

EXHIBIT 12

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

Coordination Proceeding Special)
Title (Rule 1550 (b)))

THE CLERGY CASES II) NO. JCCP
4297)

JOHN ROE 17, individually,)

Plaintiff,)

vs.) SAN DIEGO

Defendant Doe 1, Dioceses; and) SUPERIOR COURT
Does 2 through 100, inclusive,) NO. GIC 823004

Defendants.)

CONFIDENTIAL TRANSCRIPT

VIDEOTAPED DEPOSITION OF [REDACTED]

OCTOBER 3, 2006
SAN DIEGO, CALIFORNIA

REPORTED BY: CYNTHIA J. VEGA, RMR
CSR NO. 6640

Robert Pereda - CONFIDENTIAL

10:41:02 1 that you can recall that?

2 A. It was a telephone call that I had made.

3 Q. And how do you recall that you made the phone
4 call in August of 1975 as opposed to November of 1975?

10:41:16 5 A. I'm sorry. Could you reword that? I mean --

6 Q. How do you know you made that phone call in
7 August of 1975 as opposed to some other month in 1975
8 or even 1976?

9 A. Because it was at the time when

10:41:30 10 Father Rodrigue was there, when he showed up as the
11 priest for Our Lady of Guadalupe in El Centro.

12 Q. How long had Anthony Rodrigue been at Our
13 Lady of Guadalupe Parish before you made this phone
14 call?

10:41:57 15 A. One, two weeks.

16 Q. And who did you make the phone call to?

17 A. The San Diego Roman Catholic Diocese.

18 Q. Had school started as of the time that you
19 made this phone call in approximately late August of

10:42:30 20 1975?

21 A. I don't remember.

22 Q. And what was the reason why you made this
23 phone call?

24 A. Because I wanted to let somebody know what
25 Father Rodrigue was doing at the church.

Robert Pereda - CONFIDENTIAL

10:54:56 1 he left. I waited there for a bit because I was
2 really scared. And finally I went out. I walked out
3 to see if he was anywhere around. I went up to the
4 door on the side of the rectory and then I walked in.
10:55:18 5 I wanted to see if he was there. I called out his
6 name. Nobody was there, so I went through.

7 There is -- as you walk in, there is a -- the
8 kitchen and then there is the bedroom and then there
9 was an office. And I went over to the office, and
10:55:44 10 there was a desk and a Rolodex there. I flipped
11 through the Rolodex. There was a number there for the
12 offices of the church, the diocese. And I got that
13 number.

14 I got the phone, and I called. But I hid
10:56:04 15 underneath the desk because I didn't know if
16 Father Rodrigue was going to be coming back in or
17 what. I was just scared.

18 So I dialed a number. A woman answered on
19 the phone. I was really scared. And she asked who
10:56:31 20 this was, and I couldn't answer because I was afraid.
21 She asked who this was.

22 I told her, "Father Rodrigue is hurting me.
23 He's touching me."

24 She said, "Who is this?" I didn't want to
10:56:54 25 answer because I was scared.

Robert Pereda - CONFIDENTIAL

10:57:04 1 She asked again. "You shouldn't be making
2 these calls talking about priests. Who is this?"

3 I said, "I'm calling from Our Lady of
4 Guadalupe Church in El Centro. He's hurting me and
10:57:21 5 touching me." I was scared.

6 She said, "You shouldn't be making these
7 calls," and she hung up.

8 Then I thought I heard something and I kept
9 quiet. And then I came out from underneath the desk.
10:57:44 10 I looked and I just left.

11 I was having problems already by then with my
12 asthma. So I always carry these pills called Marax
13 for asthma attacks.

14 MR. ZALKIN: You're going beyond her
10:58:12 15 question.

16 THE WITNESS: Oh, I'm sorry.

17 BY MS. ROBERTS:

18 Q. So what mass was it that you had altar served
19 at prior to this incident in the rectory where

10:58:33 20 Rodrigue was pushing up against you and touching you?

21 A. I'm sorry. Could you repeat the question?

22 Q. What time was the mass that you had altar
23 served on that day that Rodrigue first touched you and
24 was pushing up against you in the rectory?

10:58:51 25 A. I believe it was the eleven o'clock mass.

Robert Pereda - CONFIDENTIAL

11:19:26 1 and hung up the phone on you; correct?

2 A. Yes.

3 Q. How long would you estimate that that phone
4 call lasted?

11:19:43 5 A. Two minutes.

6 Q. Did you ever discuss abuse by Anthony

7 Rodrigue with any other adult in either 1975 or 1976?

8 A. No.

9 Q. When was the very next time that you ever
10 spoke to any adult regarding what Anthony Rodrigue had
11 done to you?

12 A. It was a couple of -- several weeks later
13 when I made a second phone call.

11:20:27 14 Q. And who did you make this phone call to?

15 A. The San Diego Diocese.

16 Q. And where did you make the phone call from?

17 A. I made it -- there is a small grocery store
18 that if you go down the block from where the church is
19 heading east and you go down, cross the street, there
20 is a neighborhood -- or there was a neighborhood store
21 there. And there was a phone right outside.

22 Q. And what was the name of the grocery store?

23 A. I don't remember.

24 Q. Where did you place the phone call to that
11:21:10 25 day?

Robert Pereda - CONFIDENTIAL

11:24:15 1 Was this second phone call made right after
2 the second incident?

3 A. Yes.

4 Q. And did the second incident also occur after
5 you had altar served?

6 A. To the best of my memory, I believe so.

7 Q. What mass was it that you had altar served at
8 that preceded the second incident?

9 A. I don't remember.

11:24:43 10 Q. Where did the second incident occur?

11 A. It occurred in the rectory, in his bedroom.

12 Q. What were you doing in the rectory that day?
13 A. To the best of my memory, I might have been
14 using the restroom, drinking water.

11:25:21 15 Q. And, again, this was after altar serving;
16 correct?

17 A. It may have.

18 Q. And did the second incident -- what time of
19 day did the second incident occur?

11:25:42 20 A. It would have to have been in the morning.

21 Q. And why would it have had to have been in the
22 morning?

23 A. Because it was probably on a Sunday.

24 Q. Why was it probably on a Sunday?

11:26:01 25 A. That's usually when I spent full mornings

Robert Pereda - CONFIDENTIAL

11:28:44 1 carry, because I used to keep some money in there and
2 I used to keep my pills for my asthma in there.

3 Q. And was that a long-distance phone call or
4 not?

11:29:06 5 A. I don't recall.

6 Q. Well, how much money did it cost you to make
7 that phone call?

8 A. I don't remember.

9 Q. How did you pay for the phone call that day?

11:29:20 10 A. I had change. I always carried change in
11 this little type of purse.

12 Q. And what happened when you made the second
13 phone call?

14 A. I called, and a male answered, said,

11:29:37 15 "San Diego Diocese, Roman Catholic Church," I believe,
16 "Can I help you?"

17 Q. How did you respond?

18 A. I said that Father Rodrigue at Our Lady of
19 Guadalupe Church in El Centro was hurting and touching
11:30:07 20 the altar boys. Was hurting and touching me.

21 Q. And what happened in that phone call?

22 A. He said, "Who is this?"

23 I kept quiet. I said, "I'm calling from Our
24 Lady of Guadalupe Church in El Centro" and that

11:30:39 25 "Father Rodrigue is touching and hurting us."

Robert Pereda - CONFIDENTIAL

11:31:02 1 Q. What happened in the phone call after that?

2 A. I'm sorry. After I hung up or continuing on
3 the call?

4 Q. After you said, "I'm calling from Our Lady of
11:31:19 5 Guadalupe Church and Father Rodrigue is hurting and
6 touching me," what happened on the phone call? Did
7 you hang up at that point?

8 A. Well, he asked again who this was. I did not
9 say. I believe, to the best of my recollection, he
11:31:37 10 said, "You shouldn't be calling with calls like this."
11 And I hung up.

12 Q. Who was this person you spoke to on the
13 second phone call?

14 A. I don't remember.

11:31:59 15 Q. Did you ask the person who you -- what his
16 name was, the person that you were speaking to in the
17 second phone call?

18 A. No, I did not.

19 Q. But when he asked you what your name was, you
11:32:11 20 didn't give it to him, correct?

21 A. No, I did not.

22 Q. When was the next time you spoke to any adult
23 about what Anthony Rodrigue had done?

24 A. When I had spoken to my attorneys.

11:32:37 25 Q. And was that approximately sometime in the

EXHIBIT 13

1 SUPERIOR COURT IN THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

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CERTIFIED COPY

Coordinated Proceeding Special
Title (Rule 1550(b))

THE CLERGY CASES II

No. GIC 823004

John Roe 17, Individually

Plaintiff,

v.

Defendant Doe 1, Diocese, and Does)
2 through 100, inclusive,

Defendants,

DEPOSITION OF

[REDACTED]

FALINDRIS, CALIFORNIA

SEPTEMBER 8, 2006

ATKINSON-BAKER, INC.
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REPORTED BY: DAVE STEWART, CSR NO. 4543

FILE NO.: A00783C

1 you to places in his car. Was there ever a time that 12:03:16
2 inappropriate sexual conduct occurred between you and
3 Father while in the car?

4 A I don't remember that there was.

5 Q Are there any acts of sexual contact between 12:03:36
6 yourself and Father that we haven't discussed today, so
7 far today?

8 A Not that I can remember. Other than the things
9 I've mentioned so far.

10 Q Did Father ever orally copulate you? 12:03:54
11 A No.

12 Q Did you ever orally copulate Father?

13 A No.
14 Q Did you ever tell anyone regarding the
15 inappropriate sexual conduct between you and Father
16 Rodriguez? 12:04:19

17 A I told my mother around that time when it --
18 right after it happened. Maybe not right after but --
19 but it's around that general time period.

20 Q When you say "right after it happened", what 12:04:33
21 are you referring to?

22 A Well, those instances at the Father's house and
23 I guess I'm referring specifically to the one night I
24 spent, you know, at his house.

25 Q Did you ever tell any other adult other than 12:04:49

1 your mother about the sexual contact between yourself and 12:04:52
2 Father?

3 A I can't remember specifically telling anyone at
4 that time. I know that I had to -- I had to say or -- I
5 was asked on more than one occasion about the things that 12:05:06
6 happened. I just don't remember who it was to.

7 Q Did you ever tell a priest about the sexual
8 contact between yourself and Father?

9 A No.

10 Q To your knowledge, did your mother ever tell a 12:05:29
11 priest about your sexual contact between yourself and
12 Father?

13 A I can't remember if she did.

14 MR. MAFFETZ: I'm sorry, sir, I just want to
15 interpose an objection. No foundation. 12:05:39

16 MR. RUCKLEY: Calls for speculation.

17 MR. HOLMES: Join in the objections.

18 THE WITNESS: There was a time when there was a
19 meeting between the parents and the -- I believe it was
20 the Monsignor in Calexico and there was discussions there 12:05:52
21 at that meeting about the things that had gone on but I

22 don't remember her mentioning there specifically in the
23 open where everybody was around about the things that
24 happened. But the meeting had to do with the -- with the
25 allegations, the things that had transpired. 12:06:11

1 BY MR. KINSLOW:

12:06:14

2 Q How do you know this meeting occurred?

3 A Because I remember, I was there. I remember
4 being there.

5 Q And do you remember specifically where you
6 went? 12:06:19

7 A It was in Calexico, it was a -- right behind
8 the Catholic Church in Calexico, I guess part of their
9 properties, there's a house right behind the church
10 itself and with a semi-circular driveway. I remember
11 that, driving in there and gathering there and then
12 meeting in this big room in there, I guess it must have
13 been the living room, with the Monsignor.

