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Superior Court Of California
Sacramento
07/21/2011
amacias
By _____, Deputy
Case Number:
34-2011-70000002

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF SACRAMENTO

Department
Assignments
Case Management 36
Law and Motion 53
Minors Compromise 24

14 JOHN DOE 75,

15 Plaintiff,

16 v.

17 JOHN ROE 1 and ROES 2 through 25,
18 inclusive,

19 Defendants.

Case No.:

COMPLAINT FOR DAMAGES

1. Negligence
2. Negligent Hiring, Supervision & Retention
3. Negligent Failure to Warn
4. Negligent Misrepresentation
5. Fraud
6. Fraudulent Concealment / Intentional Non-Disclosure
7. Vicarious Liability

20 GENERAL ALLEGATIONS

21 1. Plaintiff is using a fictitious name in this Complaint under rights to privacy granted
22 by the Constitution of the State of California due to the sensitive nature of this case. If, for any
23 reason, Defendants cannot accurately determine the identity of the Plaintiff, their attorney can
24 contact Plaintiff's attorney at the address on the face sheet of the Complaint, and the name of the
25 Plaintiff will be provided.

26 2. Plaintiff JOHN DOE 75 is a natural person who was a resident of the County of
27 Monterey, State of California, at all relevant times mentioned herein. Plaintiff was 9 years old
28 when he was first molested by Father William Allison in or around 1966.

3. Defendant JOHN ROE 1 is a religious institution organized under the laws of the

1 State of California as a corporation sole with its principle place of business in Monterey,
2 California. Defendant ROE 1 is responsible for the funding, staffing and direction of the parishes,
3 parochial schools, fraternal organizations and other facilities and institutions. It comprises the
4 counties of Santa Cruz, Monterey, San Benito, and San Luis Obispo.

5 4. Father William Allison was an adult male who was a priest employed by and/or
6 working on behalf of Defendant JOHN ROE 1. At all times material hereto, Father William
7 Allison was under the direct supervision, employ and control of Defendant JOHN ROE 1. Father
8 William Allison physically perpetrated acts of sexual abuse upon the Plaintiff when Plaintiff was a
9 minor.

10 5. Plaintiff is informed and believes and based thereon alleges that at all times
11 material hereto each Defendant was the agent, servant, employee and/or representative of each
12 remaining Defendant, and was at all times acting within the course and scope of said agency,
13 service, employment and/or representation, and did the acts herein alleged with the permission and
14 consent of each other Defendant. Plaintiff is informed and believes and based thereon alleges that
15 at all times material hereto Defendant JOHN ROE 1 and ROES 2 through 25, inclusive, and each
16 of them, operated and controlled religious and educational facilities in Monterey county, and other
17 counties in California, and through such facilities, provided religious and educational instruction
18 to students, parishioners and others.

19 6. The true names and capacities, whether individual, corporate, associate or
20 otherwise, of Defendants ROES 2 through 25 are unknown to Plaintiff, who therefore sues said
21 Defendants by such fictitious names. When the true names and capacities of said Defendants have
22 been ascertained, Plaintiff will seek leave of court to amend this Complaint to allege such true
23 names and capacities. Plaintiff is informed and believes and based thereon alleges that each of the
24 Defendants designated as a ROE herein is liable in some manner for the acts, occurrences and
25 omissions hereinafter alleged.

26 7. While religious belief is absolutely protected, conduct is not protected and the
27 actions hereinbelow alleged were illegal secular motivated conduct that is regulated by the law.

28 8. Father William Allison was an ordained Catholic priest at all relevant time

1 mentioned herein.

2 9. Father William Allison was known to have sexually abused many children between
3 1963 and 1966, prior to the time Plaintiff was sexually molested by Allison.

4 10. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops
5 throughout the world including the Bishop of Monterey. The instruction was binding upon the
6 Bishop of Monterey until 2001. The instruction directed that allegations and reports of sexual
7 abuse of children by priests were required to be kept secret and not disclosed either to civil
8 authorities such as law enforcement, to co-employees or supervisors of parish priests, or to
9 parishioners generally.

10 11. Canon law requires Bishops to keep subsecreto files also known as confidential
11 files. These files are not to be made public.

