

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

FILED
3rd JUDICIAL DISTRICT COURT
Dona Ana County
7/14/2025 3:48 PM
BERNICE A. RAMOS
CLERK OF THE COURT
Claudine Bernal

JOHN DOE 213,

Plaintiff,

vs.

D-307-CV-2025-01905

Arrieta, Manuel I.

ROMAN CATHOLIC DIOCESE OF LAS CRUCES, and
OUR LADY OF PURIFICATION PARISH, INC.

Defendants.

COMPLAINT FOR DAMAGES ARISING FROM CHILDHOOD SEXUAL ABUSE

Plaintiff, by and through his attorneys of record (Levi A. Monagle, Shayne C. Huffman, and Jason T. Wallace, Huffman Wallace & Monagle LLC) for his Complaint states as follows:

PARTIES, JURISDICTION, AND VENUE

1. At all times material to this Complaint, Defendant Roman Catholic Diocese of Las Cruces (or “RCDLC”) was a New Mexico corporation doing business in Dona Ana County and across southern 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.

2. Defendant Our Lady of Purification 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 Purification Parish was considered a parish under Catholic Canon Law.

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

6. At the time he was sexually abused as alleged herein, Plaintiff John Doe 213 resided in Dona Ana County, New Mexico.

7. Plaintiff currently resides in Dona Ana 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 1975.

11. Plaintiff was raised in the Dona Ana County community of Dona Ana, New Mexico, and attended Our Lady of Purification Parish as a child.

12. At all times material to this Complaint, the pastor of Our Lady of Purification Parish was Monsignor Alberto Chavez.

13. Plaintiffs' parents were very active in the church community of Our Lady of Purification Parish.

14. Plaintiff was an altar boy at Our Lady of Purification Parish.

15. Plaintiff was a victim of sexual abuse and exploitation perpetrated by Monsignor Chavez.

16. Monsignor Chavez began abusing Plaintiff in approximately 1984, when Plaintiff was approximately nine years old.

17. Monsignor Chavez continued to sexually abuse Plaintiff through to the time that he retired as a priest of RCDLC in 1990.

18. Much of the sexual abuse inflicted upon Plaintiff by Monsignor Chavez occurred on the premises of Our Lady of Purification Parish.

19. At all times relevant to the sexual abuse of Plaintiff, Monsignor Chavez was an agent of RCDLC.

20. RCDLC imbued Monsignor Chavez with the powers and authorities of his priesthood.

21. Monsignor Chavez used his status and substantial power and authority as a priest to groom Plaintiff for sexual abuse.

22. Defendants placed Plaintiff into close contact with Monsignor Chavez without a semblance of supervision or safety precaution.

23. As a direct result of the Defendants' negligence, Plaintiff was sexually abused by Monsignor Chavez.

24. As a direct and proximate result of the sexual abuse inflicted on him by Monsignor Chavez, Plaintiff has suffered substantial damages and continues to suffer substantial damage.

COUNT I – NEGLIGENCE OF RCDLC AND PARISH

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

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

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

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

29. Defendants had a duty to exercise reasonable care in their retention and supervision of Monsignor Chavez during his assignment to Our Lady of Purification Parish.

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

31. The Defendants breached these duties owed to Plaintiff.

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

33. 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 – RCDLC'S VICARIOUS LIABILITY FOR TORTS OF MSGR. CHAVEZ

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

35. The sexual abuse inflicted on Plaintiff by Monsignor Chavez constituted the tort of sexual assault and battery (among other torts).

36. At all times material to this Complaint, Monsignor Chavez was an agent or employee of Defendant RCDLC.

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

38. Monsignor Chavez 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 RCDLC to gain access to Defendants' facilities in New Mexico where be abused Plaintiff;
- b. Using his title, position, power, and authority as a Catholic priest of RCDLC 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 RCDLC to secure Plaintiff's silence regarding acts of abuse that Plaintiff might otherwise have reported.

39. RCDLC is vicariously liable for the conduct of its agent Monsignor Chavez under the theory of "aiding-in-agency," because RCDLC imbued Monsignor Chavez 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