

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES,
Additional Parties Attachment Form is attached

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JOHN SF-18 DOE, an individual,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Civic Center Courthouse
Superior Court of California, County of San Francisco
400 McAllister St., San Francisco, CA 94102

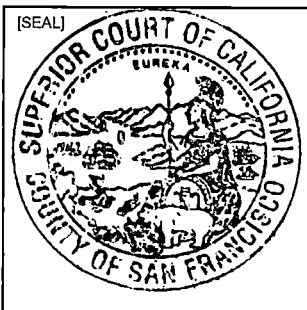
CASE NUMBER:
(Número de Caso): **CGC-21-590249**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
A.Cunny-SBN 291567, ManlyStewart&Finaldi, 19100 VonKarmanAve.#800,Irvine,CA 92612 949-252-9990

DATE:
(Fecha) **MAR 18 2021**

Clerk, by _____, Deputy
(Secretario) _____ (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)). **ANGELICA SUNGA**



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

SHORT TITLE: JOHN SF-18 DOE v. THE ROMAN CATHOLIC ARCHBISHOP	CASE NUMBER:
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff
 Defendant
 Cross-Complainant
 Cross-Defendant

a California corporation sole; THE ROMAN CATHOLIC BISHOP OF MONTEREY, CALIFORNIA, a California corporation sole; SALESIAN SOCIETY, a California Non-Profit Religious Corporation; JOHN ROCHE, an individual, and DOES 1 through 50, inclusive,

1 JOHN C. MANLY, Esq. (State Bar No. 149080)
VINCE W. FINALDI (State Bar No. 238279)
2 ALEX CUNNY (State Bar No. 291567)
3 **MANLY, STEWART & FINALDI**
19100 Von Karman Ave., Suite 800
Irvine, CA 92612
4 Telephone: (949) 252-9990
5 Fax: (949) 252-9991

6 Attorneys for Plaintiff, JOHN SF-18 DOE

FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

MAR 18 2021

CLERK OF THE COURT

BY:  Deputy Clerk

ANGELICA SUNGA

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF LOS SAN FRANCISCO**

9
10 JOHN SF-18 DOE, an individual,

11 Plaintiff,

12 vs.

13 THE ROMAN CATHOLIC ARCHBISHOP
OF LOS ANGELES, a California corporation
sole; THE ROMAN CATHOLIC BISHOP OF
14 MONTEREY, CALIFORNIA, a California
15 corporation sole; SALESIAN SOCIETY, a
California Non-Profit Religious Corporation;
16 JOHN ROCHE, an individual, and DOES 1
through 50, inclusive,

17 Defendants.

Case No. **CGC-21-590249**

Judge: _____

Department: _____

PLAINTIFF'S COMPLAINT FOR DAMAGES FOR:

- (1) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- (2) NEGLIGENCE;
- (3) NEGLIGENT SUPERVISION;
- (4) NEGLIGENT RETENTION/HIRING;
- (5) NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE;
- (6) BREACH OF FIDUCIARY DUTY;
- (7) CONSTRUCTIVE FRAUD (*CIVIL CODE* §1573);
- (8) SEXUAL HARASSMENT (*CIVIL CODE* §51.9);
- (9) SEXUAL BATTERY;
- (10) GENDER VIOLENCE (*CIVIL CODE* §52.4)
- (11) VIOLATION OF *PENAL CODE* § 647.6(a)(1).

DEMAND FOR JURY TRIAL

25 **COMES NOW**, Plaintiff JOHN SF-18 DOE ("Plaintiff"), who hereby complains and
26 alleges against Defendants ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES
27 ("RCALA"), ROMAN CATHOLIC BISHOP OF MONTEREY ("RCBM"), SALESIAN
28 SOCIETY ("SALESIANS"), Father JOHN ROCHE ("ROCHE"), s.d.b., and DOES 1 through 50,

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1 inclusive (“Defendants”), as follows:

2 1. Pursuant to *Code of Civil Procedure* §340.1(q) as amended by Assembly Bill 218,
3 effective January 1, 2020 there is a three (3) year window in which all civil claims of childhood
4 sexual assault are revived if they have not been litigated to finality. This provision provides that,
5 “[n]otwithstanding any other provision of law, any claim for damages described in paragraphs (1)
6 through (3), inclusive, of subdivision (a) that has not been litigated to finality and that would
7 otherwise be barred as of January 1, 2020, because the applicable statute of limitations, claim
8 presentation deadline, or any other time limit had expired, is revived, and these claims may be
9 commenced within three years of January 1, 2020. A plaintiff shall have the later of the three-year
10 time period under this subdivision or the time period under subdivision (a) as amended by the act
11 that added this subdivision.” This claim has not been previously litigated to finality, thus, it is
12 timely under the revised provisions of *Code of Civil Procedure* §340.1(q).

13 **PARTIES**

14 **(Plaintiff John SF-18 Doe)**

15 2. At all times mentioned herein, Plaintiff John SF-18 Doe (“Plaintiff”) was a
16 resident of the State of California, in and for the County of Los Angeles. The name utilized by
17 John SF-18 Doe in this Complaint is not the real name of John SF-18 Doe, but is a fictitious name
18 utilized to protect his privacy as a victim of childhood sexual harassment, molestation, abuse, and
19 assault. *See Doe v. Lincoln Unified School District* (2010) 188 Cal.App.4th 758. Plaintiff was
20 born in 1984 and was a minor throughout the period of childhood sexual assault alleged herein.
21 He brings this action pursuant to *Code of Civil Procedure* § 340.1 for the childhood sexual assault
22 he suffered at the hands of RCALA, RCBM, SALESIANS, ROCHE, and DOES 1 through 50.
23 Currently, the Plaintiff resides in Los Angeles, California.

24 3. The Plaintiff was a parishioner and student at Bishop Mora Salesian High School
25 located in Los Angeles, California, as well as involved in youth ministry with RCALA,
26 SALESIANS and DOES 1 through 50, inclusive, during the time that he was subjected to
27 childhood sexual assault by ROCHE. By virtue of this relationship between the Plaintiff and
28 RCALA, SALESIANS, RCBM, and DOES 1 through 50, they stood *in loco parentis* with the

1 Plaintiff and his parents, and created a special, trusting, fiduciary, and protective duty of care to
2 the Plaintiff, who was a minor child in their custody, care, and control.

3 **(Defendant, ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES; "RCALA")**

4 4. Defendant RCALA was and is at all times mentioned herein, a corporation sole,
5 having its principal place of business in the County of Los Angeles; State of California.
6 Defendant RCALA purposely conducts substantial business activities in the State of California,
7 and was an entity owning, operating and controlling the activities and behavior of its employees,
8 agents including ROCHE, and DOES 1 through 50 and all other employees, agents, and
9 supervisors of those defendants. The Plaintiff is informed and believes, and thereon alleges that
10 Defendant RCALA was an entity that supervised priests, supervised children, and understood that
11 children would be in its programs, on its premises, and in the care, custody, and control of
12 Defendant RCALA, including the Plaintiff when he was a student, parishioner, and volunteer
13 youth leader.

14 5. At all times relevant herein, Defendant RCALA had control over ROCHE, who
15 was an order priest with the SALESIANS. Furthermore, it is upon information and belief that the
16 SALESIANS and ROCHE were required, by RCALA to obtain permission for ROCHE to
17 conduct public ministry, be in contact with parishioners, volunteers, and/or students (including
18 but not limited to the Plaintiff), and to be assigned to St. Joseph Youth Renewal Center (amongst
19 other assignments), and was permitted on the premises of St. John Bosco High School and Bishop
20 Mora Salesian High School, during the period in which ROCHE sexually assaulted, molested and
21 otherwise harassed the Plaintiff. Without approval from RCALA, ROCHE would not have been
22 allowed or otherwise permitted to exercise his religious faculties within RCALA's geographic
23 jurisdiction.

24 **(Defendant ROMAN CATHOLIC BISHOP OF MONTEREY; "RCBM")**

25 6. Defendant RCBM was and is at all times mentioned herein, a corporation sole,
26 having its principal place of business in the County of Monterey, State of California. Defendant
27 RCBM purposely conducts substantial business activities in the State of California, and was the
28 entity owning, operating and controlling the activities and behavior of its employees, agents

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1 SALESIANS, ROCHE, and DOES 1 through 50 and all other employees, agents, and supervisors
2 of those defendants, assigned and permitted to be within its geographical diocese. The Plaintiff is
3 informed and believes, and thereon alleges that Defendant RCBM was an entity that supervised
4 priests, supervised children, and understood that children would be in its programs, on its
5 premises, and in the care, custody, and control of Defendant RCBM, including the Plaintiff when
6 he was involved in youth ministry at RCBM.

7 7. At all times relevant herein, Defendant RCBM had control over ROCHE, who was
8 an order priest with the SALESIANS. Furthermore, it is upon information and belief that the
9 SALESIANS and ROCHE were required by RCBM to obtain permission for ROCHE to conduct
10 public ministry, be in contact with parishioners, and students (including but not limited to the
11 Plaintiff), and to be assigned to St. John Bosco High School, Our Lady of Help Christians Church
12 and St. Francis Salesian Youth Renewal Center, during the period in which ROCHE sexually
13 assaulted, molested and otherwise harassed the Plaintiff. Without approval from RCBM, ROCHE
14 would not have been allowed or otherwise permitted to exercise his religious faculties within
15 RCBM's geographic jurisdiction.

16 **(Defendant, SALESIAN SOCIETY; "SALESIANS")**

17 8. Defendant SALESIANS were and are, at all times mentioned herein, a California
18 Non-Profit Religious Corporation, having its principal place of business in the County of San
19 Francisco, State of California. Defendant SALESIANS purposely conducts substantial business
20 activities in the State of California, and was the primary entity owning, operating and controlling
21 the activities and behavior of its employee agents ROCHE and DOES 1 through 50 and all other
22 employees, agents, and supervisors of those defendants. The Plaintiff is informed and believes,
23 and thereon alleges that Defendant SALESIANS are and were an entity that supervised priests,
24 other religious personnel, supervised children, and understood that children would be in its
25 programs, on its premises, and in the care, custody, and control of Defendant SALESIANS,
26 including the Plaintiff when he was a parishioner and student at Bishop Mora Salesian High
27 School, and involved in youth ministry with SALESIANS. Furthermore, ROCHE was an order

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1 priest with the SALESIANS, thus, the SALESIANS had the authority, control and supervisory
2 power to limit his interactions with minor children, including the Plaintiff.

