

SECOND JUDICIAL DISTRICT COURT

COUNTY OF BERNALILLO

STATE OF NEW MEXICO

Case No. D-202-CV-2020-02404

JOHN DOE,

Plaintiff,

v.

THE SERVANTS OF THE PARACLETE,
CATHOLIC DIOCESE OF EL PASO,
DIOCESE OF WORCESTER,
DIOCESE OF LAS CRUCES,
IMMACULATE CONCEPTION PARISH, ALAMOGORDO, INC.,
and
ST. JUDE PARISH, INC.,

Defendants.

Jury Demand

**FIRST AMENDED COMPLAINT FOR DAMAGES FOR PERSONAL INJURY,
NEGLIGENCE, VICARIOUS LIABILITY, AND OTHER TORTIOUS CONDUCT**

Plaintiff John Doe, by and through his attorneys, Rothstein Donatelli LLP, brings the following causes of action against Defendants:

INTRODUCTION

As any casual viewer of the film *Spotlight* can appreciate, Father David A. Holley holds a special place in the dark history of American child sexual abuse. One of the most prolific and horrifying perpetrators of sexual violence by religious leaders, he began his reign of terror in the Diocese of Worcester. Once it became too difficult for Fr. Holley's predatory practices to remain

hidden from the parishioners it served, the Diocese of Worcester sent Fr. Holley to the Servants of the Paraclete in New Mexico. Unbeknownst to New Mexicans, the Servants of the Paraclete operated as a body that collected sexual predator priests, and then distributed and hid those monsters throughout the deeply Catholic Hispanic communities of New Mexico where they terrorized the young populace.

Through the Servants of the Paraclete and their connections to the seedy underbelly of child molesters within the New Mexico Catholic Church, Fr. Holley found his way to St. Jude's Parish in Alamogordo, New Mexico. Disturbingly, the move of this known child predator to Alamogordo happened with the blessing of organization officials. There, he would reside in housing provided by Church authorities across the street from a school with easy access to impressionable young boys to continue his sick sexual escapades for several years.

All authorities within the Church system, stretching from Worcester to El Paso and New Mexico, knew Fr. Holley had a history of sexual violence against young boys and that he would not stop his reign of child rape on his own. Unfortunately for the people of New Mexico, they worked in concert to create the textbook example of institutional wrongdoing with their efforts to hide Fr. Holley's actions and condone his behavior while continuing to line their own pockets by taking advantage of the good will of the devout. Those outside the institution, including Plaintiff and his unsuspecting parents, remained in the dark as to the monster in their midst until it was too late. To the public, the institutions within the Church held Fr. Holley out as a collared bastion of virtue. To Plaintiff, who was exposed to the truth in the worst way possible, Fr. Holley and his abettors would become the source of a lifetime of pain and anguish after years of molestation.

PARTIES

1. Plaintiff is a resident of Bernalillo County, New Mexico.

2. Defendant The Servants of the Paraclete (“Servants”) is a New Mexico nonprofit corporation that, at all times relevant to this Complaint, was doing business and operating various facilities in New Mexico. Defendant Servants business included providing “treatment” for sexual predators within the Catholic Church system and placing those same predators throughout the communities of New Mexico without providing notice to community members.

3. Defendant Roman Catholic Diocese of El Paso (“El Paso Diocese”) is an unincorporated religious organization of the Roman Catholic Church serving ten counties in West Texas, maintaining its principal place of business in El Paso, Texas. At all times material to this Complaint, Defendant El Paso Diocese operated parishes (including Defendant St. Jude Parish Inc.) within the geographic area of New Mexico, to include Otero County and the City of Alamogordo, New Mexico.

4. Defendant Roman Catholic Church of the Diocese of Worcester (“WorcesterDiocese”) is a Massachusetts corporation that operates, directs and oversees organizations, agents and representatives of the Worcester Diocese wherever they are located.

5. Defendant Roman Catholic Diocese of Las Cruces (“Las Cruces Diocese”) is a New Mexico nonprofit corporation who operates, directs and oversees facilities in southern New Mexico and whose geographical boundaries cover the southern quadrant of New Mexico to include Otero County and the City of Alamogordo, New Mexico, and Defendant St. Jude Parish, Inc.

6. Defendant Immaculate Conception Parish, Alamogordo, Inc. (“Immaculate Conception”) is a New Mexico nonprofit corporation, with its primary place of business located

in Alamogordo, Otero County, New Mexico and with the same corporate directors as the Las Cruces Diocese.

7. Defendant St. Jude Parish, Inc. (“St. Jude Parish”) is a New Mexico nonprofit corporation, with its primary place of business located in Alamogordo, Otero County, New Mexico and with the same corporate directors as the Las Cruces Diocese.

JURISDICTION AND VENUE

8. The preceding paragraphs are incorporated as if fully stated herein.

9. This Court has jurisdiction over the subject matter and parties to this action pursuant to the Court’s general jurisdiction.

10. Venue is proper in this district pursuant to NMSA 1978, Section 38-3-1 (1988).

FACTUAL ALLEGATIONS

Fr. Holley’s History as a Known Prolific Sexual Predator

11. The preceding paragraphs are incorporated as if fully stated herein.

12. Father David A. Holley was ordained as a Roman Catholic priest on or about May 31, 1958.

13. In May 1962, Fr. Holley sought appointment as a priest of Defendant Worcester Diocese. Appointment as a priest of Defendant Worcester Diocese required permission of the Benedictines and Defendant Worcester Diocese.

14. The same year, Fr. Holley’s psycho-sexual disorder (i.e. his sexual predation of children) began to manifest itself within the institutions of the Catholic Church.

15. Between 1962 and 1967, Defendant Worcester Diocese received reports Fr. Holley had sexually molested boys in various parishes. On at least two occasions the Bishop of Worcester

called Fr. Holley in to discuss allegations of sexual misconduct. Rather than act to protect children from the monster in his house, the Bishop instead cautioned Fr. Holley against causing a scandal without true concern for Fr. Holley's victims.

16. On May 15, 1967, Fr. Holley was officially incardinated to Defendant Worcester Diocese. This occurred in spite of Defendant Worcester Diocese knowing Fr. Holley was a child predator. With incardination, Fr. Holley vowed obedience to Defendant Worcester Diocese and agreed to do as directed by the Bishop of Worcester.

17. Before Fr. Holley was incardinated to Defendant Worcester Diocese, its head, Bishop Bernard Flanagan, had already received reports of child sexual abuse by Fr. Holley. In response, Defendant Worcester Diocese only cautioned Fr. Holley against causing scandal for itself, but did not express comments or concern for the innocent victims.

18. By August 17, 1968, Defendant Worcester Diocese had received multiple reports of Fr. Holley molesting teenage boys. One incident occurred in a hospital setting and Fr. Holley was barred from returning to that medical facility. Another included allegations that Fr. Holley provided pornographic materials to his victims. According to Defendant Worcester Diocese, "the charges were established beyond any doubt in the judgment of the priests who assisted [the Bishop of Worcester] in the investigation as well as [the Bishop of Worcester]."

19. Although Defendant Worcester Diocese placed Fr. Holley in "treatment," only one month later appointed him as an assistant pastor with no restrictions on his priestly faculties. Once again, Defendant Worcester Diocese gave Fr. Holley access to young boys cloaked in its authority.

20. Fr. Holley seemed to show more awareness of the danger of his predation than Defendant Worcester Diocese. In 1969, Fr. Holley requested admission to the Seton Psychiatric

Institute for treatment of a psycho-sexual disorder. Although Defendant Worcester Diocese agreed with Fr. Holley's request, it permitted him to retain some of his priestly faculties and Fr. Holley remained under the control, direction and guidance of Defendant Worcester Diocese.

21. In March 1970, Defendant Worcester Diocese informed Fr. Holley it would be possible for him to return to parish work in Defendant Worcester Diocese. In December 1970, Fr. Holley was discharged from the Seton Psychiatric Institute and Defendant Worcester Diocese restored his full priestly faculties, once again providing him sanctioned access to young boys.

