

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

FILED
3rd JUDICIAL DISTRICT COURT
Dona Ana County
7/14/2025 3:43 PM
BERNICE A. RAMOS
CLERK OF THE COURT
Claudine Bernal

JOHN DOE 212,

Plaintiff,

vs.

D-307-CV-2025-01903

Fitch, Casey B.

CATHOLIC DIOCESE OF EL PASO, and
OUR LADY OF HEALTH PARISH, INC.,

Defendants.

COMPLAINT FOR DAMAGES ARISING FROM CHILDHOOD SEXUAL ABUSE

Plaintiff John Doe 212 was sexually abused as a young child by a Catholic priest in residence at Our Lady of Health Parish in Las Cruces, New Mexico. Plaintiff does not know the name of the priest who abused him, but remembers his appearance clearly and hopes that he may be clearly identified through diocesan records in discovery.

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 Dona Ana 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 Our Lady of Health Parish, Inc. (or “the Parish”) is a corporation with its primary place of business located in Dona Ana 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.

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

4. Prior to its separate incorporation under New Mexico civil law, Our Lady of Health Parish was considered a parish under Catholic Canon Law.

5. Defendant Our Lady of Health Parish, Inc., is the successor in interest to Our Lady of Health Parish, and Our Lady of Health Parish is the predecessor in interest to Defendant Our Lady of Health Parish, Inc.

6. At the time he was sexually abused and assaulted by Defendants' priest as alleged herein, Plaintiff resided in Dona Ana County, New Mexico.

7. Plaintiff now resides in Bernalillo 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 1972.

11. Plaintiff was a victim of sexual abuse and exploitation perpetrated by a visiting Catholic priest at Our Lady of Health Parish.

12. The priest who abused Plaintiff was short, overweight, wore no glasses, and had a full head of short hair. Plaintiff believes that he originally hailed from the Philippines.

13. This priest sexually abused Plaintiff in approximately 1982, when Plaintiff was approximately 10 years old.

14. The priest who abused Plaintiff was in residence at Our Lady of Health Parish and was an agent of the Catholic Diocese of El Paso.

15. CDEP imbued this priest with the powers and authorities of his priesthood.
16. This priest 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.
17. Defendants CDEP and Our Lady of Health Parish, Inc., placed Plaintiff into close contact with this priest without a semblance of supervision or safety precaution.
18. As a direct result of the Defendants' negligence, Plaintiff was sexually abused by this priest.
19. As a direct and proximate result of the sexual abuse inflicted on him by this priest Plaintiff has suffered substantial damages.

COUNT I – NEGLIGENCE OF CDEP AND PARISH

20. Plaintiff realleges the facts and allegations set forth above.
21. The Defendants had a duty to hire, supervise and retain priests who would not molest, abuse, and harm vulnerable parishioners.
22. Defendants had a duty to create, enact, and enforce adequate policies and procedures to prevent molestation, abuse, and harm of vulnerable parishioners (including Plaintiff).
23. Defendants had a duty to sufficiently and adequately staff its facilities to ensure the safety of its parishioners.
24. Defendants had a duty to exercise reasonable care in their retention and supervision of the priest who abused Plaintiff during his assigned duties at Our Lady of Health Parish.
25. Defendants had a duty to use ordinary care to keep premises safe for use by their parishioners.
26. The Defendants breached these duties owed to Plaintiff.

27. As a direct and proximate result of the Defendants' breaches of duty with respect to the priest who abused Plaintiff, Plaintiff was sexually abused and suffered damages.

28. 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 BY ITS AGENT

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

30. The sexual abuse inflicted on Plaintiff constituted the tort of sexual assault and battery (among other torts).

31. At all times material to this Complaint, the priest who abused Plaintiff was an agent or employee of Defendant CDEP.

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

33. This priest 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.

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