3 **(Defendant, JOHN ROCHE; "ROCHE")**

4 9. Defendant ROCHE is an order priest with the SALESIANS, and DOES 1 through
5 50, who was formally assigned to the following institutions within RCALA, RCBM, and/or
6 DOES 1 through 50 including but not limited to: St. Joseph Salesian Youth Renewal Center in
7 Rosemead, California, Our Lady of Help of Christians Church in Watsonville, California, St.
8 John Bosco High School in Bellflower, California, and potentially other locations. During all
9 instances of sexual assault outlined herein, ROCHE was a resident of California and perpetrated
10 his repeated sexual assault against the Plaintiff while a priest with SALESIANS, and DOES 1
11 through 50, and assigned or otherwise permitted to be an agent of RCALA, RCBM, and/or DOES
12 1 through 50. ROCHE is currently, based on information and belief, a resident of the State of
13 California, County of Los Angeles.

14 10. At all relevant times alleged herein, St. John's Bosco High School, and St. Joseph
15 Salesian Youth Renewal Center, were not separately incorporated entities from RCALA, or the
16 SALESIANS, but rather, was wholly owned, controlled and managed by RCALA, the
17 SALESIANS and DOES 1 through 50. Furthermore, the SALESIANS would have employees
18 and/or religious personnel, including priests and ROCHE, staff St. John's Bosco High School and
19 St. Joseph Salesian Youth Renewal Center.

20 11. At all relevant times alleged herein, Our Lady of Help Christians Church was not a
21 separately incorporated entity from RCBM or the SALESIANS, but rather, was wholly owned,
22 controlled and managed by RCALA, the SALESIANS and DOES 1 through 50. Furthermore, the
23 SALESIANS would have employees and/or religious personnel, including priests and ROCHE,
24 staff Our Lady of Help Christians Church.

25 12. Plaintiff is informed and believes, and thereupon alleges, that the true names and
26 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as
27 DOES 1 through 50, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by
28 such fictitious names. Plaintiff will amend Complaint to allege their true names and capacities

1 when such have been ascertained. Upon information and belief, each of the said DOE Defendants
2 is responsible in some manner under *Code of Civil Procedure* §§340.1(a)(1),(2),(3), and 340.1 (c)
3 for the occurrences herein alleged, and were a legal cause of the childhood sexual assault which
4 resulted in injury to the Plaintiff as alleged herein.

5 13. Plaintiff is informed and believes, and on that basis alleges, that at all times
6 mentioned herein, there existed a unity of interest and ownership among Defendants and each of
7 them, such that any individuality and separateness between Defendants, and each of them, ceased
8 to exist. Defendants and each of them, were the successors-in-interest and/or alter egos of the
9 other Defendants, and each of them, in that they purchased, controlled, dominated and operated
10 each other without any separate identity, observation of formalities, or other manner of division.
11 To continue maintaining the facade of a separate and individual existence between and among
12 Defendants, and each of them, would serve to perpetrate a fraud and an injustice.

13 14. Plaintiff is informed and believes, and on that basis alleges, that at all times
14 mentioned herein, Defendants and each of them were the agents, representatives and/or
15 employees of each and every other Defendant. In doing the things hereinafter alleged, Defendants
16 and each of them, were acting within the course and scope of said alternative personality,
17 capacity, identity, agency, representation and/or employment and were within the scope of their
18 authority, whether actual or apparent. Plaintiff is informed and believes, and on that basis alleges,
19 that at all times mentioned herein, Defendants and each of them were the trustees, partners,
20 servants, joint venturers, shareholders, contractors, and/or employees of each and every other
21 Defendant, and the acts and omissions herein alleged were done by them, acting individually,
22 through such capacity and within the scope of their authority, and with the permission and
23 consent of each and every other Defendant and that said conduct was thereafter ratified by each
24 and every other Defendant, and that each of them is jointly and severally liable to Plaintiff.

25 **FACTUAL ALLEGATIONS OF PLAINTIFF'S CHILDHOOD SEXUAL ASSAULT AND**
26 **DAMAGES**

27 15. Beginning in or around 1998, when the Plaintiff was approximately 13 years old,
28 ROCHE began sexually grooming the Plaintiff for future sexual assaults, which included but was

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1 not limited to: spending inordinate amounts of time with the Plaintiff (a minor at the time),
2 buying the Plaintiff meals and gifts, writing the Plaintiff letters, calling the Plaintiff nicknames,
3 and ROCHE ingratiating himself with the Plaintiff's family.

4 16. In or around 1999, ROCHE began sexually abusing, harassing and molesting the
5 Plaintiff, which included but was not limited to: ROCHE forcing the Plaintiff to wrestle with him,
6 ROCHE forcing Plaintiff's hand to touch ROCHE's genitals, ROCHE giving the Plaintiff
7 massages, ROCHE placing his hands on the Plaintiff's thigh, ROCHE forcing the Plaintiff's head
8 into ROCHE's crotch, ROCHE taking videos of the Plaintiff's nude body, and ROCHE forcing
9 the Plaintiff to touch ROCHE's genitals. The sexual abuse, assaults, and harassment described
10 herein, occurred during the time that ROCHE was an order priest with the SALESIANS, was
11 assigned to institutions within RCALA, RCBM, SALESIANS, and/or DOES 1 through 50, and/or
12 attending events sponsored by RCALA, RCBM, SALESIANS, and/or DOES 1 through 50. The
13 sexual assaults of the Plaintiff occurred on numerous occasions, and continued up and until
14 approximately 2002.

15 17. Moreover, sexual abuse, harassment and assault occurred on- and off the physical
16 premises of RCALA, RCBM, SALESIANS, and/or DOES 1 through 50 including but not limited
17 to SALESIANS' retreats, hotels, and ROCHE's living quarters at St. John's Bosco High School
18 located in Bellflower, California. Further, sexual abuse occurred at locations out-of-state,
19 including ROCHE transporting the Plaintiff across state lines to, but not limited to, the National
20 Catholic Youth Convention, in order seclude and sexually abuse the Plaintiff.

21 18. The sexual assaults described herein were done for the sexual gratification of
22 Defendant ROCHE and was based, at least in part, on the gender of the Plaintiff, who was a
23 minor boy at the time.

24 19. The childhood sexual assaults described herein was a violation of various
25 provisions of the California *Penal Code* involving sexual assault of minors, including but not
26 limited to *Penal Code* §647.6(a)(1), and potentially others.

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1 20. Given that the Plaintiff was a minor child at the time of his sexual assault alleged
2 herein, the Plaintiff did not, and was unable to, give free or voluntary consent to the sexual acts
3 perpetrated upon him as a child by Defendant ROCHE.

4 21. As a direct and proximate result of his sexual assault by Defendant ROCHE,
5 which was enabled and facilitated by Defendants RCALA, RCBM, SALESIANS, DOES and 5
6 through 50, Plaintiff has suffered, and will continue to suffer, psychological, mental and
7 emotional distress, including but not limited to nightmares, sleeplessness, anger, betrayal, stress,
8 fear, shame, dread, guilt, humiliation, embarrassment, physical distress, anxiety, depression,
9 sadness, frustration, trust issues, and control issues. He has and will continue to incur expenses
10 for mental, psychological, psychiatric, and medical care due to the assault, according to proof at
11 trial.

12 22. As a direct and proximate result of his sexual assault by Defendant ROCHE,
13 which was enabled and facilitated by Defendants RCALA, RCBM, SALESIANS, and DOES 1
14 through 50, Plaintiff has been damaged in his educational trajectory, achievement and attainment,
15 and employment, specifically losing wages and earnings and economic benefits according to
16 proof at the time of trial. Plaintiff has lost wages as a result of the assault he suffered at the hands
17 of Defendants and will continue to lose wages in an amount to be determined at trial. Plaintiff has
18 suffered economic injury, all to Plaintiff's general, special and consequential damage in an
19 amount to be proven at trial, but in no event less than the minimum jurisdictional amount of this
20 Court.

21 **DEFENDANT ROCHE'S TENURE WITH RCALA, RCBM AND SALESIANS,**
22 **WARNING SIGNS TO DEFENDANTS, AND DUTIES OF DEFENDANTS RCALA,**
23 **RCBM, SALESIANS, AND DOES 1-50 TO PROTECT THE PLAINTIFF**

24 23. ROCHE was ordained as an order priest with the SALESIANS in or around 1986.
25 He was assigned to St. John Bosco High School in Bellflower, California, St. Joseph Youth
26 Renewal Center in Rosemead, California (under the control of the RCALA, SALESIANS and/or
27 DOES 1 through 50), to Our Lady of Help Christians Church in Watsonville, California (under
28 the control and supervision of the RCBM, SALESIANS, and/or DOES 1 through 50), and worked
at Camp St. Francis in Watsonville, California (under the auspices, control and supervision of the

1 RCBM, SALESIANS, and/or DOES 1 through 50). Plaintiff, based on information and therefore
2 belief, believes ROCHE was head of youth ministry at St. John Bosco High School was also
3 living on St. John Bosco High School's campus during that time, under the supervision and
4 control of RCALA, SALESIANS and DOES 1 through 50.

5 24. As a priest of RCALA, RCBM, SALESIANS, and DOES 1 through 50, ROCHE
6 was placed into a position of moral, ethical, religious, and legal authority over the Plaintiff, his
7 parents, and parishioners with whom he came into contact. ROCHE was a confidant to the
8 Plaintiff, and as a result, there was a special, trusting, confidential and fiduciary relationship
9 between the Plaintiff and ROCHE, as well as between Defendants RCALA, RCBM,
10 SALESIANS, and DOES 1-50 and the Plaintiff. Through this relationship with the Plaintiff,
11 Defendants RCALA, RCBM, SALESIANS, ROCHE, and DOES 1 through 50 stood *in loco*
12 *parentis* with the Plaintiff as well as with his family. Specifically, Defendants RCALA, RCBM,
13 SALESIANS, ROCHE, and DOES 1 through 50 took the Plaintiff into their custody, care and
14 control, which conferred upon the Plaintiff and his family, the reasonable belief that the Plaintiff,
15 a minor child, would be protected and cared for, as if RCALA, RCBM, SALESIANS, ROCHE
16 and DOES 1 through 50 were the Plaintiff's own parents.

