

CIVIL COVER SHEET

A - 11 - 637011 - C

Clark County, Nevada

Case No.

XXIV

(Assigned by Clerk's Office)

**I. Party Information**

Plaintiff(s) (name/address/phone):

TIM COONCE, an Individual

Attorney (name/address/phone):

Norman A. Ryan, Esq./Nevada Bar No. 5760

Ryan M. Venci, Esq./Nevada Bar No. 7547

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RYAN MERCALDO & WORTHINGTON LLP

5588 South Fort Apache Road, Suite 110

Las Vegas, NV 89148

(702) 880-9222 Phone/(702) 880-9221 Fax

Defendant(s) (name/address/phone):

FRANCISCAN FRIARS OF CALIFORNIA, INC., a California Corporation; TOM THING, an Individual; THE ROMAN CATHOLIC BISHOP OF LAS VEGAS AND HIS SUCCESSORS, A CORPORATION SOLE, a Nevada Corporation, f/k/a DIOCESE OF RENO-LAS VEGAS and its Predecessors and Successors; THE ROMAN CATHOLIC BISHOP OF RENO AND HIS SUCCESSORS, A CORPORATION SOLE, a Nevada Corporation, f/k/a DIOCESE OF RENO-LAS VEGAS and its Predecessors and Successors; SAINT CHRISTOPHER ELEMENTARY SCHOOL, an Entity of Unknown Status; SAIN CHRISTOPHER ELEMENTARY SCHOOL, an Entity of Unknown Status; SAIN CHRISTOPHER CATHOLIC CHURCH, an Entity of Unknown Status; TOM THING, an Individual; and DOES 1 through 100, inclusive

Attorney (name/address/phone):

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)

Arbitration Requested

**Civil Cases**

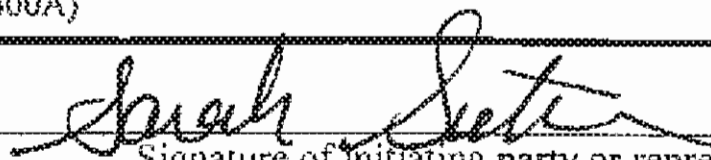
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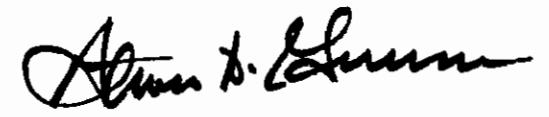
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**III. Business Court Requested** (Please check applicable category: *for Clark or Washoe Counties only.*)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88   | <input type="checkbox"/> Investments (NRS 104 Art. 8)        | <input type="checkbox"/> Enhanced Case Mgmt/Business  |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90)  | <input type="checkbox"/> Trademarks (NRS 600A)               |   |

March 14, 2011  
Date

  
Signature of Initiating party or representative



CLERK OF THE COURT

1 **COMP**  
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Attorneys for Plaintiff, TIM COONCE

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

11 TIM COONCE, an Individual, )  
12 )  
13 Plaintiff, )  
14 v. )

Case No. : A - 1 1 - 6 3 7 0 1 1 - C  
Dept. No.: XXIV

15 FRANCISCAN FRIARS OF CALIFORNIA, )  
16 INC., a California Corporation; THE ROMAN )  
17 CATHOLIC BISHOP OF LAS VEGAS AND )  
18 HIS SUCCESSORS, A CORPORATION )  
19 SOLE, a Nevada Corporation f/k/a DIOCESE )  
20 OF RENO-LAS VEGAS and its Predecessors )  
21 and Successors; THE ROMAN CATHOLIC )  
22 BISHOP OF RENO AND HIS )  
23 SUCCESSORS, A CORPORATION SOLE, a )  
24 Nevada Corporation, f/k/a DIOCESE OF )  
25 RENO-LAS VEGAS and its Predecessors and )  
26 Successors; SAINT CHRISTOPHER )  
27 ELEMENTARY SCHOOL, an Entity of )  
28 Unknown Status; SAINT CHRISTOPHER )  
CATHOLIC CHURCH, an Entity of Unknown )  
Status; TOM THING, an Individual; and )  
DOES 1 through 100, inclusive, )  
Defendants. )

**COMPLAINT**

**[ARBITRATION EXEMPTION CLAIMED:**

- 1) PROBABLE JURY AWARD IN EXCESS OF \$50,000; AND**
- 2) SIGNIFICANT ISSUES OF PUBLIC POLICY]**

24 Plaintiff, Tim Coonce, by and through his counsel, Norman A. Ryan, Esq., Ryan M. Venci,  
25 Esq. and Sarah K. Suter, Esq. of the law offices of RYAN MERCALDO & WORTHINGTON LLP  
26 avers and alleges as follows:

**PARTIES**

1. Plaintiff, Tim Coonce, is an adult male over the age of 38. Plaintiff was a minor

1 residing in Clark County, Nevada at the time of the sexual abuse alleged herein.

