

1 them under the guidance, care, supervision and control of Catholic
2 priests and others, such as UNNAMED DEFENDANTS and DOES 1 through 50,
3 inclusive, and each of them. Thereafter, Defendants, and each of
4 them, continued to perpetuate and perform and otherwise, aid, abet,
5 assist and/or participate in the wrongful, despicable and outrageous
6 acts alleged herein including, but not limited to, acts of sexual
7 abuse, and molestation and other wrongful acts upon Plaintiff in
8 violation of California Penal Code, Sections 285, 266(j), 286, 288(a)
9 (b) and (c), and 289(H) (I) and (J), 311.1, 311.3 and 647.6 as well
10 as other laws of the State of California proscribing said conduct.
11 As a result thereof, said Defendants, and each of them, did continue
12 to cause Plaintiff to suffer severe mental, emotional and physical
13 damages and injuries as more particularly set forth and alleged
14 herein.

15 30. The aforementioned acts of said Defendants, and each
16 of them, constituted unprovoked conduct which was willful, wanton,
17 malicious, oppressive and beyond all reasonable bounds of decency and
18 conscious disregard the physical and emotional health, safety and
19 well-being of Plaintiff.

20 31. By reason of said wrongful acts of Defendants, and each
21 of them, Plaintiff has suffered extreme and severe mental anguish,
22 emotional distress, physical pain and has been injured and damaged as
23 more particularly set forth herein.

24 32. Said wrongful conduct of Defendants, and each of them,
25 was intended to cause injury and damages to Plaintiff, or
26 alternatively, was despicable and unconscionable conduct carried out
27 with a willful, wanton, and conscious disregard for the rights,
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1 health, safety and well-being of Plaintiff, subjecting Plaintiff to
2 cruel and unjust hardship, humiliation, severe mental anguish, severe
3 emotional distress and suffering and was so vile, base, contemptible,
4 miserable, wretched and loathsome that it would be looked down upon
5 and despised so as to cause injuries and damages of the kind
6 justifying an award of exemplary and punitive damages. Pursuant to
7 the provisions of California Code of Civil Procedure, Section 425.14,
8 Plaintiff will seek leave of Court in the future in order to amend
9 this Complaint to include a prayer for punitive damages against the
10 religious corporations, religious corporations sole, their units,
11 divisions, branches or subsidiaries thereof, named herein.

12 FOR A FOURTH, SEPARATE AND DISTINCT CAUSE OF ACTION

13 FOR FALSE IMPRISONMENT AGAINST ALL DEFENDANTS,

14 AND EACH OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

15 33. Plaintiff hereby refers to, repeats and realleges each
16 and every paragraph of the First, Second and Third Causes of Action,
17 and each and every allegation contained therein, and incorporates same
18 by this reference, as though fully set forth at this point.

19 34. In carrying out the wrongful conduct alleged herein of
20 said Defendants, and each of them, said Defendants forcibly, against
21 Plaintiff's will, and without his consent and over his protest, kept
22 Plaintiff in said Defendants' presence and caused Plaintiff to remain
23 in Defendants' presence until said Defendants had completed their
24 unlawful acts including, but not limited to, acts of sexual
25 molestation and sexual abuse upon Plaintiff.

26 35. Immediately prior to said wrongful acts of said
27 Defendants, and each of them, Plaintiff had been peacefully visiting,
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1 staying, attending school or church, performing church duties, and
2 otherwise acting lawfully at UNNAMED DEFENDANTS, and DOES 51 through
3 100, inclusive, and each of them, and at all other locations wherein
4 said wrongful acts and conduct of Defendants, and each of them,
5 occurred throughout the time period referred to herein.

6 36. The aforementioned acts of said Defendants, and each
7 of them, constituted unprovoked conduct which was willful, wanton,
8 malicious, oppressive, beyond all reasonable bounds of decency and
9 conscious disregard for the physical and emotional health, safety and
10 well-being of Plaintiff.

