

ORANGE COUNTY SUPERIOR COURT
 FILED BUT NOT FILED
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 ALAN SLATER, EXECUTIVE OFFICER/CLERK
 DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF ORANGE

JAMES ROGAN,)	CASE NO. 72-91-35
)	
	)	FIRST AMENDED
Plaintiff,	)	COMPLAINT FOR PERSONAL
	)	INJURIES AND DAMAGES
v.)	
	)	1. NEGLIGENCE
ROMAN CATHOLIC BISHOP OF)	
ORANGE, A CORPORATION SOLE;	)	2. NEGLIGENT INFLICTION OF
ROMAN CATHOLIC DIOCESE OF	)	EMOTIONAL DISTRESS
ORANGE; ROMAN CATHOLIC)	
ARCHBISHOP OF LOS ANGELES,	)	3. ASSAULT AND BATTERY
A CORPORATION SOLE; ROMAN)	
CATHOLIC ARCHDIOCESE OF LOS	)	4. FALSE IMPRISONMENT
ANGELES; SAINT JOSEPH'S)	
CATHOLIC CHURCH; SAINT)	
JOSEPH'S CATHOLIC SCHOOL;	)	5. INTENTIONAL INFLICTION
IMMACULATE HEART OF MARY	)	OF EMOTIONAL DISTRESS
PARISH; SAINT ANGELA MERICI)	
PARISH; OUR LADY OF	)	6. STATUTORY VIOLATIONS
GUADALUPE CHURCH; SAINT)	
ANTHONY CLARET PARISH;	)	JUDGE FLOYD H. SCHENK
ELUCETERIO RAMOS aka AL	)	DEPT. 91
RAMOS; AUXILIARY BISHOP)	
MICHAEL DRISCOLL; and DOES)	
1 through 150, inclusive,)	
and each of them,)	
Defendants.)	

COMES NOW, Plaintiff, JAMES ROGAN, who hereby alleges
 against Defendants as follows:

FOR A FIRST, SEPARATE AND DISTINCT CAUSE OF ACTION
FOR NEGLIGENCE AGAINST ALL DEFENDANTS,
AND EACH OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

1. Plaintiff, JAMES ROGAN, is, and at all times

50601415

1 mentioned herein was, a resident of the County of Orange or the
2 County of Riverside, State of California.

3 2. Plaintiff is informed and believes and thereon
4 alleges, that Defendants ROMAN CATHOLIC BISHOP OF ORANGE, A
5 CORPORATION SOLE; ROMAN CATHOLIC DIOCESE OF ORANGE; ROMAN CATHOLIC
6 ARCHBISHOP OF LOS ANGELES, A CORPORATION SOLE; ROMAN CATHOLIC
7 ARCHDIOCESE OF LOS ANGELES; SAINT JOSEPH'S CATHOLIC CHURCH; SAINT
8 JOSEPH'S CATHOLIC SCHOOL; IMMACULATE HEART OF MARY PARISH; SAINT
9 ANGELA MERICI PARISH; OUR LADY OF GUADALUPE CHURCH; SAINT ANTHONY
10 CLARET PARISH; and DOES 1 through 100, inclusive, and each of
11 them, are, and at all times mentioned herein were, corporations,
12 partnerships, joint venturers or other business entities, non
13 profit organizations, associations or church organizations, units,
14 divisions, branches, or subsidiaries thereof, having their
15 principle places of business in the County of Orange, and/or
16 County of Los Angeles, State of California. The majority of the
17 intentional negligent and careless acts and occurrences, as
18 alleged herein, as against said Defendants, giving rise to the
19 causes of action herein, occurred at or about the premises
20 commonly known as SAINT JOSEPH'S CATHOLIC CHURCH and SAINT
21 JOSEPH'S CATHOLIC SCHOOL, located at 171 North Bradford Street, in
22 the City of Plascencia, County of Orange, State of California, the
23 premises commonly known as IMMACULATE HEART OF MARY PARISH,
24 located at or about 1100 South Center Street, in the City of Santa
25 Ana, County of Orange, State of California, the premises commonly
26 known as SAINT ANGELA MERICI PARISH, located at or about 585 South
27 Walnut, City of Brea, County of Orange, State of California, the
28 premises commonly known as OUR LADY OF GUADALUPE CHURCH, located

1 at or about 900 W. La Habra Boulevard, City of La Habra, County of
2 Orange, State of California and the premises commonly known as
3 SAINT ANTHONY CLARET PARISH, located at or about 1450 East La
4 Palma Avenue, City of Anaheim, County of Orange, State of
5 California, and/or some other locations within the County of
6 Orange and elsewhere.

7 3. Plaintiff is ignorant of the true names and
8 capacities of Defendants sued herein as DOES 1 through 150,
9 inclusive, and each of them, and, therefore, sues said Defendants
10 by such fictitious names. Plaintiff will amend this Complaint to
11 allege their true names and capacities when ascertained.
12 Plaintiff is informed and believes, and thereon alleges, that each
13 said fictitiously named Defendant is negligently, carelessly,
14 intentionally, or otherwise, responsible, in some manner for his
15 injuries as alleged herein, and that the injuries and damages
16 sustained by Plaintiff as more particularly set forth herein, were
17 directly and proximately caused by said wrongful conduct.

18 4. All Defendants, and each of them, at all times
19 mentioned herein, were the principals, agents, employers,
20 employees, co-employees, supervisors, servants, co-servants,
21 partners, associates, joint venturers, co-participants, co-
22 conspirators, principals and/or representatives of each of their
23 co-Defendants and, in doing the things herein described, were
24 acting within the course and scope of such relationship and each
25 such act or omission was with the authority, permission, consent,
26 knowledge and/or ratification of each said co-Defendant, who are
27 thereby vicariously, and otherwise, responsible for same.

