



**I.**  
**Parties**

1. Plaintiff JOHN DOE resides in Bexar County, Texas. His identity has been made known to Defendants. JOHN DOE was a minor at the time when all physical and sexual abuse occurred that is the subject of this suit.

2. Defendant Roman Catholic Archdiocese of San Antonio ("Archdiocese"), by and through the Apostolic Administrator And Archbishop Gustavo Garcia-Siller and Archbishop Emeritus Patrick Flores, their predecessors and successors, as Archbishop of The Roman Catholic Archdiocese of San Antonio, is an unincorporated religious association and service of process may be perfected at its principal place of business of 2718 W. Woodlawn San Antonio, Texas 78228.

3. Defendant Father Jesus Armando Dominguez ("Dominguez") was a student at the Assumption Seminary of the Archdiocese of San Antonio at all relevant times in this petition. His current location is unknown to Plaintiff at this time.

4. Defendant Father Virgilio Elizondo ("Elizondo") was a Priest of the Archdiocese of San Antonio at all relevant times in this petition. Service of process may be perfected at his residence at 2025 W French Place, San Antonio, Texas 78201-5310.

**II.**  
**Discovery Control Plan**

Plaintiff pleads that this case be placed on Discovery Control Plan Level III, and be controlled by a Scheduled Order to be agreed to by the parties and the court.

**III.**  
**Factual Background**

1. At all times material herein, Dominguez was attending seminary to obtain his priesthood at the Assumption Seminary of the Archdiocese of San Antonio.

2. Plaintiff was living in a local orphanage that was commonly known as the "bridge", just steps away from the Assumption Seminary.

3. Beginning on or around 1980, when Plaintiff was a minor, Dominguez, then known as "Brother Jesse," began to serve as a father-figure to the Plaintiff, helping him with homework, clothing and food, and treating Plaintiff to the occasional movie. Plaintiff, being on his own, welcomed Dominguez's guidance, giving Dominguez his full trust and respect.

4. Dominguez began to regularly ask Plaintiff to these outings and later accompany him to dormitory, there at the Assumption Seminary. Brother Dominguez gained the trust of Plaintiff by acting as a "father-figure" and taking the Plaintiff to movies and meals. Plaintiff respected and trusted Brother Jesse, due to his respect, trust, and relationship with the Roman Catholic Church.

5. For about two years, Brother Dominguez would end our outings by taking me back to his dormitory quarters, where he would often fondle and masturbate my penis. On occasions, while Plaintiff was in Dominguez's dormitory quarters, Plaintiff would often "come to" to find that Dominguez was fondling and masturbating Plaintiff's penis. This activity occurred on several subsequent occasions until finally Dominguez was more direct with his advances.

6. On one occasion, Brother Dominguez took Plaintiff and a friend to California to visit Disneyland. Little did Plaintiff know, he would be taken on this vacation only to be subject to further abuse. Though they often asked to return to San Antonio, Dominguez kept the boys there for about a month until he finally took them back to the orphanage in San Antonio, Texas.

7. Dominguez's abuse of Plaintiff escalated and became more aggressive and grew to include oral sex. Dominguez continued his assault for approximately two years, with the heinous acts occurring approximately two to three times per week.

8. When Plaintiff questioned Dominguez's actions, Dominguez would prey on Plaintiff's fear of Dominguez's claimed heart condition, often faking an impending heart attack.

9. One evening when Plaintiff's inquiries proved too much, Dominguez threatened to kill Plaintiff and then kill himself.

10. After this threat, Plaintiff retreated in fear. It was not until about two years later, when Dominguez went to California, where he was officially ordained as priest, that Plaintiff decided to bravely discuss the confusing moments he shared with Dominguez.

11. First, he attempted to discuss the incidents with Archbishop Patrick Flores, then serving as Archbishop of the Archdiocese of San Antonio. However, Archbishop Flores never addressed Plaintiff's fears and concerns. Plaintiff's concerns were dismissed. Plaintiff was never further questioned about the events and no actions were taken. Plaintiff became withdrawn.