11 37. Said wrongful conduct of Defendants, and each of them,
12 was intended to cause injury and damages to Plaintiff or
13 alternatively, were despicable and unconscionable conduct carried out
14 with a willful, wanton and conscious disregard of the rights, health,
15 safety and well-being of Plaintiff, subjecting Plaintiff to cruel and
16 unjust hardship, humiliation, severe mental anguish, severe emotional
17 distress and suffering, and was so vile, base, contemptible,
18 miserable, wretched and loathsome that it would be looked down upon
19 and despised so as to cause injuries and damages of the kind
20 justifying an award of exemplary and punitive damages. Pursuant to
21 the provisions of California Code of Civil Procedure, Section 425.14,
22 Plaintiff will at the appropriate time, seek leave of Court in the
23 future in order to amend this Complaint to include a prayer for
24 punitive damages against the religious corporations, religious
25 corporations sole, their units, divisions, branches or subsidiaries
26 thereof, named herein.

1 and alleged herein.

2 42. The aforementioned acts of said Defendants, and each
3 of them, was intended to cause injury and damages to Plaintiff or,
4 alternatively, were despicable and unconscionable conduct carried out
5 with a willful, wanton and conscious disregard of the rights, health,
6 safety and well-being of Plaintiff, subjecting Plaintiff to cruel and
7 unjust hardship, humiliation, severe mental anguish, severe emotional
8 distress and suffering, and other injuries and damages, and were so
9 vile, base, contemptible, miserable, wretched and loathsome that it
10 would be looked down upon and despised so as to cause injuries and
11 damages of the kind justifying an award of exemplary and punitive
12 damages. Pursuant to the provisions of California Code of Civil
13 Procedure, Section 425.14, Plaintiff will seek leave of Court in the
14 future in order to amend this Complaint to include a prayer for
15 punitive damages against the Defendants named herein which are a
16 religious corporations, religious corporations sole, their units,
17 divisions, branches or subsidiaries thereof, named herein.

18 FOR A SIXTH, SEPARATE AND DISTINCT CAUSE OF ACTION

19 FOR FRAUD AGAINST ALL DEFENDANTS, AND EACH OF THEM,

20 PLAINTIFF ALLEGES AS FOLLOWS:

21 43. Plaintiff hereby refers to, repeats and realleges each
22 and every paragraph contained in the First, Second, Third, Fourth and
23 Fifth Causes of Action herein, and each and every allegation contained
24 therein, and incorporates same by this reference, as though fully set
25 forth at this point.

26 44. At all times relevant herein, Defendants, and each of
27 them, represented they were religious establishments, and loving
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1 Catholics and Christians who would hold Plaintiff safe from harm,
2 protected against illegal, evil and/or wrongful acts and were further
3 fathers, pastors, bishops, archbishops, teachers, administrators and
4 such other church authorities or other individuals or entities which
5 were branches of, or otherwise affiliated with UNNAMED DEFENDANTS and
6 DOES 51 through 150, inclusive and that defendants, and each of them,
7 would protect Plaintiff from any harm and provide him with education,
8 emotional support, religious training, support and protection while
9 Plaintiff was under their custody, control, direction, authority and
10 supervision, as well as later when Plaintiff was attempting to handle,
11 cope with and seek assistance with the injuries and damages alleged
12 herein.

13 45. At all times relevant herein, Defendants, and each of
14 them, knew, or should have known, that said representations were false
15 and that said Defendants, and each of them, knowingly, intentionally
16 and willfully made said representations in order to fraudulently
17 induce Plaintiff to rely upon said representations for the purpose of
18 inducing Plaintiff to accept Defendants, and each of their,
19 confidence, trust, faith, educational, supervisory and hierarchical
20 positions and special relationships so that UNNAMED DEFENDANTS and
21 DOES 1 through 150, could commit the acts of sexual abuse and
22 molestation and other wrongful acts and conduct, and that subsequently
23 Defendants, and each of them, could commit the other wrongful acts and
24 conduct upon Plaintiff as alleged herein.