22. Concerned that Fr. Holley's continued sexual abuse of children would cause it scandal, Defendant Worcester Diocese began attempting to secure a parish assignment for Fr. Holley outside of the geographic boundaries of Defendant Worcester Diocese – a change of scenery for him to continue his priestly duties and criminal sexual abuse of young boys in other parishes. Defendant Worcester Diocese specifically sought to place Fr. Holley “where his previous history is not known” to parishioners and showed considerably more concern for Fr. Holley's “own peace of mind” than for the trail of broken souls he was sure to leave in his wake.

23. Defendant Worcester Diocese knew Fr. Holley would most likely molest additional children if he stayed in Massachusetts, and it would be increasingly difficult to hide his activities from public exposure. Horrifically, Defendant Worcester Diocese did not fear the damage that continued sexual predation would do to the children in the area. Rather, it feared the scandal Fr. Holley's rampant sexual assaults could cause Defendant Worcester Diocese if his sexual violence remained within its own borders.

24. Defendant Worcester Diocese then set about attempting to hide Fr. Holley in nearby dioceses. While maintaining supervising authority over Fr. Holley, Defendant Worcester Diocese

offered various other dioceses in the general area the opportunity to have a known child sexual abuser within their boundaries. Each rejected the not-so-generous offer.

25. Correspondence between Defendant Worcester Diocese and personnel of other dioceses indicate a particular concern that a priest with Fr. Holley's tendency to sexually abuse children could not hide in a small diocese for long. In other words, Catholic authorities, including Defendant Worcester Diocese and other Defendants, specifically sought to place pedophilic priests in geographically larger dioceses where they could be transferred around and hidden without the knowledge of local parishioners knowing of their predatory pasts and predilections. In New Mexico, Defendant Servants became ground zero for such activity.

26. After Fr. Holley was rejected by multiple dioceses due to his psycho-sexual disorder (including the Diocese of Wilmington, the Diocese of Delaware, and the Archdiocese of Boston, Defendant Worcester Diocese sent Fr. Holley to Defendant Servants). Fr. Holley specifically requested that Defendant Worcester Diocese send him to a Servants of the Paraclete facility in the eastern United States. However, Fr. Holley felt obligated by his vow of obedience to Defendant Worcester Diocese, he would proceed wherever directed by Defendant Worcester Diocese.

27. Defendant Worcester Diocese deliberately chose to send Fr. Holley to Defendant Servants in New Mexico. In doing so, Defendant Worcester Diocese informed Defendant Servants Defendant Worcester Diocese would remain responsible for Fr. Holley's care and "treatment." Defendant Worcester Diocese then provided Fr. Holley with travel expenses, ordered him to leave the State of Massachusetts and enter the program in New Mexico with its blessing and authority, as a priest still incardinated with Defendant Worcester Diocese, and the understanding that, in New

Mexico, Fr. Holley would return to an active ministry. Fr. Holley remained obedient to Defendant Worcester Diocese, and Defendant Worcester Diocese direction to Fr. Holley included a demand he remain in contact with authorities of Defendant Worcester Diocese.

28. Defendant Servants was provided a detailed history of Fr. Holley's actions, one Defendant Worcester Diocese described as such: "His past history would seem to give us little hope of his being able to resume an effective ministry for a long time, if ever." Nevertheless, in the same correspondence, Defendant Worcester Diocese informed Defendant Servants it had "no objections to his celebrating Mass" in quick order.

29. Fr. Holley recalled that Defendant Worcester Diocese specifically lifted all restrictions on his priestly faculties before sending him to New Mexico for the purpose of allowing him to work as a priest in parishes throughout New Mexico. At the same time, although Defendant Worcester Diocese notified Defendant Servants that Fr. Holley was unlikely to be able to practice ministry in a safe and lawful manner without endangering children, it specifically informed Defendant Servants it would permit Fr. Holley to engage in active ministry.

30. Defendant Servants is an entity within the Roman Catholic Church that purports to provide counsel to priests with psychological issues. For many years it has served as a means for troubled priests to remain not only within the Church community, but to remain as a member of the cloth. Originally established as a residence for treatment of substance abuse issues, it quickly became known throughout the Catholic Church as a haven for child sexual predators within the priestly ranks. Dozens, likely hundreds, of pedophile priests from around the globe were cycled through New Mexico compliments of the Defendant Servants.

31. Defendant Servants offered “treatment” to child sexual abusers with a form of immersion therapy, meaning Defendant Servants purposefully loaned, offered, facilitated, and placed known child sexual predators in positions of authority and ministry over children throughout New Mexico. The Defendant Servants efforts, in conjunction with the local dioceses and parishes, resulted in an explosion of sexual abuse of the children of New Mexico by Catholic priests. New Mexico became the dumping ground for sexual predators within the national, and even global, church community. As a result, New Mexico’s disadvantaged communities underwent generations of terror, including Alamogordo. This arrangement was known throughout the Catholic Church, including by authorities and agents within the Defendants’ organizations.

32. By the time Defendant Worcester Diocese sent Fr. Holley, with its authority to continue priestly activities, to the Defendant Servants in September 1971, Defendant Worcester Diocese knew Fr. Holley was unlikely to refrain from future sexual deviancy and abuse. Nonetheless, Fr. Holley retained his position as an ordained priest of Defendant Worcester Diocese, subject to its direction and authority and receiving financial support from Defendant Worcester Diocese.

33. Fr. Holley received no therapy and no treatment programs directly through the Defendant Servants. Moreover, he was immediately provided parish assignments in minority communities in the Albuquerque area home to particularly devout populations. This was done with the knowledge and blessing of Defendant Worcester Diocese.

34. Defendant Servants operated facilities in Jemez Springs and Albuquerque in 1971. Fr. Holley was sent to a facility operated by Defendant Servants facility at the direction of Defendant Worcester Diocese. According to Defendant Worcester Diocese, this was the “best

possible solution” to Fr. Holley’s repeated rape of children. (Notably, the “best possible solution” did not include criminal prosecution, or even laicization or excommunication). Defendant Worcester Diocese provided for Fr. Holley’s travel and Fr. Holley came to New Mexico out of obedience, at the direction of, and under the authority of Defendant Worcester Diocese.

35. Defendant Worcester Diocese continued to financially support Fr. Holley. Fr. Holley expressed Defendant Worcester Diocese maintained authority over his activities until at least the early 1990’s. During this time, Defendant Worcester Diocese continue to expend monies collected through under false pretenses from parishioners both within Defendant Worcester Diocese’s geographic boundaries and within New Mexico in support of Fr. Holley.

36. Prior to sending Fr. Holley to New Mexico, Defendant Worcester Diocese lifted all restrictions on Fr. Holley’s priestly faculties. Fr. Holley arrived in New Mexico with the full authority of any priest ordained within Defendant Worcester Diocese, and with Defendant Worcester Diocese’s blessing and authority to participate in local ministry in New Mexico. As such, Fr. Holley was free to administer to youth and act as a moral authority over youth, fully entrusted with his exalted status as a current man of the cloth. Fr. Holley did, in fact, participate in local ministry in New Mexico and continued to expand his web of abuse through that participation.

37. Defendant Worcester Diocese, through its Bishop, informed Rev. Joseph McNamara, director of Defendant Servants, that Fr. Holley’s “past history would seem to give us little hope of his being able to resume an effective ministry for a long time, if ever.” Nevertheless, this “past history” and decided lack of hope that he would not abuse children in the future did not stop Defendant Worcester Diocese from authorizing Fr. Holley to, in fact, continue in ministry under its authority. The Bishop authorized Fr. Holley to fully participate in priestly activities under

its authority, stating he had “no objections to [Fr. Holley] celebrating Mass as soon as your own norms for his privilege are satisfied.” Unfortunately, the “norms” of the Defendant Servants were to place pedophilic priests in positions of access to children with the full support and knowledge of church leaders. This was common knowledge within the Catholic Church leadership, including, upon information and belief, Bishops and Archbishops across the United States, including Defendant Worcester Diocese.

