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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 JOHN V.F. DOE, a single man,

Case No.: CV 2013 00242

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 CLEMENT A. HAGEMAN,  
18 deceased; FATHER RAUL  
19 SANCHEZ, a single man; JOHN DOE  
20 1-100; JANE DOE 1-100; and Black &  
21 White Corporations 1-100,

Defendants.

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

23 **JURISDICTION**

- 24 1. Plaintiff, John V.F. 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 and Maricopa 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 Navajo County and Maricopa 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 Madre de Dios Church and Parish located in Winslow, Arizona is 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. Defendant Father Raul Sanchez was ordained a Roman Catholic priest in December 1974. He was incardinated in the Diocese of Gallup by Bishop Jerome J. Hastrich.

- 1 9. At all times alleged, Defendant Father Sanchez was a Roman Catholic priest  
2 who caused acts, events, or omissions to occur in Navajo County, Coconino  
3 County and or Maricopa County, Arizona out of which these claims arise. At  
4 all times alleged, Defendant Sanchez were employed by and were the actual  
5 or apparent agents of Defendant Diocese of Gallup.  
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- 7 10. At all times alleged, Defendants Father Hageman and Father Sanchez were  
8 Roman Catholic priests who caused acts, events, or omissions to occur in  
9 Navajo County and or Maricopa County, Arizona out of which these claims  
10 arise. At all times alleged, Defendants Hageman and Sanchez were  
11 employed by and were the actual or apparent agents of Defendant Diocese of  
12 Gallup.  
13
- 14 11. Defendants Hageman and Sanchez were under the supervision, employ, or  
15 control of Defendant Gallup when they committed the wrongful acts, events,  
16 and omission alleged.  
17
- 18 12. Defendant Father Clement A. Hageman died on July 2, 1975 while serving as  
19 the administrator of the Madre de Dios Parish in Winslow, Navajo County,  
20 Arizona.  
21
- 22 13. At all times alleged, Defendants Gallup, Hageman, and Sanchez, their priests,  
23 Bishops, Archbishops, employees and agents were acting within their course  
24 and scope of employment or alternatively, acting within their actual or  
25 apparent authority. The wrongful acts, events, or omissions committed by  
26 Defendants Gallup, Hageman, Sanchez and by those priests, Bishops,  
27 Archbishops, employees and agents who acted individually and in conspiracy  
28 with the others to hide and cover up Hageman's and Sanchez' history,  
pattern, and propensity to sexually 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.

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14. 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.

15. 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.

16. 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.

17. 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,

1 contractors, and or employees of each and every other Defendant, and the  
2 acts and omissions alleged were done by them, acting individually, through  
3 such capacity and with the scope of their authority, and with the permission  
4 and consent of each and every other Defendant and that said conduct was  
5 thereafter ratified by each and every other Defendant, and that each of them  
6 is jointly and severally liable to Plaintiff.  
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### 8 GENERAL ALLEGATIONS

#### 9 Defendant Gallup allowed Hageman to relocate to remote parts of Arizona 10 after Hageman sexually abused boys in Texas

- 11 18. Plaintiff incorporates all other paragraphs.
- 12 19. Father Hageman was ordained a Roman Catholic priest on June 10, 1930. He  
13 was incardinated in the Diocese of Corpus Christi by Bishop Emmanuel B.  
14 Ledvina.
- 15 20. As a Roman Catholic Priest incardinated in the Diocese of Corpus Christi,  
16 Father Hageman was required to have the permission of the Bishop of the  
17 Diocese of Gallup (Bishop Espelage) before being allowed to serve in the  
18 Diocese of Gallup.
- 19 21. As early as 1936 the Roman Catholic Church of the Diocese of Corpus Christi  
20 knew or should have known that Father Hageman was sexually abusing /  
21 molesting young boys with whom he had a trusting relationship.
- 22 22. By April 1939, the pastor at St. Peter's Catholic Church in Loreda, Texas,  
23 Father Daniel Laning, informed Bishop Ledvina (Bishop of the Diocese of  
24 Corpus Christi) that Father Hageman sexual abused boys. Father Laning  
25 urged Father Hageman to request assignment to a monastery for the balance  
26 of his life or to request secularization.
- 27 23. Father Laning assured Bishop Ledvina that the boys were kept close to him  
28 and that news of the affair was kept from public knowledge.