25 46. At all times relevant herein, Plaintiff was unaware of
26 the falsity of these representations and relied upon the truth of said
27 false representations by Defendants, and each of them, that Plaintiff
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1 would be free from harm and wrongful acts while a church member,
2 parishioner, altar boy and/or student, at UNNAMED DEFENDANTS and DOES
3 51 through 150, and during and following his meeting and discussions
4 with UNNAMED DEFENDANTS and DOES 1 through 150, and each of them, as
5 alleged herein, and while engaged in any other conduct or activity
6 sanctioned, authorized, supervised, controlled and/or administered by
7 Defendants, and each of them, and that he would not suffer the
8 injuries and damages alleged herein. Plaintiff did not discover the
9 fraudulent and other misrepresentations of Defendants, and each of
10 them, until June 19, 1994 and later.

11 47. As a direct, proximate and legal result of Plaintiff's
12 reliance upon the truth of these representations made by Defendants,
13 and each of them, as more specifically alleged herein, Plaintiff has
14 suffered, and continues to suffer, the economic, physical, mental and
15 emotional illnesses, injuries and damages as alleged herein.

16 48. Said wrongful conduct of Defendants, and each of them,
17 was intended to cause injury and damages to Plaintiff, or
18 alternatively, was despicable and unconscionable conduct carried out
19 with a willful, wanton, and conscious disregard for the rights,
20 health, safety and well-being of Plaintiff, subjecting Plaintiff to
21 cruel and unjust hardship, humiliation, severe mental anguish, severe
22 emotional distress and suffering and was so vile, base, contemptible,
23 miserable, wretched and loathsome that it would be looked down upon
24 and despised, justifying an award of exemplary and punitive damages.
25 Pursuant to the provisions of California Code of Civil Procedure,
26 Section 425.14, Plaintiff will seek leave of Court in the future in
27 order to amend this Complaint to include a prayer for punitive damages

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1 against the religious corporations, religious corporations sole, their
2 units, divisions, branches, employees or subsidiaries thereof, named
3 herein.

4 FOR A SEVENTH, SEPARATE AND DISTINCT CAUSE OF
5 ACTION FOR NEGLIGENT REPRESENTATION AGAINST ALL
6 DEFENDANTS AND EACH OF THEM, PLAINTIFF ALLEGES
7 AS FOLLOWS:

8 49. Plaintiff hereby refers, repeats and realleges each and
9 every paragraph contained in the First, Second, Third, Fourth, Fifth
10 and Sixth Causes of Action herein, and each and every allegation
11 contained therein, and incorporates same by this reference, as though
12 fully set forth at this point.

13 50. At all times relevant herein, UNNAMED DEFENDANTS and
14 DOES 1 through 200, inclusive, and each of them, made continuing and
15 repeated oral and written representations that they were churches,
16 Catholic schools, loving and protecting Catholics and Christians,
17 and/or otherwise religious establishments and/or individuals who would
18 hold Plaintiff safe from harm, protected against wrongful acts, by
19 said schools and churches as well as the monsignors, fathers, pastors,
20 bishops, archbishops, teachers and such other church authorities at
21 Defendant premises; and elsewhere, which premises were branches of,
22 or otherwise affiliated with UNNAMED DEFENDANTS and DOES 51 through
23 150, inclusive, and each of them, and at the office of UNNAMED
24 DEFENDANTS, and that Defendants, and each of them, and DOES 1 through
25 150, would protect Plaintiff from any harm and/or wrongful conduct as
26 alleged herein, and otherwise, and provide Plaintiff with education,
27 guidance, supervision, emotional support, religious education and

1 training, counseling, treatment, protection and other services as is
2 further alleged herein.

3 51. At all times relevant herein, Defendants, and each of
4 them, made said representations without any reasonable ground for
5 believing them to be true as they knew, or should have known of same,
6 and with the purpose and intent of inducing Plaintiff to rely upon
7 said representation in order to coerce or otherwise cause Plaintiff
8 to come under their confidence, trust, faith and supervisory,
9 hierarchical, administrative or other control and special relationship
10 so that Defendants, and each of them, could, and did, commit the acts
11 of sexual abuse and molestation, and other wrongful acts upon
12 Plaintiff as alleged herein.

13 52. At all times relevant herein, Plaintiff was unaware of
14 the falsity of these representations and justifiably relied upon the
15 truth of these representations by Defendants, and each of them and did
16 not reasonably become aware that such representations were false until
17 June 19, 1994 and later.