14 Q Can you recall who went with you to this
15 meeting?

12:06:50

16 A My parents, and there was other parents there
17 also of the -- of the altar boys that were -- serving
18 there as altar boys at the time.

19 Q Do you remember specifically which parents?

20 A I remember [REDACTED] parents, they live right
21 across the street from my mother. I remember them being
22 there, I remember [REDACTED] mother being there.

12:07:04

23 Q When you refer to [REDACTED] --

24 A [REDACTED] mother.

25 Q Is there anyone else you can recall being

12:07:22

1 BY MR. KINSLOW:

12:08:34

2 Q Do you recall if any of the other parents
3 spoke?

4 A I remember seeing and listening to other
5 parents speak, I couldn't tell you what they said. I
6 don't remember that.

12:08:42

7 Q Do you remember the topics that they spoke
8 about?

9 A The topic had to do with the things that had
10 happened with the abuse of the Father Tony and [REDACTED]

12:08:52

11 [REDACTED]
12 Q When you say the abuse with Father Tony, what
13 is it that you're referring to?

14 A Well, what I now understand to be inappropriate
15 sexual conduct, sexual abuse.

12:09:07

16 Q What did that include?

17 A The things that I explained earlier as they
18 relate to me.

19 Q So other people spoke about what happened to
20 you?

12:09:22

21 A I don't remember them speaking specifically
22 about what happened to me; just that there was -- things
23 that happened that were inappropriate.

24 Q Things that happened between Father Tony and
25 children?

12:09:32

1 A That's right.

12:09:33

2 Q Things that happened between [REDACTED]

3 [REDACTED] --

4 A That's right.

5 Q -- and children and this was in what you
6 understand to be the Monsignor's living room?

12:09:37

7 A It wasn't -- it was in a house behind the
8 church in Calexico. I don't believe it was the
9 Monsignor's house but it was a church property home, I
10 don't -- I don't know who lived there.

12:09:52

11 Q Was a priest present at that time?

12 A Any other priest or -- when you say a priest,
13 are you referring to like Father Tony or -- I don't
14 remember any other priests being there.

15 Q Do you remember the Monsignor being there?

12:10:09

16 A I remember the Monsignor.

17 Q And did he speak at all during this meeting?

18 A Yes, he did.

19 Q And can you recall what he talked about?

20 A I just -- like all these things I remember, I
21 couldn't tell you word for word. I just -- I do remember
22 that he was trying to assure the parents that something
23 was going to be done, you know, concerning the things
24 that had happened and basically he would take care of the
25 situation or the problem.

12:10:37

EXHIBIT 14

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES CENTRAL DISTRICT
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5 Coordination Proceeding Special Title) No. JCCP
6 (Rule 1550(b))) 4297

7 THE CLERGY CASES II)
8) SAN DIEGO

9) SUPERIOR

10 John Roe 17, Individually,) COURT

11) CASE NO.

12) GIC 823004

13 Plaintiff,)

14 vs.)

15 Defendant Doe 1, Dioceses; and Does 2)
16 through 100, inclusive,)
17)

18 Defendants.)
19)
20)

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CERTIFIED COPY

VOLUME I

DEPOSITION OF

CARMEN COLUNGA

EL CENTRO, CALIFORNIA

AUGUST 10, 2006

ATKINSON-BAKER, INC.
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REPORTED BY: KAREN I. PEARSON-BELL, CSR NO. 3557

FILE NO.: A006878

1 beating him up, hitting him on the head. She would
2 say that wasn't true.

3 BY MR. KINSLOW:

4 Q. When you went to see the Monsignor in
5 Calexico, did the one lady who spoke tell the
6 Monsignor about pornographic movies at the church?

7 A. No, I don't know if she told him. I think
8 that she only told him about what the little boy
9 saw.

10 Q. And did the Monsignor react to what the
11 lady told him?

12 MR. MARETZ: Calls for speculation,
13 ambiguous.

14 THE WITNESS: Yes.

15 BY MR. KINSLOW:

16 Q. Did he say anything to the group?
17 A. Yes.

18 Q. What did he say?

19 A. That he promised to remove him, that he
20 would not work there anymore.

21 Q. He promised to remove who?

22 A. The Priest. To remove him, you know, that
23 he was no longer going to celebrate mass or
24 anything like that. I don't know how he said it,
but I think that he was going to, like, fire him or

13:29:07 25

13:28:45 20

13:28:27 15

13:28:16 10

13:27:50 5

1

something like that.

2

And afterwards we found out that he was practicing somewhere else, he just moved him.

3

4

MR. MARETZ: Move to strike the answer, the part of the answer after the phrase "to remove him" as nonresponsive.

13:29:29 5

6

7

THE WITNESS: He said something about removing him, about suspending him.

8

9

MR. MARETZ: Move to strike as nonresponsive.

13:29:44 10

11

THE WITNESS: And that's all that I know.

12

BY MR. KINSLOW:

Q. Do you know if the priest was removed from your church in Heber?

14

13:30:03 15

16

A. Yes. Immediately.

Q. And do you know if the priest was ever assigned to another church?

17

18

MR. MARETZ: Calls for speculation, no foundation, leading.

19

13:30:25 20

21

THE WITNESS: Well, that's what they said, that somebody saw him somewhere else, that the only thing that he did was to move him somewhere else.

22

23

BY MR. KINSLOW:

Q. Who is "they"?

24

A. The same ladies there. They said he is in

13:30:34 25

EXHIBIT 15

September 26, 1957

Very Reverend Gerald Fitzgerald, S.P.
Via Coeli Monastery
Jemez Springs, New Mexico

Very Reverend and dear Father Fitzgerald!

Let me return the utmost appreciation for your prompt response to my request on behalf of Father Francis Robler. He has had a record of zealous work for many years in the Sacred Priesthood.

Recently, however, he has made some mistakes that require what your Paternity has to give in spiritual exercises.

In the postscript in my letter indicated, he has my permission to offer Holy Mass over there. He left here truly repentant, and promised to be on his way so as to arrive in Via Coeli tomorrow, Sunday.

The mistake here has caused so much talk that my fear in his usefulness has terminated in these parts. After two weeks or a month, according to your well-considered judgment in the matter, he could be given a chance in some other jurisdiction. If he has learned the lesson of discretion, he will be a very valuable priest for some other Bishop.

Permit me to add that [redacted] made a favorable impression on all of us. He informs me that you advanced him \$45 for transportation, to cover which please find check enclosed.

The other check for \$250 please accept in token of gratitude to help with your burdens of upkeep.

Trusting the Holy Spirit for you, it is my privilege to remain

Your devoted servant in
Corde Regis Regum,

The Most Reverend Charles F. Buddy

Bishop of San Diego

Ablier 0000263

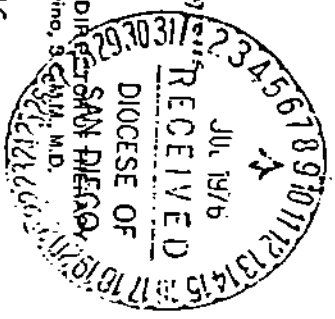
EXHIBIT 16

House of Affirmation, Inc.
International Therapeutic Center for Clergy and Religious

EXECUTIVE DIRECTOR
Rev. Thomas A. Kaine, M.A., S.T.M., Ph. D., O.P.S.

PSYCHIATRIC DIRECTOR
Sister Anna Polcino, S.C.M., M.D.

6 July 1976



Most Reverend Leo T. Maher, D.D.
Bishop of San Diego
Chancery Office/Alcala Park
P.O. Box 80428
San Diego, California 92138

Dear Bishop Maher:

Many thanks for your letter of 29 June, 1976.

As you requested, Father Anthony Rodrigue's name is on our waiting list. To date I am unable to give you any possible date. It may be a matter of five months, although probably sooner. In any event, be assured that we will give Father Rodrigue our concern and try to have him come in residency as soon as possible. I will notify you of same when we are able to receive him.

We ask for your prayers and assure you of a remembrance in ours.

Respectfully yours,

Anna Polcino
Anna Polcino, M.D.
Psychiatric Director of Therapy

AP/gpp

EXHIBIT 17

23 September 1975

Most Reverend Leo T. Maher, D.D.
Bishop of San Diego
Chancery Office/ Alcala Park
Box 30428
San Diego, CA 92138

Dear Bishop Maher:

This is to inform you that Father Anthony Rodrigue arrived at the House of Affirmation on September 15 as scheduled. I know a report dated June 18 was sent to you after Father came here for a few days of assessment so I will not repeat that information here. I am Father's primary therapist.

Father Anthony shows all signs of participating fully in our program. This includes: two individual therapy interviews, five group therapies weekly, daily liturgy, two lecture reviews weekly, and several ancillary therapies. I ordinarily send you a progress report after about six weeks of a client's residency, but please do not hesitate to contact me if you have any questions.

With every good wish,

Sincerely,

Joseph E. Mact, D.D., Ph.D.
Psychologist

JEM/vml

CC: Reverend Anthony Rodrigue

EXHIBIT 18

27 December 1976

PRIVILEGED AND CONFIDENTIAL

TO: Most Reverend Leo T. Maher, D.D.
Bishop of San Diego
Box 30428
San Diego, CA 92138

RE: RODRIGUE, REVEREND ANTHONY
Diocese of San Diego

REFERRED BY: Bishop Maher/self

TYPE OF ADMISSION: Voluntary

ADMITTED: September 14, 1976

DISCHARGED: January 4, 1977

CONDITION: Improved; now emotionally stable

DIAGNOSIS: Anxiety and depression; sexual orientation
disturbance.

DISCHARGE SUMMARY

Father Anthony, age forty, was admitted to the House of
Affirmation in mid-September, 1976, following a period of
psychological assessment that took place on May 5, 6, and
7, 1976. A complete report of the assessment results was

Most Reverend Leo T. Maher, D.D.
FR: RODRIGUE, REVEREND ANTHONY
Page 2

sent June 18 and will not be repeated here. After his arrival in September, the tentative diagnosis of anxiety and depression was confirmed. Father Anthony was extremely agitated, discouraged with himself and with some of his past behavior, somewhat demoralized by his faulty self-image and feelings of inadequacy, and very confused in his thought processes and "mixed up" emotionally.

He had six interviews with Dr. Gerald Speranzo of San Diego between his assessment period in May and his admission in September, and these sessions proved to be most helpful because Father Anthony was really "ready" for therapy when he arrived as compared to his outlook during his May visit here.

Father Anthony participated fully in all aspects of our therapeutic program, as described in earlier reports to you. It was difficult for him at first but he showed marked signs of improvement in late October and early November. The depression lessened and has continued to do so; there is no "clinical depression" now -- just the ups and downs of ordinary human living. The anxiety has decreased markedly but is and will be present in times of stress. He deals with it in a more appropriate way now than in the past. We spent considerable time on his personal history and Father Anthony has a good understanding of the dynamics behind his past homosexual activities and he has explicitly stated a verbal commitment to celibacy. As his self-understanding increased, he corrected many of the mistaken notions he had about himself as a person and this has shown itself in improved personal relations with others. He is working--and will continue to--on improving the quality of his communication with people as this has been a problem for him since childhood. He has been consistently active in the liturgical life of his community.

