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SUPERIOR COURT  
OF GUAM

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5 *Attorney for Plaintiff M.B.*

6 **IN THE SUPERIOR COURT OF GUAM**

7 M.B.,

CIVIL CASE NO. CV 0328-17

8 Plaintiff,

9 vs.

**VERIFIED COMPLAINT FOR DAMAGES  
AND EQUITABLE RELIEF**

10 ROMAN CATHOLIC ARCHBISHOP OF  
AGANA, a Corporation sole, aka  
11 ARCHBISHOP OF AGANA, a Corporation  
sole, aka BISHOP OF GUAM, a Corporation  
12 sole and JOHN DOES 1 through 20,

13 Defendants.

14 **VERIFIED COMPLAINT**

15 Comes now Plaintiff M.B., by and through his attorney, Anthony C. Perez, and for a  
16 Verified Complaint against the above-named Defendants, hereby affirms and avers as follows:

17 **I. JURISDICTION**

18 1. This Court has jurisdiction under 7 G.C.A. §3105.

19 **II. PARTIES**

20 2. Plaintiff M.B. ("Plaintiff"), is and at all times relevant was a resident of Mangilao,  
21 Guam. Plaintiff is an individual adult male, who brings these claims pursuant to 7 G.C.A. §11301.1  
22 as he was subjected to child sex abuse by Father Andrew Manna ("Father Andy") while an altar  
23 boy and parishioner of the Roman Catholic parish located at Santa Teresita Church, Mangilao,  
24 Guam. Plaintiff identifies himself by a pseudonym as the allegations contained in this Verified  
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Law Offices of John C. Terlaje  
Name: Jaha  
Date: 4/5/17 Time: 11:51AM

1 Complaint are graphic and Plaintiff wishes to maintain his privacy and anonymity with respect to  
2 the public.

3 3. Defendant Roman Catholic Archbishop of Agana aka Archbishop of Agana aka  
4 Bishop of Guam ("Archdiocese") is, and at all times relevant was a Corporation Sole, organized  
5 and existing pursuant to the laws of the Territory of Guam, and the corporate entity under which  
6 the Archdiocese of Guam operated. At all times material hereto, Archdiocese was designated by  
7 the Roman Catholic Church ("the Church") to operate a Catholic archdiocese and/or diocese in  
8 Guam, and Archdiocese was acting by and through, had a special relationship with, and had a  
9 degree of responsibility or control over, the perpetrators, priests, employees, agents, and/or other  
10 persons described herein, including Father Andy, whose acts or omissions are alleged herein and  
11 are the subject of this Verified Complaint, and therefore, Archdiocese is liable for said acts and  
12 omissions under the doctrine of respondeat superior, vicarious liability, and ostensible agency.  
13

14 4. Plaintiff is presently unable to ascertain the identities and capacities of Defendants  
15 JOHN DOES 1-20 and, therefore, has named said Doe Defendants fictitiously; said Doe Defendants  
16 are in some manner presently unknown to Plaintiff, responsible for the injuries and damages  
17 described herein, and/or are related to the named Defendants and are the principals, agents,  
18 representatives, subsidiaries, parent companies, employers, employees, partners, limited partners,  
19 joint venturers, insurers, and/or independent contractors of the named Defendant, and/or had duties  
20 of reasonable care to Plaintiff and the breach of one or more of the foregoing duties caused the  
21 injuries and damages described herein. Plaintiff will name said Doe Defendants when their  
22 identities and capacities are determined.  
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### 25 **III. MATERIAL FACTS**

26 5. Between and inclusive of the years 1986 and 1987, when Plaintiff was 13 years of  
27 age, Plaintiff was a parishioner and served as an altar boy at Santa Teresita Church, in Mangilao,  
28

1 Guam. Father Andy was the parish priest at Santa Teresita Church during this time period and  
2 resided at the rectory adjacent to Santa Teresita Church.

3 6. Father Andy would often host sleep overs at the rectory with the Santa Teresita altar  
4 boys, including Plaintiff.

5 7. At these sleep overs at the rectory, Father Andy would require Plaintiff and other  
6 altar boys to only wear their underwear; would provide alcohol such as Communion Wine to  
7 Plaintiff and the other altar boys; and display R-rated sexually explicit movies.