17 25. As is set forth herein, Defendants and each of them have failed to uphold
18 numerous mandatory duties imposed upon them by state and federal law, and by written policies
19 and procedures applicable to Defendants, including but not limited to the following:

- 20 * Duty to protect minor children in their care, and provide adequate
21 supervision;
- 22 * Duty to ensure that any direction given to employees and agents is lawful,
23 and that adults act fairly, responsibly and respectfully towards other adults
24 and minor children;
- 25 * Duty to properly train teachers, mentors, priests, supervisors and advisors
26 so that they are aware of their individual responsibility for creating and
27 maintaining a safe environment;
- 28 * Duty to supervise employees and minor children in its care, enforce rules
and regulations prescribed for childcare organizations, exercise reasonable
control over minor children in its care as is reasonably necessary to
maintain order, protect property, or protect the health and safety of
employees and minor children or to maintain proper and appropriate
conditions conducive to learning and child development;

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- * Duty to exercise careful supervision of the moral conditions in the youth programs set forth by Defendants RCALA, RCBM and SALESIANS;
- * Duty to properly monitor minor children, prevent or correct harmful situations or call for help when a situation is beyond their control;
- * Duty to ensure that personnel are actually on-hand and supervising minors;
- * Duty to provide enough supervision to minor children, including the Plaintiff;
- * Duty to supervise diligently;
- * Duty to act promptly and diligently and not ignore or minimize problems;
- * Duty to refrain from violating Plaintiff's right to protection from bodily restraint or harm, from personal insult, from defamation, and from injury to his personal relations (*Civil Code* § 43);
- * Duty to abstain from injuring the person or property of Plaintiff, or infringing upon any of his rights (*Civil Code* § 1708); and
- * Duty to report suspected incidents of child assault and more specifically childhood sexual abuse (*Penal Code* §§ 11166, 11167).

26. During ROCHE's tenure as a priest with RCALA, RCBM, SALESIANS and DOES 1 through 50, Plaintiff is informed, and therefore believes, that there were ample warning signs, reports, and/or investigations about ROCHE's unfitness for this position of trust and misconduct in his contact with minor parishioners, including the Plaintiff. It is upon information, and therefore belief, that the Defendants RCALA, RCBM, SALESIANS, and DOES 1 through 50 knew or should have known, or was otherwise on notice, of misconduct that created a risk of childhood sexual assault by ROCHE, and also, that Defendants RCALA, RCBM, SALESIANS, and DOES 1 through 50 failed to take reasonable steps, or to implement reasonable safeguards, to avoid acts of childhood sexual assault, including but not limited to preventing or avoiding placement of ROCHE in a function or environment in which contact with children was an inherent part of that function or environment. Defendants had a duty to disclose to these facts to Plaintiff, his parents and others, but negligently and/or intentionally suppressed, concealed or failed to disclose this information for the express purposes of facilitating ROCHE's sexual assault of the Plaintiff, maintaining ROCHE's image as an ethical, wholesome, safe, and trusted spiritual

1 leader at RCALA, RCBM, SALESIANS, and DOES 1 through 50. The duty to disclose this
2 information arose by the special, trusting, confidential, fiduciary, and *in loco parentis* relationship
3 between Defendants and Plaintiff.

4 27. As a minor at Defendant RCALA, RCBM, SALESIANS, and DOES 1 through 50,
5 where ROCHE was employed, retained, and worked, Plaintiff was under ROCHE's, as well as
6 RCALA's, RCBM's, SALESIANS's, and DOES 1-50's direct supervision, care and control, thus
7 creating a special relationship, fiduciary relationship, and/or special care relationship with
8 Defendants, and each of them. Additionally, as a minor child under the custody, care and control
9 of Defendants, Defendants stood *in loco parentis* with respect to Plaintiff while he was at
10 RCALA, RCBM, SALESIANS, and DOES 1 through 50. As the responsible parties and/or
11 employers controlling ROCHE, Defendants were also in a special relationship with Plaintiff, and
12 owed special duties to Plaintiff.

13 28. Instead, Defendants RCALA, RCBM, SALESIANS, and DOES 1 through 50
14 ignored and/or concealed the sexual assault of Plaintiff and others by ROCHE that had already
15 occurred, and continued to allow numerous children, including the Plaintiff, to be in private,
16 secluded areas with ROCHE, despite this knowledge of ROCHE's prior unfitness and danger
17 posed to minors. Plaintiff is informed and believes, and on that basis alleges, that Defendants and
18 each of them were given notice of incidents of inappropriate conduct by ROCHE, including such
19 facts as those set forth in this Complaint.

20 29. Plaintiff is informed and believes, on that basis alleges, that prior to and during the
21 sexual harassment, molestation and assault of Plaintiff, Defendants knew or should have known
22 that ROCHE had violated his role as a teacher, mentor, supervisor, caretaker and spiritual advisor
23 to minors, and used this position of authority and trust acting on behalf of Defendants to gain
24 access to children, including Plaintiff, on and off the premises and grounds of Defendants, in
25 which he caused Plaintiff to touch him, to allow him to touch Plaintiff in a sexual manner,
26 videotaped/photographed Plaintiff in the nude, and engaged in sexual conduct and assault,
27 including harassment and molestation, with such children including Plaintiff.

28 ///

1 30. With actual or constructive knowledge that Defendant ROCHE had previously
2 engaged in dangerous and inappropriate misconduct, Defendants conspired to and did knowingly
3 fail to take reasonable steps, and failed to implement reasonable safeguards to avoid acts of
4 sexual assault by ROCHE, including, but not limited to, preventing or avoiding placement of
5 ROCHE in a function or environment in which contact with children is an inherent aspect of that
6 function or environment.

7 31. Plaintiff further alleges that Defendants failed to report and did hide and conceal
8 from the Plaintiff, the Plaintiff's parents, other minor children in their care (and parents of those
9 children), law enforcement authorities, civil authorities and others, the true facts and relevant
10 information necessary to bring ROCHE to justice for misconduct that created a risk of childhood
11 sexual assault of the Plaintiff.

12 32. Defendants also implemented various measures designed to, or which effectively,
13 made ROCHE's conduct harder to detect including, but not limited to:

- 14 a. Permitting ROCHE to remain in a position of authority and trust after
15 Defendants knew or had reason to know he engaged in misconduct that
16 created a risk of childhood sexual assault to be perpetrated by ROCHE;
- 17 b. Placing ROCHE in a separate and secluded environment, including
18 placing him in charge of young boys, mentoring programs, advising
19 programs, and youth programs where they purported to supervise the
20 children, which allowed ROCHE to sexually and physically interact with
21 and assault the children, including Plaintiff;
- 22 c. Allowing ROCHE to come into contact with minors, including Plaintiff,
23 without adequate supervision;
- 24 d. Failing to inform, or concealing from Plaintiff's parents and law
25 enforcement officials the fact that Plaintiff and others were or may have
26 been sexually assaulted after Defendants knew or should have known that
27 ROCHE may have sexually assaulted Plaintiff or others, thereby enabling
28 Plaintiff to continue to be endangered and sexually assaulted, and/or
creating the circumstance where Plaintiff and others were less likely to
receive medical/mental health care and treatment, thus exacerbating the
harm to Plaintiff;
- e. Holding out ROCHE to Plaintiff and his parents, other children and their
parents, and to the community as being in good standing and trustworthy;
- f. Failing to take reasonable steps, and to implement reasonable safeguards
to avoid acts of unlawful sexual conduct by ROCHE with students, who
were minor children; and

1 g. Failing to put in place a system or procedure to supervise or monitor
2 employees, volunteers, representatives or agents to insure that they did not
molest or assault minors in Defendants' care, including Plaintiff.

3 33. By his position within the Defendants' institutions, Defendants and ROCHE
4 demanded and required that Plaintiff respect ROCHE in his position of priest, spiritual advisor,
5 confidant, teacher, and mentor at Defendants RCALA, RCBM, SALESIANS, and DOES 1
6 through 50.

7 34. Plaintiff is informed and believes, and on that basis alleges, that Defendants and
8 each of them, were or should have been aware of ROCHE's wrongful conduct at or about the
9 time it was occurring, and thereafter, but took no action to obstruct, inhibit or stop such
10 continuing conduct, or to help Plaintiff endure the trauma from such conduct. Despite the
11 authority and ability to do so, these Defendants negligently and/or willfully refused to, and/or did
12 not act effectively to stop the sexual assaults on Plaintiff, to inhibit or obstruct such assault, or to
13 protect Plaintiff from the results of that trauma.

14 35. During the period of assault of Plaintiff at the hands of ROCHE, Defendants
15 RCALA, RCBM, SALESIANS, and DOES 1 through 50 had the authority and the ability to
16 obstruct or stop ROCHE's sexual assaults on Plaintiff, but negligently and/or willfully failed to do
17 so, thereby allowing the assault to occur and to continue unabated. This failure was a part of
18 Defendants' plan and arrangement to conceal wrongful acts, to avoid and inhibit detection, to
19 block public disclosure, to avoid scandal, to avoid the disclosure of their tolerance of child sexual
20 molestation and assault, to preserve a false appearance of propriety, and to avoid investigation
21 and action by public authority including law enforcement. Plaintiff is informed and believes, and
22 on that basis alleges, that such actions were motivated by a desire to protect the reputation of
23 Defendants and each of them, and to protect the monetary support of Defendants while fostering
24 an environment where such assault could continue to occur.

25 36. Plaintiff is informed and believes, and on that basis alleges, that at the time
26 ROCHE's violations of the *Penal Code* and other provisions of California Law, alleged herein-
27 above were committed, Defendants knew or should have known, or were or were otherwise on
28 notice of, misconduct that created a risk of childhood sexual assault by ROCHE, and despite such

1 knowledge and/or notice, placed Plaintiff in ROCHE's custody and/or made Plaintiff available to
2 ROCHE and failed to take reasonable steps or implement reasonable safeguards to protect
3 Plaintiff from ROCHE's acts of childhood sexual assault. Plaintiff is further informed and
4 believes, and on that basis alleges, that these acts and/or omissions on the part of Defendants were
5 committed despite their ability to exercise control over the personal and business affairs of
6 ROCHE. Accordingly, Defendants are liable for ROCHE's acts of childhood sexual assault in
7 that their wrongful, intentional and/or negligent acts were a legal cause of the childhood sexual
8 assault.

9 37. Defendants owed the Plaintiff a special duty of care. The Plaintiff, as a minor at all
10 relevant times alleged herein, was placed in the physical custody, control, and dominion of
11 Defendants and their agents, employees, and/or servants, and was placed in such custody, control,
12 and dominion in locations including, but not limited to: administrative offices, ROCHE's living
13 quarters, and on approved, isolated trips away from SALESIAN, RCALA, RCBM, and DOES 1
14 through 50 premises. The Plaintiff, as a minor in the custody, control, and under the dominion of
15 Defendants, stood *in loco parentis* with Defendants. As entities responsible for the custody,
16 supervision, care, and dominion of minor children in their care, Defendants owed the Plaintiff a
17 special duty of care, as they were entrusted with the Plaintiff's safety, security and care.

