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8 ATTORNEYS FOR PLAINTIFF

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF RIVERSIDE.

11 JASON R.

12)
13 Plaintiff,

14 vs.

15 DIOCESE OF SAN BERNARDINO;
16 QUEEN OF ANGELS CHURCH;
17 DENNIS RAYMOND JOST; BERNARD
18 WALTOS; ORDER OF FRIARS MINOR
CONVENTUAL; AND DOES 1 through
through 100, Inclusive.

19 Defendants.)

CASE NO:

COMPLAINT FOR DAMAGES

GENERAL CIVIL

Case #: 219804 Filed: 8/23/92 By: LJUNI
Receipt: 920623-0166 \$125.00
Non-Proof of Service Hearing on 8/24/92 at 8:00 in Court. M
Status Conference Hearing on 11/20/92 at 9:00 in Court. M
General Trial Conference on 1/27/93 at 9:00 in Dept. 21

20 FIRST CAUSE OF ACTION

21 AS AND FOR A FIRST CAUSE OF ACTION FOR
22 ASSAULT AND BATTERY, PLAINTIFF, JASON R.,
23 COMPLAINS AND ALLEGES AGAINST DEFENDANT,
24 DENNIS RAYMOND JOST AND DOES 1 THROUGH
25 100 AS FOLLOWS:

26 Plaintiff alleges:

27 1. That the true names and capacities of DOES 1 through
28 100, inclusive, whether individual, corporate, associate or

1 otherwise, are unknown to plaintiff, who therefore sues said
2 defendants by such fictitious names. Plaintiff is informed and
3 believes and therefore alleges that each of the defendants
4 designated herein as a DOE is legally responsible in some manner
5 for the event and happenings herein referred to, and legally
6 caused injury and damages proximately thereby to plaintiff as
7 herein alleged.

8 2. That at all times herein mentioned, the defendants, and
9 each of them, were the agents, servants, contractors and employees
10 each of the other, acting within the course and scope of said
11 agency and employment.

12 3. That on or about and between April, 1990 and August,
13 1990, plaintiff, JASON R., did sustain great bodily injury and
14 harm, along with serious and irreparable emotional distress based
15 upon the conduct and actions of defendants, and each of them, as
16 set forth hereinbelow.

17 4. That at all times herein mentioned, plaintiff, JASON
18 R., was a minor. This Complaint is filed prior to his 19th
19 birthday.

20 5. Plaintiff, JASON R., alleges that defendants, DENNIS
21 RAYMOND JOST, DOES 1 through 100, inclusive, were the legal cause
22 of damages to plaintiff. By the following acts, defendants
23 negligently, willfully and intentionally caused damage to
24 plaintiff on or about and between April, 1990 and August, 1990.

25 6. Defendants, DENNIS RAYMOND JOST, and DOES 1 through 10,
26 caused injury by offensive contact upon plaintiff's body
27 specifically but not limited to plaintiff's rectal and genital
28 areas. Defendants, DENNIS RAYMOND JOST, and DOES 1 through 10,

1 did commit on at least four occasions physical and sexual
2 batteries upon plaintiff, JASON R., with one episode at QUEEN OF
3 ANGELS CHURCH, 4824 Jones Avenue in the City and County of
4 Riverside, State of California; two occasions occurring in Tucson,
5 Arizona; and the fourth occurring at 2736 Tropicana, City and
6 County of Riverside, State of California.

7 7. Further, that on or about and between April, 1990 and
8 August, 1990, defendants, DENNIS RAYMOND JOST, and DOES 1 through
9 10, placed plaintiff, JASON R., in an apprehension of an imminent
10 battery resulting in an assault and causing severe emotional
11 distress.