12 12. Because of problems of sexual misconduct of Catholic clergy, the Catholic Church
13 and other organizations sponsored treatment centers for priests that had been involved in sexual
14 misconduct. One of the treatment centers that existed prior to 1982 was in Albuquerque, New
15 Mexico, and sponsored by the servants of the Paracletes. Another treatment center for priests who
16 engaged in sexual misconduct was St. Luke's in Suitland, Maryland.

17 13. Sexual abuse of clerics by Catholic clergy has been a reality in the Catholic Church
18 for centuries but has remained covered by deep secrecy. This secrecy is rooted in the official
19 policies of the Catholic Church which are applicable to all dioceses and in fact are part of the
20 practices of each diocese, including the Diocese of Monterey. Sexual abuse of minors by Catholic
21 clergy and religious leaders became publicly known in the mid 1980's as a result of media
22 coverage of a case in Lafayette, Louisiana. Since that time the media has continued to expose
23 cases of clergy sexual abuse throughout the United States. In spite of these revelations as well as
24 the many criminal and civil litigations the Church has been involved in as a result of clergy sexual
25 abuse of minors, the bishops and other Church leaders continued to pursue a policy of secrecy.

26 14. All of the procedures required in the so-called "Dallas Charter" have been
27 previously mandated in the Code of Canon Law and in the 1922 and 1962 documents but were
28 consistently ignored by Catholic bishops. In place of the required processes, which would have

1 kept a written record of cases of clergy sexual abuse, the bishops applied a policy of clandestine
2 transfer of accused priests from one local or diocesan assignment to another or from one diocese to
3 another. The receiving parishioners and often the receiving pastors were not informed of any
4 accusations of sexual abuse of minors.

5 15. Refusal to disclose sexually abusing clerics to parishioners and even fellow clerics
6 has been one way utilized by Defendant to maintain secrecy. Another has been to use various
7 forms of persuasion on victims or their families to convince them to remain silent about incidents
8 of abuse. These forms of persuasion have included methods that have ranged from sympathetic
9 attempts to gain silence to direct intimidation to various kinds of threats. In so doing the clergy
10 involved, from bishops to priests, have relied on their power to overwhelm victims and their
11 families.

12 16. Father William Allison was a priest who had committed sex crimes against minors
13 in Arizona, New Mexico and Louisiana before being brought into the Diocese of Monterey in or
14 around 1962. Father Allison's crimes were known by Church officials in his assignments before
15 the Diocese of Monterey, and during his stay in the Diocese of Monterey. Father Allison also had
16 been sent to a treatment center before his assignment to the Diocese of Monterey.

17 17. A major source of funds for Defendant is monies received from its parishioners in
18 the form of tithing. Another major source of funding for Defendant and its agents is in the form of
19 tuition for attendance at its Catholic Schools. Defendant benefitted from Plaintiff and his parents
20 through tithing and tuition. In fact, it was in the course of performing services for Defendant in
21 order to receive a credit for tuition that Father Allison was able to gain access to and sexually
22 molest Plaintiff.

23 18. Plaintiff was raised in devoutly religious family, was baptized, confirmed, served
24 as an altar server and regularly celebrated weekly mass and received the sacraments through his
25 Church. Plaintiff was educated and taught the theology and tenets of The Roman Catholic Church
26 on matters of faith, morals and religious doctrine. Plaintiff therefore developed great admiration,
27 trust, reverence and respect for, and obedience to, Roman Catholic clergy, who occupied positions
28 of great influence and persuasion as holy men and authority figures. Plaintiff was encouraged to

1 trust, respect and obey Father Allison.

2 19. Plaintiff was a minor who was under the custody and control of JOHN ROE 1, who
3 had control over the Plaintiff's welfare and who was responsible for running the school and parish
4 with a duty to protect Plaintiff because it was in a special relationship with him. While a
5 priest/parishioner relationship does not mean it is special per se, it does not follow that a *fiduciary*
6 or confidential relationship between a priest and parishioner cannot be created depending on the
7 circumstances.

8 20. JOHN DOE 75 first met and came to know Father Allison as his parish priest and
9 counselor while attending San Carlos school and church in Monterey, California.