38. Initially, Fr. Holley stayed at Pius XII Villa, a “retreat house” facility run by Defendant Servants in Albuquerque. There, he learned a lesson about the parishioners in New Mexico – they were *deeply* devout and unquestioning of Catholic leaders, often treating local priests as next to God himself, and where many were extremely financially disadvantaged. This lesson was particularly valuable to pedophile priests who, like Fr. Holley, exploited this combination to garner countless victims in New Mexico.

39. Despite his history, almost immediately after arriving at Defendant Servants, Fr. Holley was provided parish assignments and/or visiting ministry duties. Through these assignments, Fr. Holley was placed in minority and disadvantaged communities containing particularly culturally devout populations that were unlikely to question any church authority, especially a “man of the cloth.” Thus, he was granted access to children with the authority of Defendant Worcester Diocese, Defendant Servants, and the dioceses and parishes where he performed priestly duties, including Defendant Diocese of El Paso and Defendant St. Jude Parish.

40. While in New Mexico, Fr. Holley was supported financially by Defendant Worcester Diocese, from housing to dental work. Further, although he was also subject to direction and supervision from the other Defendants, he maintained his full priestly faculties under the

direction and supervision of Defendant Worcester Diocese. Defendant Worcester Diocese's authorization of his activities permitted Fr. Holley to operate as a priest within New Mexico.

41. Furthermore, while in New Mexico, Fr. Holley regularly performed work for Defendant Worcester Diocese. For instance, Defendant Worcester Diocese would send Fr. Holley mass stipends, instructions, donations and prayer requests Fr. Holley, with instructions that Fr. Holley, as a priest of Defendant Worcester Diocese, pray for Worcester parishioners by saying masses for them in New Mexico.

42. Fr. Holley was a priest under the authority of Defendant Worcester Diocese, among others, while he was in New Mexico, acting for, on behalf of, and in accordance with his vow of obedience to Defendant Worcester Diocese, who told him what to do or gave him permission to do certain things, which Fr. Holley did.

43. Throughout Fr. Holley's entire time in Alamogordo, he performed duties for Defendant Worcester Diocese, remained in contact with Defendant Worcester Diocese, acted in obedience to Defendant Worcester Diocese, and acted with Defendant Worcester Diocese's authority.

44. In 1972, Defendant Worcester Diocese was notified that Fr. Holley would be performing as a priest in a parish approximately three-and-half-hour bus ride from Albuquerque where "parishioners...are deeply religious but extremely poor financially." Unfortunately for Plaintiff, this parish was St. Jude in Alamogordo, where Fr. Holley would spend the next several years destroying a generation of young men.

45. Defendant Worcester Diocese did not object to Fr. Holley's assignments and did not exercise its power, control and authority to prevent him from acting as a priest in "deeply

religious but extremely poor financially” communities in New Mexico. To the contrary, Defendant Worcester Diocese continued to give Fr. Holley its blessing and authority, which was required for him to act as a priest in New Mexico. Those devout, disadvantaged and minority communities were ravaged by Defendant Worcester Diocese’s agent as a result.

Fr. Wilfred Diamond Conspires with Defendant Servants to Inject Countless Child Sex Abusers, Including Fr. Holley, into Alamogordo on Behalf of Defendant Diocese of El Paso and Defendant St. Jude Parish

46. Fr. Wilfred Diamond came to the Diocese of El Paso in the 1960’s as a priest within its ranks. He was assigned by the Defendant Diocese of El Paso to Defendant Immaculate Conception Parish.

47. In or about 1965, Fr. Diamond was assigned as parish administrator of St. Jude Mission, a Catholic mission under Defendant Immaculate Conception that became a parish in its own right, operating as Defendant St. Jude Parish. Fr. Diamond remained in that role for more than two decades. Defendant Immaculate Conception and Fr. Diamond procured a residence for priests serving St. Jude Mission and later Defendant St. Jude Parish. Defendants Immaculate Conception, St. Jude Parish, Diocese of El Paso and Diocese of Las Cruces each together and separately owned and maintained said residence for decades, including during the time period at issue in this Complaint.

48. That residence would become a den of evil where countless acts of sexual abuse, prostitution, and solicitation occurred.

49. Fr. Diamond was a known child sex abuser. He is included on both the Defendant Diocese of El Paso and Defendant Diocese of Las Cruces lists of priests credibly accused of sexual abuse.

50. While operating St. Jude Mission and Defendant St. Jude Parish, Fr. Diamond collaborated with Defendant Immaculate Conception and Defendant Diocese of El Paso, and later Defendant Diocese of Las Cruces and Defendant St. Jude Parish, to procure priests from Defendant Servants to serve St. Jude as priests. This collaboration specifically sought to bring known child molesters under the care of Defendant Servants into the Alamogordo community under the guise of morality, trustworthiness and holiness.

51. These “visits” from child-molester priests occurred “every weekend for 25 years.” Fr. Diamond estimated he brought a “couple hundred” priests total from Defendant Servants to St. Jude over the years.

52. It was well-known within the Catholic Church hierarchy that priests under the care of Defendant Servants were child predators, and, upon information and belief, the vast majority of priests procured for “service” at St. Jude by Fr. Diamond and Defendants Immaculate Conception, St. Jude Parish, Diocese of El Paso and Diocese of Las Cruces were child sex abusers. Fr. Diamond solicited child sex abusers from Defendant Servants in furtherance of his own sexual perversions perpetrated on the people of Alamogordo.

53. Defendants Diocese of El Paso, Immaculate Conception, Diocese of Las Cruces and St. Jude Parish approved, authorized and encouraged Fr. Diamond to bring priests from the Defendant Servants to Defendant St. Jude Parish knowing those same priests were child sexual abusers. Said Defendants did not vet or actively provide any supervision for priests from Defendant Servants procured by Fr. Diamond although they knew them to include known child sexual abusers.

54. In fact, it was common knowledge within entities of the Catholic Church that the Defendant Servants housed child molesters and purposefully provided them to parish assignments knowing many had a predilection for child sexual abuse. For instance, according to Fr. Diamond, “all the other priests” talked about how the Defendant Servants would treat pedophile priests by providing them access to children in New Mexico parishes.

55. Defendant Servants had been notified by at least 1967 that priests with pedophilic pasts were not safe to release for parish work in New Mexico. Nevertheless, Defendant Servants readily agreed to send countless pedophile monsters into the unsuspecting disadvantaged communities in New Mexico.

56. While under the wing of Defendant Servants, Fr. Holley met Fr. Diamond. Fr. Holley became one of the many pedophilic priests from the Defendant Servants that Fr. Diamond regularly brought to his post with Defendant St. Jude Parish to perform priestly duties on his behalf and in his stead.

57. At first, Fr. Holley came to Defendant St. Jude Parish only on the weekends from Pius XII Villa. As time went on, however, Fr. Diamond kept him for longer periods of the year and he eventually became a mainstay in Alamogordo all-too-familiar to many of the young boys in town in that time period.

58. In 1972, Fr. Holley formally started working at St. Jude in Alamogordo, assisting Fr. Diamond, and acting under the authority of Defendants Immaculate Conception, Diocese of El Paso and St. Jude Parish. Defendant Worcester Diocese maintained Fr. Holley’s faculties and permitted his service at Defendant St. Jude Parish. The other Defendants, by and through Fr. Diamond, were aware Fr. Holley was a pedophile with a history of child sexual abuse, solicitation,

child pornography and child prostitution. Nevertheless they sanctioned and permitted Fr. Holley's "service" in Alamogordo for years.

59. As a priest at Defendant St. Jude Parish, Fr. Holley was also under the authority and direction of other Defendants, including Defendant Diocese of El Paso, Defendant Immaculate Conception, and Defendant St. Jude Parish until at least 1975. During this time period, said Defendants were fully aware of Fr. Holley's criminal activities. Multiple reports of Fr. Holley's criminal sexual abuse of children in Alamogordo were made to representatives of those Defendants and Defendant Servants during the years 1970 to 1975.