18 **STATUTE OF LIMITATIONS AND ASSEMBLY BILL-218**

19 38. Effective January 1, 2020, California's statute of limitations for childhood sexual
20 assault cases has been amended pursuant to Assembly Bill 218, providing for a three (3) year
21 window for any and all claims of childhood sexual assault, which have not already been finally
22 adjudicated, to be brought. This lawsuit, involving acts of childhood sexual assault perpetrated by
23 RCALA's, RCBM's, SALESIANS's and DOES 1 through 50's agent, employee, and/or servant
24 ROCHE, falls within the scope of *Code of Civil Procedure* §340.1, thus, is timely as an "action
25 commenced on or after the date of enactment of that act, and to any action filed before the date of
26 enactment, and still pending on that date, including any action or causes of action that would have
27 been barred by the laws in effect before the date of enactment." *Code of Civil Procedure*
28 §340.1(r). Regardless of the Plaintiff's age or date upon which the Plaintiff discovers or

1 “reasonably should have discovered that psychological injury or illness occurring after the age of
2 majority was caused by the sexual assault...”, the Plaintiff’s action is timely as it is pending
3 before the Court and has been filed prior to January 1, 2023. Furthermore, the Plaintiff is under
4 the age of 40 years old, thus, his claim is timely, irrespective of the three-year window.

5 **DEFENDANT RCALA’S, RCBM’S, AND SALESIANS’S COVER-UP OF SEXUAL**
6 **ABUSE THAT LEAD TO THE HARM TO THE PLAINTIFF.**

7 39. It is upon information, and therefore belief, that the sexual assaults perpetrated
8 upon the Plaintiff as a child, were the result of a “cover-up” or a “a concerted effort to hide
9 evidence relating to childhood sexual assault.” *See Code of Civil Procedure* §340.1(b).
10 Specifically, it is based upon information and therefore belief, that the Defendants RCALA,
11 RCBM, SALESIANS, and DOES 1 through 50 engaged in conduct to conceal the sexually
12 inappropriate behavior of ROCHE and to hide facts from the Plaintiff, which would have apprised
13 the Plaintiff, his family, and those who could have intervened in ROCHE’s abusive behavior
14 (including but not limited to law enforcement, administrative authorities, and child protective
15 agencies) and prevented the Plaintiff’s sexual assault as a child.

16 40. Specifically, it is upon information, and therefore belief, that the Defendants
17 RCALA, RCBM, SALESIANS, and DOES 1 through 50 were specifically aware, or based on the
18 availability of information to them should have known, that ROCHE was a sexual threat to
19 children in his presence, including the Plaintiff. Defendants RCALA, RCBM, SALESIANS and
20 DOES 1 through 50 were aware, or very well should have been aware that ROCHE had engaged
21 in the following misconduct: taking the Plaintiff on isolated trips where they would stay in the
22 same hotel room, observing Plaintiff in ROCHE’s living quarters with no other adults present,
23 and others being aware that ROCHE would act inappropriately with minors. Instead of reporting
24 this to the police, ROCHE could continue serving as a priest in youth ministries.

25 41. Despite having this knowledge and prior warning about ROCHE’s risk of
26 childhood sexual assault posed to children, Defendants RCALA, RCBM, SALESIANS and
27 DOES 1 through 50, ignored complaints of abuse by ROCHE, refused to investigate clear
28 ///

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1 warning signs about ROCHE, and/or refused to inform the Plaintiff or his parents about the
2 danger that ROCHE posed to him.

3 42. Moreover, it is based upon information and belief that Defendant RCALA,
4 RCBM, SALESIANS, and DOES 1 through 50, maintained "secret" files on its priests, including
5 ROCHE, that contained information about reports of childhood sexual abuse and/or misconduct,
6 that were never investigated, never reported to civil authorities (law enforcement, administrative
7 compliance or child protection agencies) and instead, were kept within the confidential files of
8 Defendant RCALA, RCBM, SALESIANS and/or DOES 1 through 50.

9 43. Plaintiff is informed and believes, and thereon alleges, that Defendants RCALA,
10 RCBM, SALESIANS, and DOES 1 through 50 had known institutional failures in the handling of
11 childhood sexual assault claims dating back decades prior to the sexual assault of the Plaintiff.
12 Prior to the sexual assaults of the Plaintiff, Defendants RCALA, RCBM, SALESIANS and DOES
13 1 through 50 had dozens of clergy accused of sexual misconduct of children, knew that they
14 (RCALA, RCBM, SALESIANS, and DOES 1 through 50) failed to report priests to law
15 enforcement or civil agencies to be investigated, and instead, moved known, abusive clergy
16 members from parish-to-parish, diocese-to-diocese, in order to avoid detection, prevent scandal,
17 and maintain a façade of normalcy within RCALA, RCBM, SALESIANS and DOES 1 through
18 50. It is this toxic culture that permitted ROCHE to molest, sexually assault and abuse children
19 without detection by civil authorities, and which contributed to the sexual assaults of the Plaintiff.

20 44. This conduct constituted a "cover up" under the meaning of *Code of Civil*
21 *Procedure* §340.1(b)(1) and (b)(2). Therefore, the Plaintiff is entitled to the enhanced remedy
22 provided for in *Code of Civil Procedure* §340.1(b)(1) and may recover up to treble damages.

23 **RESERVATION OF RIGHT TO PLEAD PUNITIVE DAMAGES AGAINST RCALA,**
24 **RCBM AND SALESIANS**

25 45. Defendants RCALA, RCBM and SALESIANS are, based on information and
26 belief, religious corporations, organized under the laws of California, and therefore, are afforded
27 the protection of *Code of Civil Procedure* §425.14. Upon such time as appropriate, the Plaintiff
28 expressly reserves his right to file a Motion to Amend the instant Complaint, in order to allege

1 facts sufficient to constitute punitive damages against Defendant RCALA, RCBM and
2 SALESIANS, in accord with evidence that substantiates a finding of the clear and convincing
3 evidentiary requirement of *Civil Code* §3294.

4 **FIRST CAUSE OF ACTION**
5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
6 **(Against Defendants RCALA, RCBM, SALESIANS, ROCHE, and DOES 1-50)**

7 46. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1
8 through 43, inclusive, as though fully set forth herein.

9 47. Defendants' conduct towards the Plaintiff, as described herein, was outrageous and
10 extreme.

11 48. A reasonable person would not expect or tolerate Defendants' putting ROCHE in
12 positions of authority at RCALA, RCBM, SALESIANS, and DOES 1 through 50, which enabled
13 ROCHE to have access to minor children, including Plaintiff, so that he could commit wrongful
14 sexual acts with him, including the conduct described herein above. Plaintiff held great trust, faith
15 and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

16 49. ROCHE's sexual abuse of the Plaintiff was extreme, outrageous and intended to
17 cause harm to the Plaintiff.

18 50. A reasonable person would not expect or tolerate Defendants to be incapable of
19 supervising and preventing employees of Defendants, including ROCHE, from committing
20 wrongful sexual acts with minor children in their charge, including Plaintiff, or to be incapable of
21 properly supervising ROCHE to prevent such assault from occurring.

22 51. A reasonable person would not expect or tolerate Defendants, who were made
23 aware by Plaintiff and by ROCHE, himself, of the sexual assault and abuse committed by
24 ROCHE, to ignore and conceal these facts from authorities and from Plaintiff's parents.

25 52. Defendants' conduct described herein was intentional and malicious and done for
26 the purpose of causing, or with reckless disregard of the rights of the Plaintiff, with the substantial
27 certainty that it would cause Plaintiff to suffer humiliation, mental anguish and emotional and
28 physical distress.

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1 53. As a result of the above-described conduct, Plaintiff suffered and continues to
2 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
3 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
4 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
5 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
6 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
7 medical and psychological treatment, therapy, and counseling.

8 54. In subjecting the Plaintiff to the wrongful treatment herein described, Defendant
9 ROCHE, acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
10 disregard of Plaintiff's rights, so as to constitute malice and oppression under California *Civil*
11 *Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an
12 amount to be determined by the court, against Defendants ROCHE, in a sum to be shown
13 according to proof. As to Defendants RCALA, RCBM and SALESIANS, Plaintiff reserves the
14 right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14 and
15 as further reserved in Paragraph 45, *supra*.

16 **SECOND CAUSE OF ACTION**
17 **NEGLIGENCE**
18 **(Against Defendants RCALA, RCBM, SALESIANS, and DOES 1-50)**

19 55. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1
20 through 52, inclusive, as though fully set forth herein.

21 56. As more fully set forth above, the conduct and actions of Defendants RCALA,
22 RCBM, SALESIANS, and DOES 1 through 50, served to create an environment in which
23 ROCHE was afforded years of continuous secluded access to minor children including the
24 Plaintiff when he was a minor by ROCHE. These actions in arranging for the secluded access of
25 ROCHE to the Plaintiff include, but are not limited to: arranging for Plaintiff to volunteer as a
26 youth leader and attend Catholic youth events with ROCHE, without his parents present, or any
27 other adults present, on numerous occasions.

28 57. As more fully set forth above, Defendants RCALA, RCBM, SALESIANS and
DOES 1 through 50, inclusive, were aware and/or on notice of ROCHE's proclivities for

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1 engaging in sexual acts with minors prior to the first occasion on which Plaintiff was placed in
2 ROCHE's custody through the acts of Defendants. Accordingly, at the time ROCHE and
3 Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, performed the
4 acts alleged herein, it was or should have been reasonably foreseeable to Defendants that by
5 continuously exposing and making Plaintiff available to ROCHE, Defendants were placing
6 Plaintiff in grave risk of being sexually assaulted by ROCHE. By knowingly subjecting Plaintiff
7 to such foreseeable danger, Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50,
8 inclusive, were duty-bound to take reasonable steps and implement reasonable safeguards to
9 protect Plaintiff from ROCHE. Furthermore, as alleged herein, Defendants RCALA, RCBM,
10 SALESIANS and DOES 1 through 50, inclusive, at all times exercised a sufficient degree of
11 control over ROCHE's personal and business affairs to prevent the acts of assault by keeping
12 ROCHE away from Plaintiff. However, Defendants RCALA, RCBM, SALESIANS and DOES 1
13 through 50, inclusive, failed to take any reasonable steps or implement any reasonable safeguards
14 for Plaintiff's protection whatsoever, and continued to make Plaintiff accessible to ROCHE for
15 the purposes of sexual assault.

