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

14 ANDREW CICCHILLO,
15 JOSEPH CICCHILLO

16 Plaintiffs,

17 vs.

18 ARCHDIOCESE OF LOS ANGELES, A
19 CORPORATION SOLE, CARDINAL ROGER
20 Mahony, FR. CARL SUTPHIN, AND
21 DOES ONE THROUGH ONE HUNDRED

22 Defendants.

Case No. _____

**COMPLAINT FOR
RACKETEERING,
PERSONAL INJURIES,
NEGLIGENCE AND FRAUD**

PARTIES

1. Plaintiff Andrew Cicchillo is an adult man who was a minor at the time of the abuse, alleged herein, occurring between 1962 through 1970.

2. Plaintiff Joseph Cicchillo is an adult man who was a minor at the time of the abuse, alleged herein, occurring in approximately 1968.

3. Defendant Archdiocese of Los Angeles, a corporation sole, is a non-profit religious organization with its principal place of business in Los Angeles, California (hereafter "Archdiocese").

4. Defendant Cardinal Roger Mahony (hereafter "Mahony") is the Cardinal of Defendant Archdiocese and by virtue of his office, Defendant Mahony is empowered to, and in fact, represents the Defendant Archdiocese in this litigation. Defendant Mahony is sued individually and in his capacity as Cardinal of the Archdiocese.

1 5. Defendant Fr. Carl Sutphin (hereafter “Priest”) was ordained a Roman Catholic
2 Priest in 1958. At all times material, Defendant Priest was under the direct supervision, employ
3 and control of Defendant Archdiocese and Defendant Mahony.

4 6. Defendant Does 1 through 100 are unknown agents and/or coconspirators whose
5 identities will be provided when they become known.

6 7. Each Defendant herein is the agent of the other and each Defendant is a
7 coconspirator with the other relating to the acts alleged herein.

8 **FACTUAL BACKGROUND-RACKETEERING INFLUENCED**
9 **AND CORRUPT ORGANIZATION ACT, CONSPIRACY AND FRAUD COUNTS**

10 8. Defendant Priest, Defendant Mahony and Defendant Archdiocese are each
11 persons under 18 U.S.C. § 1961(3).

12 **ENTERPRISE**

13 9. The relationship between Defendant Priest, Defendant Mahony, and Defendant
14 Archdiocese (hereafter the “Enterprise I”) constitutes an association in fact enterprise under 18
15 U.S.C. § 1961 (4) and the persons controlling or directing the affairs of Enterprise I have engaged
16 in activities or a pattern or practice of conspiracy and racketeering activity in violation of 18
17 U.S.C. § 1962 et seq.

18 10. Alternatively, the relationship between the United States Bishops of the Roman
19 Catholic Church (hereafter the “Enterprise II”) constitutes an association in fact enterprise under
20 18 U.S.C. § 1961(4) and the persons controlling or directing the affairs of Enterprise II have
21 engaged in activities or pattern or practice of conspiracy and racketeering activity in violation of
22 18 U.S.C. § 1962 et seq.

23 11. Alternatively, the relationship between Defendant Mahony and Defendant
24 Archdiocese (hereafter the “Enterprise III”) constitutes an association in fact enterprise under 18
25 U.S.C. § 1961(4) and the persons controlling or directing the affairs of Enterprise III have
26 engaged in activities or a pattern or practice of conspiracy and racketeering activity in violation
27 of 18 U.S.C. § 1962 et seq.

28 12. Enterprises I, II, and/or III had an ongoing business aside and apart from the

1 racketeering acts alleged herein in that they were involved in the operation of the Roman
2 Catholic Church in the United States.

3 13. The Defendants maintained and exercised control over the enterprises alleged.

4 **ACTIVITY**

5 14. Since approximately 1960 through to the present, persons controlling or directing
6 the affairs of Enterprise I, II, and/or III engaged in or joined in a conspiracy to intentionally,
7 recklessly and/or negligently conceal criminal conduct of its agents, aid and abet the concealment
8 of criminal conduct, aid and abet criminal sexual conduct, fail to report criminal conduct of its
9 agents, obstruct justice, obstruct criminal investigation, obstruct state and/or local law
10 enforcement, evade criminal and/or civil prosecution and liability, bribe and/or pay money to
11 victims in order to keep its criminal conduct secret, violate the civil rights of children and
12 families, engage in mail and/or wire fraud, and commit fraud and/or fraudulent inducement of its
13 parishioners in furtherance of its scheme to protect predatory priests and other clergy from
14 criminal and civil prosecution, to maintain or increase charitable contributions and/or avoid
15 public scandal in the Roman Catholic Church.

16 15. The persons controlling or directing the affairs of Enterprise I, II, and/or III knew
17 that Roman Catholic clergy were sexually abusing and exploiting children and they showed
18 willful indifference and/or a reckless or intentional disregard for the children in order to further
19 their scheme.

20 16. In 1985, the National Conference of Catholic Bishops received a report titled “The
21 Problem of Sexual Molestations By Roman Catholic Clergy.” This report described the
22 continuing and growing problem of child sexual abuse by priests within the Roman Catholic
23 Church. According to the report, if the Roman Catholic Church failed to embrace the problem of
24 its predatory priests and clergy, the church could face liability in excess of \$1,000,000,000.00
25 over ten years. In addition, the report outlined steps that the Roman Catholic Church, through
26 the National Conference of Catholic Bishops, must take to protect the church and parishioners
27 from the devastating effects of molesting priests. In response, the National Conference of
28 Bishops ignored the report and recommendations and, instead, continued providing a fertile

1 environment for molesting priests. Upon information and belief, Enterprise I, II, and/or III
2 engaged in the racketeering activity described above in order to protect financial interests in
3 addition to protecting predatory priests and other clergy from criminal prosecution and the other
4 aspects of the scheme described above.

5 17. In the same report described above, the reporter cautioned the National
6 Conference of Catholic Bishops to resist the practice by some to sanitize or purge the secret files
7 of potentially dangerous material. In addition, the reporter warned the National Conference of
8 Catholic Bishops that their practice of moving files containing potentially dangerous material to
9 the Apostolic Delegate (delegate to the Vatican), where the files would be immune from
10 subpoena, could ultimately destroy the immunity enjoyed by the Holy See. These warnings were
11 not heeded.

12 18. In furtherance of its scheme and enterprise to protect molesting priests and other
13 clergy from criminal prosecution and civil liability, maintain or increase charitable contributions
14 and/or avoid public scandal in the Roman Catholic Church, persons controlling or directing the
15 affairs of Enterprises I, II and/or III, intentionally and fraudulently engaged in the routine practice
16 of maintaining secret "sub secreto" archival files of sexual misconduct by priests. These sub
17 secreto files are accessible to the Bishops only. The existence of these secret files and the
18 contents were not disclosed to or made available to law enforcement authorities, or others, in
19 order for law enforcement to investigate the known crimes of the priests. In fact, it is the practice
20 of the Roman Catholic Church to fraudulently purge the files and hide them from persons,
21 including law enforcement authorities, seeking access to them.

