

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

**JANE DOE “204”,**

D-307-CV-2024-01013  
Fitch, Casey B.

**Plaintiff,**

**vs.**

**CATHOLIC DIOCESE OF EL PASO, and  
SAN MIGUEL PARISH, INC.,**

**Defendants.**

**COMPLAINT FOR DAMAGES ARISING FROM PERSONAL INJURY**

Plaintiff Jane Doe 204 was sexually abused as a young child by a Catholic priest named Fr. Lucio Lopez at San Miguel Parish in San Miguel, New Mexico. Fr. Lopez expressly leveraged the power of his position to abuse Plaintiff, to convince her that the abuse was her fault, and to convince her (at the age of eight) that she would be blamed by her family and her community if the abuse was discovered.

**PARTIES, JURISDICTION, AND VENUE**

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

2. Defendant San Miguel Parish, Inc. (or “the Parish”) is a corporation with its primary place of business located in Dona Ana County, New Mexico. The Parish may be served

with process by serving its registered agent, Kathryn Brack Morrow, or any other authorized officer or agent therein at 665 E. University Avenue, Suite C, Las Cruces, NM 88001.

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

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

5. Defendant San Miguel Parish, Inc., is the successor in interest to San Miguel Parish, and San Miguel Parish is the predecessor in interest to Defendant San Miguel Parish, Inc.

6. At the time she was sexually abused and assaulted by Fr. Lucio Lopez as alleged herein, Plaintiff Jane Doe 204 resided in Dona Ana County, New Mexico.

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

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

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

### **FACTS**

10. Plaintiff was born in 1952.

11. As a child, Plaintiff and her family resided in the small community of San Miguel, New Mexico, south of Las Cruces.

12. While residing in San Miguel, New Mexico, Plaintiff was a victim of sexual abuse and exploitation perpetrated by Fr. Lucio Lopez.

13. Fr. Lopez served in various Mesilla Valley parishes for approximately 25 years before being transferred to a parish in San Elizario, Texas, in approximately 1967.

14. Fr. Lopez began to sexually abuse Plaintiff in approximately 1959 or 1960.

15. Fr. Lopez sexually abused Plaintiff on a near-weekly basis for approximately two years after the abuse began.

16. The sexual abuse inflicted on Plaintiff by Fr. Lopez frequently took place in the confessional booth of San Miguel Parish.

17. The sexual abuse inflicted on Plaintiff by Fr. Lopez included acts of oral sex, digital penetration, and attempted intercourse.

18. Fr. Lopez told Plaintiff that she had been “chosen by God” to obey him and fulfill his sexual needs.

19. At all times material to this Complaint, Fr. Lopez was an agent of the Catholic Diocese of El Paso.

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

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

22. Defendants CDEP and San Miguel Parish, Inc., placed Plaintiff into close contact with Fr. Lopez without a semblance of supervision or safety precaution.

23. As a direct result of the Defendants’ negligence, Plaintiff was sexually abused by Fr. Lopez.

24. As a direct and proximate result of the sexual abuse inflicted on her by Fr. Lopez, Plaintiff has suffered substantial damages.

#### **COUNT I – NEGLIGENCE OF CDEP AND PARISH**

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

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

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

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

29. Defendants had a duty to exercise reasonable care in their retention and supervision of Fr. Lopez during his assigned duties at San Miguel Parish.

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

31. The Defendants breached these duties owed to Plaintiff.

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

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

## **COUNT II – CDEP'S VICARIOUS LIABILITY FOR TORTS OF FR. LOPEZ**

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

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

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

37. But for the fact that Fr. Lopez was a Catholic priest, with all the duties, responsibilities, and vested and apparent authority that being a Catholic priest entails over a

Catholic parishioner, Fr. Lopez would not have had the necessary authorities or powers needed to sexually abuse Plaintiff.

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

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

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

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

Respectfully Submitted,

HUFFMAN WALLACE & MONAGLE LLC

/s/ Levi A. Monagle      04/30/24

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-and-

DAVIS KELIN LAW FIRM, LLC

A handwritten signature in black ink, appearing to read "Ben Davis". The signature is fluid and cursive, with the first name "Ben" and the last name "Davis" clearly distinguishable.

Ben Davis  
Zackeree Kelin  
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*Attorneys for Plaintiff*