2       2. Defendant Franciscan Friars of California, Inc. ("the Franciscans") is a Roman  
3 Catholic Religious Order and a nonprofit public benefit corporation organized for religious purposes  
4 and incorporated under the laws of the State of California, doing business in Clark County, Nevada,  
5 and throughout the Western United States. The Franciscans are the religious order of which the  
6 Perpetrator, Br. Tom Thing, was a member during the period of abuse of Plaintiff. The Franciscans  
7 also owned and/or operated some if not all of the properties in Clark County, Nevada, where Br.  
8 Thing sexually abused Plaintiff, and where many of the Franciscans' other pedophilic and/or  
9 ephhebophilic agents sexually assaulted children.

10       3. Defendant the Roman Catholic Bishop of Las Vegas and His Successors ("Defendant  
11 Las Vegas Bishop"), A Corporation Sole, is a nonprofit public benefit corporation organized for  
12 religious purposes and incorporated under the laws of the State of Nevada, doing business in Clark  
13 County, Nevada. Defendant Las Vegas Bishop has responsibility for Roman Catholic Church  
14 operations in Clark County, Nevada during relevant dates herein. Defendant Las Vegas Bishop is the  
15 leader of the Roman Catholic Diocese in which the sexual abuse occurred.

16       4. Defendant the Roman Catholic Bishop of Reno and His Successors ("Defendant Reno  
17 Bishop"), A Corporation Sole, is a nonprofit public benefit corporation organized for religious  
18 purposes and incorporated under the laws of the State of Nevada, doing business in Clark County,  
19 Nevada. Defendant Reno Bishop had responsibility for Roman Catholic Church operations in Clark  
20 County, Nevada during relevant dates herein. Defendant Reno Bishop was the leader of the Roman  
21 Catholic Diocese in which the sexual abuse occurred.

22       5. Defendant St. Christopher Elementary School ("Defendant School") is an entity of  
23 unknown status operating as a Roman Catholic school in Clark County, Nevada where Plaintiff was  
24 a student and where the Perpetrator was assigned, or in residence, or doing work, or volunteering at,  
25 or visiting during the period of wrongful conduct.

26       6. Defendant St. Christopher Catholic Church ("Defendant Church") is an entity of  
27 unknown status operating as a Roman Catholic Parish in Clark County, Nevada where Plaintiff was a  
28 parishioner and where the Perpetrator was assigned, or in residence, or doing work, or volunteering

1 at, or visiting during the period of wrongful conduct.

2 7. Defendant Franciscan Br. Tom Thing ("The Perpetrator"), was at all times  
3 relevant herein an individual residing and/or doing business in Clark County, Nevada, and was a  
4 Roman Catholic priest, member, religious brother, employee, agent and/or servant of the Franciscans  
5 and/or Defendant Las Vegas Bishop and/or Defendant Reno Bishop and/or Defendant School and/or  
6 Defendant Parish and/or Does 1-100. During the dates of abuse, the Perpetrator was assigned, or in  
7 residence, or doing work, or volunteering, or visiting at St. Christopher's Elementary School and/or  
8 other properties in Clark County, Nevada, owned and/or operated by the Franciscans and/or  
9 Defendant Las Vegas Bishop and/or Defendant Reno Bishop and/or Defendant School and/or  
10 Defendant Parish and/or Does 1-100, and was under the direct supervision, employ and control of the  
11 Franciscans and/or Defendant Las Vegas Bishop and/or Defendant Reno Bishop and/or Defendant  
12 School and/or Defendant Parish and/or Does 1-100.

