

**THIRD JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF DONA ANA**

FILED
3rd JUDICIAL DISTRICT COURT
Dona Ana County
7/14/2025 3:25 PM
BERNICE A. RAMOS
CLERK OF THE COURT
Claudine Bernal

JOHN DOE 209,

Plaintiff,

D-307-CV-2025-01899

Martin, James T.

vs.

CATHOLIC DIOCESE OF EL PASO,
ROMAN CATHOLIC DIOCESE OF LAS CRUCES, and
ST. JUDE PARISH, INC.,

Defendants.

COMPLAINT FOR DAMAGES ARISING FROM CHILDHOOD SEXUAL ABUSE

Plaintiff John Doe 209 was sexually abused as a young child by a Catholic priest named Fr. Wilfrid Diamond at St. Jude Mission Church in Alamogordo, New Mexico.

PARTIES, JURISDICTION, AND VENUE

1. At all times material to this Complaint, Defendant Catholic Diocese of El Paso (or “CDEP”) was a Texas corporation doing business in Otero County, New Mexico. CDEP may be served with process by serving its registered agent, or any other authorized officer or agent therein at 499 Saint Matthews St., El Paso TX, 79907-4214.

2. Defendant Roman Catholic Diocese of Las Cruces (“RCDLC”) is a corporation with its primary place of business located in Dona Ana County, New Mexico, and doing business in Otero County, New Mexico. RCDLC may be served with process by serving its registered agent, Kathryn Brack Morrow, or any other authorized officer or agent therein at 1730 Tierra de Mesilla, Ste. 4, Las Cruces, NM 88001.

3. Defendant St. Jude Parish, Inc. (or “the Parish”) is a corporation with its primary place of business located in Otero County, New Mexico. The Parish may be served with process by serving its registered agent, Kathryn Brack Morrow, or any other authorized officer or agent therein at 1730 Tierra de Mesilla, Ste. 4, Las Cruces, NM 88001.

4. The sexual abuse of Plaintiff occurred in Otero County, New Mexico.

5. Prior to the erection of RCDLC, St. Jude Parish was a parish of CDEP.

6. Following the erection of RCDLC, St. Jude Parish was a parish of RCDLC.

7. Prior to its separate incorporation under New Mexico civil law, St. Jude Parish was considered a parish under Catholic Canon Law.

8. Defendant St. Jude Parish, Inc., is the successor in interest to St. Jude Parish, and St. Jude Parish is the predecessor in interest to Defendant St. Jude Parish, Inc.

9. At the time he was sexually abused and assaulted by Fr. Wilfrid Diamond as alleged herein, Plaintiff resided in Otero County, New Mexico.

10. Plaintiff now resides in Dona Ana County, New Mexico.

11. This Court has jurisdiction over the parties and subject matter in this action.

12. Pursuant to NMSA 1978 § 38-3-1, venue is proper in this Court.

FACTS

13. Plaintiff was born in 1980.

14. Plaintiff was a victim of sexual abuse and exploitation perpetrated by Fr. Wilfrid Diamond.

15. Fr. Diamond sexually abused Plaintiff sometime in 1982 or 1983.

16. RCDLC was erected as a diocese in August of 1982.

17. RCDLC assumed control of and responsibility for St. Jude Parish and Fr. Wilfrid Diamond sometime between the summer of 1982 and the summer of 1983.

18. At the time he abused Plaintiff, Fr. Diamond was an agent of CDEP.

19. In the alternative, at the time he abused Plaintiff, Fr. Diamond was an agent of RCDLC.

20. CDEP imbued Fr. Diamond with the powers and authorities of his priesthood.

21. In the alternative, RCDLC imbued Fr. Diamond with the powers and authorities of his priesthood.

22. Fr. Diamond used his status and substantial power and authority as a priest to groom Plaintiff for sexual abuse, and to convince Plaintiff that the abuse was normal.

23. One or more of the Defendants placed Plaintiff into close contact with Fr. Diamond without a semblance of supervision or safety precaution.