18 53. As a direct, proximate and legal result of Plaintiff's
19 justifiable reliance upon the truth of these false representations
20 made by Defendants, and each of them, as more specifically alleged
21 herein, Plaintiff has suffered, and continues to suffer, the mental,
22 physical, economic and emotional injuries and damages as set forth and
23 alleged herein.

24 FOR A EIGHTH, SEPARATE AND DISTINCT CAUSE OF ACTION

25 FOR STATUTORY VIOLATIONS AGAINST ALL DEFENDANTS,

26 AND EACH OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

27 54. Plaintiff hereby refers, repeats, and realleges each
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1 and every paragraph contained in the First, Second, Third, Fourth,
2 Fifth, Sixth and Seventh Causes of Action herein, and each and every
3 allegation contained therein, and incorporates same by this reference,
4 as though fully set forth at this point.

5 55. After the Child Abuse and Neglect Reporting Act took
6 effect in 1980, UNNAMED DEFENDANTS and DOES 1 through 150, inclusive,
7 and each of them, by and through their employees and agents, were
8 "child care custodians" and were under a statutory duty to report
9 known or suspected incidences of sexual molestation of minors to a
10 Child Protective Agency, pursuant to the Child Abuse and Neglect
11 Reporting Act, enunciated in California Penal Code, Section 11164, et
12 seq.

13 56. At all times relevant herein, UNNAMED DEFENDANTS and
14 DOES 1 through 150, inclusive, and each of them knew, or in the
15 exercise of reasonable diligence, should have known, that UNNAMED
16 DEFENDANT, and DOES 1 through 50, inclusive, and each of them, had
17 sexually molested, abused, or otherwise caused non-accidental
18 touching, battery, harm and other injuries to a minor giving rise to
19 a duty to report such conduct under Section 11166 of the California
20 Penal Code, and that an undue risk to children, such as Plaintiff,
21 existed because UNNAMED DEFENDANTS and DOES 1 through 150, inclusive,
22 and each of them, even though they had been advised, knew, or should
23 have known, of the wrongful acts of UNNAMED DEFENDANT, and DOES 1
24 through 50, inclusive, and each of them, by, among others, a teacher
25 at UNNAMED DEFENDANTS and DOES 51 through 150, inclusive, and each of
26 them, and another altar boy, and a priest, Defendants, and each of
27 them, and otherwise, did not comply with these mandatory reporting

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1 requirements.

2 57. At all times relevant herein, by failing to report the
3 continuing molestation known by Defendants, and each of them, at all
4 time material herein, and ignoring the fulfillment of the mandated
5 compliance with reporting requirements provided under California Penal
6 Code, Section 11166, UNNAMED DEFENDANTS and DOES 1 through 150,
7 inclusive, and each of them, created the risk and dangers contemplated
8 by the Child Abuse and Neglect Reporting Act and as a result
9 unreasonably and wrongfully exposed Plaintiff to the molestation as
10 alleged herein, thereby breaching Defendants' duty of care to him.

11 58. At all times relevant herein, Plaintiff was one of the
12 class of persons for whose protection California Penal Code, Section
13 11166, was specifically adopted to protect.

14 59. At all times relevant herein, had Defendants,
15 UNNAMED DEFENDANTS and DOES 1 through 150, inclusive, and each of
16 them, adequately performed their duties under Section 11166 of the
17 California Penal Code, and reported the molestation of then minor
18 Plaintiff, to a child protective agency at all times material herein,
19 it would have resulted in the involvement of trained child sexual
20 abuse case workers for the purposes of preventing harm and further
21 harm to Plaintiff and preventing and/or treating the injuries and
22 damages suffered by Plaintiff as alleged herein.