60. Defendant Diocese of El Paso at some point granted priestly faculties to Fr. Holley despite knowledge of his past sexual crimes, but prior to that approved and authorized Fr. Holley to perform services and engage in priestly activities at St. Jude, within the Defendant Diocese of El Paso jurisdiction.

61. Defendant Diocese of El Paso, Defendant Diocese of Worcester, Defendant Servants, Defendant St. Jude Parish and Defendant Immaculate Conception provided significant power and control to Fr. Holley over the local population in Alamogordo, particularly young boys and their parents. These connections bestowed an authority in Fr. Holley and a promise and aura of morality. Said Defendants knew this authority bestowed such power and control to Fr. Holley because they knew of the deep culturally significant power of the Catholic Church in smaller communities (such as Alamogordo) during the 1970s, particularly in New Mexico.

62. Fr. Holley was an agent of Defendant Worcester Diocese. He held a position of authority bestowed by Defendant Worcester Diocese. In acting as a priest in New Mexico, Fr.

Holley was cloaked in the authority granted to him by Defendant Worcester Diocese, which provided him the appearance of trustworthiness and moral authority.

63. Fr. Diamond was an agent of Defendant Diocese of El Paso, Defendant St. Jude Parish and Defendant Immaculate Conception when he purposefully brought Fr. Holley, a known child predator, to the community of Alamogordo and invited, authorized and/or employed him to act as a representative thereof without appropriate supervision or safeguards and in violation of representations made by said Defendants to parishioners concerning the morality, trustworthiness and safety of priests and Church properties.

64. Fr. Holley was an agent of Defendant Worcester Diocese, Defendant Diocese of El Paso, Defendant St. Jude Parish, and Defendant Immaculate Conception. He held a position of authority bestowed by Defendants. In acting as a priest at St. Jude, Fr. Holley was cloaked in the authority granted to him by Defendants, which provided him the appearance of trustworthiness, moral authority and safety. Fr. Holley could not work as a priest without the authority and agreement of each Defendant.

65. An extreme “credibility gap” existed between priests operating within Catholic Churches, including Fr. Holley, and youth, such as Plaintiff, particularly in the well-known and well-established Catholic cultural norms in New Mexico communities in the 1970s. Through the eyes of youth, there existed reasonable belief that a priest operating under the guise of the local Catholic parish was imbued with authority over them in a supervisory role as an instructor, disciplinarian, and moral authority granted by his priestly status. This existed not only within the Catholic community, but within the community as a whole, which Defendants understood looked upon priests as authority figures, instructors, disciplinarians, and trusted moral authorities.

66. Defendant Worcester Diocese is legally responsible for the conduct of Fr. Holley as its agent, as well as for its own conduct in empowering, aiding-in-the-agency of Fr. Holley, aiding and abetting sexual crimes against children in New Mexico, intentionally creating a public nuisance in New Mexico, and other tortious conduct towards the people of New Mexico, including Plaintiff, arising from its intentional placement of a known child predator into parishes of this state without providing adequate notice or warning of the danger to the public, and otherwise proximately causing Plaintiff's injuries.

67. Defendant Worcester Diocese had the power, authority and duty to terminate Fr. Holley's activities in New Mexico by removing his priestly faculties. Instead, it showed no concern for the children of New Mexico, many of whom were already disadvantaged, and placed a priority on avoiding scandal within its own ranks rather than ending the predation of New Mexico's children by one of its own. Rather than remove Fr. Holley from the ranks of the priesthood and/or report him to civil authorities for criminal prosecution, Defendant Worcester Diocese purposefully placed him in a location it believed his criminal sexual escapades would remain hidden from public exposure, even when they inevitably would continue. Moreover, because Fr. Holley was ordained by Defendant Worcester Diocese, Fr. Holley was required to receive approval from Defendant Worcester Diocese to serve in other churches. Upon information and belief, this approval was readily provided for Fr. Holley to serve in parishes and churches in the disadvantaged areas of New Mexico despite Defendant Worcester Diocese having full awareness of Fr. Holley's sexual crimes.

68. Defendant Diocese of El Paso is legally responsible for the conduct of Fr. Holley and Fr. Diamond as its agents, as well as for its own conduct in empowering, aiding-in-the-agency

of Fr. Holley, negligently supervising Fr. Holley, failing to keep youth, including Plaintiff, safe, creating and maintaining a public nuisance via Fr. Holley's continual sexual crimes in Alamogordo, and other tortious conduct arising from the intentional placement of a known child predator into Alamogordo while cloaking him in Defendant's authority, without providing adequate notice or warning of the danger to the public, and otherwise proximately causing Plaintiff's injuries.

69. Defendant Diocese of El Paso had the power to allow, disallow, and control any activities taking place on its behalf and/or which used its physical property. Said Defendant further had the power, authority and duty to terminate Fr. Holley's sexual violence against the children of Alamogordo by refusing him priestly faculties, removing said faculties, and/or denying him the duties, responsibilities and authority of a priest within its boundaries. Defendant Diocese of El Paso showed no concern for the children of New Mexico and instead prioritized financial incentives and avoiding scandal within its own ranks over protecting disadvantaged children from known predators. Defendant Diocese of El Paso knew, or should have known, that Fr. Holley was sexually assaulting children and nevertheless continued to provide him access to children within its control.

70. Defendant Immaculate Conception is legally responsible for the conduct of Fr. Diamond and Fr. Holley as its agents, as well as for its own conduct in empowering, aiding-in-the-agency of Fr. Holley, negligently supervising Fr. Holley, failing to keep youth, including Plaintiff, safe, creating and maintaining a public nuisance via Fr. Holley's continual sexual crimes in Alamogordo, and other tortious conduct arising from the intentional placement of a known child

predator into Alamogordo without providing adequate notice or warning of the danger to the public, and otherwise proximately causing Plaintiff's injuries.

71. Defendant Immaculate Conception had the power to allow, disallow, and control any activities taking place on its behalf and/or which used its physical property. Said Defendant further had the power, authority and duty to cease Fr. Holley's sexual violence against the children of Alamogordo.

72. Defendant St. Jude Parish is legally responsible for the conduct of Fr. Diamond and Fr. Holley as its agents, as well as for its own conduct in empowering, aiding-in-the-agency of Fr. Holley, negligently supervising Fr. Holley, failing to keep youth, including Plaintiff, safe, creating and maintaining a public nuisance via Fr. Holley's continual sexual crimes in Alamogordo, and other tortious conduct arising from the intentional placement of a known child predator into Alamogordo without providing adequate notice or warning of the danger to the public, and otherwise proximately causing Plaintiff's injuries.

73. Defendant St. Jude Parish had the power to allow, disallow, and control any activities taking place on its behalf and/or which used its physical property. Said Defendant further had the power, authority and duty to cease Fr. Holley's sexual violence against the children of Alamogordo.

74. Defendant Servants is legally responsible for the conduct of Fr. Holley as its agent, as well as its own conduct in empowering, aiding-in-the-agency of Fr. Holley, negligently supervising Fr. Holley, failing to keep youth, including Plaintiff, safe, creating and maintaining a public nuisance, and other tortious conduct arising from the intentional placement of known child predators into positions of authority in New Mexico communities without providing adequate

notice or warning of the danger to the public, and otherwise proximately causing Plaintiff's injuries.

75. Defendant Diocese of Las Cruces is potentially liable for the tortious conduct of Defendant Diocese of El Paso and Defendant St. Jude Parish through assignment, heir, and/or agency principles. Furthermore, Defendant Diocese of Las Cruces is responsible as a participant in a pattern of racketeering continuing after its formation in 1982.

76. Fr. Holley's misconduct was open and notorious within the community and Defendants had actual knowledge of Fr. Holley's abuse of children, including abuse in New Mexico and Alamogordo specifically. During the times they supported Fr. Holley's activities, Church officials, including Defendants, knew he was a danger to youth, and specifically, that he was a sexual predator of young boys.