28 5. Plaintiff is informed and believes, and thereon

1 alleges, that at all times mentioned herein, that Defendants
2 ELUCETERIO RAMOS aka AL RAMOS; and DOES 1 through 50, inclusive,
3 and each of them, were Fathers, Pastors, Bishops, Archbishops,
4 Teachers and/or other church authorities at SAINT JOSEPH'S
5 CATHOLIC CHURCH, SAINT JOSEPH'S CATHOLIC SCHOOL, IMMACULATE HEART
6 OF MARY PARISH, SAINT ANGELA MERICI PARISH, OUR LADY OF GUADALUPE
7 CHURCH, SAINT ANTHONY CLARET PARISH, and DOES 51 through 100,
8 inclusive, and each of them, which were branches of, or otherwise
9 affiliated with, the ROMAN CATHOLIC BISHOP OF ORANGE, ROMAN
10 CATHOLIC DIOCESE OF ORANGE and/or the ROMAN CATHOLIC ARCHBISHOP OF
11 LOS ANGELES, ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES and DOES
12 100 through 150, inclusive, and each of them, and performed
13 sermons, instructed students, oversaw and managed the youth
14 groups, altar boys, and house boys, Christian education, and
15 performed various other duties at said parishes, all within the
16 course and scope of the authority and/or employment with said
17 parish, with the knowledge, and permission, consent, authority
18 and/or ratification of each of their employers, principals and/or
19 superiors.

20 6. Plaintiff is informed and believes, and thereon
21 alleges, that Defendants ROMAN CATHOLIC BISHOP OF ORANGE; ROMAN
22 CATHOLIC DIOCESE OF ORANGE; ROMAN CATHOLIC ARCHBISHOP OF LOS
23 ANGELES; ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES; AUXILIARY
24 BISHOP MICHAEL DRISCOLL; SAINT JOSEPH'S CATHOLIC CHURCH; SAINT
25 JOSEPH'S CATHOLIC SCHOOL; IMMACULATE HEART OF MARY PARISH; SAINT
26 ANGELA MERICI PARISH; OUR LADY OF GUADALUPE CHURCH; SAINT ANTHONY
27 CLARET PARISH; and DOES 1 through 150, inclusive, and each of
28 them, were the owners, operators, licensors, licensees, lessors,

1 lessees, principals, employers, employees, overseers, or otherwise
2 in control and supervision of the premises commonly known as SAINT
3 JOSEPH'S CATHOLIC CHURCH, SAINT JOSEPH'S CATHOLIC SCHOOL and
4 IMMACULATE HEART OF MARY PARISH, SAINT ANGELA MERICI PARISH, OUR
5 LADY OF GUADALUPE CHURCH, and SAINT ANTHONY CLARET PARISH, as well
6 as all church, religious, educational and other activities,
7 events, and occurrences at said location.

8 7. From approximately, but not limited to, 1974 up
9 through and including, but not limited to, approximately 1985,
10 Defendants ELUCETERIO RAMOS aka AL RAMOS and DOES 1 through 50,
11 inclusive, and each of them, negligently, carelessly and
12 otherwise, under the cloak of their authority, confidence, trust,
13 faith and special relationship with Plaintiff, and otherwise,
14 committed acts of sexual abuse, molestation, and other wrongful
15 acts upon Plaintiff, and continued to perform said acts and
16 conduct, causing Plaintiff to suffer great physical and emotional
17 injury as more particularly set forth and alleged herein.

18 8. At all times material herein, Plaintiff was a student
19 at SAINT JOSEPH'S CATHOLIC SCHOOL, DOES 50 through 100, inclusive,
20 and each of them, and an alter boy and/or house boy in the rectory
21 and/or a member of the parish and congregation at SAINT JOSEPH'S
22 CATHOLIC CHURCH, and DOES 100 through 150, inclusive, and each of
23 them. As such, all Defendants, and each of them, had acquired a
24 special relationship to Plaintiff as an active member of their
25 parish and receiving special education and training in the
26 Catholic religion. All Defendants, and each of them, had a duty
27 to protect, keep safe from harm, care for, supervise, warn, and
28 advise him in a reasonably prudent manner, as well as a duty not

1 to violate his civil rights by performing, or allowing to be
2 performed, any illegal, immoral, or sexual acts against him,
3 including, but not limited to, acts of sexual abuse. Said
4 Defendants, and each of them, had a further duty to reasonably
5 supervise, investigate, monitor, report, warn, and cease any such
6 wrongful and illegal acts and activities involving Plaintiff, as
7 alleged herein.

8 ~~9.~~ At all times material herein, Defendants ROMAN
9 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
10 DIOCESE OF ORANGE; ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A
11 CORPORATION SOLE; ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT
12 JOSEPH'S CATHOLIC CHURCH; SAINT JOSEPH'S CATHOLIC SCHOOL;
13 IMMACULATE HEART OF MARY PARISH; SAINT ANGELA MERICI PARISH; OUR
14 LADY OF GUADALUPE CHURCH; SAINT ANTHONY CLARET PARISH; AUXILIARY
15 BISHOP MICHAEL DRISCOLL; and DOES 1 through 150, inclusive, and
16 each of them, had a duty to reasonably and carefully hire, engage,
17 retain, associate, supervise, employ, train, investigate,
18 reprimand, treat, refer, counsel, discharge, report, warn, and
19 otherwise be responsible for, priests, and other church
20 authorities as they performed their functions within the church,
21 particularly as it pertains to contact with students, altar boys
22 and/or house boys and members of the parish, congregation and
23 public, such as Plaintiff herein.

