. Plaintiff incorporates all other paragraphs.

86. Defendants 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.

87. Instead of reporting and disclosing the incidents of sexual abuse, Hageman's history of sexual abuse, or Hageman's propensity to sexually abuse young boys, Defendants breached their duties to Plaintiff by providing vague, incomplete, and inconsistent information regarding Hageman's ability to serve as a Roman Catholic priest.

88. 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)

89. Plaintiff incorporates all other paragraphs.

90. 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.

91. As early as 1936, the Diocese of Gallup knew or should have known that Defendant Hageman sexually abused children.

92. Defendants, individually and in concert with the others, breached their duties to Plaintiff.

93. 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)

94. Plaintiff incorporates all other paragraphs.

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

96. Defendants knew Fr. Hageman was guilty of playing with boys before he was assigned to the Catholic churches / parishes in Holbrook, Kingman, Mayer, Camp Verde, Humboldt, and Winslow, Arizona.

97. Defendants, individually and or in agreement with each other, assigned Clement Hageman to the mission parish in Mayer, Camp Verde, and Humboldt, Arizona.

98. Fr. Hageman posed a substantial risk of significant 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 by exposing them to Fr. Hageman who was a substantial risk of significant physical and mental injury to young Catholic children including Plaintiff.

100. 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.

101. 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)

102. Plaintiff incorporates all other paragraphs.

103. Fr. Hageman had the care and custody of John H.R. Doe both because he was a parishioner under the purview of Fr. Hageman and because he attended training for and acted as an altar boy under the purview of Fr. Hageman.

104. Defendants Gallup and Hageman had the care and custody of John H.R. Doe both because they assigned and/or permitted Fr. Hageman to serve in Mayer, Camp Verde, & Humboldt, Arizona 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 purview.

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

106. Under circumstances likely to produce serious and significant physical and psychological injury and while John H.R. 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 H.R. 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 sexually abused Plaintiff.

108. 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)

109. Plaintiff incorporates all other paragraphs.

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

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

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

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

114. 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.

115. 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

116. 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;

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