12. Later in 1983, Plaintiff was riding back home to the orphanage, after an outing with Father Virgilio Elizondo, then serving at San Fernando Cathedral in San Antonio, Texas. During the ride home, Plaintiff decided to seek clarity from Father Elizondo regarding his past interactions with the now, Father Dominguez. Unfortunately, instead of listening to him and acting on his concerns, Father Elizondo began to fondle the Plaintiff's genitals, taking advantage of the same sexual liberties Plaintiff complained of with Father Dominguez. As Father Elizondo reached over, kissed him, and began to fondle him, the Plaintiff immediately became angry, frustrated, scared, and confused because Plaintiff thought that he would help. Instead, he gave the Plaintiff more reasons to feel unsafe within the care and guard of the Roman Catholic Church. Once again, the sexual abuse of the Plaintiff continued.

13. After believing that he was safe from these actions since Father Dominguez had relocated, Plaintiff began to feel uncomfortable and frustrated that these acts were occurring once more. He then fought off Father Elizondo and then ran from his vehicle. Believing that he would only continue to be abused, be dismissed, made ashamed, and be touched again and again, should he ever attempt to seek the assistance of the Church again, the Plaintiff did not reach out to the Roman Catholic

Church again for several years.

14. As Plaintiff got older, he was plagued with anger and severe depression, for which he sought therapeutic treatment and had to regularly take medication. On a few occasions, still haunted by the oddities in his past, Plaintiff has attempted suicide. His struggles with debilitating depression and thoughts of suicide still plague him today.

15. Plaintiff attempted to reach out to Victim Assistance and Safe Environment of the Archdiocese of San Antonio and spoke to a gentleman named Steve Martinez. Plaintiff was told a criminal suit would be filed and that someone would be in contact with him. However, just as when Plaintiff was younger, no one has offered any help or has informed him about anything being done.

16. From the time of the abuse and exploitation and through the present time, Plaintiff continuously digressed, emotionally and behaviorally, suffered emotional trauma, anguish, loss of respect for authority, loss of earnings and earning capacity, and commenced upon a self-destructive course of conduct. Plaintiff does not believe that he is of "sound mind".

17. Plaintiff has had trouble maintaining his mental status to keep a job. Plaintiff has been unable to maintain a stable personal relationship. Plaintiff has often been unable to parent his children due to the need to be under the care of a mental health facility. Plaintiff has lost jobs and forfeited close relationships with his loved ones due to his mental status. Each year, these feelings have gotten progressively worse. Plaintiff suffers suffer from multiple forms of substance abuse and addictions. Plaintiff has never truly lived independently. Plaintiff has been unable to fully unable to manage my own financial and familial affairs.

18. Representatives of authority within the Archdiocese of San Antonio and the San Bernardino Diocese were made aware of these acts, yet did nothing to expose these incidents of molestation. Instead, the Representatives continued to facilitate an ongoing cover-up of these

acts, until around 2004 when a formal suit was filed against Father Dominguez.

19. Since then, Plaintiff has attempted to attend a Roman Catholic Church but has only been met with increasing depression, often leaving in the middle of the service in tears.

20. Due to the abuse by the Defendants, Plaintiff has suffered irreparable harm, more fully set forth below.

#### **IV.**

#### **Causes of Action Against Defendant Archdiocese of San Antonio**

1. At all times material herein, Dominguez was attending seminary to obtain his priesthood at the Assumption Seminary of the Archdiocese of San Antonio, where he was given access to and engaged in sexual contact with the Plaintiff under while under the control of the Archdiocese of San Antonio. At all times material herein, Father Elizondo was part of and employed as a Priest by Defendant Archdiocese of San Antonio and was under its direct supervision and control when he engaged in sexual contact with Plaintiff. As consecrated members of the Roman Catholic Church, Dominguez and Elizondo acted upon delegated authority of the Archdiocese of San Antonio. Dominguez and Elizondo were introduced and acquainted with Plaintiff and gained access in order to groom and abuse him because of their status and positions with the Roman Catholic Church. Thus, Dominguez's and Elizondo's position with the Archdiocese was a necessary precursor in order for them to gain access to their victims. Dominguez and Elizondo engaged in this wrongful conduct while in the course and scope of their employment or agency with Defendant Archdiocese of San Antonio. Therefore, Defendant Archdiocese of San Antonio is liable for the wrongful conduct of Dominguez and Elizondo, and the Plaintiff pleads that the Archdiocese is liable under theories of Respondeat Superior, agency, apparent agency, agency by estoppel, Restatement of Agency Section 213, vice principal and vicarious liability (including non-delegable duty).