24 10. At all times material herein, all Defendants, and
25 each of them, negligently, carelessly and otherwise wrongfully
26 carried out their respective aforementioned duties to Plaintiff,
27 causing serious injuries and damages to Plaintiff as more
28 particularly set forth and alleged herein.

1 11. At all times material herein, all Defendants, and
2 each of them, negligently, carelessly, or otherwise wrongfully,
3 cared for, taught, chaperoned, supervised, treated, protected,
4 educated, trained and otherwise controlled Plaintiff, so that
5 Plaintiff's person was violated as a result of illegal acts
6 including, but not limited to, sexual abuse being performed on him
7 by Defendants ELUCETERIO RAMOS aka AL RAMOS and DOES 1 through 50,
8 inclusive, and each of them, so as to cause serious physical and
9 emotional injuries to Plaintiff as more particularly set forth and
10 alleged herein.

11 12. At all times material herein, Defendants ROMAN
12 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
13 DIOCESE OF ORANGE; ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A
14 CORPORATION SOLE; ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT
15 JOSEPH'S CATHOLIC CHURCH; SAINT JOSEPH'S CATHOLIC SCHOOL;
16 IMMACULATE HEART OF MARY PARISH; SAINT ANGELA MERICI PARISH; OUR
17 LADY OF GUADALUPE CHURCH; SAINT ANTHONY CLARET PARISH; AUXILIARY
18 BISHOP MICHAEL DRISCOLL; and DOES 1 through 150, inclusive, and
19 each of them, and DOES 1 through 100, negligently and carelessly
20 hired, engaged, retained, associated, supervised, employed,
21 trained, investigated, reprimanded, treated, referred, counselled,
22 discharged, and were otherwise responsible for priests and other
23 church authorities such as Defendants ELUCETERIO RAMOS aka AL
24 RAMOS; and DOES 1 through 50, inclusive, and each of them, and
25 retained said priests or other church figures, despite the fact
26 that they were placed on notice of said priests' and church
27 authorities' wrongful conduct, propensities, and the resulting
28 attendant reasonably foreseeable injury to persons lawfully

1 situated such as Plaintiff herein on more than one occasion by, at
2 minimum, a priest, another altar boy and other reliable, reputable
3 and verifiable sources.

4 13. At all times material herein, Defendants ROMAN
5 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
6 DIOCESE OF ORANGE; ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A
7 CORPORATION SOLE; ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT
8 JOSEPH'S CATHOLIC CHURCH; ~~SAINT JOSEPH'S CATHOLIC SCHOOL;~~
9 IMMACULATE HEART OF MARY PARISH; SAINT ANGELA MERICI PARISH; OUR
10 LADY OF GUADALUPE CHURCH; SAINT ANTHONY CLARET PARISH; AUXILIARY
11 BISHOP MICHAEL DRISCOLL; and DOES 1 through 150, inclusive, and
12 each of them, knew, or should have known that Defendants
13 ELUCETERIO RAMOS aka AL RAMOS and DOES 1 through 50, inclusive,
14 and each of them, were suffering from mental, emotional or
15 physical injury, disability, or other illness, whereby it was, or
16 should have been, foreseeable that he/they was/were engaging, or
17 would engage, in immoral, illegal and unprivileged acts and
18 activities, including, but not limited to, acts of sexual abuse,
19 with Plaintiff under the cloak of his/their authority, confidence
20 and trust, bestowed upon him/them by, and through, the church.
21 Despite such knowledge and duty to investigate, control, counsel,
22 advise, reprimand, discharge, report, warn, and take other
23 appropriate actions with respect to Defendants ELUCETERIO RAMOS
24 aka AL RAMOS and DOES 1 through 50, inclusive, and each of them,
25 said Defendants negligently and carelessly failed to take any
26 appropriate action to protect and insure the safety of persons
27 lawfully situated such as Plaintiff herein including, but not
28 limited to, reporting said Defendants to the appropriate

1 authorities, warning Plaintiff and other members of the public or
2 persons affiliated or associated with the congregation of said
3 dangerous and illegal propensities, or undertake any other
4 appropriate action such as, but not limited to, removing
5 Defendants, ELUCETERIO RAMOS aka AL RAMOS, and DOES 1 through 50,
6 from their position of authority and contact with minors, which
7 would have prevented the acts alleged herein from being committed
8 upon Plaintiff resulting in serious injury and damages as more
9 particularly set forth and alleged herein.

10 14. As a further direct, legal and proximate result of
11 said negligence, carelessness and other wrongful conduct of said
12 Defendants, and each of them, Plaintiff continued to be so injured
13 and damaged and was not afforded the opportunity to obtain
14 rehabilitation, counselling and other appropriate treatment for
15 his physical, mental, emotional, and other injuries, within a
16 reasonable time after Defendants' wrongful conduct, acts, actions
17 and omissions against him, thereby causing further injuries and
18 damages to him as more particularly set forth and alleged herein.