10 21. Plaintiff regularly attended mass and engaged in confession with priests employed
11 by Defendant John Roe 1 (Diocese). Accordingly, a special relationship was formed between
12 Plaintiff and Defendant. As delineated in California Evidence Code sections 1030-1034,
13 codifying the clergyman-penitent privilege, the fact that a special relationship between Defendants
14 and parishioners not only exists, but extends to non-spiritual matters.

15 22. In 1966, Father Allison sexually molested Plaintiff in the rectory of San Carlos
16 Church in Monterey, California. Sexual molestations continued for approximately eighteen
17 months.

18 23. At no time did Defendant Diocese ever send an official, a member of the clergy, an
19 investigator or any employee or independent contractor to San Carlos Church in Monterey to
20 advise the parishioners either verbally or through a church bulletin that there were credible
21 allegations against Father Allison and to request that anyone who saw, suspected or suffered
22 sexual abuse to come forward and file a report with the police department. Rather, Defendant
23 Diocese remained silent.

24 24. Pursuant to California Code of Civil Procedure section 338(d), Plaintiff's causes of
25 action did not accrue until 2009, that Defendant JOHN ROE 1 had placed Father William Allison,
26 a priest known to Defendant to be a diagnosed pedophile, into his parish, without disclosing to
27 Plaintiff and his parents that he, as a 9 year old student at San Carlos School, was in fact at risk.

28 25. Plaintiff John Doe 75 had no reason to suspect that he had been defrauded before

1 2009. As demonstrated by the sentiment among San Carlos parishioners, it was almost
2 unbelievable to suspect that a trusted priest would molest children. It was just as absurd to a
3 reasonable person, if not more so, to even entertain the idea that the Defendants would place
4 children in harm's way by concealing their knowledge that known abuser/priests/employees were
5 child molesters and representing that said priests should be trusted and have unsupervised access
6 to minor-parishioners. Accordingly, pursuant to Cal. Code Civ. Proc. § 338(d), Plaintiff John Doe
7 75's fifth, sixth, and seventh causes of action did not accrue until on or about 2009, when Plaintiff
8 John Doe 75 first learned that the Defendants had misrepresented Father William Allison's fitness
9 and actively concealed Father William Allison's history of sexual misconduct with children.

10 26. Defendant is estopped from asserting a statute of limitations defense. Defendant's
11 knowing false representations as set forth below prevent it from being able to use any statute of
12 limitations to protect itself. Defendant was aware of the true facts when misrepresentations were
13 made. Defendant intended that its representations would be acted upon by Plaintiff. Plaintiff was
14 never aware of the true facts until within one year of the filing of this action. Plaintiff relied on
15 Defendant's conduct to his detriment. Had Plaintiff and his parents known what Defendants
16 knew—that Father Allison was known by Defendant to be a pedophile, prior to his assignment to
17 San Carlos in 1962, Plaintiff would not have been exposed to Allison.

18 27. Defendant is also estopped from asserting a statute of limitations defense, because
19 starting in 1962, Defendant JOHN ROE 1 (Diocese) engaged in a pattern of conduct designed to
20 minimize the liabilities of the Defendant because of Allison's conduct. Defendant knew Father
21 Allison had an extensive history of sexually abusing Catholic minors while he was serving as a
22 priest in Arizona, New Mexico and Louisiana before his assignment to Defendant Diocese.
23 Defendant knew that Father Allison underwent treatment for his psychosexual disorder before his
24 assignment to Diocese. Notwithstanding this knowledge, Defendant engaged in conduct which
25 precludes it asserting a statute of limitations defense which includes aiding and abetting Allison's
26 criminal conduct in continuing to place him in work around children despite knowledge of his
27 criminal propensities. Defendant is further estopped from asserting a statute of limitations defense
28 because, as with other Roman Catholic institutions, it has systematically for many years thwarted

1 investigations of pedophile priests, while simultaneously attempting to pacify their victims and
2 families through use of church loyalty. This has routinely included steering victims of abuse and
3 their families to counselors loyal to the church, while at the same time failing to inform those
4 victims and their families that they have legal rights and that there are statutes of limitations that
5 could preclude later bringing an action. When such victims unknowingly wait until their
6 limitations have expired, Defendant and other Roman Catholic entities have then argued for
7 dismissal of the victim's case because the statutes of limitations have expired.