- 1 24. In April 1939 Bishop Ledvina did not have any confidence that Father  
2 Hageman would be able to overcome or control his "weakness." Bishop  
3 Ledvina agreed with Father Laning that the best course  
4 of action would be for Father Hageman to enter a monastery for the  
5 remainder of his life or to apply to the Holy See for laicization (to defrock or  
6 remove a priest's right to exercise the functions of ordained ministry).  
7
- 8 25. As a result of the sexual abuse in Loreda, Texas, Bishop Ledvina banished  
9 Father Hageman from the Diocese of Corpus Christi.
- 10 26. In September 1939, Father Hageman requested permission from Bishop  
11 Ledvina to serve in the Alexian Brother's hospital located in Oshkosh,  
12 Wisconsin. Bishop Ledvina advised the rector of the Alexian Brother's  
13 hospital of his justified apprehensions, informing the rector that Father  
14 Hageman "can put up a good front and will apparently show signs of  
15 repentance and reform; but, as was proven by his past record he forgets his  
16 resolutions and falls into his old habits, when he seems to think he is no  
17 longer suspected, and cleverly hides his gradual fall into his old  
18 transgressions." Aware of Father Hageman's prior sexual abuse and cunning  
19 ability to fool others, Bishop Ledvina told the rector that he would not trust  
20 him.  
21
- 22 27. Father Hageman relocated to Connecticut after the Alexian Brother's denied  
23 him the opportunity to serve in the hospital.
- 24 28. In September 1940, a priest in Connecticut begged Bishop Ledvina to give  
25 Father Hageman another chance. Bishop Ledvina informed Bishop  
26 McCauliff of the Diocese of Hartford, Connecticut that the subordinate priest  
27 was out of order. According to Bishop Ledvina, Father Hageman had  
28 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.

1 Bishop Ledvina eventually learned that Father Hageman had fallen back into  
2 is old sinful habits. Bishop Ledvina informed Bishop McCauliff that Father  
3 Hageman could not return to the two cities he was previously assigned  
4 because he may experience "bodily violence from outraged parents." Bishop  
5 Ledvina again shared his belief that Father Hageman should request  
6 laicization.  
7

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

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

14 31. In December 1940, Bishop Espelage requested information about Father  
15 Hageman from Bishop Ledvina. Bishop Ledvina confirmed that Father  
16 Hageman was guilty of playing with boys. Without explanation, however,  
17 Bishop Ledvina recommended that Bishop Espelage "try him out, maybe [he]  
18 might prove trustworthy at last."  
19

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

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

27 34. Defendant Gallup through their respective priests, Bishops, Archbishops,  
28 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

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children, including Plaintiff.

35. 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.
36. Father Hageman responded to Bishop Espelage (Diocese of Gallup) admitting that while he was drinking he was “imprudent in [his] dealings with boys.”
37. 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.
38. 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.
39. 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.
40. 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.
41. On October 31, 1960, Father Alfred Tachias wrote the Bishop of Gallup informing him that Father Hageman “suffers from drinking to excess” and that Father Hageman was creating a scandalous situation.
42. 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 started.



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- 43. 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.
- 44. 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.
- 45. On November 12, 1963, the Bishop of Gallup removed Father Hageman from his position at St. Mary's Catholic Church in Kingman, Arizona.
- 46. Before leaving Kingman, Arizona, Father Hageman lied to the parishioners about his removal from the parish telling them that his doctor commanded him to leave Kingman, Arizona for medical treatment and that he was preparing to have a surgery.
- 47. Before leaving Kingman, Arizona, Father Hageman placed an ad in the local newspaper 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."
- 48. 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.
- 49. On December 1, 1965, the Bishop of Gallup assigned Father Hageman to Madre de Dios Catholic Church located in Winslow, Arizona.
- 50. Defendant Diocese of Gallup knew or should have known that Father

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Hageman sexually abused Catholic children while he was assigned to the parishes in Mayer, Camp Verde, Humboldt, and Winslow, Arizona.