22 19. As evidence of this fraudulent practice and its widespread use, in 1990, in an
23 address by Bishop A. James Quinn to the National Conference of Catholic Bishops titled "NCCB
24 Guidelines, and other Considerations in Pedophilia Cases," Bishop Quinn stated:

25 Nevertheless, personnel files should be carefully examined to
26 determine their content. Unsigned letters alleging misconduct
27 should be expunged. Standard personnel files should contain no
28 documentation relating to possible criminal behavior. Serious
moral questions, signed allegations, those should be a part of the
secret file anyhow. But they still subpoena them. But comb
through your files.

1 Now what files have been subpoenaed, they cannot be tampered
2 with; destroyed, removed; that constitutes obstruction of justice
3 and contempt of court. Prior, however, thought and study ought to
4 be given if you think its going to be necessary; if there's something
5 there you really don't want people to see you might send it off to
6 the Apostolic Delegate, because they have immunity to protect
7 something that is potentially dangerous, or that you consider to be
8 dangerous, you might send it there.

9 The Apostolic Delegate is the delegate from the Vatican and Holy See who the church
10 believes enjoys sovereign immunity from lawsuits and subpoenas.

11 20. In furtherance of its scheme, persons controlling or directing the affairs of
12 Enterprises I, II, and/or III have routinely entered into secret settlement agreements with
13 confidentiality provisions that required victims of sexual abuse to preserve the Bishop's secrets
14 from scrutiny by the public and law enforcement authorities.

15 21. In furtherance of the scheme, persons controlling or directing the affairs of
16 Enterprises I, II, and/or III, illegally bribed victims of sexual exploitation and abuse in order to
17 influence them to not report the sexual exploitation and abuse to law enforcement authorities and
18 ultimately to influence the victims to not testify, in court, against members of Enterprise I, II,
19 and/or III. As an example, Anthony J. O'Connell, former Bishop of the Diocese of Knoxville
20 and former Bishop of the Diocese of Palm Beach made cash payments to victims he had sexually
21 abused in order to keep them from reporting Bishop O'Connell's criminal activity and to
22 ultimately influence the victims to not testify against him or other coconspirators in Court. These
23 cash payments began after Bishop O'Connell's abuse of a child seminarian was reported to
24 Bishop Raymond Boland, Bishop of the Diocese of Kansas City-St. Joseph.

25 22. As a result of the acts of persons controlling or directing the affairs of Enterprise
26 I, II and/or III, intentionally, showing willful indifference and/or with reckless disregard,
27 maintained a web of predatory priests who perpetrated criminal acts of child sexual abuse
28 throughout the United States and the world over at least a forty (40) year period of time. Persons
controlling or directing the affairs of Enterprise I, II and/or III maintained this web by making
fraudulent representations, concealing criminal activity, obstructing justice and criminal
investigations, evading civil and/or criminal liability, bribing and/or payment of money to

1 victims in order to keep its criminal conduct secret, violating civil rights of children and families,
2 and committing mail and wire fraud. Evidence that persons controlling or directing the affairs of
3 Enterprise I, II and/or III committed a continuing pattern of racketeering activity in furtherance of
4 its scheme by engaging in fraudulent conduct across the nation, includes, but is not limited to, the
5 following examples:

6 a. Fr. Thomas Adamson

7 Father Thomas Adamson (hereinafter "Fr. Adamson"), was an ordained Roman
8 Catholic priest employed by the Catholic Bishop for the Diocese of Winona in Minnesota.
9 From 1958 through December 1974, Fr. Adamson was employed by Winona Diocese at
10 various times as a teacher and principal at Diocesan parochial schools and as a parish priest
11 at Diocesan churches across southern Minnesota. Throughout this period, Fr. Adamson
12 engaged in and/or attempted to engage in sexual contact with at least eleven minor boys.
13 Each of these minor boys were students and/or parishioners of the local Diocesan schools
14 and parishes.

15 In 1964, the Bishop of the Winona Diocese learned that Fr. Adamson sexually
16 abused a boy or boys in Caledonia, Minnesota. On discovery of this abuse, the Bishop
17 deceitfully transferred Fr. Adamson to a new parish and took no further steps to investigate
18 the misconduct or prevent further sexual abuse by Adamson.

19 In approximately 1967, the Bishop of the Winona Diocese learned that Fr. Adamson
20 had sexually abused a boy or boys who were students at Rochester Lourdes High School.
21 On discovery of this abuse, the Bishop placed Fr. Adamson in counseling for a short time
22 and then deceitfully transferred him to a new parish without taking further steps to
23 investigate the misconduct or prevent future abuse.

24 In approximately December 1973, and again in April 1974, the Bishop of the
25 Winona Diocese learned that Fr. Adamson had sexually abused more boys in the Rochester,
26 Minnesota area. On discovery of this abuse, the Bishop placed Fr. Adamson in therapy for
27 approximately three months, after which time he was deceitfully returned to his pastoral
28 duties in Rochester without taking further steps to investigate the misconduct or prevent

1 future abuse.

2 In December 1974, the Bishop of the Winona Diocese discovered that Fr. Adamson
3 had sexually abused minor boys in Adrian, Minnesota in 1961-62. In response to threats
4 from the families of these victims to publicly expose Fr. Adamson's history of sexual abuse,
5 the Bishop of the Winona Diocese, acting in furtherance of the scheme described above and
6 acting in concert with the Archbishop for the Archdiocese of St. Paul and Minneapolis,
7 transferred Adamson to the Archdiocese of St. Paul and Minneapolis in Minnesota without
8 taking reasonable steps to prevent future abuse.

9 Beginning in January 1975, Father Adamson was employed by and assigned to the
10 Archbishop of the Archdiocese of St. Paul and Minneapolis as a parish priest in various
11 parishes across the Archdiocese. During this time period, Adamson sexually abused
12 numerous minor boys who were parishioners at the local churches where Adamson was
13 serving as a parish priest.

14 In November 1980, Fr. Adamson admitted that he had sexually abused another
15 young boy, who was a parishioner at Immaculate Conception in Columbia Heights,
16 Minnesota. This sexual abuse was reported to the Archbishop of the Archdiocese of St.
17 Paul and Minneapolis by the father of the abused child, who also threatened to bring
18 criminal charges against Fr. Adamson. In order to protect Fr. Adamson from criminal
19 prosecution, to maintain or increase charitable contributions, and to avoid public scandal,
20 the Archbishop of the Archdiocese of St. Paul and Minneapolis fraudulently represented to
21 the father of the boy that the sexual abuse of his son was an "isolated occurrence." In
22 addition, the Archdiocese of St. Paul and Minneapolis fraudulently represented to the boy's
23 parents that Fr. Adamson would be placed in treatment and the family would be advised of
24 Adamson's whereabouts. Based upon these fraudulent assurances by their church officials,
25 the family did not report Adamson to the law enforcement authorities for criminal
26 prosecution.