Most Reverend Leo T. Maher, D.D.
RE: RODRIGUE, REVEREND ANTHONY
Page 3

RECOMMENDATIONS:

1. It will be helpful to Father Rodrigue if he participates in the Vatican II Institute as tentatively planned.
2. Following the Institute, it is recommended that Father Rodrigue resume ministry on a full-time basis
3. It is recommended that Father Rodrigue re-establish his contact with Dr. Sperrazzo or contact another therapist. It is not good if one goes from the intense therapy as practiced here to none at all. After establishing contact, the client and therapist may not meet regularly but it is helpful if the client knows there is someone he can discuss personal matters with should the need arise. Father Anthony knows from personal experience the danger of letting things pile up.

MEDICATION ON DISCHARGE: None

PROGNOSIS: We are optimistic concerning the prognosis of Father Rodrigue. He has achieved a great deal for himself over the past months and gives indications of continuing his personal growth and emotional well-being in the years ahead.

Joseph L. Hart, S.S.T., Ph.D.
psychologist

JLD/vmb

cc: Reverend Anthony Rodrigue

EXHIBIT 19



THE ARCHDIOCESE OF SAN FRANCISCO
PASTORAL CENTER

OFFICE OF THE ARCHBISHOP
49 CHURCH STREET SAN FRANCISCO CALIFORNIA 94102-3799 (415) 463-3000

February 2, 1990

1540 North D Street
San Bernardino, CA 92405

Dear [redacted],
In December you wrote to me concerning Father Anthony Rodriguez who was a student in Immaculate Heart Seminary when I was a Professor there. Since responding to your inquiry, I have had some additional thoughts about Father Rodriguez.

First of all, I would wish to clarify that I was not Rector at the time Father Rodriguez was ordained as I recall. [redacted] was Rector at that time. I do think that it should be of record that when I became Rector on June 9, 1964 I discovered some irregularities in the seminary records. Approximately, two and not more than three days after I arrived to take up my duties, one of the pastors telephoned me inquiring about one of his students who had been dropped at the end of that school year. This occurred at a time when I was in another assignment at St. Francis Seminary in El Cajon. When I received the inquiry from the pastor, I told him that I would look into the records. On searching for the records, I was unable to find them and consequently telephoned [redacted]. [redacted] informed me on that occasion that he had destroyed the minutes of the faculty meetings and that he had destroyed some other records. Consequently, it may not be easy for you to get exact information about the situation at the time of Father Rodriguez's ordination. I would like you to regard this information concerning the seminary records as confidential since there is no reason after several years now to have this become widely known but I do think you should be aware of it in your effort to put together a complete dossier on Father Rodriguez.

I hope that this information will be of some use.
With good wishes, when, I remain,

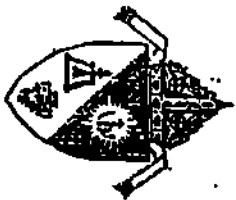
Sincerely yours in Christ,
John J. Shimmin
Archbishop of San Francisco

Document produced subject to Protective Order in John Roe 17 v. Defendant Doe 1

S.D.S.C. case no. GIC8230014. Disclosure outside of this lawsuit is prohibited.

LAICIZATION_000009
000174

EXHIBIT 20



Diocesan Pastoral Center

Near General

Diocese of San Bernardino

December 4, 1989

CONFIDENTIAL

Most Reverend Leo F. Maher
Bishop, Diocese of San Diego
Post Office Box 80428
San Diego, California 92138

Dear Bishop Maher:

Bishop Phillip F. Straling has been approached by Father Anthony Rodrigue seeking his assistance with a petition for dispensation from the obligations of priesthood and celibacy from the Holy Father, Pope John Paul II. He has asked me to instruct the case in accord with the procedural norms issued by the Sacred Congregation for the Doctrine of the Faith (1980; Prot. 128-61).

You knew him as a priest of the Diocese of San Diego, and were aware of some of the difficulties that transpired in his life as a priest, so I thought you might have some personal reflections to offer. I would appreciate any information you could provide concerning his life as a priest in the diocese and the problems that occurred. If there are any documents in the diocesan archives relating to his formation or to his life as a priest, I would truly appreciate having copies of them to instruct the case he has asked me to submit. Psychological testing documents at the time of entrance into the seminary or counselling during the formation years, might also support a deeper understanding of the facts and possibly provide new information that might assist us in preparing this case.

With every best wish and thanking you for your assistance, I am

Sincerely yours in Christ,

[Redacted signature]

PAB/rs

Document produced subject to Protective Order in John Roe 17 v. Defendant Doe I
S.D.S.C. case no. GICR23004. Disclosure outside of this lawsuit is prohibited.

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EXHIBIT 21

6 October 1976

Most Reverend Leo T. Maher, D.D.
Bishop of San Diego
P. O. Box 304283
San Diego, CA 92138

RE: Father Anthony Rodrigue

Dear Bishop Maher:

Thank you for your recent letter regarding Father Anthony Rodrigue and for the encouraging words about our program.

Father Anthony is cooperative and has given me good information about his past problems. What would be most helpful now is someone else's point of view. Could you write me (or ask a knowledgeable person to write me) and describe Father Anthony's problems as perceived by the diocese? This could include when they began and their progress, what is factual and what is rumored, your evaluation of his difficulties, and anything else that might be helpful. The writer of this report should know that I will use it in our interviews and that Father Anthony will read the report.

With thanks for your assistance,

Sincerely,

Joseph L. Hart, S.S.F., Ph.D.
Psychologist

JLH/vra

I grant permission to Bishop Maher or his delegate(s) to send a complete report to Father Hart, as requested.

Reverend Anthony Rodrigue

EXHIBIT 22

1 Irwin M. Zalkin, Esq. (#89957)
2 Michael Zimmer, Esq. (#224501)
3 ZALKIN & ZIMMER, LLP
4 12555 High Bluff Drive, Suite 215
5 San Diego, CA 92130
6 858/259-3011
7 858/259-3015 (fax)

8 Attorneys for Plaintiff John Roe 17, Individually

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION

11 John Roe 17, Individually

12 Plaintiff,

13 CASE NUMBER: GIC 823004

14 **FIRST AMENDED COMPLAINT FOR**
15 **DAMAGES FOR:**

- 16 1. CHILDHOOD SEXUAL ABUSE;
- 17 2. NEGLIGENCE;
- 18 3. NEGLIGENCE SUPERVISION/
19 FAILURE TO WARN;
- 20 4. NEGLIGENCE HIRING/RETENTION
21 FRAUD;
- 22 5. FIDUCIARY/CONFIDENTIAL
23 RELATIONSHIP FRAUD AND
24 CONSPIRACY;
- 25 6. BREACH OF FIDUCIARY DUTY;
- 26 7. NEGLIGENCE FAILURE TO WARN,
27 TRAIN OR EDUCATE PLAINTIFF;
28 INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS;
1. VIOLATION OF PENAL CODE §
32:
2. VIOLATION OF PENAL CODE §
11166;
3. VIOLATION OF PENAL CODE §§
273a(a), (b);
4. VIOLATION OF BUSINESS &
PROFESSIONS CODE § 17200;
5. NEGLIGENCE PER SE FOR
STATUTORY VIOLATIONS;
6. CIVIL RIGHTS VIOLATIONS;
7. FRAUD AND DECEIT;
8. PREMISES LIABILITY; AND
9. SEXUAL BATTERY

1 Roman Catholic Bishop of San Diego, A
2 Corporation Sole; and Does 2 through 100,
3 inclusive,

4 Defendants.

5 [Filed Concurrently With Certificates of
6 Merit] [Demand for Jury Trial]

1 Based upon information and belief available to Plaintiff, John Roe 17, at the time of
2 the filing of this Complaint, Plaintiff makes the following allegations:

3 PARTIES

4 1. Plaintiff, John Roe 17, is an adult male. Plaintiff was a minor at the time of the
5 sexual abuse alleged herein. The name used by Plaintiff in this Complaint is not the real
6 name of Plaintiff, but is a fictitious name used to protect the privacy of Plaintiff, a victim of
7 childhood sexual abuse.

8 1.1 [Reserved]

9 1.2 [Reserved]

10 2. Defendant, Roman Catholic Bishop of San Diego (“Defendant Diocese”) is a
11 corporation sole, authorized to conduct business and conducting business in the State of
12 California, with its principal place of business in the County of San Diego, California.
13 Defendant Diocese has responsibility for Roman Catholic Church operations in Imperial
14 County and San Diego County, California. Defendant Diocese is the Diocese in which the
15 sexual abuse occurred.

16 2.1 [Reserved]

17 2.2 [Reserved]

18 2.3 [Reserved]

19 2.4 Father Edward Anthony Rodrique (the “Perpetrator”) was at all times relevant an
20 ordained priest in the Roman Catholic Church. During the dates of abuse, the Perpetrator
21 was a practicing priest assigned to Defendant Diocese’s parish, Our Lady of Guadalupe
22 Catholic Church in El Centro, California, and Does 2 through 100, and was under the direct
23 supervision, employ and control of Defendant Diocese and Does 2 through 100.

24 3. Defendant Does 2 through 100, inclusive, are individuals and/or business or
25 corporate entities incorporated in and/or doing business in California whose true names
26 and capacities are unknown to Plaintiff who therefore sues such defendants by such
27 fictitious names, and who will amend the Complaint to show the true names and capacities
28 of each such Doe defendant when ascertained. Each such Defendant Doe is legally
responsible in some manner for the events, happenings and/or tortious and unlawful

1 conduct that caused the injuries and damages alleged in this Complaint. Defendant
2 Diocese and Does 2 through 100 are some times hereinafter referred to as the
3 "Defendants."
4 4. Each Defendant is the agent, servant and/or employee of other Defendants,
5 and each Defendant was acting within the course and scope of his, her or its authority as
6 an agent, servant and/or employee of the other Defendants. Defendants, and each of
7 them, are individuals, corporations, partnerships and other entities which engaged in,
8 joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful
9 activities described in this Complaint, and Defendants, and each of them, ratified the acts
10 of the other Defendants as described in this Complaint.

11 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

12 5. At all times material, Defendant Diocese employed Priests, including Father Edward
13 Anthony Rodrigue, to provide religious and pastoral services. The duties of Father
14 Rodrigue's employment included, but were not restricted to, teaching the word of God and
15 the law of the church, providing pastoral services, spiritual care, guidance and counseling,
16 and obtaining financial support for the Church. At all times material, Father Rodrigue was
17 a Roman Catholic priest, employed by and an agent of Defendant Diocese, and was under
18 its direct supervision, employ and control. With respect to the abuse inflicted upon John
19 Roe 17, Fr. Rodrigue was at all times material assigned to Our Lady of Guadalupe parish,
20 153 East Brighton Avenue, El Centro, California 92243. At all times material, Father
21 Rodrigue was an adult at the time of the sexual abuse alleged herein.

22 6. Plaintiff was born on June 6, 1961. In about 1973, commencing when he was about
23 twelve (12) years old and continuing until he was about fifteen (15) years old, Plaintiff was
24 an altar boy at Our Lady of Guadalupe Church.