- 51. Father Clement Hageman died on July 2, 1975.
- 52. After Father Hageman's death, Defendant Gallup, acting through its bishop, priests, administrators, and agents of any kind assigned Father Raul Sanchez to Madre de Dios Catholic Church in Winslow, Arizona.
- 53. Defendant Father Sanchez was ordained a Roman Catholic priest in December 1974. He was incardinated in the Diocese of Gallup by Bishop Jerome J. Hastrich.
- 54. Defendant Gallup acting through its bishop, priests, administrators, and agents of any kind, assigned Father Raul Sanchez to the Casa Santa Maria Via Dell'Umilta in Rome, Italy from 1977 to 1979.
- 55. From 1980 through 1986, Defendant Gallup, acting through its bishop, priests, administrators, and agents of any kind, appointed Father Raul Sanchez Chancellor of the Diocese of Gallup.
- 56. Starting in 1987 to the present, Father Raul Sanchez was listed in the Official Catholic Directory as on duty out of the Diocese. Defendant Gallup allowed Father Sanchez to be assigned to and work at various U.S. Airforce Bases throughout the United States including but not limited to Davis-Monthan Air Force Base in Arizona.
- 57. Plaintiff is informed and believes, and on that basis alleges, that Defendant Gallup received complaints of sexual misconduct by Father Sanchez toward minor boys and or girls.
- 58. Defendant Gallup knew or should have known that Father Raul Sanchez sexually abused Catholic children and or engaged in sexual misconduct.
- 59. Currently, Defendant Gallup does not know Father Sanchez' whereabouts.

1 60. Defendants Diocese of Gallup, Hageman, and Sanchez through its bishop,  
2 priests, and agents of any kind, knew or should have known that Father  
3 Hageman and Father Sanchez would have contact with Catholic children  
4 while assigned to Catholic Churches throughout Arizona.  
5

6 **Hageman & Sanchez sexually abused John V.F. Doe**

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

8 61. Plaintiff incorporates all other paragraphs.

9 62. To cope with the trauma of sexual abuse John V.F. Doe involuntarily and  
10 unconsciously blocked the memories of sexual abuse from his mind.

11 63. John V.F. Doe began to recover some of the memories of sexual abuse by  
12 Father Hageman and Father Sanchez in the spring / summer of 2011.

13 64. In approximately 1972 through 1977 John V.F. Doe participated in the  
14 Catholic tradition of serving as an altar boy at Madre de Dios Catholic  
15 churches. Father Clement A. Hageman provided religious instruction to the  
16 altar boys, including Plaintiff.

17 65. As an altar boy, Father Hageman gave John V.F. Doe special benefits. John  
18 V.F. Doe was invited to Father Hageman's living quarters where he was  
19 allowed to drink wine and eat the host.  
20

21 66. Father Hageman sexually abused John V.F. Doe when he was an altar boy at  
22 Madre de Dios Catholic Church. The abuse included, but was not limited to,  
23 masturbation, oral sex, and sodomy. Father Hageman scarred John V.F. Doe  
24 by telling him that John V.F. Doe could get in trouble if he said anything.

25 67. After Father Hageman died in 1975, Defendant Gallup assigned Father Raul  
26 Sanchez to Madre de Dios. Father Sanchez provided religious instruction to  
27 the altar boys, including Plaintiff.

28 68. Father Raul Sanchez gave the altar boys, including Plaintiff, special attention

1 and treatment. Father Sanchez took Plaintiff and other altar boys on special  
2 trips including camping, fishing, swimming at lakes in Northern Arizona, and  
3 to Phoenix, Arizona.

4  
5 69. Father Raul Sanchez sexually abused Plaintiff when he was an altar boy at  
6 Madre de Dios Catholic Church. The abuse included, but was not limited to,  
7 mutual touching, masturbation, oral sex, frottage, and sodomy.

8 **Defendants Gallup, Hageman, & Sanchez**

9 **covered up and fraudulently concealed**

10 **Hageman's and Sanchez' history and propensity of sexual abuse**

11 70. Plaintiff incorporates all other paragraphs.

12 71. Defendants Gallup, Hageman, and Sanchez, through its priests, Bishops,  
13 Archbishops, employees, or agents of any kind knew or should have known  
14 that Hageman and Sanchez sexually abused young boys. Defendants Gallup,  
15 Hageman, and Sanchez also knew or should have known of their propensity  
16 to sexually abuse children.

17 72. Defendants Gallup, Hageman, and Sanchez did not disclose or report the  
18 sexual abuse. Instead, acting individually and in concert with each other and  
19 other priests, bishops, dioceses, and archdioceses, and co-conspirators,  
20 Defendants kept the news of Hageman's and Sanchez' sexual abuse from the  
21 church members, including Plaintiff and his family.