27 Upon information and belief, the Bishop of the Winona Diocese and the Archbishop of
28 the Archdiocese of St. Paul and Minneapolis used the U.S. Postal Service and interstate wire

1 service to perform the fraudulent acts described above.

2 b. Fr. James Porter

3 Fr. Porter served in parishes in the Fall River Diocese in Massachusetts from 1960
4 through 1967. During that time, the Bishop of the Fall River Diocese repeatedly learned
5 that Father Porter sexually molested parish youth. In response, the Bishop of Fall River
6 deceitfully transferred Father Porter to new parishes and instructed him to undergo
7 psychotherapy.

8 From 1960 - 1963, Fr. Porter worked in St. Mary's Parish in North Attleboro,
9 Massachusetts. During that period, Fr. Porter sexually molested over 40 parish children.
10 When the Bishop for the Fall River Diocese learned of the abuse, the Bishop deceitfully
11 transferred Fr. Porter to Sacred Heart Parish in Fall River, Massachusetts.

12 In 1963, while Fr. Porter was at the Sacred Heart Parish, a parent confronted the
13 Bishop of the Diocese of Fall River regarding Fr. Porter's new parish assignment. In
14 response, the Bishop of the Diocese of Fall River fraudulently represented to the parent that
15 they would take the parent's concern seriously and that Fr. Porter posed no risk.

16 From 1963-1965 while Fr. Porter was still at Sacred Heart Parish, Fall River,
17 Massachusetts, Fr. Porter molested two parish youths. As a result, the Bishop of the
18 Diocese of Fall River deceitfully transferred Fr. Porter to St. James Parish in New Bedford,
19 Massachusetts.

20 In 1967 while Fr. Porter was at St. James Parish, New Bedford, Massachusetts, Fr.
21 Porter molested approximately 22 more children in the New Bedford area.

22 In 1967, acting in furtherance of the scheme described above and acting in concert
23 with the Archbishop of the Archdiocese of Santa Fe, the Bishop of the Fall River Diocese
24 and the Order of the Servants of the Paracletes transferred Fr. Porter from the Fall River
25 Diocese to the Archdiocese of Santa Fe, New Mexico in order to allow Fr. Porter to enter
26 the sexual abuse treatment program operated at the Servants of the Paracletes facility in
27 New Mexico for residence and treatment relating to his pedophilia.

28 In October 1968, the Archbishop of the Archdiocese of Santa Fe, Bishop for the

1 Diocese of Fall River and the Servants of the Paracletes allowed Fr. Porter to serve in
2 parishes. In February 1969, the Archbishop of the Archdiocese of Santa Fe learned that Fr.
3 Porter had sexually molested seven (7) parish youth while released from the sexual abuse
4 treatment program.

5 In June 1969, acting in furtherance of the scheme described above and acting in
6 concert with the Bishop of the Crookston Diocese, the Archbishop of the Archdiocese of
7 Santa Fe, the Servants of Paracletes transferred Fr. Porter from the Archdiocese of Santa Fe
8 to the Crookston Diocese in Bemidji, Minnesota where Fr. Porter provided weekend service
9 at the St. Philip's parish in Bemidji, Minnesota. While in Bemidji, Fr. Porter sexually
10 molested twenty-two (22) more children. In September 1970, Father Porter's sexual abuse
11 of parish boys at St. Philip's was discovered by the Bishop of the Crookston Diocese and he
12 was removed from the St. Philip's parish. At that time, Fr. Porter was transferred to
13 residence with the Servants of the Paraclete at the St. Michael's Institute in Missouri. Upon
14 information and belief, the Bishop of the Fall River Diocese, the Archbishop of the Archdiocese
15 of Santa Fe, the Bishop of the Crookston Diocese and the Servants of the Paracletes used the
16 U.S. Postal Service and interstate wire service to perform the fraudulent acts described above.

17 c. Fr. John Geoghan

18 In 1962, Fr. Geoghan molested four (4) boys from the same family in the Blessed
19 Sacrament parish in Saugus, Massachusetts. While there, another priest contacted the
20 Archbishop of the Archdiocese of Boston to report that Fr. Geoghan frequently took boys to his
21 rectory bedroom. That same priest also reported that church officials threatened to reassign him
22 as a missionary in South America for reporting Geoghan.

23 In 1966, the Archbishop of the Archdiocese of Boston deceitfully assigned Fr. Geoghan
24 to St. Bernards parish in Concord, Massachusetts. Although there are no identified victims from
25 St. Bernards, Fr. Geoghan was abruptly transferred by the Archbishop to another parish after only
26 seven months of service.

27 From 1967 through 1974, the Archbishop of the Archdiocese of Boston deceitfully
28 assigned Fr. Geoghan to the St. Paul parish in Hingham, Massachusetts. While there, Fr.

1 Geoghan sexually molested numerous boys. In 1968, Fr. Geoghan was sent by the Archbishop of
2 the Archdiocese of Boston to the Seton Institute in Baltimore, Maryland for treatment relating to
3 Fr. Geoghan's sexual abuse of several parish children.

4 From June 1974 through February 1980, the Archbishop of the Archdiocese of Boston
5 assigned Fr. Geoghan to St. Andrew parish in Jamaica Plain, Massachusetts. There, Fr. Geoghan
6 sexually abused many other children including seven brothers in the Dussourd family. In 1982,
7 the boys' aunt, Margaret Gallant, reported the sexual abuse to then Cardinal Medeiros. In the
8 letter Ms. Gallant confirms the practice of concealment and secrecy when she wrote:

9 It was suggested that we keep silent to protect the boys – that is
10 absurd since minors are protected under law, and I do not wish to
hear that remark again, since it is insulting to our intelligence.

11 Despite knowing of Fr. Geoghan's propensity for child sexual abuse, the Bishop of the
12 Archdiocese continued to assign Fr. Geoghan to parishes where he ultimately sexually abused at
13 least one hundred and thirty (130) children.

14 Upon information and belief, the Bishop of the Archdiocese of Boston used the U.S.
15 Postal Service and interstate wire service to fraudulently conceal Fr. Geoghan's acts of sexual
16 abuse.