2. Plaintiff pleads negligence against the Archdiocese. The Archdiocese negligently supervised and retained Dominguez and Elizondo in positions of trust, confidence and

authority as a Brother and as parish priest in direct contact with minor children when it knew or should have known of his dangerous sexual propensities. Plaintiff also pleads negligent misrepresentation against the Archdiocese for its representations about Dominguez's and Elizondo's character and fitness to serve as priests.

3. Defendant Archdiocese failed to warn Plaintiff or his family of the dangerous sexual propensities of Catholic priests, Dominguez and Elizondo in particular, towards minor children. Defendant Archdiocese, as a religious organization, is granted special privileges and immunities by society and is in a special fiduciary relationship with Plaintiff. Defendants owed Plaintiff the highest duty of trust and confidence and were required to act in Plaintiff's best interest. Defendants knowingly violated that relationship. Defendants knowingly breached Plaintiff's trust when the Archdiocese failed to act with the highest degree of trust and confidence to protect Plaintiff from its sexually predatory priest. This knowing breach of fiduciary duty proximately caused physical and emotional injury to Plaintiff. Defendant Archdiocese also knowingly participated in the breach of fiduciary duty committed by Defendant Dominguez and Elizondo as to Plaintiff, and such conduct proximately caused Plaintiff's injuries.

4. Defendant was under the duty to disclose the extent of the problem of sexual abuse of children by Roman Catholic clergy, and with Dominguez and Elizondo in particular, and the severe psychological problems that would result from such abuse if not properly treated. Instead, Defendant Archdiocese fraudulently concealed this information, allowing Dominguez and Elizondo access to children for their own sexual gratification after they knew or should have known they were abusing Plaintiff.

5. Defendant Archdiocese committed fraud that proximately caused Plaintiff damages. The Archdiocese committed fraud when it failed to disclose Dominguez's and Elizondo's past sexual acts and pedophilic tendencies and represented to them to be celibate despite knowing that they were not.

6. Plaintiff pleads intentional infliction of emotional distress against the Archdiocese.

7. Plaintiff asserts that the Archdiocese is liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 302B, under the legal doctrine of negligent assumption of risk of intentional or criminal conduct.

An act or an omission may be negligent if the actor realizes or should realize that it involves an unreasonable risk of harm to another through the conduct of the other or a third person which is intended to cause harm, even though such conduct is criminal.

Restatement (Second) of Torts, Section 302B.

8.. Plaintiff asserts that the Archdiocese is liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 311, under the legal doctrine of negligent misrepresentation involving risk of physical harm.

- I. One who negligently gives false information to another is subject to liability for physical harm caused by action taken by the other in reasonable reliance upon such information, where such harm results
  - a. to the other, or
  - b. to such third persons as the actor should expect to be put in peril by the action taken
- II. Such negligence may consist of failure to exercise reasonable care
  - a. in ascertaining the accuracy of the information, or
  - b. in the manner in which it is communicated.

Restatement (Second) of Torts, Section 311.

9. Plaintiff asserts that all entities and individuals who are named as Defendants are liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 876, under the legal doctrine of concert of action, as joint venturers, as agents of these entities, of these Defendants, under which theories Plaintiff seeks damages from all Defendants jointly and severally.

10. Plaintiff asserts that the statute of limitations is tolled and/or has not expired for Plaintiff under the legal theories of: disability of unsound mind doctrine, fraud and fraudulent concealment (as referenced in Section IV, paragraphs 1-5 above and incorporated herein), quasi and equitable estoppels (according to the facts as referenced above), and duress. As a direct result of the abuse sexual abuse and exploitation by Defendants Dominguez and Elizondo and the events plead herein, Plaintiff suffered continuous psychological injuries from the time of the abuse through the present time.