25 7. Between the approximate years of 1975 to 1976, when at Our Lady of Guadalupe,
26 Father Rodrigue befriended the altar boys and would take them, including Plaintiff, for
27 rides on his motorcycle, out to the movies and to various places to swim. For the purpose
28 of sexual grooming, Fr. Rodrigue gave the altar boys, including Plaintiff, alcohol and

1 bought them cigarettes.

2 7.1 As a seminarian under the control of Defendant Diocese, Rodrigue worked at his
3 home parish during the summers at Our Lady of Sacred Heart in San Diego, California.
4 Over a period of three or four years, Rodrigue sexually abused a male high school student
5 who worked with the custodian at the parish's school.

6 7.2 Thomas Rodrigue, the Perpetrator's brother, has stated publicly that, while visiting
7 the Perpetrator at the seminary, he was told by a fellow seminarian that the Perpetrator
8 may be held back from ordination due to his "sexual immaturity problems."

9 7.21 All seminary records, including psychological reports, which relate to Edward
10 Anthony Rodrigue, other than grade reports, were destroyed by the rector of the seminary
11 within two years of his ordination.

12 7.22 Psychological reports conducted in 1988, and 1991, note that Fr. Rodrigue probably
13 suffered from severe personality disorders at the time of his ordination.

14 7.3 The Perpetrator was ordained as a priest of the Roman Catholic Bishop of San
15 Diego in 1962, and was assigned as an associate pastor at Mary Star of the Sea parish in
16 La Jolla, California.

17 7.4 The Perpetrator admits to sexually molesting minor boys at this assignment. He
18 abused children in the sacristy of the church, in his room on the second floor of the rectory,
19 and at his parents home on Parrot Street, in San Diego, California.

20 7.5 On occasion, children would come to the rectory to see Fr. Rodrigue, and would be
21 escorted by the secretary to wait alone in Rodrigue's room until he returned.

22 7.6 Fr. Rodrigue was open and obvious about bringing children to his room through the
23 main entrance to the rectory.

24 7.7 After only two years at Mary Star of the Sea, Fr. Rodrigue was transferred in 1964 to
25 Our Lady of Perpetual Help parish, in Lakeside, California.

26 7.8 Fr. Rodrigue admits to sexually molesting several altar boys between the ages of 12
27 and 13 in the church during this assignment.

28 7.9 In 1964, or 1965, Fr. Rodrigue took several young boys from the parish on a month-

1 long, cross-country, trip to New York. Fr. Rodrigue drove the boys from San Diego,
2 through to Louisiana, and up to New York. Fr. Rodrigue admits that he could not have
3 been absent from the parish for such an extended period time without the Pastor being
4 aware of his absence. Fr. Rodrigue made no effort to hide the fact that he was taking the
5 boys on the trip, despite the lack of any additional adult supervision.

6 7.10 Fr. Rodrigue was transferred to St. John the Evangelist in Encinitas, California, in
7 early 1966. The parish was two blocks from the beach.

8 7.11 Fr. Rodrigue admits to molesting several minor boys in his room at the rectory.

9 7.12 On at least one occasion, the Perpetrator enticed numerous young boys to come to
10 his room at once. He provided the boys with alcohol and molested several of the young
11 boys. At one period of time, Fr. Rodrigue was naked in his bed, with two young boys, and
12 sexually abused them both.

13 7.13 Before his abrupt transfer from the parish in Encinitas, Fr. Rodrigue was confronted
14 by a victim of his sexual abuse from his previous assignment in Lakeside. The boy
15 shouted at Fr. Rodrigue under the carport outside of the rectory at St. John's. Rodrigue
16 admits to sexually abusing the boy, and therefore did not argue against the allegation.

17 7.14 In September or October of 1967, the local Dean, a high-ranking priest within the
18 Diocese who was responsible for supervision of multiple parish priests within a geographic
19 area of the Diocese, drove down from Mary Star of the Sea Parish in Oceanside,
20 California, to meet with Fr. Rodrigue. The Dean confronted Fr. Rodrigue in his room at the
21 rectory, and admonished the Perpetrator that "you have to be careful." Fr. Rodrigue
22 understood this statement to mean he should be careful about the company he keeps and
23 careful about having so many young boys around him. The discussion contained sexual
24 intones, and ultimately, the Dean informed Fr. Rodrigue that he was being transferred to a
25 new parish in the desert. Fr. Rodrigue understood the content of the discussion to revolve
26 around sexual misconduct on his part.

27 7.15 The confrontation was the first conversation Fr. Rodrigue had with a Diocesan
28 Dean, and it was the first time that he had been informed of a transfer in person, rather

1 than simply by letter.

2 7.16 Fr. Rodrigue was transferred to Our Lady of Guadalupe parish in Calexico,

3 California, in November of 1967, shortly after his meeting with the Dean.

4 7.17 A former Chancellor of the Roman Catholic Bishop of San Diego, has testified that

5 the Diocese had a pattern and practice of transferring priests with problems to parishes in

6 the desert. After his meeting with the Dean, Fr. Rodrigue was transferred from a parish in

7 Encinitas which was mere blocks from the beach, to a parish in the heart of the desert.

8 7.17 Rodrigue freely admits to abusing several young boys during his assignment in

9 Calexico. He is unsure of the exact number, but recalls that it was more than five boys.

10 7.18 Fr. Rodrigue had a very open relationship with the boys, and made no efforts to

11 keep the relationship a secret. The boys often hung out in his room in the rectory.

12 7.19 Fr. Rodrigue took several boys, more than five, on a month-long road trip to Canada

13 in 1971. On the return trip, Fr. Rodrigue took the boys to a confirmation in San Diego at

14 which the Bishop was present. Fr. Rodrigue spoke to the Bishop at the event. Fr. Rodrigue

15 believes that the Bishop saw the boys with him.

16 7.20 While Fr. Rodrigue was assigned to the parish, he suspected that another associate

17 pastor was abusing children.

18 7.21 While Fr. Rodrigue was assigned in Calexico, two young victims of sexual abuse at

19 his hands reported the abuse to other priests of the parish. One young boy informed the

20 Parish Pastor of Fr. Rodrigue's conduct, while the other young victim informed a fellow

21 associate pastor of the abuse.

22 7.22 In 1971, Fr. Rodrigue was transferred to the desert parish of Our Lady of Perpetual

23 Help in Indio, California.

24 7.23 Fr. Rodrigue admits to sexually molesting young boys during his brief stay in Indio.

25 Fr. Rodrigue also admits that he had a sexual encounter with a young man, in his twenties.

26 7.24 After only six months, Fr. Rodrigue was transferred to St. Joseph's parish in

27 Barstow, California.

28 7.25 Fr. Rodrigue admits to abusing several children during his assignment in Barstow.

1 7.26 In June of 1973, Fr. Rodrigue was transferred to St. Augustine parish in Eagle
2 Mountain, California, his most remote assignment yet. He served as the parish priest of a
3 small, Kaiser Steel owned mining town of less than 4,000 inhabitants.
4 7.27 Fr. Rodrigue admits to abusing children during this assignment.
5 7.28 While he was assigned to Eagle Mountain, a woman accused Rodrigue of sexually
6 abusing children.
7 7.29 Thereafter, Fr. Rodrigue became aware of an investigation involving his conduct in
8 Eagle Mountain. The Diocesan Dean responsible for the supervision of the priest in Eagle
9 Mountain called Fr. Rodrigue on the telephone, and "said something of the nature that
10 would lead one to believe there was an investigation." The Dean also mentioned that he
11 was concerned about Fr. Rodrigue's sexuality.
12 7.291 During this assignment, Fr. Rodrigue experienced severe difficulties, including
13 "fantasy involvement with minors" and an inability to distinguish fantasy from actions. Fr.
14 Rodrigue reported his difficulties to the Chancery office of the RCBSD.
15 7.30 The Dean instructed Fr. Rodrigue to write a letter to the Diocesan Personnel Board,
16 requesting a transfer from St. Augustine. Fr. Rodrigue did so.
17 7.31 Shortly thereafter, Fr. Rodrigue was transferred from Eagle Mountain.
18 7.32 Fr. Rodrigue returned to San Diego, where he was ordered to undergo a battery of
19 medical tests. Fr. Rodrigue did not have any health problems at the time, did not request
20 any medical care at that time, and was never shown the results of any of the medical tests.
21 7.33 Diocesan documents produced by Defendant indicate that Rodrigue was then
22 assigned to St. Michael's parish in Poway, California. Fr. Rodrigue's testimony, as well as
23 documents obtained from the Defendant's insurer, however, demonstrate that Rodrigue
24 was instead sent on a "pastoral retreat" to the Mexican American Cultural Center in San
25 Antonio, Texas, for a three month period in early 1975.
26 7.34 Upon returning from San Antonio, Fr. Rodrigue was unofficially sent to Our Lady of
27 Guadalupe parish in Calexico for several months until he received an official appointment.
28 During this brief respite in Calexico, Fr. Rodrigue admits to sexually abusing several young

1 boys.

2 7.35 Effective July 1, 1975, Fr. Rodrigue was assigned as the Pastor of Our Lady of
3 Guadalupe parish in El Centro, California. The letter informing Fr. Rodrigue of the transfer
4 shows the trepidation with which the assignment was made, noting that "the duration of this
5 assignment is subject to the present study of tenure."

6 7.36 Incidental to this assignment, Fr. Rodrigue also administered Sacred Hearts of
7 Jesus and Mary parish in Heber, California.

8 7.37 Fr. Rodrigue openly admits to abusing children from Heber, Calexico and El Centro
9 during this assignment.

10 7.38 At the time of his transfer, Fr. Rodrigue was introduced to the head altar boy, who
11 was approximately 17 years old. Fr. Rodrigue wasted little time in sexually abusing the
12 boy.

13 7.39 After the first instance of abuse, that young victim telephoned the Diocese's office
14 and attempted to report that Fr. Rodrigue had hurt him. He advised the female who
15 answered the phone that he was calling from Our Lady of Guadalupe parish in El Centro,
16 and that Fr. Rodrigue had hurt him, and touched him. The victim refused to identify
17 himself. The recipient of the phone call responded that he should not speak that way
18 about priests, and hung up.

19 7.40 Approximately two weeks later, Fr. Rodrigue abused the head altar boy again. And
20 again, the victim phoned the Diocese. A male answered the phone. The boy reported that
21 he was calling from about Fr. Rodrigue at Our Lady of Guadalupe, and advised the male
22 recipient that the priest was hurting the altar boys, touching the altar boys, and requested
23 that Fr. Rodrigue be removed from the parish. The man demanded to know who was
24 calling. When the boy declined to identify himself, the man hung up.

25 7.41 Sometime thereafter, an associate Pastor was assigned. Fr. Rodrigue is of the
26 impression that the associate had been sent by the Bishop to "check up" on him.

27 7.42 Fr. Rodrigue allowed the associate pastor to take up residence in the Pastor's
28 quarters, while Fr. Rodrigue converted the more secluded basement into a room for

1 himself. The basement had a separate entrance.

2 7.43 Fr. Rodrigue frequently invited young boys to his room at the rectory. He would ply
3 the boys with alcohol and cigarettes, and would allow the boys to watch pornography.

4 During these interludes, Fr. Rodrigue often exposed his penis to the boys, including
5 Plaintiff, and masturbated himself to ejaculation. The Perpetrator then fondled the boys
6 penises and testicles, including Plaintiff, in turn.