17 During Fr. Geoghan's predatory spree, the following people had supervisory
18 responsibility for Fr. Geoghan: Cardinal Humberto Medeiros (Archdiocese of Boston), Cardinal
19 Bernard Law (Archdiocese of Boston), now Bishop Thomas V. Daily (Diocese of Brooklyn, New
20 York), now Bishop Robert J. Banks (Diocese of Green Bay), now Bishop William F. Murphy
21 (Diocese of Rockville Centre, New York), now Bishop John B. McCormack (Diocese of
22 Manchester, New Hampshire) and now Archbishop Alfred C. Hughes (Archdiocese of New
23 Orleans). Each of these now Bishops participated in the scheme and enterprise to protect
24 molesting priests and other clergy from criminal prosecution, maintain or increase charitable
25 contributions and/or to avoid public scandal in the Roman Catholic Church by concealing the
26 acts of sexual abuse by Fr. Geoghan.

27 d. This scheme described above can also be evidenced in other well-known
28 cases involving former priests Gilbert Gauthier in Louisiana, Robert Ray Peebles in Dallas, Texas,

1 Rudolph Kos also in Dallas, Texas, Paul R. Shanley in Boston, Massachusetts, and David A.
2 Holley in Worcester, Massachusetts/New Mexico/Texas.

3 23. Further evidence that Defendant Archdiocese and Defendant Mahony, in concert
4 with others who controlled or directed the affairs of Enterprise I, II and/or III, committed a
5 continuing pattern of racketeering activity in furtherance of its scheme by engaging in fraudulent
6 conduct includes, but is not limited to, the following examples:

7 a. Father Oliver O’Grady

8 Consistent with and in furtherance of the continuing pattern of racketeering activity in
9 furtherance of its scheme, Enterprise I, II and or III, Defendant Mahony, in approximately 1976,
10 while he was the Bishop for the Diocese of Stockton, California (“Stockton Diocese”) began his
11 pattern of lying to laity. Specifically, Defendant Mahony learned that Fr. Oliver O’Grady had
12 sexually abused a child. Defendant Mahony deceitfully concealed this crime from law
13 enforcement authorities. In order to prevent the victim from reporting the crime to the police,
14 Defendant Mahony fraudulently represented to the parents of the victim that Fr. O’Grady would
15 “never be placed in another parish.” Defendant Mahony then deceitfully placed Fr. O’Grady in
16 another parish where he continued to abuse children.

17 In 1984, a report was made to the Stockton Police that Fr. O’Grady had abused a ten-
18 year-old boy in his parish and that Fr. O’Grady had abused other children in the past. Defendant
19 Mahony obstructed justice and obstructed the criminal investigation by deceiving the parishners,
20 public, police and prosecutors by instructing his attorneys to contact the Stockton police and
21 fraudulently report that Fr. O’Grady’s sexual abuse of the child was “an isolated incident.”
22 Defendant Mahony, through his attorneys, also deceived the parishners, public, police and
23 prosecutors by fraudulently representing to the Stockton police that Fr. O’Grady would “never
24 again be assigned in a church or a parish where he could have access to children.” Relying upon
25 these deceitful and fraudulent representations by the Defendant Mahony, the Stockton Police
26 Department closed its investigation. Subsequent to this deceitful and fraudulent representation
27 and immediately after the police closed its investigation, the Defendant Mahony placed Fr.
28 O’Grady in a parish where he continued to abuse the same ten-year old boy who was the subject

1 of the police report, his siblings and other children in the parish.

2 In 1986, a victim of Fr. O’Grady in the 1970’s, reported to the Bishop for the Stockton
3 Diocese that she was concerned that Fr. O’Grady would continue abusing children in the
4 parishes. The Bishop for the Stockton Diocese fraudulently represented to the woman that Fr.
5 O’Grady had been treated for his problem and that Fr. O’Grady was being heavily supervised
6 and had no access to children.

7 In 1988, the Bishop for the Stockton Diocese was again notified that Fr. O’Grady
8 continued to molest children in his parish. The Bishop for the Stockton Diocese did not
9 investigate the allegations or notify law enforcement authorities.

10 In 1989, amid concerns over O’Grady’s sexual abuse, the Bishop of the Stockton Diocese
11 wrote:

12 Our pursuing the matter in this way is not because of any adverse change in your
13 behavior, but because of cautions that we must continue to take in the tightening
14 legal climate within which we need to survive.

15 Despite the Defendant Mahony’s knowledge of O’Grady’s misconduct, O’Grady remained in a
16 parish.

17 In 1992, the ten-year-old boy whose abuse had previously been reported to the Stockton
18 Police and his three siblings went to the Bishop for the Stockton Diocese and reported the abuse
19 by O’Grady. The Bishop pressured the five siblings to not go to law enforcement authorities by
20 deceitfully and fraudulently representing to them that Fr. O’Grady “had been treated,” “did not
21 pose a risk to children” and “would be heavily supervised to avoid contact with children.” At the
22 time these deceitful and fraudulent misrepresentations were made, the Bishop for the Stockton
23 Diocese knew the statements were false or knew he had no basis in fact to represent that O’Grady
24 posed no risk to children. Despite these false assurances and the pressure from the Bishop not to
25 report the abuse to law enforcement officials, the family reported the criminal sexual abuse to
26 law enforcement authorities. O’Grady was then arrested, convicted and incarcerated for the
27 sexual abuse of these victims and others.

28 Upon information and belief, Defendant Mahony and the successor Bishop for the
Stockton Diocese used the U.S. Postal Service and interstate wire service to perform the deceitful

1 and fraudulent acts described above.

2 b. Fr. Santiago Tamayo

3 From approximately 1979 through 1982, seven priests, including Fr. Santiago Tamayo,
4 repeatedly molested a sixteen year old girl. In 1982, the girl became pregnant and Fr. Santiago
5 Tamayo devised a plan to secretly transport the girl to a home in the Philippine Islands owned by
6 Tamayo's brother so that the girl could have her baby in secrecy. Fr. Tamayo and the other
7 priests deceitfully and fraudulently told the girl's mother and father that the girl was going to the
8 Philippines to study medicine.

9 As a part of the fraud and conspiracy to protect the predator priests and to avoid public
10 scandal in the Roman Catholic Church and the accompanying financial consequences, then a
11 Bishop from the Defendant Archdiocese met with the girl and told her to not disclose that she
12 had been molested or that the father of her child was a priest. In exchange, the Bishop from the
13 Defendant Archdiocese agreed to financially assist her. The Bishop from the Defendant
14 Archdiocese never provided the support he promised. After seven months in the Philippines, the
15 young girl became malnourished and ill. At that time, the girl's mother learned that the girl was
16 malnourished and pregnant and not studying medicine. The girl's mother went to the Philippines
17 and brought the young, pregnant girl back to Los Angeles. Upon the girl's return, the offending
18 priests, including Fr. Tamayo, visited the girl and swore her to secrecy.