77. The acts and omissions of Defendants were particularly egregious as the priests' residence for Defendant St. Jude Parish was located across the street from a local middle school, providing ready access to young children, not only of the Catholic persuasion, but throughout the community.

Fr. Holley's Terrorizing of Plaintiff and Others

78. In approximately 1972, Plaintiff, through other children, learned a local priest residing across the street from the local school. That property was owned and operated by Defendants St. Jude Parish, Diocese of El Paso and Immaculate Conception.

79. Said property served as living quarters for priests, including Fr. Diamond and Fr. Holley, and was subsidized through monies collected by Defendants Immaculate Conception, St. Jude Parish and Diocese of El Paso from community members.

80. St. Jude was considered a safe haven in town – a place where Plaintiff’s parents, and parents of other young boys, permitted their young boys to spend unsupervised time with adult men – priests. Regardless of religious affiliation, the residents of Alamogordo understood the local Catholic Church to be a place of good and the local priests to be men of authority, goodness, leadership, and trustworthiness in providing care and control over children in the community. Defendants fostered this image and relied upon it to maintain an aura of authority and morality necessary to continue garnering monetary submissions from local communities such as Alamogordo as well as outside religious entities, such as Defendant Worcester Diocese, who continued to provide its own fraudulently obtained parishioner contributions to Fr. Holley during the entirety of his time at St. Jude.

81. Using the authority granted by Defendants, Fr. Holley enticed Plaintiff and a group of other young boys to visit him in his priestly quarters near their school, owned, maintained and operated by Defendants. Plaintiff’s parents permitted such visits because of the position of priests fostered by Defendants, cited above.

82. Those quarters were not, as represented by Defendants, safe places. Rather, it was a den of deviant and criminal sexual behavior by Fr. Diamond, Fr. Holley and others.

83. Fr. Holley showed Plaintiff pornography and solicited sexual behavior from the young boys. Fr. Holley began to commit sexual crimes against Plaintiff and the other boys by virtue of his position with Defendants and the authority and agency provided therewith. Fr. Holley regularly left money for the boys as a form of payment for participation in his twisted sexual activities. The property thus became a house of child prostitution rather than a “house of God.”

84. Fr. Holley used his authority to create a “price of admission” for Plaintiff and the rest of the group of boys to gain access to the pornography and monetary payments. That “price of admission” was repeated sexual violence. Over the course of at least three years’ worth of encounters, Fr. Holley pulled at least one of the boys into a private room during each visit. In that room, he would sexually abuse them.

85. In these sessions, Fr. Holley arranged for pornographic photographs to be taken, touched Plaintiff’s genitals countless times, and performed oral sex on Plaintiff and forced Plaintiff to reciprocate too many times to count.

86. Fr. Holley was also reported to have solicited a man from El Paso to travel to Alamogordo to take pornographic photographs of his victims on at least two occasions during his time at St. Jude.

87. Fr. Holley continued these assaults on Plaintiff and others approximately once a week for at least three years.

88. Defendants each failed or refused to report Fr. Holley to law enforcement at any time. Therefore, sexual abuse of children (and payment therefor), including Plaintiff, by Fr. Holley within the housing paid for, maintained, and operated by Defendants continued unabated and unchecked for many years. Fr. Holley had access to the children and was able to commit these vile acts for years because of his status as a priest, granted authority and responsibility by Defendants.

89. Defendants did nothing to stop Fr. Holley’s sexual abuse, did not warn Plaintiff or his parents of the danger of pedophile priests, including known pedophiles such as Fr. Holley and others brought to Alamogordo by Defendants from Defendant Servants, and permitted Fr. Holley

to have unsupervised access to children, including Plaintiff, through his relationship with Defendants and on Defendants' property.

90. Plaintiff is only now discovering and realizing the nature of Fr. Holley's abuse, the effect it has had on him, and the fact that he sustained severe psychological injury as a result of Fr. Holley's childhood sexual abuse.

91. Plaintiff is beginning to understand for the first time the psychological impact Fr. Holley's sexual abuse has had on his life, only now beginning to comprehend and to address the harm caused him by the actions of all Defendants in authorizing and permitting Fr. Holley to be in a position of access to Plaintiff based on their authority, which resulted in the sexual abuse.

Additional Racketeering Acts

92. Defendants Immaculate Conception, St. Jude Parish, and Diocese of El Paso collected monies from parishioners by representing that collections would be spent on virtuous expenditures, including safe housing and properties for trustworthy priests to occupy and utilize as community gathering places and safe spaces, and ensuring virtuous trustworthy priests remained in service to the community. Said monies were collected in part through weekly demands for tithe each Sunday representing approximately 10 percent of parishioners' income. Defendants further represented their properties, funded through these collections, as safe zones for children under the supervision of virtuous leaders – priests. Based on these representations, parishioners provided monies each week to said Defendants with the understanding that the same would, in part, go towards maintaining housing and safe properties to be occupied by priests in a safe and virtuous manner. These collections far surpassed \$500 in value.

93. Defendants misrepresented to each member of each parish within its authority and control that their monetary contributions, induced by representations discussed above, would be used to support virtuous activities and assist in payments for safe gathering places for children under the supervision of men of high moral character – priests. Defendants knew this was false because they were using those funds to employ Fr. Holley, a pedophile they knew to be continually molesting children, and/or to pay for a house of child prostitution where Fr. Holley resided and operated his scheme. These fraudulent misrepresentations occurred at least every Sunday for a period of years, and hundreds of individuals relied upon the same to provide monetary contributions to Defendants over that time period and continued thereafter.

94. Defendants Immaculate Conception, St. Jude Parish, Diocese of El Paso, and Diocese of Las Cruces, and through them Defendant Servants, continued to obtain monies as a result of these fraudulent misrepresentations through the 1990's while Fr. Diamond, another known child sexual abuser who recruited other child sexual abusers to provide ministry at Defendant St. Jude Parish, was the lead pastor at St. Jude. After Fr. Diamond, Fr. Daniel Barfield took over as pastor of Defendant St. Jude Parish, himself a child sexual abuser, and the fraudulent misrepresentations continued.

95. Defendant Diocese of El Paso continued to obtain monies as a result of these fraudulent misrepresentations while Fr. Holley was transferred within its ranks for several years thereafter. The same misrepresentations concerning purported virtuous expenditures continued throughout the Diocese of El Paso's parishes while funds were actually being provided for the upkeep of a known serial child sex offender.

96. Defendant Worcester Diocese utilized its agent, Fr. Holley, to solicit monies from parishioners in New Mexico by representing that collections would be spent on virtuous expenditures, including safe housing and properties for trustworthy priests to occupy and utilize as community gathering places and safe spaces, and ensuring virtuous trustworthy priests remained in service to the community. At the express direction of Defendant Worcester Diocese, Fr. Holley said many masses within New Mexico on behalf of Defendant Worcester, including seeking contributions therefor. Based on these fraudulent representations, parishioners provided monies to Fr. Holley for Defendant Worcester Diocese with the understanding that the same would go towards virtuous expenditures. Instead, those funds were used, in part, to pay Fr. Holley's expenses while Defendant Worcester Diocese knew he was likely committing countless acts of criminal sexual abuse. These collections far surpassed \$500 in value.

97. Upon information and belief, Defendant Worcester Diocese continued to obtain monies as a result of these fraudulent misrepresentations, and to use those monies to support known child predator Fr. Holley until sometime in the 1990's.

98. Fr. Holley's activities were a direct result of Defendants' activities, including the weekly fraud, which then helped to pay for Fr. Holley's continued employment, Defendants knowingly owning, maintaining and managing the home wherein Fr. Holley regularly paid for sexual services, and Fr. Diamond, acting as agent of Defendants, regular solicitation of child sexual offenders to participate in such activities in Alamogordo at St. Jude.