7 7.44 While Fr. Rodrigue was assigned to El Centro, several of the altar boys from Heber
8 informed their parents of the sexual abuse they suffered at the hands of Fr. Rodrigue, and
9 another volunteer at the church.

10 7.45 Several mothers of the abused children, as well as one or more of the minor victims,
11 went to Calexico to complain to the Pastor of Our Lady of Guadalupe parish. The parents
12 informed the Pastor, who was the local Vicar Forane, and therefore exercised a great deal
13 of authority within the Roman Catholic Church in the local area, of Fr. Rodrigue's sexual
14 misconduct with children.

15 7.46 The Vicar Forane promised that Fr. Rodrigue would be removed from ministry.

16 7.47 Fr. Rodrigue was then called before the Viacr Forane, and was informed of the
17 allegations against him. Fr. Rodrigue knew the allegations to be true, in that he had been
18 sexually abusing children, and therefore did not deny them. The Viacr Forane informed
19 Fr. Rodrigue that he had an appointment with the Bishop scheduled for the following day to
20 discuss the allegations and Fr. Rodrigue's future.

21 7.48 Fr. Rodrigue met with the Bishop, and was confronted with a letter written by angry
22 parishioners from Heber. Once again, Fr. Rodrigue did not deny the allegations against
23 him. The Bishop informed Fr. Rodrigue that he was no longer the Pastor of Our Lady of
24 Guadalupe in El Centro, and instructed him to pack his things and return to his parents'
25 home in San Diego, where he would await further instructions.

26 7.49 When Fr. Rodrigue returned to El Centro to pack his belongings, he was confronted
27 by the associate pastor and told that several young boys from El Centro had lied on Fr.
28 Rodrigue's behalf to concoct an alibi. He admonished "those boys lied for you!"

1 7.50 Fr. Rodrigue returned to San Diego on a Monday, and was called to the Chancery of
2 the Diocese on Thursday. Fr. Rodrigue was provided a plane ticket, and instructions to fly
3 to Massachusetts, where he would undergo an evaluation at the House of Affirmation, a
4 treatment center specializing in the treatment of pedophile priests.
5 7.51 Fr. Rodrigue flew to Massachusetts on Friday and underwent a three day
6 evaluation. While there, he met a friend of his from childhood who was also undergoing
7 treatment. At the conclusion of the three day period, Fr. Rodrigue was sent back to San
8 Diego.
9 7.52 The House of Affirmation did not have any open beds to accommodate Fr. Rodrigue
10 at the time, but would accept him when an opening became available. The Bishop of San
11 Diego was informed that it could be as long as several months before a space opened for
12 Fr. Rodrigue.
13 7.52 During the intervening period, Fr. Rodrigue was assigned to Our Lady of Soledad
14 parish in Coachella, California. This assignment ultimately lasted four months, before Fr.
15 Rodrigue was sent to the House of Affirmation for Treatment. The Bishop did not place
16 any restrictions on Fr. Rodrigue's ability to associate with children during this assignment.
17 Moreover, Fr. Rodrigue did not receive competent treatment from a mental health
18 practitioner during this period, despite the apparent nature of his psychological problems.
19 7.53 Over the course of Fr. Rodrigue's four month assignment to Coachella, he received
20 counseling on approximately three occasions from a psychologist who frequently provided
21 services for the Diocese. The psychologist had no expertise in treating pedophile's and, in
22 fact, would not provide treatment for such a condition.
23 7.54 From Mid September of 1976, until January 4, 1977, Fr. Rodrigue underwent
24 treatment at the House of Affirmation in Whittinsville, Massachusetts.
25 7.55 The "Discharge Summary" provided by the treatment facility to the Bishop of San
26 Diego indicated that Fr. Rodrigue had received counseling related to his past "homosexual
27 conduct." The Discharge Summary also instructed the Bishop that Fr. Rodrigue could no
28 go from receiving intensive counseling at House of Affirmation, to receiving no counseling

1 after his discharge.

2 7.56 Despite the admonition that Fr. Rodrigue needed therapy, he was not provided with
3 any and was sent to a four month "Vatican II" seminar in Northern California directly after
4 his discharge, where he was provided with no counseling.

5 7.57 After the conclusion of his time at the Vatican II Institute, Fr. Rodrigue was assigned
6 to St. George's parish in Ontario, California. Fr. Rodrigue did not receive counseling during
7 his time in Ontario, and was not instructed by the Bishop to receive treatment. The Bishop
8 did not place any limitations on Fr. Rodrigue's ability to accostate with children at St.
9 George's. The parishioners at St. George's, like the parishioners in Calexico, El Centro,
10 Heber, Indio, Barstow, and Coachella, were not warned of Fr. Rodrigue's problems, or the
11 danger he posed to children.

12 7.58 Upon his arrival at St. George's, Fr. Rodrigue was originally given an upstairs
13 bedroom in the rectory, near the quarters of the other priests. Shortly, after Fr. Rodrigue's
14 arrival however, the housekeeper's quarters in a remote location on the first floor became
15 empty. That bedroom had direct access through a back door. Fr. Rodrigue asked the
16 parish priest if he could move to that room, and was granted permission.

17 7.59 Fr. Rodrigue admits to abusing several young boys during his assignment at St.
18 George's, many his bedroom on the first floor. In 1979, Fr. Rodrigue was arrested and
19 convicted of sexually molesting two children between the ages of nine and 16.

20 7.60 Fr. Rodrigue's assignment to St. George's came in 1977, less than one year before
21 the Diocese of San Bernardino was to split off from the Diocese of San Diego. St.
22 George's was to become part of the newly formed Diocese, and all priests assigned thereto
23 would no longer be the responsibility of the Bishop of San Diego.

24 7.61 At all times material, RCBSD acted with a conscious disregard of the safety of
25 others, including Plaintiff, by providing a known pedophile with a position of authority in
26 which access to children was a integral part.

27 8. At all times material, Fr. Rodrigue sexually abused and molested the altar boys at
28 Our Lady of Guadalupe in El Centro, including Plaintiff, by grabbing, fondling and

1 masturbating the boys', including Plaintiff's penis and testicles.

2 8.1 At all times material, Fr. Rodrigue would entice the altar boys, including Plaintiff, to
3 come to the rectory unsupervised where he would display pornographic movies on a reel to
4 reel projector. While watching the pornographic movies, Fr. Rodrigue would expose his
5 penis and masturbate in front of the boys, including Plaintiff.

6 8.2 On the occasions when Fr. Rodrigue would entice the boys to go to his room at the
7 parish rectory, Fr. Rodrigue would provide the boys, including Plaintiff, with beer and wine,
8 and would allow the boys, including Plaintiff, to smoke cigarettes that Fr. Rodrigue had
9 provided.

10 8.3 Fr. Rodrigue frequently took the boys, including Plaintiff, out to eat at restaurants as
11 a special treat that they did not generally receive from their parents. These trips served as
12 an incentive to keep Fr. Rodrigue's conduct a secret, and to keep returning to the rectory
13 where Fr. Rodrigue abused the boys, including Plaintiff.

14 8.4 At all times material, Fr. Rodrigue brought the altar boys, including Plaintiff to his
15 pick-up truck to smoke and drink during the night. On these occasions Fr. Rodrigue laid
16 between the boys and sexually abused them, including Plaintiff, in turn.

17 9. On numerous occasions over a period of approximately a ten months, Fr. Rodrigue
18 grabbed, fondled and masturbated Plaintiff's penis and testicles. This conduct often
19 occurred in the presence of several other altar boys.

20 9.1 Over an approximate ten month period, Fr. Rodrigue sexually groomed Plaintiff for
21 molestation by offering Plaintiff food, alcohol and cigarettes, becoming intoxicated while in
22 the presence of Plaintiff, and showing Plaintiff pornographic movies in the presence of
23 other boys.

24 9.2 On one occasion during this ten month period, Fr. Rodrigue took Plaintiff and
25 several other young boys from a ride in his truck, with a camper shell. Fr. Rodrigue parked
26 the truck, climbed into the bed of the truck with the boys, and proceeded to sexually molest
27 several of the boys. While this was taking place, Fr. Rodrigue orally copulated Plaintiff to
28 ejaculation while in the presence of other boys.

10 [Reserved]

1 10.1 The sexual abuse and exploitation of Plaintiff and the circumstances under which it
2 occurred caused Plaintiff to develop various psychological coping mechanisms which
3 reasonably made him incapable of ascertaining the resulting damages from that conduct.
4 Within the last 3 years, Plaintiff discovered that the psychological injury or illness occurring
5 after the age of majority was caused by the sexual abuse.

6 11 As a direct result of the wrongful conduct alleged herein, Plaintiff has suffered, and
7 continues to suffer great pain of mind and body, shock, emotional distress, physical
8 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
9 humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually;
10 was prevented and will continue to be prevented from performing Plaintiff's daily activities
11 and obtaining the full enjoyment of life; has sustained and continues to sustain loss of
12 earnings and earning capacity; and/or has incurred and will continue to incur expenses for
13 medical and psychological treatment, therapy, and counseling.
14 11.1 [Reserved]

15 **FIRST CAUSE OF ACTION**

16 **CHILDHOOD SEXUAL ABUSE IN VIOLATION OF**

17 **CODE OF CIVIL PROCEDURE § 340.1**

18 **(Against All Defendants)**

19 12. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

20 13. From approximately 1973 through approximately 1976, the Perpetrator engaged in
21 unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiff
22 in violation of California Code Civil Procedure § 340.1. Said conduct was undertaken while
23 the Perpetrator was an employee and representative, and/or agent of Defendant Diocese
24 and Does 2 through 100, while in the course and scope of employment with Defendant
25 Diocese and Does 2 through 100, and/or was ratified by Defendant Diocese and Does 2
26 through 100.

27 14. Prior to or during the abuse alleged above, Defendants knew, had reason to know,
28 or was otherwise on notice of unlawful sexual conduct by the Perpetrator. Defendants

1 failed to take reasonable steps and failed to implement reasonable safeguards to avoid
2 acts of unlawful sexual conduct in the future by the Perpetrator, including, but not limited
3 to, preventing or avoiding placement of the Perpetrator in functions or environments in
4 which contact with children was an inherent part of those functions or environments.
5 Furthermore, at no time during the periods of time alleged did Defendants have in place a
6 system or procedure to supervise and/or monitor employees, volunteers, representatives,
7 or agents to insure that they did not molest or abuse minors in Defendants' care, including
8 the Plaintiff.

9 15. As a result of the above-described conduct, Plaintiff has suffered, and continues to
10 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
11 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
12 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
13 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
14 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
15 capacity; and/or has incurred and will continue to incur expenses for medical and
16 psychological treatment, therapy, and counseling.

17 15.1 [Reserved]

18 **SECOND CAUSE OF ACTION**

19 **NEGLIGENCE**

20 **(Against All Defendants)**

21 16. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

22 17. Defendants had a duty to protect the minor Plaintiff when he was entrusted to their
23 care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily
24 entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff.
25 As such, Defendants owed Plaintiff, a minor child, a special duty of care, in
26 addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults
27 dealing with children owe to protect them from harm.

28 18. Defendant Diocese and Does 2 through 100, by and through their agents, servants

1 and employees, knew or reasonably should have known of the Perpetrator's dangerous
2 and exploitive propensities and/or that the Perpetrator was an unfit agent. It was
3 foreseeable that if Defendants did not adequately exercise or provide the duty of care
4 owed to children in their care, including but not limited to Plaintiff, the children entrusted to
5 Defendants' care would be vulnerable to sexual abuse by the Perpetrator.