19 In October of 1983, the girl met with a Bishop from the Defendant Archdiocese. During
20 that meeting, the girl disclosed the molestation and pregnancy as well as the identities of the
21 offending priests. Later, in response, the Bishop told the girl that there was nothing that the
22 Defendant Archdiocese could do. Shortly thereafter, in 1984, the girl filed a civil suit for
23 damages.

24 In order to avoid liability and in an attempt to conceal the predatory molestation and
25 manipulation by the Archdiocesan priests, the Defendant Archdiocese moved the priests out of
26 the United States. The Defendant Archdiocese then deceitfully and fraudulently represented to
27 the girl, parishners, public, police and prosecutors and others that the priests had fled the country
28 and their whereabouts were unknown. This representation is proven false by a letter dated June

1 15, 1984 from John P. McNicholas, attorney of record for the Defendant Archdiocese to the
2 attorney for Fr. Tamayo which stated:

3 Dear George:

4 I understand that your client's current address is:

5 Rev. Santiago Tamayo
6 c/o Dr. Edward Tamayo
7 St. James Medical Clinic
8 Laoag City, Philippine Islands 0301

9 **I have not disclosed this information to the Allred office** [Allred
was the attorney for the girl] **or anyone else.** (I received this
information on July 13, 1984.)

10 On the same day, June 15, 1984, the Defendant Archdiocese wrote a letter to Fr. Santiago
11 Tamayo stating:

12 Enclosed please find a check for \$375.00. **We would ask that you do not reveal that**
13 **you are being paid by the Los Angeles Archdiocese unless requested under oath.**
14 This check is congrua sustentatio [proper annual income of a cleric] because you are
incardinated here in Los Angeles.

15 If, however, you would take a position in the Diocese in which you live, I would request
that you have your Bishop send us a copy of your assignment.

16 * * *

Sincerely yours in Christ,

17 Reverend Monsignor John A. Rauden
18 Chancellor

* * *

19 cc: **Cardinal Timothy Manning**

20 * * *

21 In 1987, Fr. Tamayo wrote letters to Defendant Mahony and the Defendant Archdiocese
22 seeking permission to return to the United States. The Defendant Archbishop responded by
23 paying Fr. Tamayo to remain in the Philippine Islands in order to protect Fr. Tamayo and
24 Defendant Archdiocese from civil and criminal liability and to avoid public scandal.
25 Specifically, in a letter dated December 28, 1987, Reverend Monsignor Thomas J. Curry, Vicar
26 for Clergy wrote:

27 Dear Father Tamayo:

28 Thank you for your letters to me and to **Archbishop Mahony.** I

1 understand from your letter that you would like to return to this
2 Archdiocese. However, given all that has taken place, that does
3 not seem advisable, and all the advisors to the Archdiocese
4 Counsel against it for the foreseeable future. **Our lawyers also**
5 **inform us that you are liable to personal suits arising out of**
6 **your past actions. Therefore it is not advisable that you return**
7 **at all to the United States. Such suits can only open old**
8 **wounds and further hurt anyone concerned, including the**
9 **Archdiocese.**

6 After much consideration, it is the opinion of the Archdiocesan
7 authorities that you should seek to settle elsewhere, and we
8 encourage you to seek incardination in the Philippines. **While you**
9 **are pursuing this possibility the Archdiocese would like to pay**
10 **you a salary...**

9 In early 1988, Fr. Tamayo returned to the United States to answer for his misconduct.
10 The Defendant Archdiocese and Defendant Mahony became very upset when they learned of Fr.
11 Tamayo's return because the priest knew of Defendant Archdiocese's fraud and concealment and
12 he was in a position to disclose the fraud and concealment to law enforcement authorities and
13 others. In a letter dated August 26, 1988, Rev. Monsignor Thomas J. Curry stated:

14 I was surprised to learn by way of your sister's phone call to this
15 office that you are in the Los Angeles area.

16 **In my letter to you of December 28, 1987, I stated that you**
17 **continue to be liable for personal suits arising out of your past**
18 **actions, which suits would do damage to you, your family, and**
19 **anyone concerned, including the Archdiocese. I advised you to**
20 **settle elsewhere.**

19 We initiated salary payments to assist you while you were pursuing
20 the possibility of permanent settlement in the Philippines.
21 **I cannot emphasize too strongly that there has been no change**
22 **in the situation. Therefore I am requesting that you return to**
23 **the Philippines promptly.**

22 Sincerely yours,

23 (Rev. Msgr.) Thomas J. Curry
24 Vicar for Clergy

24 cc: **Archbishop Roger Mahony**

25 24. Upon information and belief, persons controlling or directing the affairs of
26 Enterprises I, II, and/or III fraudulently misrepresented the facts of known sexual misconduct to
27 prospective seminarians and their families for the economic purpose of maintaining or increasing
28 the charitable contributions and tuition payments of parishioners, seminarians and prospective

1 seminarians. Upon information and belief, much, if not all, of the solicitations for contributions
2 were effectuated by using the United States Postal Service or interstate wire service.

3 25. Each of the persons controlling or directing the affairs of Enterprises I, II, and/or
4 III conspired with each other, the above-named priest perpetrators and others in the Roman
5 Catholic Church in the conduct of a pattern of racketeering activity described above to acquire or
6 maintain an interest in or control of an enterprise which affects interstate trade and commerce by
7 using the United States Postal Service, e-mail and/or the telephone in violation of 18 U.S.C. §
8 1962(d) and other California laws.

9 26. Defendants' fraudulent acts affected interstate commerce by affecting charitable
10 contributions and tuition payments of parishioners across the nation.

11 27. As a result of the scheme and racketeering activity of persons controlling or
12 directing the affairs of Enterprises I, II, and/or III, thousands of children, including Plaintiffs,
13 were subjected to sexual abuse and exploitation by Roman Catholic clergy through a pattern of
14 racketeering activity over a period of at least three decades.

15 28. As a result of the illegal acts of the persons controlling or directing the affairs of
16 Enterprise I, II, and/or III, Plaintiffs and many others suffered damage in the loss of earning
17 capacity in his present business endeavor and the right to pursue monetary compensation for his
18 injuries.

19 29. The persons controlling or directing the affairs of Enterprises I, II and/or III
20 engaged in a continuing pattern and practice of the illegal activities as set forth herein throughout
21 various jurisdictions in the United States and the world.

22 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

23 **Andrew Cicchillo**

24 30. Plaintiff Andrew Cicchillo was raised in a devoutly Roman Catholic
25 family, was baptized, confirmed and regularly celebrated weekly mass and received the
26 sacraments through the Roman Catholic Church.

27 31. Plaintiff Andrew Cicchillo and his family attended Church at St. Rose of
28 Lima Church in Maywood, California. Defendant Priest was an Associate Pastor at St. Rose of

1 Lima Church.

2 32. Plaintiff Andrew Cicchillo was an alter boy and his family was heavily
3 involved in church activities at the St. Rose of Lima Church.