99. Unfortunately, the criminal behavior under Defendants' collective umbrella was not limited to Fr. Holley. Despite knowledge of child predators in their midst, Defendants continued to misrepresent to parishioners that collections would be expended to provide safe

locations and support for virtuous trustworthy moral men (priests). Moreover, Fr. Diamond continued to, on a near weekly basis, solicit, request, employ and/or otherwise induce others to participate in criminal activity through his coordinated efforts with his employers and Defendant Servants to bring child predators to St. Jude.

**COUNT I: NEGLIGENCE
(Defendant Worcester Diocese)**

100. The preceding paragraphs are incorporated as if fully stated herein. Defendant Worcester Diocese failed to adequately screen, hire, supervise, place, and retain Fr. Holley as an agent and employee. Defendant Worcester Diocese's failure to do so precipitated the sexual abuse of Plaintiff as described above.

101. Fr. Holley remained under the control, authority, directive and employ of Defendant Worcester Diocese while he was assigned to St. Jude in Alamogordo and operated as a priest at that location with the knowledge and authorization of Defendant Worcester Diocese during the time period in which he sexually abused Plaintiff.

102. Fr. Holley sexually assaulted numerous children, including plaintiff, and Defendant Worcester Diocese had specific notice of Fr. Holley's specific danger to children and multiple acts of child sexual abuse prior to placing Fr. Holley in a position of access to New Mexican children and Plaintiff. Further, there was a known danger of pedophiles posing a threat to children such as Plaintiff throughout Catholic organizations. Defendant Worcester Diocese nonetheless placed Fr. Holley as their agent, in a position of authority over children, retained, and failed to supervise Fr. Holley after placing, encouraging and authorizing him in this working role as a religious leader.

103. Defendant Worcester Diocese had a duty to protect children in their care and the care of their representatives, agents and employees, such as Fr. Holley, from harm, including Plaintiff.

104. Defendant Worcester Diocese had a duty to notify parents and communities in which it approved, oversaw and encouraged Fr. Holley's placement as to the danger of pedophiles such as Fr. Holley, and to ensure through adequate supervision that children were not sexually abused by pedophiles, including Fr. Holley under the agency or authority granted him by the Defendant Worcester Diocese.

105. As a direct result of the actions or omissions of the Defendant Worcester Diocese, children, including Plaintiff, were victimized by Fr. Holley.

106. But for the actions or omissions of Defendants Worcester, Plaintiff would not have been sexually abused by Fr. Holley while he maintained his priestly authorities by and through Defendant Worcester Diocese.

107. Defendant Worcester Diocese owed a duty of care to supervise Fr. Holley, to assure that they he was not engaging in inappropriate conduct with children, in particular after receiving numerous notices of Fr. Holley sexually molesting children and having determined that Fr. Holley was a child sexual abuser who would likely reoffend.

108. Defendant Worcester Diocese breached its duty of care and was negligent in hiring, retaining, supervising, placing and granting authority to Fr. Holley.

109. Defendant Worcester Diocese breached its duty to supervise Fr. Holley by providing inadequate supervision of him in his assignment as priest, acting on behalf of and with the apparent authority of said Defendant, and by otherwise failing to take appropriate and

reasonable supervisory actions to correct the potential problems and prevent the harm Plaintiff suffered. Defendant's breach occurred despite it having direct notice that Fr. Holley was a child molester, was continuing to offend, and was unlikely to ever cease his illegal sexual activity.

110. Defendant Worcester Diocese knew that Fr. Holley was unfit for a position of care, custody, or authority over children, but purposefully placed him in a position of care, custody, or authority over children in New Mexico.

111. Defendant Worcester Diocese knew of Fr. Holley's sexual abuse of children and did nothing to prevent future abuse by Fr. Holley. Rather, Defendant Worcester Diocese allowed, facilitated and condoned Fr. Holley's continued molestation of children.

112. Defendant Worcester Diocese had a duty to warn parishioners and the communities of New Mexico where Fr. Holley was placed, including Alamogordo, of Fr. Holley's criminal sexual behavior and the dangers associated with pedophilic priests.

113. Defendant Worcester Diocese breached its duty to warn the community of the dangers of pedophilic priests and Fr. Holley in particular.

114. In granting Fr. Holley extraordinary power over children - including Plaintiff and other children in New Mexico - as their representative, agent and employee, Defendant Worcester Diocese had a responsibility and a duty to protect children, including Plaintiff, which Defendant Worcester Diocese breached.

115. The above-described negligence of said Defendant proximately caused harm to Plaintiff, as well as the damages and injuries resulting therefrom.

116. The conduct of Defendant Worcester Diocese was willful, intentional, wanton, or taken in utter disregard of the safety and well-being of others, including Plaintiff, and subjects said Defendant to punitive damages.

COUNT II: NEGLIGENCE
(Defendants Immaculate Conception, Diocese of El Paso,
St. Jude and Diocese of Las Cruces)

117. The preceding paragraphs are incorporated as if fully stated herein.

118. Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces failed to adequately screen, hire, supervise, place, and retain Frs. Diamond and Holley as agents and employees. Said Defendant's failure to do so precipitated the sexual abuse of Plaintiff as described above.

119. Fr. Holley sexually assaulted numerous children, including Plaintiff, and Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces knew of the danger to children presented by priests from the Defendant Servants, including Fr. Holley.

120. Regardless of whether Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces had specific notice of Fr. Holley's specific danger to children and multiple acts of child sexual abuse prior to placing Fr. Holley in a position of access to Plaintiff and other children through St. Jude, there was a known danger of pedophiles posing a threat to children such as Plaintiff throughout Catholic organizations. Said Defendants nonetheless placed Fr. Holley in a position of authority over children, retained, and failed to supervise Fr. Holley after placing, encouraging and authorizing him in this working role as a religious leader.

121. Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces had a duty to protect children in their care and the care of their agents and employees, such as Frs. Diamond and Holley, from harm, including Plaintiff.

122. Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces had a duty to notify parents and communities in which it approved, oversaw and encouraged Fr. Holley's placement as to the danger of pedophiles such as Fr. Holley, and to ensure through adequate supervision that children were not sexually abused by pedophiles, including Fr. Holley under the agency or authority granted him by said Defendants.

123. As a direct result of the actions or omissions of Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces, children, including Plaintiff, were victimized by Fr. Holley.

124. But for the actions or omissions of Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces, Plaintiff would not have been sexually abused by Fr. Holley.

125. Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces owed a duty of care to supervise Fr. Holley, to assure that they he was not engaging in inappropriate conduct with children.

126. Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces breached their duty of care and were negligent in hiring, retaining, supervising, placing and/or granting authority to Fr. Holley.

127. Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces breached their duty to supervise Fr. Holley by providing inadequate supervision of him

in his assignment as priest, acting on behalf of and with the apparent authority of said Defendant, and by otherwise failing to take appropriate and reasonable supervisory actions to correct the potential problems and prevent the harm Plaintiff suffered.

128. Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces knew, or should have known, that Fr. Holley was unfit for a position of care, custody, or authority over children, but purposefully placed him in a position of care, custody, or authority over children in New Mexico.

129. Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces did nothing to prevent Fr. Holley from committing acts of criminal sexual abuse against children.

130. Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces had a duty to warn parishioners and the community of Alamogordo where Fr. Holley was placed of the dangers associated with pedophilic priests, in particular those sent from Defendant Servants.

131. Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces breached their duty to warn the community of the dangers of pedophilic priests.

132. In granting Fr. Holley extraordinary power over children, including Plaintiff as their agent, Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces had a responsibility and a duty to protect children, including Plaintiff, served by Defendants, which said Defendants breached.

133. The above-described negligence of said Defendants proximately caused harm to Plaintiff, as well as the damages and injuries resulting therefrom.

134. The conduct of Defendants Immaculate Conception, Diocese of El Paso, St. Jude and Diocese of Las Cruces was willful, intentional, wanton, or taken in utter disregard of the safety and well-being of others, including Plaintiff, and subjects said Defendants to punitive damages.