8 28. As a result of his molestation, Plaintiff John Doe 75 became subject to
9 psychological mechanisms of denial and dissociation which by their natural operation reasonably
10 and justifiably prevented Plaintiff John Doe 75 from being able to know and meaningfully
11 understand the psychological and emotional injuries which were occurring and would in the future
12 continue to occur and develop in him. Said mechanisms naturally and reasonably prevented
13 Plaintiff John Doe 75 from being able to discover that psychological injuries occurring in his adult
14 life were causally connected to the child sexual abuse, and from being able to discover the
15 injurious nature of the childhood sexual abuse until within (one??) year of the filing of this
16 Complaint.

17 29. Although Plaintiff John Doe 75 never repressed his memories of the abuse, he
18 buried memories of it as far as he could out of his conscious mind. He abused (alcohol??)
19 following the molestations.

20 30. It is often only when an adult survivor of childhood sexual abuse enters
21 psychotherapy or at least as an adult, engages another person in conversation about the effects of
22 their child molestation that any meaningful understanding of his or her injuries can be developed.
23 Similarly, only when a survivor of abuse discloses the abuse do the psychological defense
24 mechanisms employed to protect the victim's mind begin to break down, exposing the injury.
25 Because of the shame and self-blame caused by the molestation, survivors of abuse cannot
26 reasonably be expected to disclose the abuse until some life event triggers or spurs a need to do so
27 or until a therapist inquires into the subject.

28 31. Plaintiff is filing this Complaint within three years of the date he discovered or

1 reasonably should have discovered that psychological injury or illness occurring after the age of
2 majority was caused by the childhood sexual abuse. Plaintiff brings this Complaint pursuant to
3 Cal. Code Civ. Proc. § 340.1.

4 **FIRST CAUSE OF ACTION**
5 **(Negligence)**

6 32. Plaintiff incorporates herein by reference each and every General Allegation as if
7 fully set forth herein and with the same force and effect.

8 33. Defendant JOHN ROE 1 had a duty to protect the minor Plaintiff when he was
9 entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was
10 temporarily entrusted to Defendant, and Defendant accepted and entrusted care of the Plaintiff. As
11 such, Defendant owed Plaintiff, a minor child, a special duty of care, in addition to a duty of
12 ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to
13 protect them from harm. In this case, Plaintiff required the heightened level of care appropriate
14 for a minor.

15 34. The perpetrator, Father Allison, was able, by virtue of his unique authority and
16 position as a priest in the Catholic Church, to identify the vulnerable victims and their families
17 upon which he would perpetrate such sexual abuse; to manipulate his authority to procure
18 compliance with his sexual demands from his victims; to induce the victim to continue to allow
19 the abuse; and to coerce victims not to report it to any other persons or authorities.

20 35. Defendant JOHN ROE 1, by and through their agents, servants and employees,
21 knew or reasonably should have known of the Father Allison's dangerous and exploitive
22 propensities and/or that the Father Allison was an unfit agent. It was foreseeable that if Defendant
23 did not adequately exercise or provide the duty of care owed to children in their care, including but
24 not limited to the Plaintiff, the children entrusted to Defendant's care would be vulnerable to
25 sexual abuse by Father Allison.

26 36. Defendant JOHN ROE 1 breached its duty of care to the minor Plaintiff by
27 allowing Father Allison to come in contact with the minor Plaintiff without supervision; by failing
28 to adequately supervise, or negligently retaining Father Allison who they permitted and enabled to

1 have access to the Plaintiff; by failing to investigate or otherwise confirm or deny such facts about
2 Father Allison; by failing to tell or concealing from Plaintiff, Plaintiff's parents, guardians, or law
3 enforcement officials, that Father Allison was or may have been sexually abusing minors; by
4 failing to tell or concealing from Plaintiff's parents, guardians or law enforcement officials that
5 Plaintiff was or may have been sexually abused after Defendant knew or had reason to know that
6 Father Allison may have sexually abused Plaintiff, therefore enabling Plaintiff to continue to be
7 endangered and sexually abused, and/or creating the circumstance where Plaintiff was less likely
8 to receive medical/mental health care and treatment, thus exacerbating the harm done to Plaintiff.
9 Defendant cloaked within the façade of normalcy, Defendant's and/or Father Allison's conduct
10 and/or actions with the Plaintiff and/or with other minors who were victims of Father Allison,
11 and/or disguised the nature of the sexual abuse.