24. As a direct result of the negligence or one or more of the Defendants, Plaintiff was sexually abused by Fr. Diamond.

25. As a direct and proximate result of the sexual abuse inflicted on him by Fr. Diamond, Plaintiff has suffered substantial damages.

COUNT I – NEGLIGENCE: ALL DEFENDANTS

26. Plaintiff realleges the facts and allegations set forth above.

27. The Defendants had a duty to hire, supervise and retain priests who would not molest, abuse, and harm vulnerable parishioners.

28. Defendants had a duty to create, enact, and enforce adequate policies and procedures to prevent molestation, abuse, and harm of vulnerable parishioners (including Plaintiff).

29. Defendants had a duty to sufficiently and adequately staff its facilities to ensure the safety of its parishioners.

30. Defendants had a duty to exercise reasonable care in their retention and supervision of Fr. Diamond during his assigned duties at St. Jude Parish.

31. Defendants had a duty to use ordinary care to keep premises safe for use by their parishioners.

32. The Defendants breached these duties owed to Plaintiff.

33. As a direct and proximate result of the Defendants' breaches of duty with respect to Fr. Diamond, Plaintiff was sexually abused by Fr. Diamond and suffered damages.

34. The conduct of the Defendants in this case was willful, intentional, wanton, reckless and/or taken in utter disregard of the safety and wellbeing of others, including Plaintiff, and subjects the Defendants to punitive damages.

COUNT II – DEFENDANTS' VICARIOUS LIABILITY FOR TORTS OF FR. DIAMOND

35. Plaintiff realleges the facts and allegations set forth above.

36. The sexual abuse inflicted on Plaintiff by Fr. Diamond constituted the tort of sexual assault and battery (among other torts).

37. At all times material to this Complaint, Fr. Diamond was an agent or employee of Defendant CDEP or Defendant RCDLC.

38. But for the fact that Fr. Diamond was a Catholic priest, with all the duties, responsibilities, and vested and apparent authority that being a Catholic priest entails over a Catholic parishioner, Fr. Diamond would not have had the necessary authorities or powers needed to sexually abuse Plaintiff.

39. Fr. Diamond used his status, authority, power, and the instrumentalities available to him as a Catholic priest to facilitate and aid him in accomplishing the assault and battery of Plaintiff in the following ways, including but not limited to:

- a. Using his title, position, power, and authority as a Catholic priest to gain access to Defendants' facilities in New Mexico where he abused Plaintiff;
- b. Using his title, position, power, and authority as a Catholic priest to gain physical access to Plaintiff and parishioners outside of view and supervision of others;
- c. Using his title, position, power, and authority as a Catholic priest to secure Plaintiff's silence regarding acts of abuse that Plaintiff might otherwise have reported.

40. CDEP is vicariously liable for the conduct of its agent Fr. Diamond under the theory of "aiding-in-agency," because CDEP imbued Fr. Diamond with substantial power over vulnerable children like Plaintiff and sexual abuse occurred as a result.

41. In the alternative, RCDLC is vicariously liable for the conduct of its agent Fr. Diamond under the theory of "aiding-in-agency," because RCDLC imbued Fr. Diamond with substantial power over vulnerable children like Plaintiff and sexual abuse occurred as a result.

WHEREFORE, Plaintiff requests judgment against the Defendants in an amount reasonable to compensate him for damages (including punitive damages), for interest including pre-judgment interest, costs, and such other and further relief as this Court may deem appropriate.

Respectfully Submitted,

HUFFMAN WALLACE & MONAGLE LLC

/s/ Levi A. Monagle 07/14/25
Levi A. Monagle

Shayne C. Huffman
Jason T. Wallace
122 Wellesley Dr. SE
Albuquerque NM 87106
505.255.6300

-and-

DAVIS KELIN LAW FIRM, LLC

A handwritten signature in black ink, appearing to read 'B. Davis', with a large, stylized loop at the end.

Ben Davis
Zackeree Kelin
Ellen Geske
127 Bryn Mawr Dr. SE
Albuquerque NM 87106
505.273.6208

Attorneys for Plaintiff