12 8. That on or about April, 1990, plaintiff is informed and
13 believes and based on such information and belief alleges that
14 defendants, DENNIS RAYMOND JOST and DOES 1 through 10, rendered
15 plaintiff unconscious by injecting, disseminating, or distributing
16 a dangerous drug into plaintiff's food or drink. Thereby,
17 intentionally causing a harmful or offensive contact upon
18 plaintiff.

19 9. Defendants, DENNIS RAYMOND JOST and DOES 1 through 10,
20 threatened the plaintiff with bodily injury by stating DENNIS
21 RAYMOND JOST would kill plaintiff, JASON R., if plaintiff would
22 tell anyone regarding the physical and sexual batteries.

23 10. That as a further sole, direct and proximate result of
24 the incidents herein, plaintiff was required to obtain medical and
25 hospital care and attention. Plaintiff is informed and believes
26 and upon such information and belief alleges that he will require
27 medical and hospital care and attention in the future and in an
28 amount not now known to him. When plaintiff ascertains the total

1 14. On or about and between April, 1990 and August, 1990
2 defendants, DENNIS RAYMOND JOST and DOES 1 through 10
3 intentionally and unlawfully restrained, confined or detain
4 plaintiff, JASON R., to stay, or go somewhere, against his will.

5 15. Further, that on or about and between April, 1990 and
6 August, 1990, defendants, DENNIS RAYMOND JOST and DOES 1 through
7 10, during the above described physical and sexual batteries did
8 restrain, confine or detain, plaintiff, JASON R., in that
9 plaintiff was compelled to stay and suffer such physical and
10 sexual batteries resulting in severe emotional distress.

11 THIRD CAUSE OF ACTION

12 AS AND FOR A THIRD, SEPARATE AND DISTINCT CAUSE OF
13 ACTION FOR INTENTIONAL INFLECTION OF EMOTIONAL
14 DISTRESS BY PLAINTIFF, JASON R. AGAINST DEFENDANTS,
15 DIOCESE OF SAN BERNARDINO, QUEEN OF ANGELS CHURCH,
16 DENNIS RAYMOND JOST, BERNARD WALTOS, ORDER OF
17 FRIARS MINOR CONVENTUAL, AND DOES 11 THROUGH 100,
18 COMPLAINS AND ALLEGES AS FOLLOWS:

19 16. Plaintiff repeats and realleges all of the allegations
20 contained in the First and Second Causes of Actions as set forth
21 herein at length.

22 17. That on or about and between April, 1990 and August,
23 1990, plaintiff, JASON R., was an alter boy at QUEEN OF ANGEL'S
24 CHURCH in the City and County of Riverside, State of California.

25 18. Further, defendants, and each of them, had actual
26 constructive knowledge of defendant's, DENNIS RAYMOND JOST'S,
27 criminal record involving sexual assaults against minor boys.
28 That said defendants violated or exploited the trust or friendship

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AS FOLLOWS:

21. Plaintiff repeats and realleges all of the allegations contained in the First, Second and Third Causes of Action as set forth herein at length.

22. Plaintiff, JASON R., alleges that defendants, DENNIS RAYMOND JOST, DIOCESE OF SAN BERNARDINO, BERNARD WALTOS, QUEEN OF ANGELS CHURCH, ORDER OF FRIARS MINOR CONVENTUAL AND DOES 1 through 100, were the legal cause of damages to plaintiff by the following acts, or omissions to act. Defendants negligently caused injury to plaintiff on or about and between April, 1990 and August, 1990. Defendants, DIOCESE OF SAN BERNARDINO, QUEEN OF ANGELS CHURCH, BERNARD WALTOS, ORDER OF FRIARS MINOR CONVENTUAL, and DOES 1 through 100, failed to use reasonable care to prevent the physical and sexual batteries caused by defendant, DENNIS RAYMOND JOST, and DOES 1 through 10.