12 37. As a direct result of Defendant JOHN ROE 1's negligence, Plaintiff was caused
13 harm as more fully set forth below.

14 **SECOND CAUSE OF ACTION**
15 **(Negligent Hiring, Supervision & Retention)**

16 38. Plaintiff incorporates herein by reference each and every allegation in the First
17 Cause of Action as if fully set forth herein and with the same force and effect.

18 39. Defendant JOHN ROE 1 had a duty to not hire and/or retain Father Allison, and
19 other employees, agents, volunteers and other representatives, given Father Allison's dangerous
20 and exploitive propensities.

21 40. Defendant JOHN ROE 1 had a duty to provide reasonable supervision of both
22 Father Allison and the Plaintiff; to use reasonable care in investigating Father Allison; and to
23 provide adequate warning to the Plaintiff, or the Plaintiff's family members, of Father Allison's
24 dangerous propensities or unfitness.

25 41. Defendant JOHN ROE 1, by and through its agents, servants and employees, knew
26 or reasonably should have known of Father Allison's dangerous and exploitive propensities
27 and/or that Father Allison was an unfit agent. Despite such knowledge, Defendant JOHN ROE 1
28 negligently failed to supervise Father Allison in the position of trust and authority as a priest with

1 a leadership role with youth where he was able to commit the wrongful acts against the Plaintiff.
2 Defendant JOHN ROE 1 failed to prove the reasonable supervision of Father Allison, failed to use
3 reasonable care in investigating Father Allison, and failed to provide adequate warning to Plaintiff
4 and Plaintiff's family of Father Allison's dangerous propensities and unfitness. Defendant JOHN
5 ROE 1 further failed to take reasonable measures to prevent future sexual abuse.

6 42. As a direct result of Defendant JOHN ROE 1's negligence, Plaintiff was caused
7 harm as more fully set forth below.

8 **THIRD CAUSE OF ACTION**
9 **(Negligent Failure to Warn or Educate)**

10 43. Plaintiff incorporates herein by reference each and every allegation in the Second
11 Cause of Action as if fully set forth herein and with the same force and effect.

12 44. Defendant JOHN ROE 1 breached their duty to take reasonable protective
13 measures to protect Plaintiff and other minor students from the risk of childhood sexual abuse by
14 Father Allison, such as the failure to properly warn or educate the Plaintiff and his parents, and
15 other minor parishioners and/or students about how to avoid such risk, pursuant to *Juarez v. Boy*
16 *Scouts of America, Inc.* (2000) 97 Cal.App.4th 377.

17 45. As a direct result of Defendant JOHN ROE 1's negligence, Plaintiff was caused
18 harm as more fully set forth below.

19 **FOURTH CAUSE OF ACTION**
20 **(Negligent Misrepresentation)**

21 46. Plaintiff incorporates herein by reference each and every allegation in the Third
22 Cause of Action as if fully set forth herein and with the same force and effect.

23 47. Defendant JOHN ROE 1, through its agents, represented to Plaintiff and his family
24 that Father Allison did not have a history of molesting children and that Father Allison was not a
25 danger to children.

26 48. Father Allison did have a history of sexually molesting children and was a danger
27 to children.

28 49. Defendant JOHN ROE 1 owed a duty of care to Plaintiff because it knew Father

1 Allison would have access to children including Plaintiff. Defendant JOHN ROE 1 should have
2 known that Father Allison was a danger to children, and should have known Father Allison had
3 molested children before he molested Plaintiff, and should have known that parents and children
4 would place the utmost trust in Father Allison.