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

1 74. Defendants Gallup, Hageman and Sanchez, their priests, Bishops,  
2 Archbishops, and agents of any kind also followed the orders,  
3 commandments, directives, policies, or procedures of the Roman Catholic  
4 Church mandated by the Vatican, the Holy See, the Holy Office, Bishops,  
5 Archbishops, Cardinals and the Holy Father allowing a priest accused of  
6 sexual abuse to be transferred to a new assignment without ever disclosing  
7 the priest's history of sexual abuse.  
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9 75. Defendants Gallup, Hageman, and Sanchez acted individually and in concert  
10 with one another and others including but not limited to other priests,  
11 bishops, archbishops, diocese, and archdiocese to engage in a pattern and  
12 practice of protecting priests who sexually abused parishioners and children  
13 by ratifying, concealing, failing to report, or failing to investigate clergy  
14 sexual abuse, molestation, and or sexual misconduct.  
15

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

19 76. Plaintiff incorporates all other paragraphs.

20 77. Defendant Gallup through its priests, Bishops, Archbishops, and agents of any  
21 kind assigned Father Hageman to parishes throughout Northern Arizona,  
22 including the Catholic churches located in Holbrook, Kingman, Mayer,  
23 Camp Verde, Humboldt, and Winslow, Arizona.

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

26 79. Like the pattern and practice of moving pedophile priests from one parish to  
27 another without informing anyone of the priest's sexual abuse of Catholic  
28 children, Defendant Gallup re-assigned Father Raul Sanchez to positions  
outside the Diocese of Gallup to avoid scandal and news of his sexual  
misconduct.

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

81. 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.

82. 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.

83. Defendants Gallup and Sanchez knew or should have known that Father Sanchez sexually abused Catholic children while assigned to the Catholic Church in Winslow, Arizona.

84. 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, Hageman, and Sanchez 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 and Father Sanchez sexually abused Catholic children.

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

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6 86. All Defendants, with their pattern and practice of ignoring, covering up, and  
7 or fraudulently concealing Fr. Hageman's and Father Sanchez' sexual abuse  
8 of John V.F. Doe and other Catholic children, demonstrated deliberate  
9 indifference, conscious disregard, and reckless disregard to John V.F. Doe's  
10 mental and physical well-being.

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

15 88. The allegations set forth in the General Allegations render the Defendants  
16 liable for Fr. Hageman's and Father Raul Sanchez' sexual abuse of John V.F.  
17 Doe and other children because such abuse was and should have been  
18 foreseeable and reasonable precautionary measures would have prevented  
19 sexual abuse by Fr. Hageman, Father Sanchez, and other clergy within the  
20 purview and/or control of Defendants.

21  
22 **COUNT I**

23 **SEXUAL ASSAULT / SEXUAL ABUSE / MOLESTATION**

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

25 **(Father Clement A. Hageman & Father Raul Sanchez)**

26 89. Plaintiff incorporates all other paragraphs.

27 90. Defendants Father Clement A. Hageman and Father Raul Sanchez  
28 intentionally, knowingly, recklessly, or negligently engaged in sexual conduct  
with John V.F. Doe,

1 91. Defendants Fr. Hageman and Father Sanchez intentionally, knowingly,  
2 recklessly, or negligently engaged in sexual conduct with John V.F. Doe  
3 without his consent and when he was a minor incapable of consenting to such  
4 sexual conduct.

5  
6 92. As a direct and proximate cause of Defendant Hageman's and Father  
7 Sanchez' wrongful acts Plaintiff suffered and will continue to suffer in the  
8 future great pain of mind and body, shock, emotional distress, embarrassment,  
9 loss of self-esteem, disgrace, humiliation, anger, rage, frustration, loss of  
10 enjoyment of life, loss of consortium, loss of love and affection, sexual  
11 dysfunction, past and future medical expenses for psychological treatment,  
12 therapy, and counseling.

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

## 17 **COUNT II**

### 18 **BREACH OF FIDUCIARY DUTY**

19 **(All Defendants)**

20 94. Plaintiff incorporates all other paragraphs.

21 95. Defendants' relationship with Plaintiff John V.F. Doe was one of spiritual  
22 guide, counselor, and shepherd. As a fiduciary to Plaintiff, Defendants owed  
23 a duty to investigate, obtain, and disclose sexual misconduct, sexual assault,  
24 sexual abuse, molestation, sexual propensities, and other inappropriate acts of  
25 its priests, including Defendant Clement A. Hageman. As fiduciary,  
26 counselor and spiritual guide, Defendants owed Plaintiff a duty to work solely  
27 for his benefit.  
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1 96. Defendants breached their fiduciary duties owed to Plaintiff.

