

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

FILED
3rd JUDICIAL DISTRICT COURT
Dona Ana County
7/14/2025 3:39 PM
BERNICE A. RAMOS
CLERK OF THE COURT
Claudine Bernal

JOHN DOE 211,

Plaintiff,

D-307-CV-2025-01902

Martin, James T.

vs.

CATHOLIC DIOCESE OF EL PASO, and
IMMACULATE CONCEPTION PARISH, ALAMOGORDO, INC.,

Defendants.

COMPLAINT FOR DAMAGES ARISING FROM CHILDHOOD SEXUAL ABUSE

Plaintiff John Doe 211, by and through his attorneys of record (Levi A. Monagle, Huffman Wallace & Monagle LLC, and Zackeree Kelin and Ben Davis, Davis Kelin Law Firm LLC) for his Complaint states as follows:

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 Immaculate Conception Parish, Alamogordo, 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, Suite 4, Las Cruces, NM 88005.

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

4. Prior to its separate incorporation under New Mexico civil law, Immaculate Conception Parish was considered a parish under Catholic Canon Law.

5. Defendant Immaculate Conception Parish, Alamogordo, Inc., is the successor in interest to Immaculate Conception Parish, and Immaculate Conception Parish is the predecessor in interest to Defendant Immaculate Conception Parish, Alamogordo, Inc.

6. At the time he was sexually abused and assaulted by Fr. David Holley as alleged herein, Plaintiff John Doe 211 resided in Otero County, New Mexico.

7. Plaintiff now resides in Otero County, New Mexico.

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

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

FACTS

10. Plaintiff was born in 1965.

11. Plaintiff was raised in Alamogordo, New Mexico, and attended services at Immaculate Conception Parish.

12. From approximately 1975 through 1976, Plaintiff was sexually abused by Fr. David Holley, a notorious serial pedophile sent to New Mexico from the Diocese of Worcester and dispatched to Alamogordo by the Servants of the Paraclete.

13. Fr. Holley came to Immaculate Conception Parish (and its mission church, St. Jude) at the request of Fr. Wilfrid Diamond, himself a sexual abuser of children.

14. Fr. Holley began to abuse Plaintiff in approximately 1975 and continued to abuse Plaintiff until he left the parish in the winter of 1976.

15. Fr. Holley's sexual abuse of Plaintiff was frequent and brutal.

16. Fr. Holley showed Plaintiff pornography, plied him with beer and wine that incapacitated him, forced Plaintiff to perform oral sex, and anally raped Plaintiff.

17. As a child, Plaintiff blamed himself for complicity in the abuse and said nothing about it.

18. Fr. Holley also used his status as a priest to convince Plaintiff that the abuse was a normal part of Catholic practice, telling him that the sexual abuses were “what [Plaintiff] needed to do to get to heaven,” that “Jesus says you have to satisfy the father,” and that “the altar boys do this too.”

19. At all times material to the abuse of Plaintiff, Fr. Holley was an agent of the Catholic Diocese of El Paso.

20. Fr. Holley used his status and substantial power and authority as a priest of the Catholic Diocese of El Paso to groom Plaintiff for sexual abuse, and to convince Plaintiff that the abuse was normal.

21. CDEP imbued Fr. Holley with the powers and authorities of his priesthood and gave no warning to Plaintiff or other members of the Immaculate Conception community that those powers and authorities could be abused.

22. As a direct result of the Defendants’ negligence and reckless empowerment of Fr. Holley, Plaintiff was sexually abused by Fr. Holley.

23. As a direct and proximate result of the sexual abuse inflicted on him by Fr. Holley, Plaintiff has suffered substantial damages and continues to suffer substantial damages.

COUNT I – NEGLIGENCE OF CDEP AND PARISH

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

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

26. Defendants had a duty to create, enact, and enforce adequate policies and procedures to prevent molestation, abuse, and harm of vulnerable parishioners.

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

28. Defendants had a duty to exercise reasonable care in their retention and supervision of Fr. Holley during his assignment to Immaculate Conception Parish.

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

30. The Defendants breached these duties owed to Plaintiff.

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

32. 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 – CDEP'S VICARIOUS LIABILITY FOR TORTS OF FR. HOLLEY

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

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

35. At all times material to this Complaint, Fr. Holley was an agent or employee of Defendant CDEP.

36. But for the fact that Fr. Holley 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. Holley would not have had the necessary authorities or powers needed to sexually abuse Plaintiff.

37. Fr. Holley 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 of CDEP 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 of CDEP 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 of CDEP to secure Plaintiff's silence regarding acts of abuse that Plaintiff might otherwise have reported.

38. CDEP is vicariously liable for the conduct of its agent Fr. Holley under the theory of "aiding-in-agency," because CDEP imbued Fr. Holley 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

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-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
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Attorneys for Plaintiff