4 33. From approximately 1962 through 1970, Defendant Priest sexually abused
5 and exploited Plaintiff Andrew Cicchillo. Defendant Priest traveled with Plaintiff Andrew
6 Cicchillo's family and sexually abused Plaintiff John A. Doe while in those trips. After
7 Defendant Priest sexually abused Plaintiff Andrew Cicchillo, Defendant Priest warned Plaintiff
8 Andrew Cicchillo to not tell anyone about the abuse.

9 34. In approximately 1991, Plaintiff Andrew Cicchillo wrote a letter to
10 Defendant Mahony and Defendant Archdiocese disclosing the abuse by Defendant Priest and
11 notifying the Defendant Mahony and Defendant Archdiocese that Defendant Priest was currently
12 assigned to a hospital with a pediatric ward. In the letter, Andrew Cicchillo demanded that
13 Defendant Mahony and Defendant Archdiocese remove Defendant Priest from any assignment
14 where he could have access to children.

15 35. In response to Plaintiff Andrew Cicchillo's concerns, Defendant
16 Archdiocese communicated, by U.S. Mail and by telephone, that Defendant Mahony had been
17 notified of Plaintiff Andrew Cicchillo's allegations and that Defendant Priest had admitted to
18 sexually abusing Plaintiff Andrew Cicchillo. In addition, Defendant Archdiocese deceitfully and
19 fraudulently represented to Plaintiff Andrew Cicchillo that Defendant Priest would be retired,
20 would not be allowed to wear a collar or would not be allowed to be around children. These
21 representations were false. Defendant Archdiocese also agreed to assist Plaintiff Andrew
22 Cicchillo with the costs of counseling.

23 36. In approximately 1991 or 1992, Plaintiff Andrew Cicchillo's sister
24 contacts Defendant Archdiocese and requests further assistance so that Plaintiff Andrew
25 Cicchillo could return to counseling. Defendant Archdiocese refused to assist Plaintiff Andrew
26 Cicchillo.

27 **Joseph Cicchillo**

28 37. Plaintiff Joseph Cicchillo was raised in a devoutly Roman Catholic family,

1 was baptized, confirmed and regularly celebrated weekly mass and received the sacraments
2 through the Roman Catholic Church.

3 38. Plaintiff Joseph Cicchillo and his family attended Church at St. Rose of
4 Lima Church in Maywood, California. Defendant Priest was an Associate Pastor at St. Rose of
5 Lima Church.

6 39. Plaintiff Joseph Cicchillo was an alter boy and his family was heavily
7 involved in church activities at the St. Rose of Lima Church.

8 40. From approximately 1968 or 1969, Defendant Priest sexually abused and
9 exploited Plaintiff Joseph Cicchillo. Defendant Priest traveled with Plaintiff Joseph Cicchillo's
10 family and sexually abused Plaintiff John J Doe while on those trips. After Defendant Priest
11 sexually abused Plaintiff Joseph Cicchillo, Defendant warned Plaintiff Joseph Cicchillo to not
12 tell anyone about the abuse.

13 **Facts applicable to all Plaintiffs**

14 41. Plaintiffs position as a minor, together with Defendant Priest's position in the
15 Roman Catholic Church as a bishop, holy man and authority figure Defendant Priest was able to
16 continue to have control and influence over Plaintiffs. By his words and actions, Defendant
17 Priest represented to Plaintiffs that the object of his relationship with Plaintiffs was to provide
18 counseling, comfort and advice. This representation was false and was intended by Defendant
19 Priest to deceive Plaintiffs, to gain Plaintiffs trust and confidence and to obtain control over him.
20 Plaintiffs believed Defendant Priest, justifiably relied upon him and gave him his trust and
21 confidence. By his words and actions, Defendant Priest assured Plaintiffs that Defendant Priest's
22 conduct was proper. Defendant Priest actively concealed the wrongfulness of his exploitation and
23 misconduct involving Plaintiffs. Upon information and belief, Defendant Priest fraudulently
24 failed to report his sexual exploitation and misconduct involving Plaintiffs to any entity of the
25 Roman Catholic church at the time it occurred. Defendant Priest continued concealing the
26 wrongful conduct from Plaintiffs, the Roman Catholic Church and law enforcement authorities
27 and successfully avoided criminal prosecution and incarceration.

28 42. The applicable statutes of limitations are tolled because the Defendants

1 fraudulently concealed Defendant Priest's exploitation and misconduct. As a result of Defendant
2 Priest's conduct, Plaintiffs was unable to discover the wrongfulness of Defendant Priest's
3 conduct.

4 43. The applicable statute of limitations was further tolled because Defendants'
5 deceitful conduct placed Plaintiffs under duress. Defendant Priest led Plaintiffs to believe that
6 Plaintiffs could trust him as a benevolent and trustworthy male and spiritual advisor, and would
7 do the right thing once information of untrustworthiness was reported. Defendant Priest's
8 exploitation and concealment placed Plaintiffs under continuing duress in that he caused
9 Plaintiffs to believe that he was at fault for engaging in sexual conduct with Defendant Priest.

10 44. Defendant Priest's conduct, as described above, misrepresented and concealed
11 material facts concerning his relationship with and motives in relating to Plaintiffs. In particular,
12 Defendant Priest presented himself as a benevolent, caring spiritual advisor whose intention was
13 to help Plaintiffs. In fact, their relationship was one of sexual abuse and exploitation. Defendant
14 Priest acted with the intent to conceal the wrongfulness of his conduct. Plaintiffs relied upon
15 Defendant Priest's own words and conduct, without knowledge of the real facts, to his detriment.
16 Defendant Priest's continuing concealment of his sexual exploitation, along with Defendants'
17 negligence and/or recklessness and Defendants failure to prevent or disclose Defendant Priest's
18 continuing acts of sexual abuse and exploitation, prevented Plaintiffs from discovering and/or
19 asserting his rights. When Plaintiff Andrew Cicchillo disclosed the misconduct in 1991 to the
20 Defendants, the Defendants conspired to deceive the Plaintiffs, the public, police and prosecutors
21 by withholding material facts. Defendants are therefore equitably estopped from asserting the
22 statute of limitations in this action.

23 45. The sexual abuse and exploitation of Plaintiffs and the circumstances under which
24 it occurred caused Plaintiffs to develop various psychological coping mechanisms which
25 reasonably made him incapable of ascertaining the resulting damages from that conduct.

26 46. As a direct result of the sexual abuse and exploitation, Plaintiffs have suffered,
27 and continue to suffer great pain of mind and body, shock, emotional distress, physical
28 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,

1 and loss of enjoyment of life; was prevented and will continue to be prevented from performing
2 his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and
3 earning capacity; and/or has incurred and will continue to incur expenses for medical and
4 psychological treatment, therapy, and counseling.