23. Defendant, DENNIS RAYMOND JOST, was director of the alter boys at the QUEEN OF ANGEL'S CHURCH in the City of Riverside, State of California. Defendants allowed DENNIS RAYMOND JOST to work with the alter boys despite their knowledge of defendant, DENNIS RAYMOND JOST'S, criminal record. Further, the defendants were negligent in failing to stop the physical and sexual batteries, as described herein above on plaintiff, with actual or constructive knowledge thereof.

FIFTH CAUSE OF ACTION

AS AND FOR A FIFTH, SEPARATE AND DISTINCT CAUSE OF ACTION AGAINST DEFENDANTS, DIOCESE OF SAN BERNARDINO, QUEEN OF ANGELS CHURCH, DENNIS RAYMOND JOST, BERNARD WALTOS, ORDER OF FRIARS

1 MINOR CONVENTUAL AND DOES 11 THROUGH 100,
2 PLAINTIFF, JASON R., COMPLAINS AND ALLEGES
3 NEGLIGENT SUPERVISION AS FOLLOWS:

4 24. Plaintiff repeats and realleges all of the allegations
5 contained in the First, Second, Third and Fourth Causes of Action
6 as though set forth herein at length.

7 25. Plaintiff, JASON R., alleges that defendants, DIOCESE
8 OF SAN BERNARDINO, QUEEN OF ANGELS CHURCH, BERNARD WALTOS, ORDER OF
9 FRIARS MINOR CONVENTUAL AND DOES 1 through 100, negligently
10 supervised the actions of defendant, DENNIS RAYMOND JOST on or
11 about and between April, 1990 and August, 1990.

12 26. On or about April, 1990, plaintiff was asked by
13 defendant, BERNARD WALTOS to supervise the QUEEN OF ANGELS
14 rectory, when defendant, DENNIS RAYMOND JOST, physically and
15 sexually molested plaintiff. Defendants failed to adequately
16 monitor defendant, DENNIS RAYMOND JOST, with a known criminal
17 record involving molestation of minor alter boys.

18 SIXTH CAUSE OF ACTION

19 AS AND FOR A SIXTH, SEPARATE AND DISTINCT CAUSE
20 OF ACTION AGAINST DEFENDANTS, DIOCESE OF SAN
21 BERNARDINO, QUEEN OF ANGELS CHURCH, BERNARD
22 WALTOS, ORDER OF FRIARS MINOR CONVENTUAL
23 AND DOES 11 THROUGH 100, INCLUSIVE, PLAINTIFF
24 COMPLAINS AND ALLEGES NEGLIGENT HIRING AS FOLLOWS:

25 27. Plaintiff repeats and realleges all of the allegations
26 contained in the First, Second, Third and Fourth Causes of Action
27 as though set forth herein at length.

28 28. Defendants, and each of them, failed to use reasonable

1 precautions in their selection of the director of the alter boys,
2 DENNIS RAYMOND JOST. A reasonable person or entity knew, or
3 should have known, of DENNIS RAYMOND JOST's criminal record and
4 not allowed DENNIS RAYMOND JOST to have unsupervised contact wit'
5 plaintiff, JASON R., and other minor boys.

6 29. Further, defendant, BERNARD WALTOS and DOES 11 through
7 100, their agents, servants, contractors or employees knew or
8 should have known of defendant, DENNIS RAYMOND JOST'S, propensity
9 to harm minors physically and sexually.

10 30. Defendants, and each of them, knew or should have
11 known that in plaintiff's position he would be subjected to an
12 unreasonable risk of harm from DENNIS RAYMOND JOST, an employee,
13 servant, contractor or agent of defendant.

14 31. Defendants, in allowing DENNIS RAYMOND JOST, to become
15 director of the alter boys breached the duty it owed to plaintiff
16 and others to use reasonable care in hiring its employees by its
17 failure to conduct a reasonable investigation into the background
18 and character of DENNIS RAYMOND JOST prior to the time of the
19 injury to plaintiff.