5 50. Defendant JOHN ROE 1, through its agents, failed to use ordinary care in making
6 the representations or in ascertaining the facts related to Father Allison. Defendant JOHN ROE 1
7 reasonably should have foreseen that its representations would subject Plaintiff to an unreasonable
8 risk of harm.

9 51. Defendant JOHN ROE 1 failed to use ordinary care to determine Father Allison's
10 significant/lengthy history of molesting children and whether he was safe for work with children
11 before it made its representation about Father Allison. Defendant JOHN ROE 1's failures,
12 include, but are not limited to: failure to ask Father Allison whether he would be sexually
13 molesting children, failure to ask Father Allison's co-workers whether he was molesting children
14 or whether they had any concerns about Father Allison and children, failure to investigate Father
15 Allison's interest in children, failure to have an adequate system to determine whether Father
16 Allison molested children and whether he was safe, failure to train its employees properly to
17 identify signs of child molestation by fellow employees, and failure to investigate warning signs
18 about Father Allison when they did arise.

19 52. Plaintiff believed and justifiably relied upon Defendant JOHN ROE 1's
20 representations, which caused him to be sexually molested by Father Allison and suffer damages
21 as set forth below.

22 **FIFTH CAUSE OF ACTION**
23 **(Fraud)**

24 53. Plaintiff incorporates herein by reference each and every General Allegation as if
25 fully set forth herein and with the same force and effect.

26 54. A priest was and is directly answerable to the Diocese as his superior. Defendant
27 JOHN ROE 1 wanted its pastors to be well respected by the parishioners in their parish.
28 Defendant JOHN ROE 1 also wanted the parishioners to have belief and trust in their pastors.

1 55. Defendant JOHN ROE 1 wanted parishioners to have a belief that their priest
2 would never do anything to harm them and also a belief that the priest would always act in their
3 best interest.

4 56. Defendant JOHN ROE 1's fundamental responsibility to the lay people and the
5 priests is to safeguard and nurture their spiritual and moral life. This responsibility requires that a
6 bond of complete trust exist between the Bishop and each person entrusted to him, meaning those
7 who live in his diocese and those who may be there temporarily.

8 57. The trust relationship that exists between a Bishop and the people of his diocese is
9 deeper and more inclusive than the trust relationship that exists between any secular superior and
10 his other subject. The institutional Church teaches the lay parishioner that he or she must trust the
11 Bishop to administer the laws of the Church in a fair and impartial manner (canon 221).

12 58. Defendant JOHN ROE 1's act of placing Father Allison at San Carlos where he had
13 unsupervised access to children affirmatively represented to the minor children and their families
14 that the JOHN ROE 1 did not know that Father Allison had a history of molesting children and
15 that JOHN ROE 1 did not know that Father Allison was a danger to children. Such acts constitute
16 representations of fact.

17 59. Plaintiff justifiably relied upon Defendant JOHN ROE 1's misrepresentation which
18 caused him to have contact with Father Allison.

19 60. Defendant JOHN ROE 1 knew that the misrepresentations were false or at least
20 were reckless and without care of whether these representations were true or false.

21 61. Defendant JOHN ROE 1 made the misrepresentations with the intent to deceive
22 Plaintiff and his parents and to induce him to act on the misrepresentations.

23 62. At no time did Defendant JOHN ROE 1 ever send an official, a member of the
24 clergy, an investigator or any employee or independent contractor to San Carlos Church to advise
25 the parishioners either verbally or through a church bulletin that there were credible allegations
26 against Father Allison and to request that anyone who saw, suspected or suffered sexual abuse to
27 come forward and file a report with the police department. Rather, Defendant JOHN ROE 1
28 remained silent despite its knowledge that Allison had sexually molested Catholic children at

1 previous assignments with several Dioceses.

2 63. As a direct result of Defendant JOHN ROE 1's fraud, Plaintiff was caused harm as
3 more fully set forth below.

4 **SIXTH CAUSE OF ACTION**
5 **(Fraudulent Concealment / Intentional Non-Disclosure)**

6 64. Plaintiff incorporates herein by reference each and every allegation in the Sixth
7 Cause of Action as if fully set forth herein and with the same force and effect.