5
6 **COUNT I**
7 **RICO--VIOLATION OF 18 U.S.C. § 1962 (c)**

8 47. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

9 48. Defendants are persons under 18 U.S.C. § 1961(3).

10 49. The relationship described as Enterprise I, II and/or III constitutes an
11 association-in-fact enterprise under 18 U.S.C. § 1961 (4).

12 50. Enterprise I, II and/or III described herein predated the sexual abuse and
13 exploitation described above.

14 51. The persons described above and others associated with or employed by those
15 persons were employed by or associated with Enterprise I, II and/or III.

16 52. The persons controlling or directing the affairs of Enterprise I, II and/or III
17 engaged in activities which affected interstate or foreign commerce.

18 53. The persons described above aided and abetted by each other, their agents,
19 employees and others, conducted and participated directly or indirectly in the conduct and affairs
20 of the enterprise and/or associated themselves with the enterprise described as Enterprise I, II,
21 and/or III through a pattern or racketeering activity in violation of 18 U.S.C. § 1962(c) as
22 described.

23 54. The persons controlling or directing the affairs of Enterprise I, II and/or III
24 conspired to and did take specific acts to conceal the sexual misconduct perpetrated by Defendant
25 Priest from 1962 through 1970. Those specific acts included racketeering and conspiracy were of
26 an ongoing nature continuing into the future.

27 55. Plaintiffs was injured in his business and/or property by reason, as described
28 herein, of the above violation of 18 U.S.C. § 1962(c).

1 **COUNT II**
2 **RICO--VIOLATION OF 18 U.S.C. § 1962 (d)**

3 56. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

4 57. The persons controlling or directing the affairs of Enterprise I, II and/or III agreed
5 to enter into a conspiracy to violate the provisions of 18 U.S.C. § 1962(c) as described above. As
6 evidence of this agreement, the persons controlling or directing the affairs of Enterprise I, II
7 and/or III and other co-conspirators committed the acts described herein and conspired to conceal
8 Defendant Priest's criminal activity, or aided and abetted Defendant Priest in concealing his,
9 criminal activity. As further evidence of the agreement, the persons controlling or directing the
10 affairs of Enterprise I, II and/or III and other co-conspirators conspired with Defendant Priest to
11 evade and/or aided and abetted Defendant Priest in evading criminal prosecution and the public
12 embarrassment and liability related thereto.

13 58. This secret agreement was fraudulently concealed from Plaintiffs as well as state
14 officials.

15 59. Plaintiffs was injured in his business and/or property, as alleged herein, by reason
16 of the above violation of 18 U.S.C. § 1962 (d).

17 **COUNT III**
18 **CHILDHOOD SEXUAL ABUSE OF**
19 **ANDREW CICCHILLO IN VIOLATION OF**
20 **CAL. CODE § 340.1**

21 60. Plaintiff Andrew Cicchillo incorporates all paragraphs of this Complaint as if
22 fully set forth herein.

23 61. Between approximately 1962 and 1970, Defendant Priest engaged in unpermitted,
24 harmful and offensive sexual conduct and contact upon the person of Plaintiff Andrew Cicchillo
25 in violation of Cal. Code § 340.1.

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

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

3 **COUNT IV**
4 **BATTERY UPON ANDREW CICCHILLO**

5 63. Plaintiff Andrew Cicchillo incorporates all paragraphs of this Complaint as if
6 fully set forth herein.

7 64. Between Approximately 1962 and 1970, Defendant Priest engaged in
8 unpermitted, harmful and offensive sexual contact upon the person of Plaintiff Andrew Cicchillo.

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

16 **COUNT V**
17 **CHILDHOOD SEXUAL ABUSE OF**
18 **JOSEPH CICCHILLO IN VIOLATION OF**
19 **CAL. CODE § 340.1**

20 66. Plaintiff Joseph Cicchillo incorporate all paragraphs of this Complaint as if fully
21 set forth herein.

22 67. In approximately 1968, Defendant Priest engaged in unpermitted, harmful and
23 offensive sexual conduct and contact upon the person of Plaintiff Joseph Cicchillo in violation of
24 Cal. Code § 340.1.

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

1 psychological treatment, therapy, and counseling.

2 **COUNT VI**
3 **BATTERY UPON JOSEPH CICCHILLO**

4 69. Plaintiff Joseph Cicchillo incorporates all paragraphs of this Complaint as if fully
5 set forth herein.

6 70. In approximately 1968, Defendant Priest engaged in unpermitted, harmful and
7 offensive sexual contact upon the person of Plaintiff Joseph Cicchillo.

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

15 **COUNT VII**
16 **VIOLATION OF CALIFORNIA PENAL CODE § 182**

17 72. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

18 73. Defendant Mahony's acts described herein violate California Penal Code § 182 in
19 that Defendant Mahony conspired with one or more other person to commit acts injurious to the
20 public health, to public morals, or to pervert or obstruct justice, or the due administration of the
21 laws.

22 74. As a result of the above-described conduct, Plaintiffs has suffered, and continues
23 to 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; was prevented and will continue to be prevented from performing his daily
26 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
27 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
28 treatment, therapy, and counseling.

COUNT VIII

1 **VIOLATION OF CALIFORNIA PENAL CODE § 32**

2 75. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

3 76. Defendant Mahony's acts described herein violate California Penal Code §
4 32 in that Defendant Mahony harbored, concealed and/or aided Defendant Priest after Defendant
5 Priest had committed a felony, with the intent that Defendant Priest might avoid or escape arrest,
6 trial, conviction and/or punishment, and Defendant Mahony having knowledge that Defendant
7 Priest had committed a felony.

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

15 **COUNT IX**
16 **BREACH OF FIDUCIARY DUTY**

17 78. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

18 79. By holding himself out as a qualified Roman Catholic priest, religious instructor
19 and counselor, and by undertaking the religious instruction and spiritual and emotional
20 counseling of Plaintiffs, Defendants and each of them, entered into a fiduciary relationship with
21 the minor Plaintiffs.

22 80. Defendants and each of them breached their fiduciary duty to Plaintiffs by
23 engaging in the negligent and wrongful conduct described herein.

24 81. As a direct result of Defendant Priest's breach of his fiduciary duty, Plaintiffs
25 have suffered, and continue to suffer great pain of mind and body, shock, emotional distress,
26 physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
27 humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from
28 performing their daily activities and obtaining the full enjoyment of life; has sustained loss of

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

3 **COUNT X**
4 **FIDUCIARY FRAUD AND CONSPIRACY TO COMMIT**
5 **FIDUCIARY FRAUD**

6 82. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

7 83. By holding himself out as a qualified Roman Catholic priest, religious instructor
8 and counselor, and by undertaking the religious instruction and spiritual and emotional
9 counseling of Plaintiffs, Defendants and each of them entered into a fiduciary relationship with
10 the minor Plaintiffs.