6 19. Defendants breached their duty of care to the minor Plaintiff by allowing the
7 Perpetrator to come into contact with the minor Plaintiff without supervision; by failing to
8 adequately hire, supervise, or retain the Perpetrator who they permitted and enabled to
9 have access to Plaintiff; by failing to investigate or otherwise confirm or deny such facts
10 about the Perpetrator; by failing to tell or concealing from Plaintiff, Plaintiff's parents,
11 guardians, or law enforcement officials that the Perpetrator was or may have been sexually
12 abusing minors; by failing to tell or concealing from Plaintiff's parents, guardians, or law
13 enforcement officials that Plaintiff was or may have been sexually abused after Defendants
14 knew or had reason to know that the Perpetrator may have sexually abused Plaintiff,
15 thereby enabling Plaintiff to continue to be endangered and sexually abused, and/or
16 creating the circumstance where Plaintiff was less likely to receive medical/mental health
17 care and treatment, thus exacerbating the harm done to Plaintiff; and/or by holding out the
18 Perpetrator to the Plaintiff and his parents or guardians as being in good standing and
19 trustworthy. Defendants cloaked within the facade of normalcy Defendants' and/or the
20 Perpetrator's contact and/or actions with the Plaintiff and/or with other minors who were
21 victims of the Perpetrator, and/or disguised the nature of the sexual abuse and contact.
22 20. As a result of the above-described conduct, Plaintiff has suffered, and continues to
23 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
24 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
25 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
26 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
27 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
28 capacity; and/or has incurred and will continue to incur expenses for medical and

1 psychological treatment, therapy, and counseling.

2 THIRD CAUSE OF ACTION

3 NEGLIGENT SUPERVISION/FAILURE TO WARN

4 (Against All Defendants)

5 21. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
6 22. Defendant Diocese and Does 2 through 100 had a duty to provide reasonable
7 supervision of the Perpetrator; to use reasonable care in investigating the Perpetrator; and
8 to provide adequate warning to the Plaintiff, the Plaintiff's family, minor students, and minor
9 parishioners of the Perpetrator's dangerous propensities and unfitness.

10 23. Defendant Diocese and Does 2 through 100, by and through their agents, servants
11 and employees, knew or reasonably should have known of the Perpetrator's dangerous
12 and exploitive propensities and/or that the Perpetrator was an unfit agent. Despite such
13 knowledge, Defendant Diocese and Does 2 through 100 negligently failed to supervise the
14 Perpetrator in the position of trust and authority as a Roman Catholic Priest, religious
15 instructor, counselor, school administrator, school teacher, surrogate parent, spiritual
16 mentor, emotional mentor, and/or other authority figure, where he was able to commit the
17 wrongful acts against the Plaintiff. Defendant Diocese and Does 2 through 100 failed to
18 provide reasonable supervision of the Perpetrator, failed to use reasonable care in
19 investigating the Perpetrator, and failed to provide adequate warning to Plaintiff and
20 Plaintiff's family of the Perpetrator's dangerous propensities and unfitness. Defendant
21 Diocese and Does 2 through 100 further failed to take reasonable measures to prevent
22 future sexual abuse.

23 24. As a result of the above-described conduct, Plaintiff has suffered, and continues to
24 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
25 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
26 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
27 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
28 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning

1 capacity; and/or has incurred and will continue to incur expenses for medical and
2 psychological treatment, therapy, and counseling.

3 FOURTH CAUSE OF ACTION

4 NEGLIGENT HIRING/RETENTION

5 (Against All Defendants)

6 25. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

7 26. Defendant Diocese and Does 2 through 100 had a duty to not hire and/or retain
8 the Perpetrator, and other employees, agents, volunteers, and other representatives, given
9 the Perpetrator's dangerous and exploitive propensities.

10 27. Defendant Diocese and Does 2 through 100, by and through their agents, servants
11 and employees, knew or reasonably should have known of the Perpetrator's dangerous
12 and exploitive propensities and/or that the Perpetrator was an unfit agent. Despite such
13 knowledge, Defendant Diocese and Does 2 through 100 negligently hired and/or retained
14 the Perpetrator in the position of trust and authority as a Roman Catholic Priest, religious
15 instructor, counselor, school administrator, school teacher, surrogate parent, spiritual
16 mentor, emotional mentor, and/or other authority figure, where he was able to commit the
17 wrongful acts against the Plaintiff. Defendant Diocese and Does 2 through 100 failed to
18 use reasonable care in investigating the Perpetrator and failed to provide adequate
19 warning to Plaintiff and Plaintiff's family of the Perpetrator's dangerous propensities and
20 unfitness. Defendant Diocese and Does 2 through 100 further failed to take reasonable
21 measures to prevent future sexual abuse.

22 28. As a result of the above-described conduct, Plaintiff has suffered, and continues to
23 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
24 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
25 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
26 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
27 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
28 capacity; and/or has incurred and will continue to incur expenses for medical and

1 psychological treatment, therapy, and counseling.

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3 FIFTH CAUSE OF ACTION

4 FRAUD

5 (Against all Defendants)

6 29. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

7 30. Defendants knew and/or had reason to know of the sexual misconduct of the
8 Perpetrator.

9 31. Defendants misrepresented, concealed or failed to disclose information relating to
10 sexual misconduct of the Perpetrator as described herein, and that Defendants continued
11 to misrepresent, conceal, and fail to disclose information relating to sexual misconduct of
12 the Perpetrator as described herein.

13 32. Defendants knew that they misrepresented, concealed or failed to disclose
14 information relating to sexual misconduct of the Perpetrator.

15 33. Plaintiffs justifiably relied upon Defendants for information relating to sexual
16 misconduct of the Perpetrator.

17 34. Defendants, with the intent to conceal and defraud, did misrepresent, conceal or fail
18 to disclose information relating to the sexual misconduct of the Perpetrator.

19 35. As a direct result of Defendants' fraud, Plaintiff has suffered, and continues to suffer
20 great pain of mind and body, shock, emotional distress, physical manifestations of
21 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
22 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
23 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
24 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
25 capacity; and/or has incurred and will continue to incur expenses for medical and
26 psychological treatment, therapy, and counseling.

27 36. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing
28 thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition,
when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff

1 experienced extreme and severe mental and emotional distress that Plaintiff had been the
2 victim of the Defendants' fraud; that Plaintiff had not been able to help other minors being
3 molested because of the fraud; and that Plaintiff had not been able because of the fraud to
4 receive timely medical treatment needed to deal with the problems Plaintiff had suffered
5 and continues to suffer as a result of the molestations.

6 36.1 [Reserved]

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SIXTH CAUSE OF ACTION
FIDUCIARY/CONFIDENTIAL RELATIONSHIP FRAUD
AND CONSPIRACY TO COMMIT FRAUD
(Against All Defendants)

37. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

38. Because of Plaintiff's young age, and because of the status of the Perpetrator as an authority figure to Plaintiff, Plaintiff was vulnerable to the Perpetrator. The Perpetrator sought Plaintiff out, and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's vulnerability also prevented Plaintiff from effectively protecting himself.

39. By holding the Perpetrator out as a qualified Roman Catholic clergy, religious instructor, counselor, school administrator, school teacher, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, and by undertaking the religious and/or secular instruction and spiritual and emotional counseling of Plaintiff, Defendants entered into a fiduciary and/or confidential relationship with the minor Plaintiff.

40. Having a fiduciary and/or confidential relationship, Defendants had the duty to obtain and disclose information relating to sexual misconduct of the Perpetrator.

41. Defendants misrepresented, concealed or failed to disclose information relating to sexual misconduct of the Perpetrator, and that Defendants continued to misrepresent, conceal, and fail to disclose information relating to sexual misconduct of the Perpetrator as described herein.

42. Defendants knew that they misrepresented, concealed or failed to disclose information relating to sexual misconduct of the Perpetrator.

43. Plaintiff justifiably relied upon Defendants for information relating to sexual misconduct of the Perpetrator.

44. Defendants, in concert with each other and with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to disclose information relating to the sexual misconduct of the Perpetrator.

45. By so concealing, Defendants committed at least one act in furtherance of the

1 conspiracy.

2 46. As a direct result of Defendants' fraud and conspiracy, Plaintiff has suffered,
3 and continues to suffer great pain of mind and body, shock, emotional distress, physical
4 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
5 humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually;
6 was prevented and will continue to be prevented from performing Plaintiff's daily activities
7 and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of
8 earnings and earning capacity; and/or has incurred and will continue to incur expenses for
9 medical and psychological treatment, therapy, and counseling.

10 47. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing
11 thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition,
12 when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff
13 experienced extreme and severe mental and emotional distress that Plaintiff had been the
14 victim of the Defendants' fraud; that Plaintiff had not been able to help other minors being
15 molested because of the fraud; and that Plaintiff had not been able because of the fraud to
16 receive timely medical treatment needed to deal with the problems Plaintiff had suffered
17 and continues to suffer as a result of the molestations.

18 47.1 [Reserved]

19 **SEVENTH CAUSE OF ACTION**

20 **BREACH OF FIDUCIARY DUTY AND/OR CONFIDENTIAL RELATIONSHIP**

21 **(Against All Defendants)**

22 48. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
23 49. Because of Plaintiff's young age, and because of the status of the Perpetrator as an
24 authority figure to Plaintiff, Plaintiff was vulnerable to the Perpetrator. The Perpetrator
25 sought Plaintiff out, and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's
26 vulnerability also prevented Plaintiff from effectively protecting himself.

27 50. By holding the Perpetrator out as a qualified Roman Catholic clergy, religious,
28 religious instructor, counselor, school administrator, school teacher, surrogate parent,

1 spiritual mentor, emotional mentor, and/or any other authority figure, and by undertaking
2 the religious and/or secular instruction and spiritual and/or emotional counseling of Plaintiff,
3 Defendants entered into a fiduciary and/or confidential relationship with the minor Plaintiff.
4 51. Defendants and each of them breached their fiduciary duty to Plaintiff by engaging
5 in the negligent and wrongful conduct described herein.
6 52. As a direct result of Defendants' breach of their fiduciary duty, Plaintiff has
7 suffered, and continues to suffer great pain of mind and body, shock, emotional distress,
8 physical manifestations of emotional distress, embarrassment, loss of self-esteem,
9 disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer
10 spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily
11 activities and obtaining the full enjoyment of life; has sustained and will continue to sustain
12 loss of earnings and earning capacity; and/or has incurred and will continue to incur
13 expenses for medical and psychological treatment, therapy, and counseling.

14 52.1 [Reserved]

15 **EIGHTH CAUSE OF ACTION**

16 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF**

17 **(Against All Defendants)**

18 53. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
19 54. Defendants breached their duty to take reasonable protective measures to protect
20 Plaintiff and other minor parishioners and/or students from the risk of childhood sexual
21 abuse by the Perpetrator, such as the failure to properly warn, train, or educate Plaintiff
22 and other minor parishioners and/or students about how to avoid such a risk, pursuant to
23 Juarez v. Boy Scouts of America, Inc., 97 Cal. Rptr. 2d 12, 81 Cal. App. 4th 377 (2000).
24 55. As a result of the above-described conduct, Plaintiff has suffered, and continues to
25 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
26 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
27 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
28 continue to be prevented from performing Plaintiff's daily activities and obtaining the full

1 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
2 capacity; and/or has incurred and will continue to incur expenses for medical and
3 psychological treatment, therapy, and counseling.