13 8. Defendant Does 1 through 100, inclusive, are individuals and/or business or  
14 corporate entities incorporated in and/or doing business in Nevada whose true names and capacities  
15 are unknown to Plaintiff who therefore sues such Defendants by such fictitious names, and Plaintiff  
16 will seek leave to amend the Complaint to insert the true names and capacities of each such Doe  
17 defendant when ascertained. Each such Defendant Doe is legally responsible in some manner for the  
18 events, happenings and/or tortious and unlawful conduct that caused the injuries and damages  
19 alleged in this Complaint.

20 9. The Perpetrator and/or each Defendant were and/or are the agent, servant and/or  
21 employee of the Franciscans and/or one or more of the other Defendants and/or Does 1 -100. The  
22 Perpetrator and/or each Defendant were acting within the course and scope of his, her or its authority  
23 as an agent, servant and/or employee of the Perpetrator and/or Defendant Las Vegas Bishop and/or  
24 Defendant Reno Bishop and/or Defendant School and/or Defendant Parish and/or Does 1-100. The  
25 Perpetrator and/or the Franciscans and/or Defendant Las Vegas Bishop and/or Defendant Reno  
26 Bishop and/or Defendant School and/or Defendant Parish and/or Does 1 -100, and each of them, are  
27 individuals, corporations, partnerships and other entities which engaged in, joined in and conspired  
28 with the other wrongdoers in carrying out the tortious and unlawful activities described in this

1 Complaint, and the Perpetrator and/or each Defendant ratified the acts of the Perpetrator and/or the  
2 Franciscans and/or Defendant Las Vegas Bishop and/or Defendant Reno Bishop and/or Defendant  
3 School and/or Defendant Parish and/or Does 1 -100 as described in this Complaint.

4 FACTS

5 10. For decades, current and former Franciscan Friars from the Oakland, California-based  
6 Province of St. Barbara have sexually assaulted children around the Western United States. By  
7 concealing the identities, propensities, and current assignments and/or residences of Franciscan  
8 perpetrators, the Franciscans have enabled and empowered such men to sexually assault countless  
9 children at the many locations where the Franciscans have conducted their business for nearly a  
10 century. This Franciscan culture of secrecy has endangered children in the states of Arizona,  
11 California, Idaho, Missouri, New Mexico, Nevada, Oregon, Utah and Washington, and constitutes a  
12 continuing public nuisance that places today's children at risk. To date, at least thirty-one (31)  
13 current or former Franciscans, identified below, have sexually assaulted children:

- 14 1 - Fr. Owen Da Silva  
15 2 - Br. Berard Connolly  
16 3 - Fr. Martin McKeon  
17 4 - Fr. Edward Henriques  
18 5 - Fr. Mario Cimmarrusti  
19 6 - Fr. Mel Bucher  
20 7 - Fr. Forrest McDonald  
21 8 - Br. Kevin Dunne  
22 9 - Br. Sam Cabot  
23 10 - Fr. Edmund Austin  
24 11 - Fr. Gus Krumm  
25 12 - Fr. Paul Conn  
26 13 - Fr. Dave Johnson  
27 14 - Fr. Joseph Prochnow  
28 15 - Br. Matteo Guerrero  
16 - Fr. Robert Van Handel  
17 - Fr. David Carriere  
18 - Fr. Steve Kain  
19 - Fr. Philip Wolfe  
20 - Br. Ed Byrom  
21 - Br. Tom Thing  
22 - Fr. Chris Berbena  
23 - Fr. Remy Rudin  
24 - Br. Gerald Chumik  
25 - Pedro Vasquez  
26 - Fr. Claude Riffel  
27 - Fr. Alexander Manville  
28 - Fr. Conan R. Lee  
29 - Fr. Louis Ladenburger  
30 - Fr. Francis Ford

2 11. Many of these Franciscans, including the Perpetrator in this case, have abused  
3 children in multiple states. In Santa Barbara, California alone, the Franciscans have allowed at least  
4 twenty-eight (28) of these perpetrators to be assigned or in residence since 1960. The horrific result  
5 has been sixty-five (65) Santa Barbara children identified to date as having been sexually abused by  
6 these men. The number of confirmed victims and Franciscan perpetrators grows each year. The  
7 following are examples only of some of the most recent known Franciscan conduct placing today's  
8 children at risk. These examples illustrate the Franciscans' conduct remains a present day threat to  
9 children wherever the Franciscans conduct their business:

10 12. In July of 2003, the Franciscans assigned a former Nevada priest and an admitted  
11 perpetrator – Fr. Gus Krumm – to a Sacramento parish next door to a school without any warning to  
12 the community. One Franciscan priest readily admitted he was aware of Fr. Krumm's prior abuses  
13 but did not think it was appropriate to share such information with parishioners. Despite the fact the  
14 Franciscans claimed Fr. Krumm was forbidden contact with young children, he did in fact have  
15 direct contact with young children while at this assignment.