11 84. By holding themselves as the shepherd and leader of the Roman Catholic Church
12 for Los Angeles, Ventura and Santa Monica counties in California, Defendant Archdiocese and
13 Defendant Mahony entered into a fiduciary relationship with the Plaintiff parishners.

14 85. As a fiduciaries to Plaintiffs, Defendant Archdiocese and Defendant Mahony had
15 the duty to obtain and disclose information relating to sexual misconduct of Defendant Priest.

16 86. Defendants misrepresented, concealed or failed to disclose information relating to
17 sexual misconduct of Defendant Priest.

18 87. Defendants knew that they misrepresented, concealed or failed to disclose
19 information relating to sexual misconduct of Defendant Priest.

20 88. Plaintiffs justifiably relied upon Defendants for information relating to sexual
21 misconduct of Defendant Priest.

22 89. Upon information and belief, Defendants, in concert with each other and with the
23 intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would
24 misrepresent, conceal or fail to disclose information relating to the sexual misconduct of
25 Defendant Priest.

26 90. By so concealing, Defendants committed at least one act in furtherance of the
27 conspiracy.

28 91. As a direct result of Defendant Archdiocese's and Defendant Mahony's fraud and
conspiracy, Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock,

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

6
7
8 **COUNT XI**
9 **FRAUD AND CONSPIRACY TO COMMIT FRAUD**

10 92. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

11 93. Defendant Archdiocese and Defendant Mahony knew of the sexual misconduct of
12 Defendant Priest.

13 94. Defendants misrepresented, concealed or failed to disclose information relating to
14 sexual misconduct of Defendant Priest as described herein.

15 95. Defendants knew that they misrepresented, concealed or failed to disclose
16 information relating to sexual misconduct of Defendant Priest.

17 96. Plaintiffs justifiably relied upon Defendants for information relating to sexual
18 misconduct of Defendant Priest.

19 97. Upon information and belief, Defendants, in concert with each other and with the
20 intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would
21 misrepresent, conceal or fail to disclose information relating to the sexual misconduct of
22 Defendant Priest.

23 98. By so concealing, Defendants committed at least one act in furtherance of the
24 conspiracy.

25 99. As a direct result of Defendant Archdiocese's and Defendant Mahony's fraud and
26 conspiracy, Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock,
27 emotional distress, physical manifestations of emotional distress, embarrassment, loss of
28 self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue

1 to be prevented from performing their daily activities and obtaining the full enjoyment of life;
2 has sustained loss of earnings and earning capacity; and/or has incurred and will continue to
3 incur expenses for medical and psychological treatment, therapy, and counseling.
4
5

6 **COUNT XII**
7 **VICARIOUS LIABILITY**
8 **(RESPONDEAT SUPERIOR)**

9 100. Plaintiffs incorporates all paragraphs of this Complaint as if fully set forth herein.

10 101. For the purpose of furthering his assigned duties as priest and counselor and later
11 as Bishop, Defendant Priest identified Plaintiffs as a young male child in need of help. Defendant
12 Priest then sought and gained the trust and confidence of Plaintiffs and sought and gained
13 Plaintiffs trust so that he would respect Defendant Priest's authority and guidance and comply
14 with his instruction.

15 102. For the purpose of furthering his assigned duties as bishop, priest, and counselor,
16 Defendant Priest also sought and gained Plaintiffs trust, friendship, admiration, and obedience.
17 As a result, Plaintiffs was conditioned to comply with Defendant Priest's direction and to look to
18 him as an authority on matters spiritual, moral, ethical and temporal.

19 103. Using the power, authority and trust of his position as bishop, priest, spiritual
20 director, guidance counselor, confessor, vocational advisor and holy authority figure to Plaintiffs,
21 Defendant Priest enticed, induced, directed, and coerced Plaintiffs to engage in Defendant
22 Priest's sexual abuse of Plaintiffs.

23 104. Using the power, authority and trust of his position, Defendant Priest enticed,
24 induced, directed and/or coerced Plaintiffs to engage in acts of sexual abuse and Defendant
25 Archbishop and Defendant Mahony are therefore vicariously liable for the acts and omissions of
26 their agent Defendant Priest.

27 105. As a result of the above-described conduct, Plaintiffs has suffered, and continues
28 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of

1 enjoyment of life; was prevented and will continue to be prevented from performing his daily
2 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
3 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
4 treatment, therapy, and counseling.

5
6 **COUNT XIII**
NEGLIGENT RETENTION AND/OR SUPERVISION

7 106. Plaintiffs incorporates all paragraphs of this Complaint as if fully set forth herein.

8 107. Upon information and belief, Defendant Archdiocese and Defendant Mahony by
9 and through their agents, servants and employees, knew or reasonably should have known of
10 Defendant Priest's dangerous and exploitive propensities and/or that Defendant Priest was an
11 unfit agent, and despite such knowledge, Defendant Archdiocese and Defendant Mahony
12 negligently retained and/or failed to supervise Defendant Priest in the position of trust and
13 authority as a Roman Catholic priest and spiritual counselor where he was able to commit the
14 wrongful acts against the Plaintiffs. Defendants failed to provide reasonable supervision of
15 Defendant Priest, failed to use reasonable care in investigating Defendant Priest and failed to
16 provide adequate warning to Plaintiffs and his family of Defendant Priest's dangerous
17 propensities and unfitness.

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

25
26 **COUNT XIV**
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

27 109. Plaintiffs incorporates all paragraphs of this Complaint as if fully set forth herein.

28 110. Defendants' conduct was extreme and outrageous and was intentional or done

1 recklessly.

2 111. As a result of Defendants' conduct, Plaintiffs experienced and continues to
3 experience severe emotional distress resulting in bodily harm.

4 112. As a result of the above-described conduct, Plaintiffs has suffered, and continues
5 to 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; was prevented and will continue to be prevented from performing his daily
8 activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning
9 capacity; and/or has incurred and will continue to incur expenses for medical and psychological
10 treatment, therapy, and counseling.

11 WHEREFORE, Plaintiffs prays for damages, treble damages, injunctive relief, costs,
12 interest, attorneys' fees and such other relief as the court deems appropriate and just.

13
14 **JURY DEMAND**

15 Plaintiffs demands a jury trial on all issues so triable.

16 DRIVON & TABAK

17
18 Dated: _____

18 By: _____
19 Lawrence E. Drivon, Cal. # 46660
20 215 N. San Joaquin Street
21 Stockton, CA 95202
22 (209) 466-0982
23 Fax (209) 463-7668

24 REINHARDT & ANDERSON
25 By: Jeffrey R. Anderson
26 Attorneys for Plaintiffs
27 E-1000 First National Bank Bldg.
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