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

10 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

11 **(All Defendants)**

12 98. Plaintiff incorporates all other paragraphs.

13 99. Defendants' wrongful conduct, including sexual abuse, conspiracy to conceal  
14 sexual abuse, failure to report Hageman's and Sanchez' sexual abuse of  
15 children, acquiescence, affirmance, and ratification of Hageman's and  
16 Sanchez' sexual abuse exceeded the bounds of decency and were extreme and  
17 outrageous causing Plaintiff to suffer severe emotional and psychological  
18 distress.  
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20 100. As a direct and proximate cause of Defendants' wrongful conduct Plaintiff  
21 suffered and will continue to suffer in the future great pain of mind and body,  
22 shock, emotional distress, embarrassment, loss of self-esteem, disgrace,  
23 humiliation, anger, rage, frustration, loss of enjoyment of life, loss of  
24 consortium, loss of love and affection, sexual dysfunction, past and future  
25 medical expenses for psychological treatment, therapy, and counseling.  
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**COUNT IV**  
**INTENTIONAL / NEGLIGENT MISREPRESENTATION**  
**(All Defendants)**

- 101. Plaintiff incorporates all other paragraphs.
- 102. 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.
- 103. Instead of reporting and disclosing the incidents of sexual abuse, Hageman's and Sanchez' history of sexual abuse, or Hageman's and Sanchez' propensity to sexually abuse Catholic children, Defendants breached their duties to Plaintiff by providing vague, incomplete, and inconsistent information regarding Hageman's and Sanchez' ability to serve as a Roman Catholic priests.
- 104. 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)**

- 105. Plaintiff incorporates all other paragraphs.
- 106. 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.

1 107. Defendant Diocese of Gallup knew or should have known that Defendants  
2 Hageman and Sanchez sexually abused children or otherwise engaged in  
3 sexual misconduct.

4 108. Defendants, individually and in concert with the others, breached their duties  
5 to Plaintiff.

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

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

15 110. Plaintiff incorporates all other paragraphs.

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

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

21 113. Defendants knew or should have known Father Raul Sanchez sexually abused  
22 children.

23 114. Defendants, individually and or in agreement with each other, assigned a  
24 string of pedophile priests over the course of more than 30 years to the  
25 Catholic Church in Winslow, Arizona. Those pedophile priests include, but  
26 are not limited to Father Clement Hageman, Father Raul Sanchez, Father John  
27 T. Sullivan, Father Samuel Wilson, Father John Boland, and Father James  
28 Burns.

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

21 **COUNT VII**  
22 **CHILD ABUSE**  
23 **(A.R.S. § 13-3623 and the common law)**  
24 **(All Defendants)**

- 25 119. Plaintiff incorporates all other paragraphs.  
26  
27 120. Fr. Hageman and Father Sanchez had the care and custody of John V.F. Doe  
28 both because he was a parishioner and because he attended training for and  
acted as an altar boy under the care, custody, and control of Fr. Hageman and  
Father Sanchez.

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- 121. Defendants Gallup, Hageman, and Sanchez had the care and custody of John V.F. Doe both because they assigned and/or permitted Fr. Hageman and Father Sanchez to serve in Winslow, 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 care, custody, and control.
- 122. Gallup, Hageman, and Sanchez had the care and custody of John V.F. Doe through traditional agency law.
- 123. Under circumstances likely to produce serious and significant physical and psychological injury and while John V.F. 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 V.F. Doe in a situation in which his person, physical health, and mental/emotional health were endangered.
- 124. Defendants, and each of them, intentionally, recklessly and or negligently endangered and sexually abused Plaintiff.
- 125. 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.

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

126. Plaintiff incorporates all other paragraphs.

127. At all times relevant to this complaint, Fr. Hageman and Father Sanchez were over the age of 18 and John V.F. Doe was under the age of 15.

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

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

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

131. 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.

132. 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**

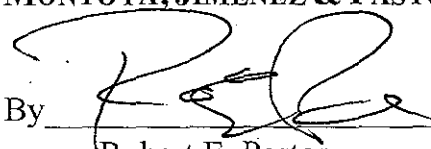
133. Plaintiff requests judgment in favor of Plaintiff and against Defendants as follows to:

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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 27<sup>th</sup> day of March 2013.

**MONTOYA, JIMENEZ & PASTOR, P.A.**

By   
Robert E. Pastor  
Attorneys for Plaintiff