135. Defendants St. Jude Parish and Diocese of Las Cruces are liable in their own right or as successors to Defendants Immaculate Conception and Diocese of El Paso on account of an implicit agreement to assume liability on the part of Defendants St. Jude Parish and Diocese of Las Cruces, and/or because they are mere continuation of the former.

**COUNT III: NEGLIGENCE
(Defendant Servants)**

136. The preceding paragraphs are incorporated as if fully stated herein.

137. Defendant Servants had a duty to use reasonable care in the treatment, care, control, supervision, release and placement of Fr. Holley so as to protect the public from his known criminal behavior.

138. Defendant Servants knew it was likely Fr. Holley would commit further criminal sexual offenses if provided access to children.

139. Defendant Servants failed to adequately screen, supervise, and place Fr. Holley.

140. Fr. Holley sexually assaulted numerous children, including Plaintiff, and Defendant Servants knew of the specific danger to children presented by Fr. Holley and his history of committing criminal sexual abuse of children. Said Defendant nonetheless placed and allowed Fr. Holley to proceed in a position of authority over children and failed to supervise Fr. Holley after placing, encouraging and authorizing him in this working role as a religious leader.

141. Defendant Servants had a duty to protect children in their care and the care of their agents, such as Frs. Diamond and Holley, from harm, including Plaintiff.

142. Defendant Servants owed a duty of care to supervise Fr. Holley, to assure that they he was not engaging in inappropriate conduct with children.

143. Defendant Servants had a duty to notify parents and communities in which pedophile priests under its supervision and care were placed as to the danger of pedophiles such as Fr. Holley, and to ensure through adequate supervision that children were not sexually abused by pedophiles, including Fr. Holley, under the supervision, care and approval granted him by said Defendant.

144. Defendant Servants breached said duties.

145. As a direct result of the actions or omissions of the Defendant Servants, children, including Plaintiff, were victimized by Fr. Holley.

146. But for the actions or omissions of Defendant Servants, Plaintiff would not have been sexually abused by Fr. Holley.

147. Defendant Servants knew, or should have known, that Fr. Holley was unfit for a position of care, custody, or authority over children, but purposefully authorized him to be placed in a position of care, custody, or authority over children in New Mexico and facilitated placement of Fr. Holley in his position.

148. Defendant Servants did nothing to prevent Fr. Holley from committing acts of criminal sexual abuse against children.

149. Defendant Servants had a duty to warn parishioners and the community of Alamogordo where Fr. Holley was placed of the dangers associated with Fr. Holley and his pedophilic ways. Defendant Servants breached this duty.

150. The above-described negligence of said Defendant proximately caused harm to Plaintiff, as well as the damages and injuries resulting therefrom.

151. Defendant Servants breached its duties and acted with reckless disregard for the safety of New Mexico's public by releasing Fr. Holley for service within New Mexico, failing to report Fr. Holley's criminal behavior to law enforcement authorities, supporting Fr. Holley as a competent and trustworthy and moral Catholic priest, failing to recommend removal of Fr. Holley's faculties and/or laicization.

152. The above-described negligence of the Defendant Servants proximately caused harm to Plaintiff, as well as the damages and injuries resulting therefrom.

153. The conduct of Defendant Servants was willful, intentional, wanton, or taken in utter disregard of the safety and well-being of others, including Plaintiff, and subjects said Defendant to punitive damages.

**COUNT IV: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)**

154. The preceding paragraphs are incorporated as if fully stated herein.

155. The Defendants each knew or should have known that Fr. Holley posed a danger to children such as Plaintiff.

156. The Defendants' failure to report Fr. Holley to law enforcement and to place and fail to supervise Fr. Holley in a position of authority, through their employee and agency relationship, constitutes extreme and outrageous conduct that was intentional or in reckless disregard for the welfare of Plaintiff.

157. Defendant Worcester Diocese knew Fr. Holley would continue to sexually assault children and sent him to New Mexico knowing sexual abuse would occur.

158. Defendant Servants knew Fr. Holley was a serial sexual predator and that he would continue to abuse children and knowingly sent him into parishes and priestly service at St. Jude Parish.

159. Defendants Diocese of El Paso and Immaculate Conception, acting through their agent and/or representative Fr. Diamond, knew Fr. Holley, as a resident of Defendant Servants, was a child sexual abuser and was likely to commit sexual abuse against children. Said Defendants purposefully placed Fr. Holley at St. Jude and into the Alamogordo community with this knowledge. Moreover, they allowed him to remain on their premises and under their authority, even after their agents and employees received specific reports of continued sexual abuse by Fr. Holley in the community.

160. Plaintiff has suffered severe emotional distress as a result of Defendants' conduct in placing, authorizing, or permitting Fr. Holley to be a priest at St. Jude, and in failing to supervise or implement sufficient measures such that Fr. Holley was able to sexually abuse children, including Plaintiff.

161. Defendants St. Jude Parish and Diocese of Las Cruces are liable in their own right or as successors to Defendants Immaculate Conception and Diocese of El Paso on account of an implicit agreement to assume liability on the part of Defendants St. Jude Parish and Diocese of Las Cruces, and/or because they are mere continuation of the former.

162. The conduct of Defendants was willful, intentional, wanton, or taken in utter disregard for the safety and well-being of others, including Plaintiff, and subjects Defendants to punitive damages.

COUNT V: VICARIOUS LIABILITY
(All Defendants)

163. The preceding paragraphs are incorporated as if fully stated herein.

164. Fr. Holley's abuse of Plaintiff constituted assault and battery, among other torts, and was within the course and scope of his position provided by the Defendants. Defendants are therefore vicariously liable for the harm caused to Plaintiff by Fr. Holley.

165. Alternatively, Defendants had the right and ability to control Fr. Holley's conduct. Defendants are therefore vicariously liable for the harm caused to Plaintiff by Fr. Holley.

166. The Defendants granted Fr. Holley extraordinary power over children, including Plaintiff, and in doing so, Fr. Holley's role conveyed to children under his authority, including Plaintiff, that, at least in part, complying with his dictates was required.

167. Plaintiff has undergone serious emotional distress based on Fr. Holley's power as a religious leader in the church, and affiliation with the church, under the auspices of the authority granted him by the Defendants, which enabled him to abuse Plaintiff.

168. Fr. Holley was able to sexually abuse Plaintiff because of his position as a priest, a position authorized, supported, or permitted by the Defendants, with all attendant duties, responsibilities, and vested and apparent authority being such a leader provides.

169. Fr. Holley wielded authority vested in him by each of the Defendants as a religious leader, and used that power to sexually abuse children, including Plaintiff. Fr. Holley used his authority over Plaintiff such that his actions were aided by his priestly status and agency relationship with each of the Defendants.

170. Defendants are liable for the conduct of Fr. Holley under the legal theory of "aided-in-agency".

171. The conduct of all Defendants was willful, intentional, wanton, or taken in utter disregard of the safety and well-being of others, including Plaintiff, and subjects the Defendants to punitive damages.

**COUNT VI: PUBLIC NUISANCE
(All Defendants)**

172. Defendants knowingly created and maintained numerous policies and practices to expose children throughout New Mexico to dangers from known pedophiles entirely unbeknownst to the communities exposed to pedophiles by Defendants. Those efforts were particularly directed towards minority and disadvantaged communities.

173. Defendants engaged in a concerted ongoing scheme of covering up the activities of pedophiles operating within Defendant' organizations, knowingly maintaining the dangers secret from the public, and otherwise purposefully exposing an unknowing public to pedophilia.

174. This scheme included the purposeful direction of known repeat pedophile priests to the Defendant Servants in New Mexico with the express understanding that said pedophile priests would be placed in service in communities within New Mexico – the same communities that were described by Fr. Holley as deeply devout but severely disadvantaged.

175. This scheme included all the above acts and omissions maintaining extreme secrecy from civil authorities and community members as to the dangers to which the community was exposed and the high number of pedophiles within the priesthood in New Mexico in particular. (At least one high-ranking Archdiocese of Santa Fe official estimated 10 percent of priests committed acts of sexual misconduct with children).