16 **NEGLIGENCE PER SE—PENAL CODE MANDATORY CHILD ABUSE REPORTING**

17 58. Under the Child Abuse and Neglect Reporting Act, Defendants RCALA, RCBM,
18 SALESIANS and DOES 1 through 50, inclusive, were child care custodians and were under a
19 statutory duty to report known or suspected incidents of sexual molestation or abuse of minors to
20 a child protective agency, pursuant to California *Penal Code* § 11166, and/or not to impede the
21 filing of any such report. Furthermore, Defendants RCALA, RCBM and SALESIANS were under
22 a statutory duty to provide their employees with various acknowledgements of reporting
23 requirements under *Penal Code* §11166.5.

24 59. Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive,
25 knew or should have known that their agent, employee, counselor, advisor and mentor, ROCHE,
26 had sexually molested, abused or caused touching, battery, harm, and other injuries to minors,
27 including Plaintiff, giving rise to a duty to report such conduct under California *Penal Code*
28 ///.

1 §11166. In fact, Plaintiff and ROCHE, himself, told agents of Defendants about the abuse
2 ROCHE perpetrated against Plaintiff.

3 60. Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive,
4 knew, or should have known of in the exercise of reasonable diligence, that an undue risk to
5 minors, including the Plaintiff, existed because Defendants RCALA, RCBM and SALESIANS
6 did not comply with California's mandatory reporting requirements.

7 61. By failing to report the continuing molestations and assaults, which Defendants
8 RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, knew of or should have
9 known of, and by ignoring the fulfillment of the mandated compliance with the reporting
10 requirements provided under California *Penal Code* § 11166, Defendants RCALA, RCBM,
11 SALESIANS and DOES 1 through 50, inclusive, created the risk and danger contemplated by the
12 Child Abuse and Neglect Reporting Act (hereinafter "CANRA"), and as a result, unreasonably
13 and wrongfully exposed Plaintiff and other minors to sexual molestation and abuse.

14 62. The Plaintiff was a member of the class of persons for whose protection California
15 *Penal Code* § 11166 was specifically adopted to protect.

16 63. Had Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50,
17 inclusive, adequately reported the molestation of Plaintiff and other minors as required by
18 California *Penal Code* § 11166, further harm to Plaintiff and other minors would have been
19 avoided.

20 64. As a proximate result of Defendants RCALA, RCBM, SALESIANS and DOES 1
21 through 50's, inclusive, failure to follow the mandatory reporting requirements of California
22 *Penal Code* § 11166, Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50,
23 inclusive, wrongfully denied the Plaintiff and other minors the intervention of child protection
24 services. Such public agencies would have changed the then-existing arrangements and
25 conditions that provided the access and opportunities for the molestation of Plaintiff by ROCHE.

26 65. The physical, mental, and emotional damages and injuries resulting from the
27 sexual molestation of Plaintiff by ROCHE, were the type of occurrence and injuries that the
28 CANRA was designed to prevent.

1 66. As a result, Defendants RCALA's, RCBM's, SALESIANS's and DOES 1 through
2 50's, inclusive, failure to comply with the mandatory reporting requirements of California *Penal*
3 *Code* § 11166 also constituted a *per se* breach of Defendants' RCALA's, RCBM's,
4 SALESIANS's and DOES 1 through 50's, inclusive duties to Plaintiff.

5 67. As a direct and proximate result of the failure of Defendants RCALA, RCBM,
6 SALESIANS and DOES 1 through 50, inclusive, to protect Plaintiff from the acts of childhood
7 sexual assault to which he was subjected by ROCHE, Plaintiff has suffered and will continue to
8 suffer severe mental and emotional distress including, but not limited to, severe anxiety, stress,
9 anger, fear, low self-esteem, shame, humiliation, depression and physical distress; expenses for
10 mental health professionals and other medical treatment; and loss of past and future earnings and
11 other economic benefits according to proof at the time of trial.

12 **THIRD CAUSE OF ACTION**
 NEGLIGENT SUPERVISION

13 **(Against Defendants RCALA, RCBM, SALESIANS, and DOES 1-50)**

14 68. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1.
15 through 65, inclusive, as though fully set forth herein.

16 69. By virtue of Plaintiff's special relationship with Defendants RCALA, RCBM,
17 SALESIANS and DOES 1 through 50, inclusive, and Defendants RCALA, RCBM, SALESIANS
18 and DOES 1 through 50's, inclusive, relation to ROCHE, Defendants RCALA, RCBM,
19 SALESIANS and DOES 1 through 50, inclusive, owed Plaintiff a duty to provide reasonable
20 supervision of the Plaintiff, to provide reasonable supervision of ROCHE, to use reasonable care
21 in investigating ROCHE 's background, and to provide adequate warning to the Plaintiff, his
22 family, and other children, of ROCHE's dangerous propensities and unfitness.

23 70. Plaintiff is informed and believes, and on that basis alleges, that Defendants
24 RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, by and through their
25 respective agents, servants and employees, knew or should have known of ROCHE's dangerous
26 and exploitive propensities and/or that ROCHE was an unfit agent. Despite such knowledge,
27 Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, negligently failed
28 to supervise ROCHE in his position of trust and authority as an authority figure and supervisor of

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1 children, where he was able to commit wrongful acts against the Plaintiff. Defendants RCALA,
2 RCBM, SALESIANS and DOES 1 through 50, inclusive, failed to provide reasonable
3 supervision of ROCHE, failed to use reasonable care in investigating ROCHE, and failed to
4 provide adequate warning to Plaintiff of ROCHE's dangerous propensities and unfitness.
5 Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, further failed to
6 take reasonable measures to prevent sexual assault, harassment, and molestation of children,
7 including Plaintiff.

8 71. Plaintiff is informed and believes, and on that basis alleges, that Defendants
9 RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, were put on notice, and knew
10 or should have known, that ROCHE had previously engaged and was continuing to engage in
11 unlawful sexual conduct with children and committed other felonies, for his own personal
12 gratification, and that it was, or should have been foreseeable that he was engaging, or would
13 engage in illicit sexual activities with Plaintiff, and others, under the cloak of his authority,
14 confidence, and trust, bestowed upon him through Defendants RCALA, RCBM, SALESIANS
15 and DOES 1 through 50, inclusive, and each of them.

16 72. Plaintiff is informed and believes, and on that basis alleges, that Defendants
17 RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, were placed on actual or
18 constructive notice that, ROCHE had assaulted children prior to, and/or during the time he was in
19 contact with the Plaintiff. Plaintiff is informed, and thereon alleges, that Defendants RCALA,
20 RCBM, SALESIANS and DOES 1 through 50, inclusive, were informed of sexual assault,
21 harassment and molestations committed by ROCHE or of conduct that would put a reasonable
22 person on notice of such propensity to assault, harassment and molestation.

23 73. Even though Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50,
24 inclusive, knew or should have known of these activities by ROCHE, Defendants RCALA,
25 RCBM, SALESIANS and DOES 1 through 50, inclusive, did nothing to investigate, supervise or
26 monitor ROCHE to ensure the safety of the guests.

27 74. As an institution entrusted with the care of minors, where staff, employees, agents,
28 and management, such as ROCHE were placed in contact with minors, Defendants RCALA,

1 RCBM, SALESIANS and DOES 1 through 50's expressly and implicitly represented that these
2 individuals, including ROCHE, were not a sexual threat to children and others who would fall
3 under ROCHE 's influence, control, direction, and guidance.

4 75. Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive,
5 negligently failed to supervise ROCHE in his positions of trust and authority as an employee,
6 agent, counselor and mentor, and/or other authority figure, where ROCHE was able to commit
7 wrongful acts against the Plaintiff. Defendants RCALA, RCBM, SALESIANS and DOES 1
8 through 50, inclusive, failed to provide reasonable supervision of ROCHE. Defendants RCALA,
9 RCBM, SALESIANS and DOES 1 through 50 further failed to take reasonable measures to
10 prevent sexual harassment, molestation and assault of minors, including the Plaintiff.

11 76. At no time during the periods of time alleged did Defendants' RCALA, RCBM,
12 SALESIANS and DOES 1 through 50, inclusive, have in place a system or procedure to
13 reasonably investigate, supervise and monitor individuals in contact with minor children,
14 including ROCHE, to prevent pre-sexual grooming and sexual harassment, molestation and
15 assault of children, nor did they implement a system or procedure to oversee or monitor conduct
16 toward minors, students and others in Defendants RCALA, RCBM, SALESIANS and DOES 1
17 through 50, inclusive, care.

18 77. Defendants' RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive,
19 were or should have known to be aware and understand how vulnerable children were to sexual
20 harassment, molestation and assault by mentors, advisors, and other persons of authority within
21 Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive.

22 78. Defendants RCALA, RCBM, SALESIANS and DOES' 1 through 50's, inclusive,
23 conduct was a breach of their duties to the Plaintiff.

24 79. Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive,
25 breached their duty to the Plaintiff by, *inter alia*, failing to adequately monitor and supervise
26 ROCHE and stopping ROCHE from committing wrongful sexual acts with minors including the
27 Plaintiff. This belief is founded on the fact that employees and staff of Defendants RCALA,
28 RCBM, SALESIANS and DOES 1 through 50, inclusive, including had suspected the assault was

1 occurring at the time, and failed to investigate into the matter further. Based on these facts,
2 Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, knew or should
3 have known of ROCHE's incapacity to supervise and stop employees of Defendants RCALA,
4 RCBM, SALESIANS and DOES 1 through 50, inclusive from committing wrongful sexual acts
5 with minors.

6 80. As a result of the above-described conduct, Plaintiff has suffered and continues to
7 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
8 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliations, and loss of
9 enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be
10 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
11 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
12 medical and psychological treatment, therapy, and counseling.

13 **FOURTH CAUSE OF ACTION**
14 **NEGLIGENT RETENTION/HIRING**
15 **(Against Defendants RCALA, RCBM, SALESIANS, and DOES 1-50)**

16 81. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1
17 through 78, inclusive, as though fully set forth herein.

18 82. By virtue of Plaintiff's special relationship with Defendants RCALA, RCBM,
19 SALESIANS and DOES 1 through 50, inclusive and each of them, and Defendants RCALA,
20 RCBM, SALESIANS and DOES 1 through 50's, inclusive, relation to ROCHE, Defendants
21 RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, owed Plaintiff a duty to not
22 hire and/or retain ROCHE, given his dangerous and exploitive propensities, which Defendants
23 RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, knew or should have known
24 had they engaged in a meaningful and adequate investigation of his background prior to his
25 hiring.