From the time of the abuse and through the present time, Plaintiff has suffered continuous psychological injuries that have been so chronic and severe as to constitute a disability that has caused Plaintiff to be of unsound mind and unable to sue or act to assert the claims plead herein. Plaintiff's emotional and psychological injuries are chronic and have required continuous mental health care and treatment. However, despite this treatment, Plaintiff has continued to suffer emotional and psychological trauma, often driving Plaintiff to attempt suicide. Plaintiff does not completely manage his own household matters. He has never truly lived independently. He suffers from multiple types of substance abuse and addictions. He is unable to consistently assist counsel in the present litigation. From the time of the abuse and exploitation and through the present time, Plaintiff has continuously digressed, emotionally and behaviorally, suffered emotional trauma, anguish, loss of respect for authority, loss of earnings and earning capacity, and commenced upon a self-destructive course of conduct, all of which was a foreseeable result of Plaintiff's continuous, chronic psychological disability and the sexual abuse and exploitation by Father Dominguez, Father Elizondo, and the actions of the Roman Catholic Archdiocese of San Antonio and its Bishops and the Defendant priests plead therein. Therefore, Plaintiff has been mentally unfit to bring forth this lawsuit until this time.

Plaintiff also feared the ramifications of coming forward about his abuse. Plaintiff greatly respected the Roman Catholic Church, as it was his only source of solace during his lonely youth. However, each time Plaintiff sought the aid of the Church, he taken advantage of, met only with severely damaging acts of abuse and threats of violence, death, humiliation. Plaintiff resolved if ever he attempted to speak out on his abuse again, he would be seen as a vulnerable target for abuse, as he was with Father Elizondo. After these repeated violations of Plaintiff's confidence and trust, Plaintiff believed that any attempts to seek justice would only be ignored

and met with further trauma, as was done many times in the past.

11. Defendant Archdiocese is liable to Plaintiff for premises liability. Plaintiff was an invitee by the Archdiocese to its property. Defendant Archdiocese owed a duty of care to those who may be harmed by criminal acts on its premises where it conducted its business when the risk of criminal conduct is so great that it is both unreasonable and foreseeable. Defendant was aware of or should have been aware of criminal acts of assault by its resident Brother and Seminarian Father Dominguez, on its property and breached its duty of care to Plaintiff when it allowed Father Dominguez to remain on its property, harming the Plaintiff. Defendant Archdiocese is liable to Plaintiff under a theory of ratification due to its knowledge related to Father Dominguez's and Father Elizondo's sexual acts with minors prior to and/or during the time that he was assaulting Plaintiff and its failure to act to protect Plaintiff.

12. Plaintiff pleads Restatement 2d of Torts section 317:

A master is under a duty to exercise reasonable care so to control his servant while acting outside the scope of his employment as to prevent him from intentionally harming others or from so conducting himself as to create an unreasonable risk of bodily harm to them if :

- a) the servant
  - 1) is upon the premises in possession of the master or upon which the servant is privileged to enter only as his servant, or
  - 2) is using a chattel of the master, and
- b) the master
  - 1) knows or has reason to know that he has the ability to control his servant, and
  - 2) knows or should know of the necessity and opportunity for exercising such control.

13. Plaintiff pleads Defendant Archdiocese acted at the time and on occasions in question with heedless and reckless disregard for the safety and welfare of Plaintiff, which disregard was the result of conscious indifference to the rights, welfare, and safety of the Plaintiff. Plaintiff pleads that the Defendant Archdiocese's conduct constituted gross negligence.

V.

**Cause of Action Against Defendant Father Jesus Armando Dominguez**

1. Father Dominguez was a Brother studying to be a Roman Catholic priest at all relevant times. He was aware of the vows of Poverty, Chastity, and Obedience that are to shape a Brother or a Sister's Life. Notwithstanding these vows, while a priest, Father Dominguez repeatedly sexually abused Plaintiff.

2. Father Dominguez knew of his own dangerous sexual propensities toward minor children.

3. Father Dominguez sexually abused and assaulted Plaintiff repeatedly in 1980-1983.

4. Father Dominguez made physical and sexual contact with Plaintiff and thereby assaulted him when he knew or should have reasonably believed that such contact would be offensive to Plaintiff. Plaintiff thus pleads assault and battery against Father Dominguez.