20 SEVENTH CAUSE OF ACTION

21 AS AND FOR A SEVENTH, SEPARATE AND DISTINCT CAUSE
22 OF ACTION AGAINST DEFENDANTS, DIOCESE OF SAN
23 BERNARDINO, QUEEN OF ANGELS CHURCH, BERNARD
24 WALTOS, ORDER OF FRIARS MINOR CONVENTUAL AND
25 DOES 1 THROUGH 100, INCLUSIVE, PLAINTIFF COMPLAINS
26 AND ALLEGES THE FOLLOWING WILLFUL, WANTON, MALICIOUS
27 AND INTENTIONAL MISCONDUCT IN CONSCIOUS DISREGARD
28 FOR THE RIGHTS AND SAFETY OF PLAINTIFF HEREIN:

1 32. Plaintiff repeats and realleges all of the allegations
2 contained in the First, Second, Third, Fourth, Fifth and Sixth
3 Causes of Action as though set forth herein at length.

4 33. That on or about and between April, 1990 and August,
5 1990, defendants had knowledge of defendant's, DENNIS RAYMOND
6 JOST, past criminal record and allowed defendant, DENNIS RAYMOND
7 JOST, to serve as the director of the alter boys. Further
8 defendants had constructive or actual knowledge of defendant's,
9 DENNIS R. JOST, non-consensual illegal, offensive and improper
10 touching of plaintiff, JASON R. through defendants' agents,
11 servants, employees or independent contractors.

12 34. The conduct of defendants, DIOCESE OF SAN BERNARDINO,
13 QUEEN OF ANGELS CHURCH, BERNARD WALTOS, ORDER OF FRIARS MINOR
14 CONVENTUAL and DOES 1 through 100 in causing, permitting and
15 allowing DENNIS RAYMOND JOST, a person who was known to them, to
16 have previously been arrested for, and convicted of, offenses
17 involving sexual assaults against minor boys to become and serve
18 as director of alter boys, with full knowledge that said position
19 would result in frequent unsupervised contact with minor boys was
20 intentional, willful, wanton and malicious and carried on in
21 complete and total disregard for the rights and safety of
22 plaintiff and others.

23 35. That the above described conduct of defendants, DENNIS
24 RAYMOND JOST, ROMAN CATHOLIC DIOCESE OF SAN BERNARDINO, BERNARD
25 WALTOS, QUEEN OF ANGELS CHURCH, ORDER OF FRIARS MINOR CONVENTUAL,
26 and DOES 1 through 100, inclusive, was willful, wanton and
27 malicious, and in conscious disregard for the safety to plaintiff
28 and such justifies an award of punitive damages.

1 WHEREFORE, plaintiff prays for judgment against the
2 defendants, and each of them, as follows:

3 1. For general damage in a sum within the jurisdictional
4 limits of this court according to proof;

5 2. For loss of earnings and earning capacity;

6 3. For the reasonable cost of medical and hospital
7 expenses past, present and future;

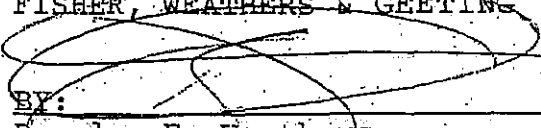
8 4. For prejudgment interest according to law;

9 5. For punitive damages according to proof;

10 6. For such other and further relief as this court may
11 deem just and proper.

12 DATED: JUNE 22, 1992

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14 FISHER, WEATHERS & GETTING

15 BY: 
16 Douglas E. Weathers,
17 Attorneys for Plaintiffs
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CERTIFICATE OF COUNSEL

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3 The undersigned declares that he represents the plaintiff
4 in the above entitled matter and it is filed for proceedings in
5 the Riverside Superior Court, Riverside, as the cause of action
6 arose within this district.

7 Dated: June 22, 1992

8 FISHER, WEATHERS & GEETING

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10 BY: 

11 DOUGLAS E. WEATHERS

12 Attorney At Law

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