4 **NINTH CAUSE OF ACTION**

5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

6 **(Against all Defendants)**

7 56. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
8 57. Defendants' conduct was extreme and outrageous and was intentional or done
9 recklessly.

10 58. As a result of Defendants' conduct, Plaintiff experienced and continues to
11 experience severe emotional distress resulting in bodily harm.

12 59. As a result of the above-described conduct, Plaintiff has suffered, and continues to
13 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
14 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
15 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
16 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
17 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
18 capacity; and/or has incurred and will continue to incur expenses for medical and
19 psychological treatment, therapy, and counseling.

20 59.1 [Reserved]

21 **TENTH CAUSE OF ACTION**

22 **VIOLATION OF PENAL CODE § 32**

23 **(Against All Defendants)**

24 60. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

25 61. Defendants' acts described herein violate California Penal Code § 32 in that
26 Defendants harbored, concealed and/or aided the Perpetrator after the Perpetrator had
27 committed a felony, with the intent that the Perpetrator might avoid or escape arrest, trial,
28 conviction and/or punishment, and Defendants having knowledge that the Perpetrator had

1 committed a felony.

2 62. [Reserved]

3 63. Plaintiff was within the class of persons to be protected by Penal Code § 32.

4 64. As a result of the above-described conduct, Plaintiff has suffered, and continues to
5 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
6 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
7 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
8 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
9 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
10 capacity; and/or has incurred and will continue to incur expenses for medical and
11 psychological treatment, therapy, and counseling.

12 64.1 [Reserved]

13 **ELEVENTH CAUSE OF ACTION**

14 **VIOLATION OF PENAL CODE § 11166**

15 **(Against All Defendants)**

16 65. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

17 66. Under the Child Abuse and Neglect Reporting Act, Defendants, by and through their
18 employees and agents, were "child care custodians" and were "clergy members" under a
19 statutory duty to report known or suspected incidences of sexual molestation or abuse of
20 minors to a child protective agency, pursuant to California Penal Code § 11164.

21 67. Defendants knew, or should have known in the exercise of reasonable diligence,
22 that the Perpetrator had sexually molested, abused, or caused touching, battery, harm and
23 other injuries to Plaintiff, who was a minor, and to other minors, giving rise to a duty to
24 report such conduct under § 11166 of the California Penal Code.

25 68. By failing to report the continuing molestations known by Defendants, and each of
26 them, and by ignoring the fulfillment of the mandated compliance with the reporting
27 requirements provided under California Penal Code § 11166, Defendants created the risk
28 and danger contemplated by the Child Abuse and Neglect Reporting Act, and as a result,

1 unreasonably and wrongfully exposed Plaintiff and other minors to the molestation as
2 alleged herein, thereby breaching Defendants' duty of care to Plaintiff.

3 69. Plaintiff was of the class of persons for whose protection California Penal Code
4 § 11166 was specifically adopted to protect.

5 70. Had Defendants adequately performed their duties under § 11166 of the California
6 Penal Code, and reported the molestation of Plaintiff and other minors, the report would
7 have resulted in the involvement of trained child sexual abuse case workers for the
8 purposes of preventing harm and further harm to Plaintiff and other minors, and preventing
9 and/or treating the injuries and damages suffered by Plaintiff as alleged herein.

10 71. As a proximate result of Defendants' failure to follow the mandatory reporting
11 requirements of California Penal Code § 11166, the Defendants wrongfully denied and
12 restricted Plaintiff and other minors from the protection of child protection agencies which
13 would have changed the then-existing arrangements and conditions, which provided the
14 access and opportunities for the molestation of Plaintiff.

15 72. The physical, mental, and emotional damages and injuries resulting from the sexual
16 molestation of Plaintiff alleged herein, were the types of occurrences and injuries the Child
17 Abuse and Neglect Reporting Act was designed to prevent.

18 73. Defendants continue to violate these statutory sections because of their continued
19 failure to report the abuse known to them.

20 74. As a result of the above-described conduct, Plaintiff has suffered, and continues to
21 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
22 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
23 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
24 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
25 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
26 capacity; and/or has incurred and will continue to incur expenses for medical and
27 psychological treatment, therapy, and counseling.

28 74.1 [Reserved]

1 TWELFTH CAUSE OF ACTION

2 VIOLATION OF PENAL CODE §§ 273a(a), (b)

3 (Against All Defendants)

4 75. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
5 76. Under circumstances or conditions likely to produce great bodily harm or death, the
6 Defendants willfully caused or permitted the Plaintiff to suffer, or inflicted thereon
7 unjustifiable physical pain or mental suffering, or having the care or custody of the Plaintiff,
8 willfully caused or permitted the person or health of the Plaintiff to be injured, or willfully
9 caused or permitted the Plaintiff to be placed in a situation where the Plaintiff's person or
10 health was endangered, in violation of California Penal Code § 273a(a).
11 77. Under circumstances or conditions other than those likely to produce great bodily
12 harm or death, the Defendants willfully caused or permitted the Plaintiff to suffer, or
13 inflicted thereon unjustifiable physical pain or mental suffering, or having the care or
14 custody of the Plaintiff, willfully caused or permitted the person or health of the Plaintiff to
15 be injured, or willfully caused or permitted the Plaintiff to be placed in a situation where the
16 Plaintiff's person or health may be endangered, in violation of California Penal Code §
17 273a(b).
18 78. Plaintiff was within the class of persons to be protected by Penal Code §§
19 273a(a), (b).
20 79. As a result of the above-described conduct, Plaintiff has suffered, and continues to
21 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
22 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
23 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
24 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
25 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
26 capacity; and/or has incurred and will continue to incur expenses for medical and
27 psychological treatment, therapy, and counseling.

28 79.1 [Reserved]

1 THIRTEENTH CAUSE OF ACTION

2 UNFAIR COMPETITION –

3 VIOLATION OF BUSINESS & PROFESSIONS CODE § 17200

4 (Against all Defendants)

5 80. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

6 81. At all times herein mentioned, Defendants conspired and engaged in unlawful,
7 unfair or fraudulent business acts, within the meaning of Business & Professions Code §
8 17200.

9 82. At all times herein mentioned, Defendants are engaged in nonprofit business
10 activities, including but not limited to: providing public service which the Catholic Church
11 refers to as its “ministry”; operating hospitals, schools, universities, orphanages, or other
12 institutions; providing religious, psychological, emotional and social counseling; conducting
13 various charitable activities and providing services whether or not within the scope of 26
14 U.S.C. § 501(c)(3); and soliciting charitable donations.

15 83. At all times herein mentioned, Defendants have as a significant source of revenue
16 the receipt of charitable donations from persons who worship or associate themselves with
17 the Catholic Church.

18 84. At all times herein mentioned, Defendants conducted and continue through the
19 present to conduct their respective business affairs as set forth in Paragraphs 82 through
20 83 in such a manner as to willfully and negligently: foster an environment conducive to
21 predatory pedophilic and ephhebophilic behavior; conceal from the general public the sexual
22 assaults committed by, and the pedophilic and ephhebophilic tendencies of, Catholic clergy;
23 protect the pedophilic and ephhebophilic clergy from civil and criminal prosecution; respond
24 to allegations of sexual misconduct against the Catholic clergy with blanket denials and/or
25 the creation of entities controlled by the Church hierarchy that are misrepresented as taking
26 appropriate action but instead perpetuate the concealment of sexual misconduct; represent
27 to the Catholic laity and the general public that appropriate action is being taken by the
28 Church concerning allegations of sexual misconduct and child molestation when in fact it is

1 engaging in concealment and suppression of the truth; place predatory clergy into
2 communities with children without any warning to those communities.

3 85. The activities described in Paragraph 84 violate various civil and criminal laws of
4 California and of the United States, including the prohibition against knowingly harboring,
5 concealing, or aiding a person who committed a felony with the intent that said person may
6 avoid or escape from arrest, trial, conviction or punishment, as set forth in Penal Code § 32
7 and alleged in the Tenth Cause of Action;

8 86. The activities described in Paragraph 84 violate various civil and criminal laws of
9 California and of the United States, including the duty to report incidents of childhood
10 sexual abuse as required by Penal Code § 11166, as set forth above in the Eleventh
11 Cause of Action;

12 87. The activities described in Paragraph 84 offend public policy; are immoral,
13 unethical, oppressive, and unscrupulous; are substantially injurious to persons who utilize
14 the services described in Paragraph 82; and are undertaken without any valid reason,
15 justification or motive.

16 88. Defendants all conducted their business activities in such a way that members of
17 the public are likely to be deceived regarding those business activities.

18 89. As a result of the acts of unfair competition by Defendants, Plaintiff has suffered,
19 and continues to suffer great pain of mind and body, shock, emotional distress, physical
20 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
21 humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually;
22 was prevented and will continue to be prevented from performing Plaintiff's daily activities
23 and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of
24 earnings and earning capacity; and/or has incurred and will continue to incur expenses for
25 medical and psychological treatment, therapy, and counseling.

26 90. As a further result of the acts of unfair competition by Defendants, Plaintiff further
27 requests injunctive relief, prohibiting Defendants from, among other things: allowing their
28 pedophilic/ephebophilic agents to have any contact with children; transferring their

1 pedophilic/ephebophilic agents to new communities whose citizens are unaware of the risk
2 to children posed by said agents; failing/refusing to warn and/or concealing from the
3 general public when Defendants have transferred a pedophilic/ephebophilic agent into their
4 midst; and/or concealing from the public complaints or any other source of information
5 indicating Defendants' agents' pedophilic/ephebophilic tendencies.

6 **FOURTEENTH CAUSE OF ACTION**

7 **NEGLIGENCE PER SE FOR STATUTORY VIOLATIONS**

8 **(Against All Defendants)**

9 91. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

10 92. At all times or sometimes herein mentioned, there was in full force and effect Penal
11 Code §§ 32; 11166; 273a; 266j; 285; 286(b)(1) & (2); 286(c); 288(a) & (b); 288a(b)(1) & (2);
12 288a(c); 289(h), (l) & (j); 647.6; or any prior laws of California of similar effect at the time
13 these acts described herein were committed. These laws made unlawful certain acts
14 relating to the sexual abuse of minors.

15 93. At the times mentioned herein, Defendants were in violation of the aforesaid
16 statutes in doing the acts set forth herein.

17 94. Plaintiff was within the class of persons to be protected by Penal Code §§ 32;
18 11166; 273a; 266j; 285; 286(b)(1) & (2); 286(c); 288(a) & (b); 288a(b)(1) & (2); 288a(c);
19 289(h), (l) & (j); 647.6; or any prior laws of California of similar effect at the time these acts
20 described herein were committed.

21 95. As a result of the above-described conduct, Plaintiff has suffered, and continues to
22 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
23 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
24 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
25 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
26 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
27 capacity; and/or has incurred and will continue to incur expenses for medical and
28 psychological treatment, therapy, and counseling.