26 83. As an institution entrusted with the care of minors, where staff, employees, agents,
27 and management, such as the ROCHE were placed in contact with minors, Defendants RCALA,
28 RCBM, SALESIANS and DOES 1 through 50's, inclusive, expressly and implicitly represented

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1 that these individuals, including ROCHE, were not a sexual threat to children and others who
2 would fall under ROCHE's influence, control, direction, and guidance.

3 84. Plaintiff is informed and believes, and on that basis alleges, that at no time during
4 the periods of time alleged did Defendants RCALA, RCBM, SALESIANS and DOES 1 through
5 50's, inclusive, have in place a system or procedure to reasonably investigate, supervise and/or
6 monitor those individuals in direct contact with children, including ROCHE, to prevent pre-
7 sexual grooming and/or sexual harassment, molestation and assault of parishioners, nor did they
8 implement a system or procedure to oversee or monitor conduct toward patrons and others in
9 Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50's, inclusive, care.

10 85. Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50's, inclusive,
11 and each of them were or should have been aware and understood how vulnerable minor children
12 were to sexual assault, harassment and molestation by persons of authority, including the
13 ROCHE, within the control of Defendants RCALA, RCBM, SALESIANS and DOES 1 through
14 50, inclusive.

15 86. Plaintiff is informed and believes, and on that basis alleges, other children and/or
16 employees of Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50's, inclusive,
17 complained of ROCHE's sexual improprieties prior to the sexual assault of the Plaintiff. Either
18 Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50's, inclusive, knew, or at the
19 very least should have known of ROCHE's prior history of sexual misconduct with minors prior
20 to Plaintiff's assaults.

21 87. Plaintiff is informed, and believes, and on that basis alleges, that the Defendants
22 RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, were put on notice, and
23 should have known that ROCHE had previously engaged and continued to engage in unlawful
24 sexual conduct with patrons and other felons, for his own personal gratification, and that it was,
25 or should have been foreseeable that he was engaging, or would engage in illicit sexual activities
26 with Plaintiff, and others, under the cloak of his authority, confidence, and trust, bestowed upon
27 him through Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive.

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1 88. Plaintiff is informed and believes, and on that basis alleges that Defendants
2 RCALA, RCBM, SALESIANS and DOES 1 through 50's, inclusive, were placed on actual and/or
3 constructive notice that ROCHE had abused, harassed, molested and/or was molesting minor
4 children, both before his sexual assault, molestation and harassment of the Plaintiff, and during
5 that same period. Plaintiff is informed, and thereon alleges, that other third parties, patrons, and/or
6 law enforcement officials informed Defendants RCALA, RCBM, SALESIANS and DOES 1
7 through 50, inclusive, of inappropriate conduct and molestations committed by ROCHE.

8 89. Even though Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50,
9 inclusive, knew or should have known of these activities by ROCHE, Plaintiff is informed that
10 Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, failed to use
11 reasonable care in investigating ROCHE and did nothing to investigate, supervise or monitor
12 ROCHE to ensure the safety of the other minor children in his charge, including the Plaintiff.

13 90. Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50's, inclusive,
14 conduct was a breach of their duties to the Plaintiff.

15 91. As a result of the above-described conduct, Plaintiff has suffered and continues to
16 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
17 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliations, and loss of
18 enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be
19 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
20 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
21 medical and psychological treatment, therapy, and counseling.

22 **FIFTH CAUSE OF ACTION**
23 **NEGLIGENT FAILURE TO TRAIN, WARN OR EDUCATE**
24 **(Against Defendants RCALA, RCBM, SALESIANS, and DOES 1-50)**

25 92. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1
26 through 89, inclusive, as though fully set forth herein.

27 93. Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive
28 owed Plaintiff a duty to take reasonable protective measures to protect Plaintiff and other minor
children in their charge from the risk of sexual assault, harassment and molestation by ROCHE

1 by properly warning, training or educating the Plaintiff and other minors about how to avoid such
2 a risk.

3 94. Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive,
4 breached their duty to take reasonable protective measures to protect Plaintiff and other minor
5 children in their charge, from the risk of sexual assault, harassment and molestation by ROCHE,
6 such as the failure to properly warn, train or educate Plaintiff and other minor children in their
7 charge about how to avoid such a risk.

8 95. Defendants breached their duty to take reasonable protective measures to protect
9 Plaintiff and other minor children in their charge from the risk of sexual harassment, molestation
10 and assault by ROCHE, by failing to supervising and/or stop employees of Defendants RCALA,
11 RCBM, SALESIANS and DOES 1 through 50, inclusive, including ROCHE, from committing
12 wrongful sexual acts with minor children, including Plaintiff.

13 96. As a result of the above-described conduct, Plaintiff has suffered and continues to
14 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
15 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliations, and loss of
16 enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be
17 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
18 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
19 medical and psychological treatment, therapy, and counseling.

20 **SIXTH CAUSE OF ACTION**
21 **BREACH OF FIDUCIARY DUTY**
22 **(Against Defendants RCALA, RCBM, SALESIANS, ROCHE, and DOES 1-50)**

23 97. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1
24 through 94, inclusive, as though fully set forth herein.

25 98. As set forth more fully above, Defendants RCALA, RCBM, SALESIANS and
26 DOES 1 through 50, inclusive, in concert with ROCHE, recruited, enticed, and encouraged
27 Plaintiff and Plaintiff's family to give their trust and confidence to Defendants and ROCHE so
28 that Plaintiff could be taken from his family's care and supervision and placed under the care and
supervision of Defendants and ROCHE. In so doing, Defendants RCALA, RCBM, SALESIANS,

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1 ROCHE and DOES 1 through 50, inclusive, entered into a fiduciary relationship with Plaintiff
2 whereby Defendants owed Plaintiff an *in loco parentis* duty of care to take all reasonable steps
3 and implement all reasonable safeguards to protect Plaintiff while she was in the custody of
4 Defendants and/or ROCHE.

5 99. Plaintiff and his family agreed to place their trust and confidence in Defendants
6 RCALA, RCBM, SALESIANS, ROCHE and DOES 1 through 50, inclusive, in the expectation
7 that Defendants would properly supervise Plaintiff, regulate his activities and behavior, and
8 ensure his safety. Further, Plaintiff and his family agreed to this because they believed in the
9 integrity of Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, inclusive, and
10 therefore felt comfortable in entrusting the minor Plaintiff to the care and custody of Defendants.

11 100. As alleged herein, ROCHE breached his duty to Plaintiff by repeatedly subjecting
12 Plaintiff to acts of childhood sexual assault. As further alleged herein, Defendants RCALA,
13 RCBM, SALESIANS, ROCHE, and DOES 1 through 50, inclusive, breached this duty to
14 Plaintiff by failing to take any reasonable steps or implement any reasonable safeguards to protect
15 Plaintiff from ROCHE, and by allowing Plaintiff to be sexually assaulted by ROCHE on a regular
16 basis. Si

17 101. As a direct and proximate result of Defendants' RCALA, RCBM, SALESIANS,
18 ROCHE and DOES 1 through 50, inclusive, breach of their fiduciary duty to Plaintiff, Plaintiff
19 has suffered and will continue to suffer severe mental and emotional distress including, but not
20 limited to, severe anxiety, stress, anger, fear, low self-esteem, shame, humiliation, depression and
21 physical distress; expenses for mental health professionals and other medical treatment; and loss
22 of past and future earnings and other economic benefits according to proof at the time of trial.

23 102. In subjecting the Plaintiff to the wrongful treatment herein described, Defendant
24 ROCHE, acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
25 disregard of Plaintiff's rights, so as to constitute malice and oppression under California *Civil*
26 *Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an
27 amount to be determined by the court, against Defendants ROCHE, in a sum to be shown
28 according to proof. As to Defendants RCALA, RCBM and SALESIANS, Plaintiff reserves the

1 right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14 and
2 as further reserved in Paragraphs 45 and 53, *supra*.

3 **SEVENTH CAUSE OF ACTION**
4 **CONSTRUCTIVE FRAUD (CIVIL CODE §1573)**
5 **(Against Defendants RCALA, RCBM, SALESIANS, ROCHE, and DOES 1-50)**

6 103. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1
7 through 101, inclusive, as though fully set forth herein.

8 104. By holding Defendant ROCHE out as an agent of Defendants, and by allowing
9 him to undertake the educational instruction of minor children such as Plaintiff, Defendants
10 entered into a confidential, fiduciary and special relationship with Plaintiff.

11 105. By holding themselves out as qualified institutions for the safety and supervision
12 of children, and by undertaking to provide for the wellness, spiritual guidance and mentorship of
13 Plaintiff and other minors, Defendants entered into a confidential, fiduciary and special
14 relationship with Plaintiff.

15 106. Defendants breached their confidential, fiduciary duty and special duties to
16 Plaintiff by the wrongful and negligent conduct described above and incorporated into this cause
17 of action, and in so doing, gained an advantage over Plaintiff in matters relating to Plaintiff's
18 safety, security and health. In breaching such duties as alleged, Defendants were able to sustain
19 their status as institutions of high moral repute, and preserve their reputation, all at the expense of
20 Plaintiff's further injury and in violation of Defendants' mandatory duties.