8 8. Father Andy, during these sleep overs, would only be wearing his underwear and  
9 would command Plaintiff and the altar boys to provide him a group massage while he laid face-  
10 down, with an emphasis on his buttocks.

11 9. Father Andy took special interest in Plaintiff, constantly complimenting him saying  
12 he was special, and that God made him special.

13 10. During a sleep over in the time-period alleged, Father Andy sexually assaulted the  
14 Plaintiff. Father Andy required that Plaintiff and the altar boys strip down to their underwear,  
15 provide them alcohol, display R-rated movies, and command them to group massage him while  
16 Father Andy was only wearing underwear. After the massage, Father Andy physically grabbed  
17 Plaintiff, and pulled him away from the other altar boys, while again telling Plaintiff how special  
18 he was. Father Andy told Plaintiff that he has a special place for him to sleep, and that Plaintiff  
19 need not sleep in the living room with the other altar boys. Having been provided alcohol earlier  
20 by Father Andy, Plaintiff was intoxicated.

21 11. Father Andy pulled Plaintiff into the bedroom of the rectory, shut the door, and  
22 continued complimenting Plaintiff about how special he was. Father Andy grabbed Plaintiff from  
23 behind in a forceful hug, and began rubbing his body all over Plaintiff's body while sniffing and  
24 running his lips and face over Plaintiff's body. Father Andy further stroked Plaintiff's penis and  
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1 inserted his fingers into Plaintiff's buttocks. Father Andy rubbed his penis into Plaintiff's backside,  
2 and commanded Plaintiff to touch Father Andy's penis. Plaintiff felt scared and was frozen during  
3 the sexual assault, and believed the abuse would never end.

4 12. The abuse only stopped when another altar boy began knocking at the door and  
5 calling for Father Andy. Plaintiff immediately left the sleep over and ran home to his residence,  
6 frightened and ashamed. After the sexual abuse, Plaintiff quit serving as an altar boy and attending  
7 Mass. Since the sexual abuse, Plaintiff ceased being a Catholic.

8  
9 **IV. FIRST CAUSE OF ACTION – NEGLIGENCE AND GROSS NEGLIGENCE**

10 13. The conduct of Father Andy described herein constitutes criminal sexual assault  
11 under the Guam Code Annotated.

12 14. The Archdiocese had a special relationship and custodial relationship with Plaintiff,  
13 which relationship gave rise to a duty of care on the part of Defendants to (a) warn Plaintiff and  
14 Plaintiff's parents of the risk of harm posed by Father Andy, and (b) protect Plaintiff from the  
15 predations of Father Andy. The Archdiocese also had a duty of ordinary and/or reasonable care to  
16 Plaintiff which required the Archdiocese to prevent Father Andy from having any contact with  
17 Plaintiff, supervising Father Andy to prevent him from abusing children and altar boys, including  
18 Plaintiff, removing him from the priesthood, and/or placing him in a parish where he did not have  
19 access to children.  
20

21 15. Father Andy has been accused of sexual abuse by other altar boys, resulting in civil  
22 settlements arising out of such abuse. Father Andy has further undergone treatment for sexual  
23 issues and alcohol abuse, and has admitted to providing alcohol to minor boys.  
24

25 16. Although the Archdiocese knew or should have known of Father Andy's heinous  
26 and despicable conduct, the Archdiocese, and the Archdiocese's representatives, agents, and  
27 employees, failed to take any steps to warn its parishioners of the risk of harm to children, failed to  
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1 adequately supervise and/or prevent Father Andy from having contact with children, failed to offer  
2 medical treatment, psychological treatment, and/or counseling to Father Andy's victims, and failed  
3 to laicize/defrock Father Andy and expose him as a sexual predator.

4 17. The Archdiocese had a practice and pattern of harboring child abusers and protecting  
5 their identities, thereby exposing unwitting parents and their vulnerable children to further harm at  
6 the hands of said abusers. At all times material hereto, Father Andy was an agent, employee,  
7 authorized representative, and/or was under the responsibility or control of the Archdiocese, while  
8 acting under the shield and protection of his clerical agency. Rather than taking reasonable and  
9 appropriate steps to protect children, the Archdiocese engaged in a pattern and practice of  
10 protecting perpetrators, including Father Andy, including at times shuttling the perpetrators to  
11 distant and sometimes remote locations, putting children at further risk of harm. The Archdiocese  
12 exposed the perpetrator to children, including Plaintiff, to exploitation and sexual abuse.