5. Defendant Father Dominguez's physical and sexual abuse resulted in the infliction of physical and emotional distress on Plaintiff.

6. Defendant Father Dominguez violated §§ 21.11, 22.011, 22.041 and 43.25 of the Texas Penal Code when he engaged in the above-described sexual conduct with Plaintiff. Such violations of these criminal statutes constitute negligence *per se*.

7. Father Dominguez was in a position of trust, confidence and authority as a Brother, Seminarian, and representative of the Roman Catholic Church and negligently used this trust, confidence and authority to sexually abuse Plaintiff. Father Dominguez knowingly breached his fiduciary relationship with Plaintiff when he physically and sexually violated Plaintiff, which proximately caused damages to him.

8. Plaintiff pleads that Defendant Father Dominguez was negligent in his conduct towards Plaintiff when he failed to use ordinary care in his conduct with Plaintiff.

9. Plaintiff pleads fraud against Father Dominguez for intentional misrepresentations as well as nondisclosure related to his character and propensity to sexually abuse children.

10. Plaintiff asserts that the statute of limitations is tolled and/or has not expired as to Father Dominguez based on theories of: disability of unsound mind, duress, fraud, fraudulent concealment, quasi and/or equitable estoppel, religious duress, and the discovery rule.

11. Plaintiff pleads Defendant Father Dominguez acted at the time and on occasions in question with heedless and reckless disregard for the safety and welfare of Plaintiff, which disregard was the result of conscious indifference to the rights, welfare, and safety of the Plaintiff. Plaintiff pleads that the Defendant Father Dominguez conduct constituted gross negligence.

## **VI.**

### **Cause of Action Against Defendant Father Virgilio Elizondo**

7. Father Elizondo was a Roman Catholic priest at all relevant time. He had taken a variety of priestly vows, including vows of chastity and celibacy. Notwithstanding these vows, while a priest, Father Elizondo repeatedly sexually abused Plaintiff.

8. Father Elizondo knew of his own dangerous sexual propensities toward minor children.

9. Father Elizondo sexually abused and assaulted Plaintiff in 1983.

10. Father Elizondo made physical and sexual contact with Plaintiff and thereby assaulted him when he knew or should have reasonably believed that such contact would be offensive to Plaintiff. Plaintiff thus pleads assault and battery against Father Elizondo.

11. Defendant Father Elizondo 's physical and sexual abuse resulted in the infliction of physical and emotional distress on Plaintiff.

12. Defendant Father Elizondo violated §§ 21.11, 22.011, 22.041 and 43.25 of the Texas Penal Code when he engaged in the above-described sexual conduct with Plaintiff. Such violations of these criminal statutes constitute negligence *per se*.

12. Father Elizondo was in a position of trust, confidence and authority as a priest and negligently used this trust, confidence and authority to sexually abuse Plaintiff. Father Elizondo knowingly breached his fiduciary relationship with Plaintiff when he physically and sexually violated Plaintiff, which proximately caused damages to him.

13. Plaintiff pleads that Defendant Elizondo was negligent in his conduct towards Plaintiff when he failed to use ordinary care in his conduct with Plaintiff.

14. Plaintiff pleads fraud against Father Elizondo for intentional misrepresentations as well as nondisclosure related to his character and propensity to sexually abuse children.

15. Plaintiff asserts that the statute of limitations is tolled and/or has not expired as to Father Elizondo based on theories of: disability of unsound mind, duress, fraud, fraudulent concealment, quasi and/or equitable estoppel, religious duress, and the discovery rule.

16. Plaintiff pleads Defendant Father Elizondo acted at the time and on occasions in question with heedless and reckless disregard for the safety and welfare of Plaintiff, which disregard was the result of conscious indifference to the rights, welfare, and safety of the Plaintiff. Plaintiff pleads that the Defendant Father Elizondo conduct constituted gross negligence.

## VII.

### **Claims of Conspiracy: Pattern and Practice of Cover-up of Clergy Sexual Abuse of Children**

1. Dioceses, Archdioceses and Orders throughout the United States, including the Archdiocese of San Antonio, have handled cases of criminal sexual abuse of minors by Catholic clergy in such a uniform fashion as to demonstrate a common pattern and practice for concealing these crimes from the public, including the affected parishes and even victims identified within them; for failing to report them to proper civil authorities; and/or for spiriting clerics out of dioceses, state and even the country to church-run treatment facilities in order to evade probable criminal prosecution of priest-perpetrators and the possible filing of civil claims by their victims.