8 65. Plaintiff reposed great trust and confidence in Defendant JOHN ROE 1. Defendant
9 JOHN ROE 1 accepted Plaintiff's trust and confidence. As a result of Defendant JOHN ROE 1's
10 relationship to Plaintiff and his family, Defendant JOHN ROE 1 owed a fiduciary duty to Plaintiff
11 that was breached by failing to disclose and actively concealing that Father Allison was a known
12 danger to children.

13 66. Whether or not Father Allison was a known criminal sex offender and would have
14 access to children by Defendant were material facts to Plaintiff.

15 67. Defendant JOHN ROE 1 concealed or intentionally failed to disclose information
16 relating to Defendant JOHN ROE 1's knowledge of Father Allison's criminal history.

17 68. Defendant JOHN ROE 1 knew it concealed or failed to disclose information
18 relating to Father Allison's criminal history.

19 69. Plaintiff justifiably relied upon Defendant JOHN ROE 1 for information relating to
20 Father Allison's fitness to serve as a priest at San Carlos with access to children.

21 70. As a direct result of Defendant JOHN ROE 1's fraudulent concealment, Plaintiff
22 was caused harm as more fully set forth below.

23 **SEVENTH CAUSE OF ACTION**
24 **(Vicarious Liability)**

25 71. Plaintiff incorporates by reference each and every allegation contained in this
26 Complaint as if fully set forth herein and with the same force and effect.

27 72. At all times material, Father William Allison was a priest within the employment of
28 and in service of Defendant JOHN ROE 1. Father William Allison was under Defendant JOHN

1 ROE 1's direct supervision and control when he committed the wrongful and negligent acts
2 described herein. Father William Allison engaged in this conduct while in the course and scope of
3 his position as a priest with Defendant JOHN ROE 1 and/or accomplished the sexual abuse by
4 virtue of his authority. Therefore, Defendant JOHN ROE 1 is liable for the negligent and
5 wrongful conduct of Father William Allison under the law of vicarious liability, including the
6 doctrine of respondeat superior.

7 73. As a direct result of Father William Allison's above referenced conduct while
8 Plaintiff was a minor, Plaintiff was caused harm as more fully set forth below.

9 DAMAGES

10 74. As a direct, legal and proximate result of each and all of the Causes of Action
11 hereinabove alleged, Plaintiff has been damaged as herein below set forth.

12 75. Plaintiff has suffered psychological and emotional injury and harm, including not
13 only the immediate distress caused by Defendant and its conduct, but also long-term psychological
14 injuries which were to a large extent only latent at the time of the wrongful conduct, and which
15 have developed and occurred, and will in the future continue to develop and occur in Plaintiff, all
16 to Plaintiff's general damages in a sum to be proven. Plaintiff has further suffered an exacerbation
17 of any emotional difficulties which were pre-existing the harmful treatment Plaintiff received from
18 Defendant.

19 76. Plaintiff has suffered physical, mental and emotional health problems as a result of
20 which he has had to employ, and will in the future continue to have to employ, medical and mental
21 health professionals for diagnosis and treatment and have incurred and will in the future continue
22 to incur expenses therefore, in a sum as yet unascertained. Plaintiff will ask leave of Court to
23 amend this Complaint to state the exact amount of expenses when they are ascertained.

24 77. Plaintiff has suffered and will in the future continue to suffer a loss of earnings and
25 of earning capacity, in a sum as yet unascertained. Plaintiff will ask leave of court to amend this
26 Complaint to state the exact amount of such losses when the sums are ascertained.

27 **WHEREFORE**, Plaintiff pray for judgment as follows:

28 1. For damages for past and future medical, psychotherapy, and related expenses

1 according to proof at the time of trial;

2 2. For general damages for physical and mental pain and suffering and emotional
3 distress in a sum to be proven at the time of trial;

4 3. For damages for past and future lost wages and loss of earning capacity according
5 to proof at the time of trial;

6 4. For prejudgment interest pursuant to statute;

7 5. For costs of suit herein; and

8 6. For such other and further relief as the Court deems proper.

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10 Dated: July 21, 2011

LAW OFFICES OF JOSEPH C. GEORGE, PH.D.

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13 JOSEPH C. GEORGE
14 Attorney for Plaintiff
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