14 18. The Archdiocese's conduct constitutes negligence, gross negligence, recklessness,  
15 and willful and wanton disregard for the rights and safety of Plaintiff.

17 19. As a legal and proximate result of the Archdiocese' wrongful conduct, Plaintiff has  
18 sustained severe and permanent injuries, and is entitled to compensation for past and future medical  
19 and psychological treatment expenses, past and future wage loss, other out-of-pocket expenses,  
20 pain and suffering, emotional distress and mental anguish, embarrassment and humiliation, the loss  
21 of future enjoyment of life, and other special and general damages allowed by law in amounts to  
22 be proven at trial.

24 20. In addition, the Archdiocese' acted with malice, oppression, and/or fraud, entitling  
25 Plaintiff to exemplary and punitive damages.

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**V. SECOND CAUSE OF ACTION – EQUITABLE RELIEF**

21. Plaintiff incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

22. Plaintiff is entitled to equitable relief from this Court, for non-monetary redress and the protection of Plaintiff and other similarly situated members of the public, as follows:

- a. For a period of not less than ten (10) years from entry of judgment, the Archdiocese post on the home page of their web sites, if any, the names of ALL known members of the Archdiocese who are identified in this Complaint or are otherwise known to the Archdiocese as sexual abusers;
- b. That the Archdiocese establish a toll-free phone number and website where anonymous abuse complaints can be made. If a report of abuse is made formally to anyone in the Archdiocese or through the toll-free number or directly reported to the Archdiocese, that the Archdiocese be required to encourage the victim to report the information to law enforcement and the Archdiocese will also report the information to law enforcement as well;
- c. That the Archdiocese adopt a whistle blower policy concerning the method by which a report concerning abuse within the Archdiocese can be made and expressly providing that the Archdiocese will not take any retaliatory actions against persons who report such information in good faith;
- d. That the Archbishop or Bishop on Guam will be available upon reasonable notice to have a private conference with any survivor of sexual abuse perpetrated by a priest, educational, religious or other agent of the Archdiocese;
- e. Within thirty (30) days after entry of Judgment, the Archdiocese send letters

1 of apology to Plaintiff. Letters of apology will state that Plaintiff was not at  
2 fault for the abuse and that the Archdiocese take responsibility for the abuse;  
3 and,

4 f. Any future settlement related to sexual abuse entered into by the  
5 Archdiocese shall not contain any Confidentiality provision except at the  
6 written request of the settling abuse victim.

7  
8 **VI. REQUEST FOR RELIEF**

9 WHEREFORE, Plaintiff prays for relief against Defendants, jointly and severally, as  
10 follows:

- 11 (A) For special and general damages in amounts to be proven at trial;  
12 (B) For an award of exemplary and punitive damages in an amount to be proven  
13 at trial;  
14 (C) For costs of litigation and attorneys' fees; and,  
15 (D) For such additional and further relief deemed just and appropriate under the  
16 circumstances.

17  
18 **VII. DEMAND FOR JURY TRIAL**

19 Plaintiff M.B., through his counsel, ANTHONY C. PEREZ, ESQ., hereby demands a jury  
20 trial of six persons in the above-entitled action. The amount in controversy exceeds Twenty-Five  
21 Dollars.

22 Respectfully submitted this 5<sup>th</sup> day of April, 2017.

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24  
25 By:


  
\_\_\_\_\_  
26 ANTHONY C. PEREZ, ESQ.  
27 Attorney for Plaintiff M.B.  
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**VERIFICATION**

M.B., declares and attests that he is the PLAINTIFF in the foregoing Verified Complaint; that he has read the Verified Complaint, and knows the contents therein to be true and correct.

I declare under penalty of perjury, this 3<sup>rd</sup> day of April, 2017, that the foregoing is true and correct to the best of my knowledge.

By:   
\_\_\_\_\_  
M.B.  
Plaintiff