2. This well established pattern, practice, scheme and protocol of recycling abusive priests by the Roman Catholic hierarchy was finally publicly acknowledged and exposed in February 2004 in a research study conducted by the John Jay School of Criminal Justice. The study, titled *A Report on the Crisis in the Catholic Church in the United States*, concluded in part that:

Too many bishops in the United States failed to respond to this problem forthrightly and firmly. Their responses were characterized by moral laxity, excessive leniency, **insensitivity, secrecy, and neglect**. Aspects of the failure to respond properly to sexual abuse of minors by priests included: (I) inadequately dealing with victims of clergy sexual abuse, both pastorally and legally; **(ii) allowing offending priests to remain in positions of risk; (iii) transferring offending priest to new parishes or other dioceses without informing others of their histories; (iv) failing to report instances of criminal conduct by priests to secular law enforcement authorities, whether such a report was required by law or not;** and (v) declining to take steps to laicize priests who clearly had violated the law [*emphasis ours*)]<sup>1</sup>

3. This common plan and scheme, which was in existence well before the abuse of Plaintiff, was followed by the Archdiocese of San Antonio and its Archbishops to conceal the crimes against children by Father Dominguez and Father Elizondo and other priests of this Archdiocese. Members of this common plan and scheme have included not only Bishops and Archbishops and hierarchical agents of San Antonio Archdiocese and "other clerics," including Father Elizondo, Archbishop Flores, and other individuals and entities currently unknown to the Plaintiff.

4. Defendant San Antonio Archdiocese and its Archbishops were aware or should have been aware of the sexual abuse of Plaintiff and other boys within its territory and of the wrongful conduct of Dominguez and Elizondo as well as other clerics. Defendant San Antonio Archdiocese knew or should have known that other young boys had been sexually abused by Dominguez and Elizondo prior to his abuse of Plaintiff. Instead of reporting Dominguez's and Elizondo's, this Defendant entered into an agreement with Dominguez and Elizondo, and others, in keeping with their protocol, to conceal this abuse and keep it secret at-the expense of now over 50 victims. Defendants intended to accomplish the unlawful purpose of concealing crimes against

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<sup>1</sup> See John Jay Report at page 92, which can be found on the United States Catholic Conference of Bishops' website, [www.usccb.org/jocyp/webstudv.shtml](http://www.usccb.org/jocyp/webstudv.shtml)

children by Dominguez and Elizondo and other priests and/or intended to conceal their breach of duty by the unlawful means of failing to report Dominguez, Elizondo and other known perpetrators as required by law. Further, these Defendants intended to cause additional injury to Plaintiff as a consequence of failing to report unlawful abuse as required by law. This combination had the result of concealing crimes by fraudulent and illegal means and concealing the facts giving rise to claims for civil damages by the Plaintiff against Defendants by fraudulent and illegal means.

### VIII.

#### **Damages for Plaintiff**

1 As a result of the conduct and incidents described herein, Plaintiff has incurred medical and/or counseling expenses in the past and in all reasonable probability will incur medical and/or counseling expenses in the future.

2. Plaintiff has experienced physical pain and suffering and bodily injury.

3. Plaintiff has suffered severe mental anguish in the past and in all reasonable probability will sustain severe mental anguish in the future.

4. Plaintiff has suffered a diminished wage earning capacity in the past and in all reasonable probability will suffer loss of earning capacity in the future.

5. Plaintiff pleads physical impairment damages.

6. Plaintiff seeks exemplary damages based on Defendants gross negligence.

7. As a result of the above, Plaintiff seeks damages within the jurisdictional limits of the Court.

### IX.

#### **Archdiocese Was Criminally Complicit; therefore Punitive Damages are Recoverable**

1. Tex. Civ. Prac. & Rem. Code §41.005(a) does not apply to bar punitive damages in this matter because the Defendants were criminally complicit. Tex. Civ. Prac. & Rem. Code

§41.005(b)(2) provides an exception when a defendant is criminally responsible as a party to the criminal act. Under Chapter 7 of the Texas Penal Code, specifically §7.02(a), a person is criminally responsible for an offense committed by the conduct of another if:

(1) acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense;

or

(2) having a legal duty to prevent commission of the offense and acting with intent to promote or assist its commission, he fails to make a reasonable effort to prevent commission of the offense.