1 FIFTEENTH CAUSE OF ACTION

2 VIOLATIONS OF STATE CONSTITUTIONAL RIGHTS

3 AND STATUTORY STATE CIVIL RIGHTS

4 [State Civil Code §§ 51.7, 51.9, 52.1, 52.4]

5 (Against All Defendants)

6 96. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

7 97. Plaintiff had the right to be free from violence, intimidation by threat of violence or
8 coercion, committed against Plaintiff's body because of Plaintiff's age, sex, sexual
9 orientation, disability (including disability to avoid or terminate Defendants or Perpetrator's
10 relationship with Plaintiff or access to Plaintiff), or because the Perpetrator and/or
11 Defendants perceived Plaintiff to have one or more of those characteristics. Plaintiff had
12 the right to be free from sexual harassment, sexual advances, sexual solicitations, sexual
13 requests, sexual demands, demands for sexual compliance, and/or verbal, visual or
14 physical conduct of a sexual nature or of a hostile nature that were unwelcome, pervasive
15 or severe. Plaintiff had the right to be free from acts of violence, intimidation, and sexual
16 attacks while in the temporary custody and/or control of the Defendants. [California Civil
17 Code §§ 51.7, 51.9, 52.1, 52.4; California Constitution.]

18 98. When Plaintiff was sexually abused and/or assaulted, Plaintiff was a minor child in
19 the functional and actual temporary care and custody of the Defendants. The Perpetrator
20 exercised authority and physical and/or mental control over Plaintiff, who was in the
21 temporary physical custody of the Defendants and/or the Perpetrator.

22 99. Plaintiff was sexually abused, sexually harassed, and/or exposed to sexual abuse,
23 and/or a physical intrusion or invasion of a sexual nature under coercive conditions,
24 intimidation, and/or threats of physical force (against Plaintiff or the body of another) and/or
25 other violence, sexual abuse, sexual harassment, sexual advances, sexual solicitation,
26 sexual requests, demands for sexual compliance, verbal, visual or physical conduct of a
27 sexual nature, and/or of a hostile nature based on gender, or any of the aforementioned
28 activity, on the bases of: (1) Plaintiff's age, that Plaintiff was a vulnerable minor child; and/or

1 (2) Plaintiff's sex/gender; and/or (3) Plaintiff's disability of being a minor and/or by virtue of
2 Plaintiff's minority; and/or (4) Plaintiff's inability to freely terminate Plaintiff's relationship
3 with Defendant and/or its employee's and/or agent and/or Perpetrator, or the perception by
4 Defendants, Perpetrator, and/or each of them, that Plaintiff had any of the above
5 characteristics.

6 100. By causing the Perpetrator to be placed in a position of authority over the minor
7 Plaintiff and/or by failing to act in such a way to prevent the Perpetrator from sexually
8 abusing the Plaintiff, and/or to adequately supervise or monitor the Perpetrator's conduct
9 and/or that of Defendants' other agents or employees, or by aiding or abetting or facilitating
10 the Perpetrator's conduct in sexually abusing Plaintiff and/or other children, and/or in
11 Defendants acting as accessories after the fact of sexual abuse of Plaintiff or other
12 children, and/or by Defendants and/or its agents or employees engaging in intimidation of
13 Plaintiff or threats of harm or intimidation or coercion, or by creating a hostile environment
14 where Plaintiff was exposed to sexual harassment, sexual solicitation, sexual advances,
15 demands for sexual compliance, or in any of the aforementioned conduct, Defendants
16 interfered with or attempted to interfere with the exercise or enjoyment by Plaintiff of
17 Plaintiff's rights secured by the State of California.

18 101. Defendants violated Plaintiff's civil rights and state constitutional rights to be free
19 from violence, intimidation, sexual abuse, age discrimination, gender discrimination, fear of
20 or threats of sexual abuse, sexual harassment, and the Defendants prevented Plaintiff from
21 the enjoyment and exercise of such rights and/or deprived Plaintiff of those rights, by
22 Defendants' aforementioned acts and/or omissions.

23 102. As a result of the above-described conduct, Plaintiff suffered deprivation and
24 interference with Plaintiff's aforementioned state constitutional and statutory civil rights,
25 exercise and enjoyment of those rights, and suffered childhood sexual abuse, and/or fear
26 of being sexually abused, harassment, intimidation, violence, coercion, sexual
27 harassment, gender discrimination, age discrimination. Plaintiff further sustained injury to
28 Plaintiff's mind and body, and suffered and continues to suffer great pain of mind and body,

1 shock, emotional distress, physical manifestations of emotional distress, embarrassment,
2 loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and
3 continues to suffer spiritually; was prevented and will continue to be prevented from
4 performing Plaintiff's daily activities and obtaining the full enjoyment of life, has sustained
5 and will continue to sustain loss of earnings and earning capacity; and/or has incurred and
6 will continue to incur expenses for medical and psychological treatment, therapy, and
7 counseling.

8 **SIXTEENTH CAUSE OF ACTION**

9 **FRAUD AND DECEIT**

10 **(Against All Defendants)**

11 103. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
12 104. The Perpetrator held himself out to Plaintiff as a Roman Catholic priest, religious
13 instructor, counselor, school administrator, school teacher, surrogate parent, spiritual
14 mentor, emotional mentor, and/or other authority figure. The Perpetrator represented to
15 Plaintiff and Plaintiff's parents that he would counsel and guide Plaintiff with his
16 educational, spiritual, and emotional needs.

17 105. These representations were made by the Perpetrator with the intent and for the
18 purpose of inducing Plaintiff and Plaintiff's parents to entrust the educational, spiritual and
19 physical well being of Plaintiff with the Perpetrator.

20 106. The Perpetrator misrepresented, concealed or failed to disclose information relating
21 to his true intentions to Plaintiff and Plaintiff's parents when they entrusted Plaintiff to his
22 care, which were to sexually molest and abuse Plaintiff. Plaintiff justifiably relied upon the
23 Perpetrator's representations.

24 107. The Perpetrator was an employee, agent, and/or representative of Defendant
25 Diocese and Does 2 through 100. At the time he fraudulently induced Plaintiff and
26 Plaintiff's parents to entrust the care and physical welfare of Plaintiff to the Perpetrator, the
27 Perpetrator was acting within the course and scope of his employment with Defendant
28 Diocese and Does 2 through 100.

1 108. Defendant Diocese and Does 2 through 100 is vicariously liable for the fraud and
2 deceit of the Perpetrator.

3 109. As a result of the above-described conduct, Plaintiff has suffered, and continues to
4 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
5 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
6 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
7 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
8 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
9 capacity; and/or has incurred and will continue to incur expenses for medical and
10 psychological treatment, therapy, and counseling.

11 110. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing
12 thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition,
13 when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff
14 experienced extreme and severe mental and emotional distress that Plaintiff had been the
15 victim of the Defendants' fraud; that Plaintiff had not been able to help other minors being
16 molested because of the fraud; and that Plaintiff had not been able because of the fraud to
17 receive timely medical treatment needed to deal with the problems Plaintiff had suffered
18 and continues to suffer as a result of the molestations.

19 110.1 [Reserved]

20 **SEVENTEENTH CAUSE OF ACTION**

21 **PREMISES LIABILITY**

22 **(Against All Defendants)**

23 111. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

24 112. At all times herein mentioned, Defendant Diocese and Does 2 through 100 were in
25 possession of the property where the Plaintiff was groomed and assaulted by the
26 Perpetrator, and had the right to manage, use and control that property.

27 113. At all times herein mentioned, Defendant Diocese and Does 2 through 100 knew
28 that the Perpetrator had a history of committing sexual assaults against children, and that

1 any child at, among other locations, Our Lady of Guadalupe Church, was at risk to be
2 sexually assaulted by the Perpetrator.

3 114. Defendant Diocese and Does 2 through 100 knew or should have known that Our
4 Lady of Guadalupe Church had a history of sexual assaults against children committed by
5 the Perpetrator and that any child at, among other locations, Our Lady of Guadalupe
6 Church, was at risk to be sexually assaulted. It was foreseeable to Defendant Diocese and
7 Does 2 through 100, that the Perpetrator would sexually assault children if they continued
8 to allow the Perpetrator to teach, supervise, instruct, care for, and have custody and control
9 of and/or contact with children.

10 115. At all times herein mentioned, Defendant Diocese and Does 2 through 100 knew or
11 should have known the Perpetrator was repeatedly committing sexual assaults against
12 children.

13 116. It was foreseeable to Defendant Diocese and Does 2 through 100 that the sexual
14 assaults being committed by the Perpetrator would continue if Defendant Diocese and
15 Does 2 through 100 continued to allow the Perpetrator to teach, supervise, instruct, care
16 for, and have custody of and/or contact with young children.

17 117. Because it was foreseeable that the sexual assaults being committed by the
18 Perpetrator would continue if Defendant Diocese and Does 2 through 100 continued to
19 allow him to teach, supervise, instruct, care for, and have custody of and/or contact with
20 young children, Defendant Diocese and Does 2 through 100 owed a duty of care to all
21 children, including Plaintiff, exposed to the Perpetrator. Defendant Diocese and Does 2
22 through 100 also owed a heightened duty of care to all children, including Plaintiff, because
23 of their young age.

24 118. By allowing the Perpetrator to teach, supervise, instruct, care for, and have custody
25 of and/or contact with young children, and by failing to warn children and their families of
26 the threat posed by the Perpetrator, Defendant Diocese and Does 2 through 100 breached
27 their duty of care to all children, including Plaintiff.

28 119. Defendant Diocese and Does 2 through 100 negligently used and managed

1 Our Lady of Guadalupe Church, and created a dangerous condition and an unreasonable
2 risk of harm to children by allowing the Perpetrator to teach, supervise, instruct, care for
3 and have custody of and/or contact with young children at, among other locations, Our
4 Lady of Guadalupe Church.

5 120. As a result of the dangerous conditions created by Defendant Diocese and Does 2
6 through 100, numerous children were sexually assaulted by the Perpetrator.

7 121. The dangerous conditions created by Defendant Diocese and Does 2 through 100
8 were the proximate cause of Plaintiff's injuries and damages.

9 122. As a result of these dangerous conditions, Plaintiff has suffered, and continues to
10 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
11 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
12 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
13 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
14 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
15 capacity; and/or has incurred and will continue to incur expenses for medical and
16 psychological treatment, therapy, and counseling.

17 **EIGHTEENTH CAUSE OF ACTION**

18 **SEXUAL BATTERY (CIVIL CODE § 1708.5)**

19 **(Against All Defendants)**

20 123. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

21 124. From approximately 1973 through approximately 1976, the Perpetrator engaged in
22 unpermitted, harmful and offensive sexual contact upon the person of Plaintiff, and
23 Defendant Diocese and Does 2 through 100 ratified or approved of that sexual contact.

24 125. As a result of the above-described conduct, Plaintiff has suffered, and continues to
25 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
26 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
27 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
28 continue to be prevented from performing Plaintiff's daily activities and obtaining the full

1 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
2 capacity; and/or has incurred and will continue to incur expenses for medical and
3 psychological treatment, therapy, and counseling.

4 125.1 [Reserved]

5 WHEREFORE, Plaintiff prays for damages; costs; interest; attorneys' fees;
6 statutory/civil penalties according to law; punitive damages; and such other relief as the
7 court deems appropriate and just.

8 **JURY DEMAND**

9 Plaintiff demands a jury trial on all issues so triable.

10
11 DATE: _____ ZALKIN & ZIMMER, LLP

12
13 By: _____
14 Attorneys for Plaintiff,
15 John Roe 17

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