19 15. As a result of the nature of Defendants' and each
20 of their, wrongful conduct, and of the injuries and damages
21 sustained as alleged herein by Plaintiff, said wrongful conduct of
22 said Defendants, and each of them, was reasonably psychologically
23 repressed by Plaintiff, thereby causing him to forget and suppress
24 from his memory such wrongful conduct, including, but not limited
25 to, acts of sexual abuse and molestation and other physical,
26 emotional, mental and related abuse and injury. Plaintiff did not
27 discover, and reasonably could not have discovered, that his
28 mental and psychological injuries or illnesses occurring after the

1 age of majority were caused by said wrongful conduct including,
2 but not limited to, the aforementioned sexual abuse and
3 molestation occurring during his minority, as well as any other
4 injuries alleged herein, until approximately May 8, 1993, at which
5 time said knowledge first began to surface and continues to
6 presently surface to Plaintiff, JAMES ROGAN

7 16. As a direct, legal and proximate result of said
8 conduct of Defendants, and each of them, Plaintiff sustained
9 personal injuries which have caused, and will continue to cause,
10 permanent physical, emotional and mental pain, discomfort,
11 disability and suffering, all to his general damage in an amount
12 believed to be in excess of the minimum jurisdiction of this
13 court, according to proof.

14 17. As a further direct, legal and proximate result of
15 said wrongful acts of Defendants, and each of them, Plaintiff was
16 required to, and did, expend money and incur obligations for
17 medical, psychiatric, psychological and other health care
18 services, hospitalization, medicine and medical supplies, therapy,
19 rehabilitation, and other services, and will in the future be
20 compelled to incur additional obligations for same. Plaintiff
21 does not know the reasonable value of said obligations at this
22 time, but prays that same may be inserted herein when
23 ascertained or upon proof thereof.

24 18. As a further direct, legal and proximate result of
25 Defendants', and each of their, wrongful conduct, Plaintiff has
26 been deprived of earnings and earning capacity, and will in the
27 future be so deprived. Plaintiff does not know the reasonable
28 value of same at this time but prays that same be inserted herein

1 when ascertained or upon proof thereof.

2 19. On May 3, 1994, the Court issued an Order in
3 accordance with California Code of Civil Procedure, Section 340.1
4 that there is reasonable and meritorious cause for the filing of
5 the within First Amended Complaint naming the defendants herein.

6 FOR A SECOND, SEPARATE AND DISTINCT CAUSE OF ACTION
7 FOR NEGLIGENT INFLICTION OF EMOTIONAL
8 DISTRESS AGAINST ALL DEFENDANTS, AND EACH OF THEM,
PLAINTIFF ALLEGES AS FOLLOWS:

9 20. Plaintiff hereby refers to, repeats, and realleges
10 each and every paragraph contained in the First Cause of Action,
11 and each and every allegation contained therein, and incorporates
12 same by this reference, as though fully set forth at this point.

13 21. As alleged herein Defendants, ELUCETERIO RAMOS aka
14 AL RAMOS, and DOES 1 through 50, inclusive and each of them, did
15 so unlawfully touch, sexually molest and abuse Plaintiff, as
16 alleged herein and otherwise abusing and causing physical and
17 mental abuse as alleged herein thereby causing Plaintiff to suffer
18 severe and extreme emotional and mental distress.

19 22. At all times relevant herein, as alleged herein,
20 Defendants, and each of them, knew, or should have known, of the
21 aforementioned acts of sexual molestation and abuse of Plaintiff
22 by Defendant, ELUCETERIO RAMOS aka AL RAMOS, and DOES 1 through
23 50, inclusive, and each of them, or otherwise knew, or should have
24 known, that their failure to exercise reasonable conduct and due
25 care in the carrying out of their duties to Plaintiff, as
26 aforescribed and alleged herein, and that acting so negligently,
27 carelessly and otherwise wrongfully, would cause severe mental
28 anguish, emotional and physical distress and profound shock to

1 Plaintiff's nervous system.

2 23. As a further direct, legal and proximate result of
3 said wrongful acts of Defendants, and each of them, as
4 specifically alleged herein, Plaintiff has suffered, and continues
5 to suffer, severe mental anguish, emotional and physical distress,
6 and profound shock to his nervous system, resulting in the
7 injuries and damages set forth herein.

8 ~~FOR A THIRD, SEPARATE AND DISTINCT CAUSE OF ACTION~~
9 FOR ASSAULT AND BATTERY AGAINST ALL DEFENDANTS,
10 AND EACH OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

11 24. Plaintiff hereby refers to, repeats and realleges
12 each and every paragraph contained in the First and Second Causes
13 of Action, and each every allegation contained therein, and
14 incorporates same by this reference, as though fully set forth at
15 this point.

16 25. Defendants ELUCETERIO RAMOS aka AL RAMOS and DOES
17 1 through 50, inclusive, and each of them, verbally, physically,
18 or otherwise threatened, intimidated, coerced, deceived, or
19 otherwise wrongfully communicated or conveyed to Plaintiff that
20 said Defendants, and each of them, would unlawfully, in a harmful
21 and offensive manner, touch and perform illegal acts upon
22 Plaintiff including, but not limited to, acts of sexual
23 molestation and sexual abuse, with the intent and ability of
24 carrying out said acts. As a result thereof, Plaintiff
25 justifiably feared for his life, health, strength, physical and
26 emotional condition, and well-being.

27 26. Defendants ELUCETERIO RAMOS aka AL RAMOS and DOES
28 1 through 50, inclusive, and each of them, then proceeded without
consent to unlawfully touch, sexually molest and abuse Plaintiff,

1 and otherwise physically and mentally abuse and cause serious
2 injury and harm to Plaintiff as alleged herein, and thereafter
3 continued to do so, causing Plaintiff to suffer great physical and
4 emotional injury, as more particularly set forth herein.