23 60. As a direct, legal and proximate result of UNNAMED
24 DEFENDANTS and DOES 1 through 150, inclusive, and each of their,
25 failure to follow the mandatory reporting requirements of California
26 Penal Code, Section 11166, and report the aforesaid acts of UNNAMED
27 DEFENDANT, and DOES 1 through 50, inclusive, and each of them, at all
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1 times material herein, to a child protective agency, UNNAMED
2 DEFENDANTS and DOES 1 through 150, inclusive, and each of them,
3 wrongfully denied and restricted Plaintiff, and other similarly
4 situated minors from the protection of child protection agencies which
5 would have changed the then existing arrangements and conditions,
6 which theretofore provided the basis for access and opportunities for
7 the molestation of Plaintiff as alleged herein.

8 61. The physical, mental and emotional injuries and damages
9 as alleged herein resulting from the continued sexual molestation of
10 Plaintiff by UNNAMED DEFENDANT, and DOES 1 through 50, inclusive, and
11 each of them, as alleged herein, were the types of occurrences and
12 injuries and damages the Child Abuse and Neglect Reporting Act was
13 designed to prevent.

14 62. As a direct, legal and proximate result of the
15 intentional, negligent, careless and other wrongful acts of UNNAMED
16 DEFENDANTS and DOES 1 through 150, inclusive, and each of them, the
17 lack of appropriate referral for child sexual abuse treatment, and the
18 foreseeable resultant molestation, Plaintiff was injured in his
19 health, strength and activity, and thereby suffered, and continues to
20 suffer, permanent and severe mental anguish, emotional and physical
21 distress and profound shock to his nervous system and other injuries
22 resulting in the trauma and damages set forth and alleged herein.

23 FOR A NINTH, SEPARATE AND DISTINCT CAUSE OF ACTION

24 FOR LOSS OF CONSORTIUM AGAINST ALL DEFENDANTS,

25 AND EACH OF THEM, PLAINTIFF ANISSA H. ALLEGES AS FOLLOWS:

26 63. Plaintiff, ANISSA H., hereby repeats, realleges and
27 incorporates by reference each and every allegation, and each and
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1 every paragraph contained herein, of the First, Second Third, Fourth,
2 Fifth, Sixth, Seventh and Eighth Causes of Action, as though fully and
3 completely set forth at this point.

4 64. As a further legal, direct and proximate result of the
5 aforepleled negligence and wrongful conduct of Defendants, and each of
6 them, Plaintiff ANISSA H., who at the times relevant herein was and
7 is lawfully married to Plaintiff MATHEW H., has been, and continues
8 to be, deprived of the companionship, comfort, love, affection, care,
9 conjugal relationships, and services of Plaintiff, MATHEW H., due to
10 the physical, emotional, mental and other injuries and disabilities
11 caused to plaintiffs, MATHEW H. and ANISSA H., by Defendants, and each
12 of them, in an amount believed to be within the jurisdiction of this
13 Court.

14 WHEREFORE, Plaintiffs pray as follows:

15 AS FOR ALL CAUSES OF ACTION

- 16 1. General damages according to proof;
- 17 2. Medical and related expenses, past, present, and
18 future, according to proof;
- 19 3. Loss of earnings, past, present, and future, and loss
20 of earning capacity, in a sum according to proof;
- 21 4. Other items of special damage according to proof;
- 22 5. Costs of suit incurred herein;
- 23 6. Prejudgment interest as provided by law; and,
- 24 7. Such other and further relief as may be deemed just and
25 proper.

26 FOR THE THIRD, FOURTH, FIFTH, SIXTH, SEVENTH
27 AND EIGHTH CAUSES OF ACTION AS AGAINST UNNAMED

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DEFENDANTS AND DOES 1 THROUGH 50, INCLUSIVE, AND
EACH OF THEM, AND OTHER DEFENDANTS SUBJECT TO
LEAVE OF COURT IN ACCORDANCE WITH CODE OF
CIVIL PROCEDURE, SECTION 425.14

8. For punitive and exemplary damages in an amount deemed just and proper.

FOR THE NINTH CAUSE OF ACTION ONLY

9. Loss of love, companionship, comfort, affection, society, solace, moral support, loss of enjoyment of sexual relations and physical assistance in the operation of the home.

DATED: June 6, 1997

WERNER R. MEISSNER
A Professional Law Corporation

Werner R. Meissner
Attorney for Plaintiffs