21 107. By virtue of their confidential, fiduciary and special relationship with Plaintiff,
22 Defendants owed Plaintiff a duty to:

- 23 a. Investigate or otherwise confirm or deny such claims of sexual assault;
- 24 b. Reveal such facts to Plaintiff, Plaintiff's family and caretakers, the
25 community at large, and law enforcement agencies;
- 26 c. Refuse to place Defendant ROCHE and other molesters in positions of
27 trust and authority within Defendants' institutions;
- 28 d. Refuse to hold out Defendant ROCHE and other molesters to the public,
the community, minors, parents and law enforcement agencies as being in
good standing and, trustworthy in keeping with his and their position as a
teacher, counselor, spiritual advisor, managing administrator and authority
figure;
- e. Refuse to assign Defendant ROCHE and other molesters to positions of
power within the Defendants' institutions and over minors; and

- 1 f. Disclose to Plaintiff, his family, the public, the Defendants' community,
2 minors, and law enforcement agencies the wrongful, tortious, and sexually
3 exploitive acts that Defendant ROCHE had engaged in with children.
- 4 108. Defendants' breach of their respective duties included:
- 5 a. Not making reasonable investigations of Defendant ROCHE;
- 6 b. Issuing no warnings about Defendant ROCHE;
- 7 c. Permitting Defendant ROCHE to routinely be alone with and in control of
8 minors, unsupervised;
- 9 d. Not adopting a policy to prevent Defendant ROCHE from routinely
10 having minors in his unsupervised control;
- 11 e. Making no reports of any allegations of Defendant ROCHE's assault of
12 minors prior to or during his employment at Defendants; and
- 13 f. Assigning and continuing to assign Defendant ROCHE to duties which
14 placed him in positions of authority and trust over minors, positions in
15 which Defendant ROCHE could easily isolate and sexually assault minors.
- 16 109. At the time that Defendants engaged in such suppression and concealment of acts,
17 such acts were done for the purpose of causing Plaintiff to forbear on Plaintiff's rights.
- 18 110. Defendants' misconduct did reasonably cause Plaintiff to forbear on Plaintiff's
19 rights.
- 20 111. The misrepresentations, suppressions and concealment of facts by Defendants
21 were intended to and were likely to mislead Plaintiff and others to believe that Defendants had no
22 knowledge of any charges against Defendant ROCHE, or that there were no other charges of
23 unlawful or sexual misconduct against Defendant ROCHE or others and that there was no need
24 for them to take further action or precaution.
- 25 112. The misrepresentations, suppressions and concealment of facts by Defendants was
26 likely to mislead Plaintiff and others to believe that Defendants had no knowledge of the fact that
27 Defendant ROCHE was a molester and was known to commit wrongful sexual acts with minors,
28 including Plaintiff.
113. Defendants knew or should have known at the time they suppressed and concealed
the true facts regarding ROCHE's sexual molestations, that the resulting impressions were
misleading.
114. Defendants suppressed and concealed the true facts regarding Defendant ROCHE
with the purpose of: preventing Plaintiff, Plaintiff's parents & family, and others, from learning

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1 that Defendant ROCHE and others had been and were continuing to sexually harass, molest and
2 assault minors and others under Defendant ROCHE's and Defendants' control, direction, and
3 guidance, with complete impunity; inducing people, including Plaintiff and other benefactors and
4 donors to participate and financially support Defendants' and other enterprises of Defendants;
5 preventing further reports and outside investigations into Defendant ROCHE's and Defendants'
6 conduct; preventing discovery of Defendants' own conduct; avoiding damage to the reputations of
7 Defendants; protecting Defendants' power and status in the community and the academic
8 community; avoiding damage to the reputation of Defendants, or Defendants' institutions; and
9 avoiding the civil and criminal liability of Defendants, of Defendant ROCHE, and of others.

10 115. At all times mentioned herein, Defendants, and in particular Defendant ROCHE
11 and Defendants RCALA, RCBM, SALESIANS and DOES 1 through 50, with knowledge of the
12 tortious nature of their own and Defendant ROCHE's conduct, knowingly conspired and gave
13 each other substantial assistance to perpetrate the misrepresentations, fraud and deceit alleged
14 herein—covering up the past allegations of sexual misconduct lodged against Defendant ROCHE,
15 and allowing Defendant ROCHE to remain in his position as a mentor, spiritual leader, and
16 supervisor of children, so they could maintain their reputations and continue to make a profit.

17 116. Plaintiff and others were misled by Defendants' suppressions and concealment of
18 facts, and in reliance thereon, were induced to act or induced not to act, exactly as intended by
19 Defendants. Specifically, Plaintiff and Plaintiff's family were induced to believe that there were
20 no allegations of criminal or sexual assault against Defendant ROCHE and that he was safe to be
21 around children. Had Plaintiff and his family, and others, known the true facts about Defendant
22 ROCHE, they would have not participated further in activities of Defendants RCALA, RCBM,
23 SALESIANS, and DOES 1 through 50, or continued to financially support Defendants' activities.
24 They would have reported the matters to the proper authorities, to other minors and their parents
25 so as to prevent future recurrences; they would not have allowed children, including Plaintiff, to
26 be alone with, or have any relationship with Defendant ROCHE; they would not have allowed
27 children, including Plaintiff, to attend or be under the control of Defendants; they would have
28 undertaken their own investigations which would have led to discovery of the true facts; and they

1 would have sought psychological counseling for Plaintiff, and for other children molested and
2 assaulted by Defendant ROCHE.

3 117. By giving Defendant ROCHE the position of spiritual guide, priest, confidant, and
4 trusted individual, Defendants impliedly represented that Defendant ROCHE was safe and
5 morally fit to give children direction and guidance.

6 118. When Defendants made these affirmative or implied representations and non-
7 disclosures of material facts, Defendants knew or should have known that the facts were
8 otherwise. Defendants knowingly and intentionally suppressed the material facts that Defendant
9 ROCHE had on numerous, prior occasions sexually, physically, and mentally assaulted minors of
10 Defendants, including Plaintiff, and knew of or learned of conduct, or should have known of
11 conduct by Defendant ROCHE which placed Defendants on notice that Defendant ROCHE had
12 previously been suspected of felonies, including unlawful sexual conduct with minors, and was
13 likely abusing children.

14 119. Because of Plaintiff's young age, and because of the status of Defendant ROCHE
15 as an authority figure to Plaintiff, Plaintiff was vulnerable to Defendant ROCHE. Defendant
16 ROCHE sought Plaintiff out and was empowered by and accepted Plaintiff's vulnerability.
17 Plaintiff's vulnerability also prevented Plaintiff from effectively protecting himself from the
18 sexual advances of Defendant ROCHE.

19 120. Defendants had the duty to obtain and disclose information relating to sexual
20 misconduct of Defendant ROCHE.

21 121. Defendants misrepresented, concealed or failed to disclose information relating to
22 sexual misconduct of Defendant ROCHE.

23 122. Defendants knew that they had misrepresented, concealed or failed to disclose
24 information related to sexual misconduct of Defendant ROCHE.

25 123. Plaintiff justifiably relied upon Defendants for information relating to sexual
26 misconduct of Defendant ROCHE.

27 124. Defendants RCALA, RCBM, SALESIANS, and DOES 1 through 50, and
28 Defendant ROCHE, in concert with each other and with the intent to conceal and defraud,

1 conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to
2 disclose information relating to the sexual misconduct of Defendant ROCHE, the inability of
3 Defendants to supervise or stop Defendant ROCHE from sexually harassing, molesting and
4 abusing Plaintiff, and their own failure to properly investigate, supervise and monitor his conduct
5 with minor children.

6 125. By so concealing, Defendants committed at least one act in furtherance of the
7 conspiracy.

8 126. As a result of the above-described conduct, Plaintiff has suffered and continues to
9 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
10 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
11 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
12 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
13 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
14 medical and psychological treatment, therapy, and counseling.

15 127. In addition, when Plaintiff finally discovered the fraud of Defendants, and
16 continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In
17 addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter,
18 Plaintiff experienced extreme and severe mental anguish and emotional distress that Plaintiff had
19 been the victim of Defendants' fraud; that Plaintiff had not been able to help other minors being
20 molested because of the fraud, and that Plaintiff had not been able because of the fraud to receive
21 timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to
22 suffer as a result of the sexual harassment, molestation and assault.

23 128. In subjecting the Plaintiff to the wrongful treatment herein described, Defendant
24 ROCHE, acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
25 disregard of Plaintiff's rights, so as to constitute malice and oppression under California *Civil*
26 *Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an
27 amount to be determined by the court, against Defendants ROCHE, in a sum to be shown
28 according to proof. As to Defendants RCALA, RCBM and SALESIANS, Plaintiff reserves the

1 right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14 and
2 as further reserved in Paragraphs 45, 53, and 101, *supra*.

3 **EIGHTH CAUSE OF ACTION**
4 **SEXUAL HARASSMENT (CIVIL CODE §51.9)**
5 **(Against Defendants RCALA, RCBM, SALESIANS, ROCHE, and DOES 1-50)**

6 129. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1
7 through 126, inclusive, as though fully set forth herein.

8 130. During Plaintiff's time as a minor at Defendants RCALA, RCBM, SALESIANS,
9 and DOES 1 through 50, Defendant ROCHE intentionally, recklessly and wantonly made sexual
10 advances, solicitations, requests, demands for sexual compliance of a hostile nature based on
11 Plaintiff's gender that were unwelcome, pervasive and severe, including but not limited to
12 Defendant ROCHE, all under the supervision of Defendants, who were acting in the course and
13 scope of their agency with Defendants and each of them. The sexual harassment and assault
14 included but was not limited to: ROCHE massaging and fondling Plaintiff, ROCHE
15 inappropriately wrestling with Plaintiff, ROCHE forcing Plaintiff's hands into ROCHE's pants to
16 touch his penis, ROCHE forcing Plaintiff's face into ROCHE's crotch area, ROCHE holding
17 Plaintiff's hand, and ROCHE videotaping Plaintiff while he was naked in the shower.

18 131. The incidents of assault outlined herein above took place while Plaintiff was under
19 the control of Defendants, as well as the staff of Defendants RCALA, RCBM, SALESIANS, and
20 DOES 1 through 50, in their capacity and position as teachers, spiritual advisors, counselors,
21 mentors, supervisors and administrators at Defendants RCALA, RCBM, SALESIANS, and
22 DOES 1 through 50 and while acting specifically on behalf of Defendants.

23 132. During Plaintiff's time as a minor at Defendants RCALA, RCBM, SALESIANS,
24 and DOES 1 through 50, Defendant ROCHE intentionally, recklessly and wantonly did acts
25 which resulted in harmful and offensive contact with intimate parts of Plaintiff's person, including
26 but not limited to, using his position of authority and age to force Plaintiff to give into Defendant
27 ROCHE's sexual suggestions.

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1 133. Because of Plaintiff's relationship with Defendants RCALA, RCBM,
2 SALESIANS, ROCHE, and DOES 1 through 50, and Plaintiff's young age as a minor boy,
3 Plaintiff was unable to easily terminate the relationship he had with the Defendants.

4 134. Because of Defendant ROCHE's age and position of authority, physical seclusion
5 of the Plaintiff, Plaintiff's mental and emotional state, and Plaintiff's young age under the age of
6 consent, Plaintiff was unable to, and did not, give meaningful consent to such acts.

7 135. Even though the Defendants knew or should have known of these activities by
8 Defendant ROCHE, Defendants did nothing to investigate, supervise or monitor Defendant
9 ROCHE to ensure the safety of the minor children.