5 27. Plaintiff is informed and believes and thereon
6 alleges that at all relevant times herein, Defendants, ROMAN
7 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
8 DIOCESE OF ORANGE; ~~ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A~~
9 CORPORATION SOLE; ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT
10 JOSEPH'S CATHOLIC CHURCH; SAINT JOSEPH'S CATHOLIC SCHOOL;
11 IMMACULATE HEART OF MARY PARISH; SAINT ANGELA MERICI PARISH; OUR
12 LADY OF GUADALUPE CHURCH; SAINT ANTHONY CLARET PARISH; AUXILIARY
13 BISHOP MICHAEL DRISCOLL; and DOES 1 through 150, inclusive, and
14 each of them, and the Defendants agents herein knew, or should
15 have known, the herein above alleged acts of assault and battery,
16 including, but not limited to, sexual molestation and abuse
17 committed on Plaintiff, JAMES ROGAN, and the intent and/or of the
18 propensity of Defendant, ELUCETERIO RAMOS aka AL RAMOS, and DOES
19 1 through 50, inclusive, and each of them, to commit the acts of
20 sexual molestation and sexual abuse against Plaintiff including,
21 but not limited, to those acts alleged herein, and that he was not
22 qualified, competent nor capable of being a child care custodian,
23 thereby creating an undue risk of harm to children similarly
24 situated as Plaintiff herein, which was, or should have been
25 reasonably foreseeable to all Defendants, and each of them,
26 particularly since they had specific knowledge that he was
27 sexually molesting and abusing other similarly situated children.
28 On more than one occasion, said Defendants were specifically

1 informed of said Defendant's wrongful conduct by a school teacher
2 at Immaculate Heart of Mary School, a priest, another altar boy,
3 and other reliable, reputable and verifiable sources. Yet, with
4 full knowledge of those acts and in a conscious disregard for the
5 rights of Plaintiff, said Defendants permitted, adopted, ratified
6 and otherwise approved those acts which were committed in the
7 course and scope of Defendant ELUCETERIO RAMOS aka AL RAMOS'
8 employment with Defendants herein and each of them, and
9 Defendants' agents herein. In addition, Defendants, ROMAN
10 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
11 DIOCESE OF ORANGE; ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A
12 CORPORATION SOLE; ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT
13 JOSEPH'S CATHOLIC CHURCH; SAINT JOSEPH'S CATHOLIC SCHOOL;
14 IMMACULATE HEART OF MARY PARISH; SAINT ANGELA MERICI PARISH; OUR
15 LADY OF GUADALUPE CHURCH; SAINT ANTHONY CLARET PARISH; AUXILIARY
16 BISHOP MICHAEL DRISCOLL; and DOES 1 through 150, inclusive, and
17 each of them, and their agents, had no reliable, significant or
18 meaningful policy or practice and otherwise failed and/or refused
19 to properly investigate and report complaints about the conduct of
20 the clergy or take appropriate action to protect the well-being of
21 its parishioners and others, including Plaintiff, JAMES ROGAN.
22 Thereafter, Defendant, ELUCETERIO RAMOS aka AL RAMOS, and DOES 1
23 through 50, inclusive, and each of them, continued to perpetuate
24 and perform the despicable and outrageous acts, including, but not
25 limited to, acts of sexual molestation and abuse and other
26 wrongful acts upon Plaintiff. As a result thereof, said
27 Defendants, and each of them, did continue to cause Plaintiff to
28 suffer severe mental, emotional and physical damages and injuries

1 as more particularly set forth and alleged herein.

2 28. The aforementioned of said Defendants, and each of
3 them, constituted unprovoked conduct which was willful, wanton,
4 malicious, oppressive and beyond all reasonable bounds of decency
5 and conscious disregard the physical and emotional health, safety
6 and well-being of Plaintiff.

7 29. By reason of said wrongful acts of Defendants, and
8 each of them, Plaintiff has suffered extreme and severe mental
9 anguish, emotional distress, physical pain and has been injured
10 and damaged as more particularly set forth herein.

11 30. Said wrongful conduct of Defendants, and each of
12 them, was intended to cause injury and damages to Plaintiff, or
13 alternatively, was despicable and unconscionable conduct carried
14 out with a willful, wanton, and conscious disregard for the
15 rights, health, safety and well-being of Plaintiff, subjecting
16 Plaintiff to cruel and unjust hardship, humiliation, severe mental
17 anguish, severe emotional distress and suffering and was so vile,
18 base, contemptible, miserable, wretched and loathsome that it
19 would be looked down upon and despised so as to cause injuries and
20 damages of the kind justifying an award of exemplary and punitive
21 damages. Pursuant to the provisions of California Code of Civil
22 Procedure, Section 425.14, Plaintiff will seek leave of Court in
23 the future in order to amend this Complaint to include a prayer
24 for punitive damages against the religious corporations, religious
25 corporations sole, their units, divisions, branches or
26 subsidiaries thereof, named herein.

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1 FOR A FOURTH, SEPARATE AND DISTINCT CAUSE OF ACTION
2 FOR FALSE IMPRISONMENT AGAINST ALL DEFENDANTS,
3 AND EACH OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

4 31. Plaintiff hereby refers to, repeats and realleges
5 each and every paragraph of the First, Second and Third Causes of
6 Action, and each and every allegation contained therein, and
7 incorporates same by this reference, as though fully set forth at
8 this point.

9 32. In carrying out the wrongful conduct alleged herein
10 of said Defendants, and each of them, said Defendants forcibly,
11 against Plaintiff's will, and without his consent and over his
12 protest, kept Plaintiff in said Defendants' presence and caused
13 Plaintiff to remain in Defendants' presence until said Defendants
14 had completed their unlawful acts including, but not limited to,
15 acts of sexual molestation and sexual abuse upon Plaintiff.