16 13. In January 2004 it was revealed that the Franciscans had assigned perpetrator Br.  
17 Kevin Dunne to a Franciscan-run parish in Phoenix, St. Mary's Basilica. The Franciscans warned  
18 neither the parishioners nor the community of the risk Dunne posed, and the Phoenix community had  
19 no means of identifying Dunne as a perpetrator as – thanks to the Franciscans never having reported  
20 Dunne's crimes to law enforcement – he had never been prosecuted and is not a registered sex  
21 offender. Thus, the fact Dunne had raped at least one Santa Barbara seminarian, and the fact the  
22 Franciscans had settled a claim made by that student, was known only to the Franciscans. The St.

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23  
24 1. This list does not include Franciscans such as Fr. Michele Gagnon who have been accused of sexually  
25 abusing vulnerable members of society other than children. In Gagnon's case, the Franciscans ordered him  
26 to treatment for abusing a disabled adult, but never reported Gagnon to law enforcement nor warned any  
27 community in which Gagnon was assigned. The list also omits at least two (2) lay perpetrators the  
28 Franciscans allowed to sexually assault children. Specifically, during the 1970s at a Franciscan-run  
seminary in Santa Barbara, faculty member Francisco Moreno sexually assaulted at least one student in  
Moreno's office, and invited an unknown number of men from the community to assault the student as well.  
Additionally, in the 1980s perpetrator Fr. Robert Van Handel allowed and enabled his pedophilic friend,  
Gerald Heather, to sexually assault at least three members of the Santa Barbara Boys Choir.

1 Mary's parish manager stated the Franciscans had never advised him of Dunne's criminal conduct,  
2 and that "they probably should have."

3 14. In July 2004 the Franciscans admitted – albeit only after a reporter from the Dallas  
4 Morning News made the facts public – that yet another predator had been calling the Old Mission  
5 Santa Barbara home for over two years. Specifically, in the early to mid-1970's Franciscan Br.  
6 Gerald Chumik assaulted at least one victim in Canada. Canadian authorities attempted to prosecute  
7 Br. Chumik in the 1990s, but Chumik fled to the United States. The Franciscans successfully and  
8 secretly harbored Br. Chumik, a fugitive from justice, behind the walls of the Mission for over two  
9 years.

10 15. In July 2005, the Franciscan Vicar Provincial, Br. Tom West, admitted Mission  
11 resident, Franciscan Pedro Vasquez, had been accused of sexually assaulting a person West  
12 described as a "young man." The Franciscans had allowed Vasquez to live at the Mission for three  
13 years without any warning to the community, and admitted to this fact in July of 2005 only when  
14 they knew its publication was inevitable.

15 16. In 2005, the former rector of St. Anthony's, Fr. Xavier Harris, testified that while he  
16 was assigned at St. Williams in Los Altos, California, in 2001, a well-known Franciscan perpetrator,  
17 Fr. Steve Kain, assisted there as well. Fr. Harris did not warn any of the parishioners of Fr. Kain's  
18 propensities, nor, to his knowledge, did any other Franciscans warn any parishioners about Fr. Kain.  
19 With no shortage of victims who were unaware of the risk he posed, Fr. Kain abused again. Fr.  
20 Harris testified that Fr. Kain was then forced to stop assisting at St. Williams due to the abuse  
21 allegations, and was transferred to St. Boniface in San Francisco without any warning to the  
22 community.

23 17. In late 2006 a victim spoke with Fr. Virgil Cordano and informed Cordano he had  
24 been sexually assaulted in 1976 in Nevada by another Franciscan, Br. Mateo Guerro. Cordano did  
25 not act surprised at this information, admitted there had been other complaints against Mateo, and  
26 admitted that Mateo had been transferred as a result. To date, the Franciscans have taken no steps to  
27 make this information public, no steps to determine whether there are any other victims of Mateo  
28 who have not come forward, no steps to notify the communities in which Mateo has been assigned



1 over the course of his career as a Franciscan, and no steps to warn the current community where  
2 Mateo is assigned.