10 136. Because of Plaintiff's relationship with Defendants, as a minor child attending
11 Defendants school and participating in Defendants youth ministry, and Plaintiff's young age as a
12 minor boy, Plaintiff was unable to easily terminate the priest-parishioner and spiritual advisor-
13 mentee relationship he had with ROCHE.

14 137. A corporation is a "person" within meaning of *Civil Code* section 51.9, which
15 subjects persons to liability for sexual harassment within a business, service or professional
16 relationship, and such an entity defendant may be held liable under this statute for the acts of its
17 employees. *C.R. v. Tenet Healthcare Corp.*, (2009) 169 Cal.App.4th 1094. Further, principles of
18 ratification apply when the principal ratifies the agent's originally unauthorized harassment, as is
19 alleged to have occurred herein.

20 138. Defendants' conduct (and the conduct of their agents) was a breach of their duties
21 to Plaintiff.

22 139. As a result of the above-described conduct, Plaintiff has suffered and continues to
23 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
24 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
25 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
26 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
27 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
28 medical and psychological treatment, therapy, and counseling.

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1 140. In subjecting the Plaintiff to the wrongful treatment herein described, Defendant
2 ROCHE, acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
3 disregard of Plaintiff's rights, so as to constitute malice and oppression under California *Civil*
4 *Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an
5 amount to be determined by the court, against Defendants ROCHE, in a sum to be shown
6 according to proof. As to Defendants RCALA, RCBM and SALESIANS, Plaintiff reserves the
7 right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14.

8 **NINTH CAUSE OF ACTION**
9 **SEXUAL BATTERY**
(Against Defendant ROCHE only)

10 141. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1
11 through 138, inclusive, as though fully set forth herein.

12 142. During Plaintiff's time as a parishioner, student and participant in youth ministry at
13 Defendants RCALA, RCBM, SALESIANS, and DOES 1 through 50, Defendant ROCHE
14 intentionally, recklessly and wantonly did acts which were intended to, and did result in harmful
15 and offensive contact with intimate parts of Plaintiff's person. Plaintiff was subjected to numerous
16 instances of sexual assault by Defendant ROCHE, during Plaintiff's time as a minor with
17 Defendants RCALA, RCBM, SALESIANS, DOES 1 through 50, specified *supra* in Paragraphs
18 13 through 15.

19 143. Defendant ROCHE did the aforementioned acts with the intent to cause a harmful
20 or offensive contact with an intimate part of Plaintiff's person and would offend a reasonable
21 sense of personal dignity. Further, said acts did cause a harmful or offensive contact with an
22 intimate part of Plaintiff's person that would offend a reasonable sense of personal dignity.

23 144. Because of Defendant ROCHE's position of authority over Plaintiff, and Plaintiff's
24 mental and emotional state, and Plaintiff's young age under the age of consent, Plaintiff was
25 unable to, and did not, give meaningful consent to such acts.

26 145. As a direct, legal, and proximate result of the acts of Defendant ROCHE, Plaintiff
27 sustained serious and permanent injuries to his person, all of his damage in an amount to be
28 shown according to proof and within the jurisdiction of the Court.

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1 146. As a direct result of the sexual battery by Defendant ROCHE, Plaintiff has
2 difficulty in reasonably or meaningfully interacting with others, including those in positions of
3 authority over Plaintiff including teachers, and supervisors, and in intimate, confidential and
4 familial relationships, due to the trauma of childhood sexual assault inflicted upon him by
5 Defendants. This inability to interact creates conflict with Plaintiff's values of trust and
6 confidence in others, and has caused Plaintiff substantial emotional distress, anxiety, nervousness,
7 anger and fear. As a direct result of the molestation by Defendant ROCHE, Plaintiff has had
8 issues with his personal life, such as issues with trust and control. These feelings have caused
9 Plaintiff substantial emotional distress, guilt, anxiety, nervousness and fear.

10 147. In subjecting the Plaintiff to the wrongful treatment herein described, Defendant
11 ROCHE, acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
12 disregard of Plaintiff's rights, so as to constitute malice and oppression under California *Civil*
13 *Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an
14 amount to be determined by the court, against Defendants ROCHE, in a sum to be shown
15 according to proof.

16 **TENTH CAUSE OF ACTION**
17 **GENDER VIOLENCE (CIVIL CODE §52.4)**
18 **(Against Defendant ROCHE only)**

19 148. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1
20 through 145, inclusive, as though fully set forth herein.

21 149. Defendant ROCHE's acts committed against Plaintiff, as alleged herein, including
22 the sexual harassment, molestation and assault of the minor Plaintiff constitute gender violence
23 and a form of sex discrimination in that one or more of Defendants' acts would constitute a
24 criminal offense under state law that has an element the use, attempted use, or threatened use of
25 physical force against the person of another, committed at least in part based on the gender of the
26 victim, whether or not those acts have resulted in criminal complaints, charges, prosecution, or
27 convictions.

28 150. Defendants' acts committed against Plaintiff, as alleged herein, including the
sexual harassment, molestation and assault of the minor Plaintiff constitute gender violence and a

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1 form of sex discrimination in that Defendants' conduct caused a physical intrusion or physical
2 invasion of a sexual nature upon Plaintiff under coercive conditions, whether or not those acts
3 have resulted in criminal complaints, charges, prosecution, or conviction.

4 151. As a proximate result of Defendant ROCHE's acts, Plaintiff is entitled to actual
5 damages, compensatory damages, punitive damages, injunctive relief, any combination of those,
6 or any other appropriate relief. Plaintiff is also entitled to an award of attorney's fees and costs
7 pursuant to *Civil Code* § 52.4, against Defendant ROCHE.

8 **ELEVENTH CAUSE OF ACTION**
9 **VIOLATION OF *PENAL CODE* § 647.6(a)(1)**
10 **(Against Defendant ROCHE only)**

11 152. Plaintiff repeats, re-alleges and incorporates herein by reference paragraphs 1
12 through 149, inclusive, as though fully set forth herein.

13 153. California *Penal Code* § 647.6(a)(1) provides that "[e]very person who annoys or
14 molests any child under 18 years of age shall be punished by a fine not exceeding five thousand
15 dollars (\$5,000), by imprisonment in a county jail not exceeding one year, or by both the fine and
16 imprisonment."

17 154. Defendant ROCHE engaged in sexual molestation with Plaintiff while Plaintiff
18 was under eighteen years of age, in violation of California *Penal Code* § 647.6(a)(1).

19 155. Under California law, victims of childhood sexual abuse are entitled to bring civil
20 actions for violations of *Penal Code* provisions that prohibit adults from engaging in sexual acts
21 with minors, including *Penal Code* § 647.6(a)(1). See *Angie M. v. Superior Court*, (1995) 37
22 Cal.App.4th 1217, 1224-1225.

23 156. Defendant ROCHE's above-noted actions in annoying and molesting the minor
24 Plaintiff were the proximate and legal causes of physical, psychological, emotional, and economic
25 damages Plaintiff has suffered and continues to suffer to this day. It also has resulted in Plaintiff
26 incurring, and will require him to incur into the future, expenses for medical and psychological
27 treatment, therapy, and counseling.

28 157. The above-described conduct of the Defendant ROCHE was oppressive, malicious
and despicable in that it was intentional and done in conscious disregard for the rights and safety

1 of Plaintiff, and was carried out with a conscious disregard of Plaintiff's right to be free from
2 such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California
3 *Civil Code* section 3294, entitling Plaintiff to punitive damages against Defendant ROCHE in an
4 amount appropriate to punish and set an example of him.

5 **PRAYER FOR RELIEF**

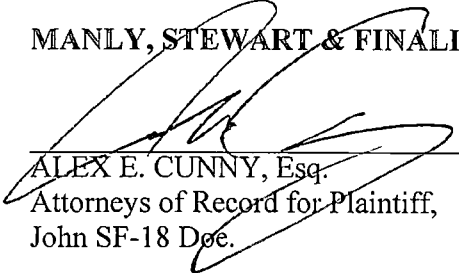
6 Wherefore, Plaintiff prays for Judgment against Defendants as follows:

- 7 1. For past, present and future general damages in an amount to be determined at
8 trial;
- 9 2. For past, present and future special damages, including but not limited to past,
10 present and future lost earnings, economic damages and others, in an amount to be
11 determined at trial;
- 12 3. Any appropriate statutory damages;
- 13 4. For costs of suit;
- 14 5. For interest as allowed by law;
- 15 6. For treble damages, as provided within *Code of Civil Procedure* §340.1(b);
- 16 7. For attorney's fees pursuant to *California Code of Civil Procedure* § 1021.5, *Code*
17 *of Civil Procedure* §1021.4, *Civil Code* §52.4, *Civil Code* §52, or otherwise as
18 allowable by law; and
- 19 8. For such other and further relief as the court may deem proper.

20
21 Dated: February 26, 2021

MANLY, STEWART & FINALDI

22
23 By:


ALEX E. CUNNY, Esq.
Attorneys of Record for Plaintiff,
John SF-18 Dec.

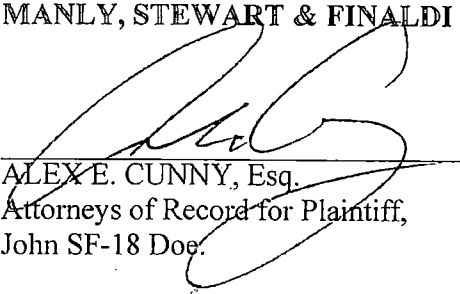
DEMAND FOR JURY TRIAL

A trial by jury is hereby demanded by Plaintiff.

Dated: February 26, 2021


MANLY, STEWART & FINALDI

By:


ALEX E. CUNNY, Esq.
Attorneys of Record for Plaintiff,
John SF-18 Doe.

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alex Cunny, Esq. SBN 291567 MANLY, STEWART & FINALDI 19100 Von Karman Ave., Suite 800 Irvine, CA 92612 TELEPHONE NO.: 949-252-9990 FAX NO.: 949-252-9991 ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY FILED SUPERIOR COURT COUNTY OF SAN FRANCISCO MAR 18 2021 CLERK OF THE COURT BY:  ANGELICA SUNGA Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister St. MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse	CASE NUMBER: CGC-21-590249 JUDGE: DEPT:
CASE NAME: JOHN SF-18 DOE v. DOE 1	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	CIVIL CASE COVER SHEET (continued)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---|--|
| a. <input checked="" type="checkbox"/> Large number of separately represented parties | d. <input checked="" type="checkbox"/> Large number of witnesses |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 11
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: March 9, 2021
 ALEX CUNNY, ESQ.

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

FILED BY FAX