16 33. Immediately prior to said wrongful acts of said
17 Defendants, and each of them, Plaintiff had been peacefully
18 visiting, staying, attending school or church, performing church
19 duties, and otherwise acting lawfully at SAINT JOSEPH'S CATHOLIC
20 SCHOOL, SAINT JOSEPH'S CATHOLIC CHURCH and IMMACULATE HEART OF
21 MARY PARISH, SAINT ANGELA MERICI PARISH, OUR LADY OF GUADALUPE
22 CHURCH, SAINT ANTHONY CLARET PARISH, and DOES 51 through 150,
23 inclusive, and each of them, and at all other locations wherein
24 said wrongful acts and conduct of Defendants, and each of them,
25 occurred throughout the time period referred to herein.

26 34. The aforementioned acts of said Defendants, and
27 each of them, constituted unprovoked conduct which was willful,
28 wanton, malicious, oppressive, beyond all reasonable bounds of
decency and conscious disregard for the physical and emotional

1 health, safety and well-being of Plaintiff.

2 35. Said wrongful conduct of Defendants, and each of
3 them, was intended to cause injury and damages to Plaintiff or
4 alternatively, were despicable and unconscionable conduct carried
5 out with a willful, wanton and conscious disregard of the rights,
6 health, safety and well-being of Plaintiff, subjecting Plaintiff
7 to cruel and unjust hardship, humiliation, severe mental anguish,
8 severe emotional distress and suffering, and was so vile, base,
9 contemptible, miserable, wretched and loathsome that it would be
10 looked down upon and despised so as to cause injuries and damages
11 of the kind justifying an award of exemplary and punitive damages.
12 Pursuant to the provisions of California Code of Civil Procedure,
13 Section 425.14, Plaintiff will, at the appropriate time, seek
14 leave of Court in the future in order to amend this Complaint to
15 include a prayer for punitive damages against the religious
16 corporations, religious corporations sole, their units, division,
17 branches, or subsidiaries thereof named herein.

18 FOR A FIFTH, SEPARATE AND DISTINCT CAUSE OF ACTION
19 FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST
20 ALL DEFENDANTS, AND EACH OF
21 THEM, PLAINTIFF ALLEGES AS FOLLOWS:

22 36. Plaintiff hereby refers to, repeats, and realleges
23 each and every paragraph contained in the First, Second, Third and
24 Fourth Causes of Action herein, and each and every allegation
25 contained therein, and incorporates same by this reference, as
26 though fully set forth at this point.

27 37. Said conduct of Defendants, and each of them, was
28 willful, intentional, malicious, wanton, reckless and in conscious
disregard for the well-being of Plaintiff's physical, emotional

1 and mental state, and done for the purposes of causing him to
2 suffer humiliation, mental anguish, emotional distress and
3 suffering, and other physical injuries as more particularly set
4 forth herein.

5 38. Immediately prior to said wrongful acts of said
6 Defendants, and each of them, Plaintiff was peacefully, visiting,
7 staying, attending and performing church duties, and otherwise
8 acting lawfully at the SAINT JOSEPH'S CATHOLIC CHURCH, SAINT
9 JOSEPH'S CATHOLIC SCHOOL, IMMACULATE HEART OF MARY PARISH, and
10 DOES 51 through 150, inclusive and each of them, and at all other
11 locations wherein said wrongful and conduct of Defendants, and
12 each of them, occurred at all times material herein.

13 39. As a further result of the aforementioned wrongful
14 acts of said Defendants, and each of them, Plaintiff suffered
15 severe humiliation, mental anguish, emotional distress and
16 suffering, profound shock to his nervous system, and was otherwise
17 injured in his mind and body, and suffered other damages as more
18 particularly stated and alleged herein.

19 40. The aforementioned acts of said Defendants, and
20 each of them, was intended to cause injury and damages to
21 Plaintiff or alternatively, were despicable and unconscionable
22 conduct carried out with a willful, wanton and conscious disregard
23 of the rights, health, safety and well-being of Plaintiff,
24 subjecting Plaintiff to cruel and unjust hardship, humiliation,
25 severe mental anguish, severe emotional distress and suffering,
26 and other injuries and damages, and were so vile, base,
27 contemptible, miserable, wretched and loathsome that it would be
28 looked down upon and despised so as to cause injuries and damages

1 of the kind justifying an award of exemplary and punitive damages.
2 Pursuant to the provisions of California Code of Civil Procedure,
3 Section 425.14, Plaintiff will seek leave of Court in the future
4 in order to amend this Complaint to include a prayer for punitive
5 damages against the Defendants named herein which are a religious
6 corporations, religious corporations sole, their units, branches,
7 or subsidiaries thereof.

8 FOR A SIXTH, SEPARATE AND DISTINCT CAUSE OF ACTION
9 FOR STATUTORY VIOLATIONS AGAINST ALL DEFENDANTS,
10 AND EACH OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

11 41. Plaintiff hereby refers, repeats, and realleges
12 each and every paragraph contained in the First, Second, Third,
13 Fourth and Fifth Causes of Action herein, and each and every
14 allegation contained therein, and incorporates same by this
15 reference, as though fully set forth at this point.