176. Defendants' actions unreasonably interfered with the rights of the public, in particular the community of Alamogordo, and injured the health, safety and welfare of the

community at large. This is particularly true as to the large portion of the population of New Mexico and Alamogordo that is devoutly religious, including, but not limited to, a large proportion of the population that were and are members of the Catholic religion.

177. Defendants' conduct was and is a public nuisance per se and/or in fact operating within New Mexico, including Alamogordo.

178. Defendants' conduct caused severe injury to Plaintiff through repeated acts of sexual violence at Defendants' hands, and continues to cause harm to Plaintiff and other victims of child sexual abuse at the hands of Defendants and their agents as the general scheme remains operational and the continued secrecy maintains an ongoing interference with the health, safety and welfare of the community at large.

179. Defendants are subject to abatement and enjoinder pursuant to common law and NMSA 1978, §30-8-1 to cease their participation in said public nuisance, including both exposure of the public to pedophile priests and maintenance of extreme secrecy in regards to the same.

180. Defendants' public nuisance was tortious conduct that proximately caused injury to Plaintiff for which Defendants are liable.

181. The conduct of Defendants was willful, intentional, wanton, or taken in utter disregard for the safety and well-being of others, including Plaintiff, and subjects Defendants to punitive damages.

COUNT VII – RACKETEERING (All Defendants)

182. Plaintiff realleges and incorporates by reference the preceding paragraphs as if fully stated herein.

183. Defendants are each entities capable of holding a legal or beneficial interest in property and are thus “persons” as defined by NMSA 1978, § 30-42-4(B).

184. Defendants are each legal entities and/or groups of individuals associated in fact and thus are “enterprises” as defined by NMSA 1978, § 30-42-4(C).

185. Defendants collectively and individually made false misrepresentations and omissions to induce persons to provide money for their services and for the upkeep of safe places of worship and counsel, and the employ and living expenses of priests they represented as virtuous, moral, trustworthy and safe leaders.

186. Defendants collectively and individually knew those representations, particularly as it relates to Fr. Holley and his continued sexual violence against children, were false and intended persons providing monies through collections rely on those representations in determining to submit money for collections.

187. Numerous individuals each week, over the course of many years spanning at least past 1980, provided monies to Defendants for their operation in reliance on those false misrepresentations and omissions. As to each Defendant, those payments exceeded \$500.

188. These instances of fraud by each Defendant would be chargeable or indictable under the laws of New Mexico and punishable by imprisonment for more than one year in violation of NMSA 1978, § 30-16-6.

189. The instances of fraud discussed above occurred at least each week on Sunday between 1970 and until at least 1990s.

190. The afore-mentioned instances of fraud constituted a pattern of racketeering activity as defined by NMSA 1978, § 30-42-3(D).

191. Defendants Diocese of El Paso, Diocese of Las Cruces, Immaculate Conception, and St. Jude Parish, through their agent Fr. Diamond and others, solicited Defendant Servants and dozens of known child sexual abusers to commit further sexual crimes against children in Alamogordo. Fr. Diamond himself was a child sexual abuser and obtained approval and authorization from said Defendants to solicit known child sexual abusers from Defendant Servants over the course of many decades. Upon information and belief, and according to Fr. Diamond, this solicitation occurred approximately every weekend throughout Fr. Diamond's time at St. Jude . Said solicitation would be chargeable or indictable under the laws of New Mexico and punishable by imprisonment for more than one year in violation of NMSA 1978, § 30-28-3.

192. Defendants Diocese of El Paso, Diocese of Las Cruces, Immaculate Conception, and St. Jude Parish established, owned, maintained, and/or managed the residence where St. Jude priests, including Fr. Diamond and Fr. Holley, resided after 1970. Therein, Plaintiff himself was submitted to prostitution at the hands of Fr. Holley when Fr. Holley on more than two occasions provided monetary compensation to the children he sexual abused in exchange for their participation in his sexual activity, thereby inducing children to become prostitutes. Multiple instances of prostitution occurred at that residence.

193. Defendants practiced, encouraged, allowed and/or participated in the establishment, ownership, maintenance or management of that residence as a house of prostitution. This constitutes promoting prostitution as chargeable or indictable under the laws of New Mexico and punishable by imprisonment for more than one year in violation of NMSA 1978, § 30-9-4.

194. Fr. Holley took, restrained and/or confined Plaintiff and other young boys to his private room by force, intimidation and/or deception. Fr. Holley did so without lawful authority

and intended to inflict a sexual offense on said children. This occurred several times a week over the course of years. Each individual act would be chargeable or indictable under the laws of New Mexico and punishable by imprisonment for more than one year as violations of NMSA 1978, § 30-4-1.

195. Fr. Diamond solicited Fr. Bernard Bissonnette to join him at St. Jude in Alamogordo in and around 1985 through 1987. Fr. Bissonnette was a notorious child predator within the priesthood by that time. Defendants continued to represent to their parishioners at this time that collections would support safe places and trustworthy and moral leadership knowing a child molester was at the helm.

196. In or about 1990, Fr. Daniel Barfield oversaw Defendant St. Jude Parish under the authority and direction of Defendant Diocese of Las Cruces and acted as an agent of each. During 1990, Fr. Barfield took a young boy to Fr. Holley unlawfully intending that Fr. Holley would commit a sexual offense on said young boy on the grounds of Defendant St. Jude Parish. This would be chargeable or indictable under the laws of New Mexico and punishable by imprisonment for more than one year as a violation of NMSA 1978, § 30-4-1.

197. The Defendants each received proceeds derived, directly or indirectly, from the afore-mentioned pattern of racketeering activity in which the same participated and used or invested, directly or indirectly, any part of the same in the establishment of an interest in or operation of an enterprise, including Defendants as enterprises and St. Jude Parish as enterprise.

198. Defendants employed Fr. Holley and Fr. Diamond within an enterprise and participated, directly or indirectly, in the conduct of the enterprise's affairs by engaging in a pattern

of racketeering activity, namely fraudulent inducement, maintaining a house of prostitution, and criminal solicitation.

199. The afore-mentioned acts of fraud, kidnapping, promoting prostitution and criminal solicitation formulate a pattern of racketeering activity as defined by NMSA 1978, § 30-42-3(D).

200. The Defendants each conspired with and amongst each other to violate the Racketeering Act.

201. Plaintiff sustained injury to his person as a result of the aforementioned pattern of racketeering activity.

PRAYER FOR RELIEF

ACCORDINGLY, Plaintiff seeks relief from the Court as follows:

1. Award Plaintiff incidental, consequential, and special damages as a direct and proximate result of the wrongful and unlawful acts and omissions of Defendants; as described above, Plaintiff was injured and has suffered and continues to suffer damages, including, but not limited to: severe emotional distress, anguish, suffering, humiliation, psychological injuries, indignities, loss of enjoyment of life, invasion of bodily integrity, and other damages;

2. Award Plaintiff full compensatory damages against all Defendants as a result of the above-described damages and injuries in amounts to be determined at the trial of this cause;

3. Award Plaintiff three times his actual damages proved in amounts to be determined at the trial of this cause in accordance with NMSA 1978, § 30-42-6(A).

4. Award Plaintiff his costs and expenses, including reasonable attorneys' fees to the extent permitted by law, including but not limited to fees pursuant to NMSA 1978, § 30-42-6(A) and NMSA 1978, § 30-8-8;

5. Abatement of Defendants' public nuisance, including exposure of the public to pedophile priests and maintenance of extreme secrecy in regards to the same;

6. Award Plaintiff punitive damages as provided by law against all Defendants, as well as the costs of bringing this action, pre- and post-judgment interest as provided by law, and such other and further relief as proves just or appropriate under the circumstances.

JURY DEMAND

Plaintiff requests a trial by a six-person jury on all issues and counts so triable.

Respectfully Submitted,

ROTHSTEIN DONATELLI LLP

/s/ Paul M. Linnenburger

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