2. Tex. Pen. Code Ann. §7.02(a)(2). The provisions of this statute are met because Defendants assisted and Dominguez and Elizondo in the commission of the sexual assaults on Plaintiff and other minor boys in Texas by allowing him access to Plaintiff and failing to report Dominguez and Elizondo to law enforcement.

3. Further, provisions of Tex. Pen. Code Ann. §7.02(a)(3) are met because Defendants had a duty to prevent the sexual assault of Plaintiff. Defendants knew of Dominguez's and Elizondo's pattern and history of sexual abuse of boys and, despite that knowledge, never reported him to the police and repeatedly placed him in environments where he could prey upon young boys like Plaintiff and others.

4. Additionally, Tex. Pen Code Ann. §§7.21-7.23 encompasses the criminal responsibility of corporations or associations and provide that a corporation or association is criminally responsible for the conduct of its agent if it was authorized, performed or recklessly tolerated by a high managerial agent. The Archbishops of San Antonio not only tolerated it, they aided and abetted Dominguez and Elizondo in acquiring more victims. Plaintiff would show that Defendants recklessly tolerated and allowed the conduct of Dominguez and Elizondo and are



therefore subject to punitive damages in this matter.

**X.**  
**Tolling of the Statue of Limitations**

Plaintiff pleads that from the time of the abuse and through the present time, Plaintiff has suffered continuous psychological injuries that have been so chronic and severe as to constitute a disability that has caused Plaintiff to be of unsound mind and unable to sue or act to assert the claims plead herein against the named Defendants. Plaintiff pleads that pursuant to the legal doctrine of unsound mind, the statute of limitations is tolled as to Plaintiff's claims against the named Defendants. As a result of the actions carried out by the Defendants both prior to and following the abuse and exploitation, Plaintiff has suffered continuous psychological injuries from the time of the abuse through the present time. Plaintiff's continuous psychological injuries have been so chronic and severe as to constitute a disability that has caused Plaintiff to be of unsound mind and unable to sue or act to assert the claims plead herein against the named Defendants.

The delay in appropriate treatment has proximately caused additional emotional and psychological injuries to Plaintiff and his emotional and psychological injuries have become chronic due to the fact that Plaintiff has never received prompt and proper ongoing treatment and therapy for the sexual abuse and exploitation by the named Defendants. From the time of the abuse and exploitation and through the present time, Plaintiff has continuously digressed, emotionally and behaviorally, suffered emotional trauma, anguish, loss of respect for authority, loss of earnings and earning capacity, and commenced upon a self-destructive course of conduct,

all of which was a foreseeable result of Plaintiff's continuous chronic psychological disability, and the sexual abuse and exploitation by Dominguez and Elizondo, and the actions of the Roman Catholic Archdiocese of San Antonio, by and through the Apostolic Administrator And Archbishop Gustavo Garcia-Siller and Archbishop Emeritus Patrick Flores, their predecessors and successors, as Archbishop of The Roman Catholic Archdiocese of San Antonio, as plead herein.

**XI.**

**Claim for Pre-Judgment and Post-Judgment Interest**

Plaintiff herein claims interest in accordance with Texas Finance Code, §304.001, *et seq.* and any other applicable law.

**XII.**

**Demand for Jury Trial**

Plaintiff demands that a jury of his peers hear and decide the issues presented in this case.

**XIII.**

**Request for Disclosures to Archdiocese of San Antonio**

Plaintiff hereby requests that Defendants provide responses within 50 days of service of this request for disclosures per the Texas Rule of Procedure rule 194.

**XIV.**

**PRAYER**

For these reasons, Plaintiff JOHN DOE prays that Defendants be served and cited to appear and answer herein and upon final hearing of this cause, that they have judgment against Defendants, jointly and severally, for damages described herein, for cost of suit, interest as allowable by law and for such other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

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