16 42. After the Child Abuse and Neglect Reporting Act
17 took effect in 1980, Defendants ROMAN CATHOLIC BISHOP OF ORANGE,
18 A CORPORATION SOLE; ROMAN CATHOLIC DIOCESE OF ORANGE; ROMAN
19 CATHOLIC ARCHBISHOP OF LOS ANGELES, A CORPORATION SOLE; ROMAN
20 CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT JOSEPH'S CATHOLIC
21 CHURCH; SAINT JOSEPH'S CATHOLIC SCHOOL; IMMACULATE HEART OF MARY
22 PARISH; SAINT ANGELA MERICI PARISH; OUR LADY OF GUADALUPE CHURCH;
23 SAINT ANTHONY CLARET PARISH; AUXILIARY BISHOP MICHAEL DRISCOLL;
24 and DOES 1 through 150, inclusive, and each of them, by and
25 through their employees and agents, were "child care custodians"
26 and were under a statutory duty to report known or suspected
27 incidences of sexual molestation of minors to a Child Protective
28 Agency, pursuant to the Child Abuse and Neglect Reporting Act,
enunciated in California Penal Code, Section 11164, et seq.

1 43. At all times relevant herein, Defendants, ROMAN
2 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
3 DIOCESE OF ORANGE; ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A
4 CORPORATION SOLE; ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT
5 JOSEPH'S CATHOLIC CHURCH; SAINT JOSEPH'S CATHOLIC SCHOOL;
6 IMMACULATE HEART OF MARY PARISH; SAINT ANGELA MERICI PARISH; OUR
7 LADY OF GUADALUPE CHURCH; SAINT ANTHONY CLARET PARISH; AUXILIARY
8 BISHOP MICHAEL DRISCOLL; and DOES 1 through 150, inclusive, and
9 each of them, knew, or in the exercise of reasonable diligence,
10 should have known, that Defendant, ELUCETERIO RAMOS aka AL RAMOS,
11 and DOES 1 through 50, inclusive, and each of them, had sexually
12 molested, abused, or otherwise caused non-accidental touching,
13 battery, harm and other injuries to a minor giving rise to a duty
14 to report such conduct under Section 11166 of the California Penal
15 Code, and that an undue risk to children, such as Plaintiff, JAMES
16 ROGAN, existed because Defendants ROMAN CATHOLIC BISHOP OF ORANGE,
17 A CORPORATION SQLE; ROMAN CATHOLIC DIOCESE OF ORANGE; ROMAN
18 CATHOLIC ARCHBISHOP OF LOS ANGELES, A CORPORATION SOLE; ROMAN
19 CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT JOSEPH'S CATHOLIC
20 CHURCH; SAINT JOSEPH'S CATHOLIC SCHOOL; IMMACULATE HEART OF MARY
21 PARISH; SAINT ANGELA MERICI PARISH; OUR LADY OF GUADALUPE CHURCH;
22 SAINT ANTHONY CLARET PARISH; AUXILIARY BISHOP MICHAEL DRISCOLL;
23 and DOES 1 through 150, inclusive, and each of them, even though
24 they had been advised of the wrongful acts of Defendant,
25 ELUCETERIO RAMOS aka AL RAMOS, and DOES 1 through 50, inclusive,
26 and each of them, by, among others, a teacher at Immaculate Heart
27 of Mary Parish, and DOES 1 through 150, inclusive, and each of
28 them, and another altar boy, and a priest, Defendants, and each of

1 them, and otherwise, did not comply with these mandatory reporting
2 requirements.

3 44. At all times relevant herein, by failing to report
4 the continuing molestation known by Defendants, and each of them,
5 at all times material herein, and ignoring the fulfillment of the
6 mandated compliance with reporting requirements provided under
7 California Penal Code, Section 11166, Defendants, ROMAN CATHOLIC
8 BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC DIOCESE OF
9 ORANGE; ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A CORPORATION
10 SOLE; ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT JOSEPH'S
11 CATHOLIC CHURCH; SAINT JOSEPH'S CATHOLIC SCHOOL; IMMACULATE HEART
12 OF MARY PARISH; SAINT ANGELA MERICI PARISH; OUR LADY OF GUADALUPE
13 CHURCH; SAINT ANTHONY CLARET PARISH; AUXILIARY BISHOP MICHAEL
14 DRISCOLL; and DOES 1 through 150, inclusive, and each of them,
15 created the risk and dangers contemplated by the Child Abuse and
16 Neglect Reporting Act and as a result unreasonably and wrongfully
17 exposed Plaintiff; JAMES ROGAN, to the molestation as alleged
18 herein, thereby breaching Defendants' duty of care to him.

19 45. At all times relevant herein, Plaintiff, JAMES
20 ROGAN, was one of the class of persons for whose protection
21 California Penal Code, Section 11166, was specifically adopted to
22 protect.

23 46. At all times relevant herein, had Defendants,
24 ROMAN CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN
25 CATHOLIC DIOCESE OF ORANGE; ROMAN CATHOLIC ARCHBISHOP OF LOS
26 ANGELES, A CORPORATION SOLE; ELUCETERIO RAMOS aka AL RAMOS; ROMAN
27 CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT JOSEPH'S CATHOLIC
28 CHURCH; SAINT JOSEPH'S CATHOLIC SCHOOL; IMMACULATE HEART OF MARY

1 PARISH; SAINT ANGELA MERICI PARISH; OUR LADY OF GUADALUPE CHURCH;
2 SAINT ANTHONY CLARET PARISH; AUXILIARY BISHOP MICHAEL DRISCOLL;
3 and DOES 1 through 150, inclusive, and each of them, adequately
4 performed their duties under Section 11166 of the California Penal
5 Code, and reported the molestation of at all times material
6 herein, Plaintiff, JAMES ROGAN, to a child protective agency at
7 all times material herein, it would have resulted in the
8 involvement of trained child sexual abuse case workers for the
9 purposes of preventing harm and further harm to Plaintiff and
10 preventing and/or treating the injuries and damages suffered by
11 Plaintiff as alleged herein.

12 47. As a direct, legal and proximate result of
13 Defendants, ROMAN CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE;
14 ROMAN CATHOLIC DIOCESE OF ORANGE; ROMAN CATHOLIC ARCHBISHOP OF LOS
15 ANGELES, A CORPORATION SOLE; ROMAN CATHOLIC ARCHDIOCESE OF LOS
16 ANGELES; SAINT JOSEPH'S CATHOLIC CHURCH; SAINT JOSEPH'S CATHOLIC
17 SCHOOL; IMMACULATE HEART OF MARY PARISH; SAINT ANGELA MERICI
18 PARISH; OUR LADY OF GUADALUPE CHURCH; SAINT ANTHONY CLARET PARISH;
19 AUXILIARY BISHOP MICHAEL DRISCOLL; and DOES 1 through 100,
20 inclusive, and each of them, and DOES 1 through 150, inclusive,
21 and each of their, failure to follow the mandatory reporting
22 requirements of California Penal Code, Section 11166, and report
23 the aforesaid acts of Defendant, ELUCETERIO RAMOS aka AL RAMOS,
24 and DOES 1 through 50, inclusive, and each of them, at all times
25 material herein, to a child protective agency, Defendants, ROMAN
26 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
27 DIOCESE OF ORANGE; ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A
28 CORPORATION SOLE; ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES;

1 ELUCETERIO RAMOS aka AL RAMOS; SAINT JOSEPH'S CATHOLIC CHURCH;
2 SAINT JOSEPH'S CATHOLIC SCHOOL; IMMACULATE HEART OF MARY PARISH;
3 SAINT ANGELA MERICI PARISH; OUR LADY OF GUADALUPE CHURCH; SAINT
4 ANTHONY CLARET PARISH; AUXILIARY BISHOP MICHAEL DRISCOLL; and DOES
5 1 through 150, inclusive, and each of them, and DOES 1 through
6 100, inclusive, and each of them, wrongfully denied and restricted
7 Plaintiff, JAMES ROGAN, and other similarly situated minors from
8 the protection of child protection agencies which would have
9 changed the then existing arrangements and conditions, which
10 theretofore provided the basis for access and opportunities for
11 the molestation of Plaintiff, JAMES ROGAN, as alleged herein.

12 48. The physical, mental and emotional injuries and
13 damages as alleged herein resulting from the continued sexual
14 molestation of Plaintiff, JAMES ROGAN, by Defendant, ELUCETERIO
15 RAMOS aka AL RAMOS, and DOES 1 through 50, inclusive, and each of
16 them, as alleged herein, were the types of occurrences and
17 injuries and damages the Child Abuse and Neglect Reporting Act was
18 designed to prevent.

19 49. As a direct, legal and proximate result of the
20 intentional, negligent, careless and other wrongful acts of
21 Defendants, ROMAN CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE;
22 ROMAN CATHOLIC DIOCESE OF ORANGE; ELUCETERIO RAMOS aka AL RAMOS;
23 ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A CORPORATION SOLE;
24 ROMAN CATHOLIC ARCHDIOCESE OF LOS ANGELES; SAINT JOSEPH'S CATHOLIC
25 CHURCH; SAINT JOSEPH'S CATHOLIC SCHOOL; IMMACULATE HEART OF MARY
26 PARISH; SAINT ANGELA MERICI PARISH; OUR LADY OF GUADALUPE CHURCH;
27 SAINT ANTHONY CLARET PARISH; AUXILIARY BISHOP MICHAEL DRISCOLL;
28 and DOES 1 through 150, inclusive, and each of them, the lack of

1 appropriate referral for child sexual abuse treatment, and the
2 foreseeable resultant molestation, Plaintiff was injured in his
3 health, strength and activity, and thereby suffered, and continues
4 to suffer, permanent and severe mental anguish, emotional and
5 physical distress and profound shock to his nervous system and
6 other injuries resulting in the trauma and damages set forth and
7 alleged herein.

8 WHEREFORE, Plaintiff prays as follows:

9 AS FOR ALL CAUSES OF ACTION

- 10 1. General damages according to proof;
11 2. Medical and related expenses, past, present, and
12 future, according to proof;
13 3. Loss of earnings, past, present, and future, and
14 loss of earning capacity, in a sum according to proof;
15 4. Other items of special damage according to proof;
16 5. Costs of suit incurred herein;
17 6. Prejudgment interest as provided by law; and,
18 7. Such other and further relief as may be deemed just
19 and proper.

20 FOR THE THIRD, FOURTH AND FIFTH CAUSES OF ACTION
21 AS AGAINST DEFENDANTS, ELUCETERIO RAMOS aka AL RAMOS,
22 AUXILIARY BISHOP MICHAEL DRISCOLL, AND
23 DOES 1 THROUGH 50, INCLUSIVE, AND EACH OF THEM,
AND OTHER DEFENDANTS SUBJECT TO LEAVE OF COURT IN
ACCORDANCE WITH CODE OF CIVIL PROCEDURE, SECTION 425.14

24 8. For punitive and exemplary damages in an amount
25 deemed just and proper.

26 DATED: April 14, 1994

LAW OFFICE OF WERNER R. MEISSNER
A Professional Law Corporation

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Werner R. Meissner
Attorney for Plaintiff.