3 18. From approximately 1994 to at least 2008 the Franciscans assigned another admitted  
4 perpetrator – Fr. Mel Bucher – to Old Mission San Luis Rey. Fr. Bucher sexually assaulted at least  
5 one adolescent boy in Oregon in the early 1970s. Despite this admission, the Franciscans allowed Fr.  
6 Bucher to manage the Mission San Luis Rey retreat center. The retreat center conducts retreats for,  
7 among others, high school-aged children, including overnight retreats for students from, among other  
8 locations, Mater Dei High School in Santa Ana. At least one current Franciscan and former Mater  
9 Dei faculty member has stated he would not discuss the allegations of abuse by Fr. Bucher with  
10 Mater Dei faculty or administrators because he does not “see any purpose being served in that.” The  
11 Franciscans have never warned the families of these students of Fr. Bucher’s history of abuse.

12 19. In February 2009, Fr. Claude Riffel was accused of sexually assaulting a boy at  
13 another Franciscan seminary, St. Francis Minor Seminary in Troutdale, Oregon, in the early 1960s.  
14 Riffel was dean of discipline for the school when he would call the teenager out of class on the  
15 pretext of assigning work and then abuse him. To date, the Franciscans have taken no steps to make  
16 this information public, and no steps to determine whether there are any other victims of Riffel who  
17 have not come forward. The Franciscans also have taken no steps to notify the communities in  
18 which Riffel has been assigned during his career as a Franciscan.

19 20. In June 2009 Franciscan Fr. Alexander Manville was accused of the sexual abuse of  
20 an approximately eight-year-old boy in 1992-93. To date, the Franciscans have taken no steps to  
21 make this information public, and no steps to determine whether there are any other victims of  
22 Manville who have not come forward. The Franciscans also have taken no steps to notify the  
23 communities in which Manville has been assigned during his career as a Franciscan.

24 21. In July of 2009 a former parishioner at the Franciscan parish in Orange County, St.  
25 Simon and Jude, reported that he met with Franciscan Fr. Michael Harvey at the parish in 2008.  
26 When the parishioner stated he wished to discuss Franciscan perpetrator Fr. Gus Krumm, Fr.  
27 Harvey’s response was immediate and premeditated: before the parishioner could say anything  
28 further, Harvey insisted that any discussion regarding Krumm be in the context of the confessional,

1 thus rendering the communication penitential. By insisting the parishioner make any disclosure  
2 regarding Krumm as a penitential communication, Fr. Harvey insured he would have no reporting  
3 obligation to law enforcement in the event of another report of childhood sexual abuse by Krumm.

#### 4 The Danger to Today's Children Posed by Former Franciscans

5       22. Equally dangerous to today's children is the fact an unknown number of the  
6 Franciscans' former pedophilic and/or ephebophilic agents remain unidentifiable to law enforcement  
7 and to the general public. The Franciscans have been aware of such men's propensities for decades  
8 but have disclosed this knowledge to no one, thus shielding Franciscan perpetrators from criminal  
9 prosecution and frustrating law enforcement efforts to protect children. Time and again the  
10 Franciscans' efforts have helped such criminals escape prosecution through, among other methods,  
11 expired criminal statutes of limitation. As a result, very few of these men have been prosecuted,  
12 convicted, and forced to register as sex offenders. As a result, these unidentifiable perpetrators  
13 continue to sexually assault and/or place at risk countless children where these former Franciscans  
14 now work and reside.

15       23. Fr. Louis Ladenburger is a recent example. Ladenburger left the priesthood and the  
16 Franciscan order in 1996. However, early in his career as a Franciscan Ladenburger was treated for  
17 what the Franciscans described only as "inappropriate professional behavior and relationships."  
18 Such vague terms are standard procedure for the Franciscans when describing childhood sexual  
19 abuse by their brethren. In fact, Ladenburger had been accused of sexual abuse by a young girl in  
20 Seattle.

21       24. Despite sending Ladenburger for treatment for his criminal conduct twice in the  
22 1980s, the Franciscans allowed him to continue to work as a priest, including an assignment at St.  
23 John's Parish in Overton, Nevada, where he remained until 1989 when the Franciscans transferred  
24 him to Christ the King Catholic Community in Las Vegas. After another psychological review in  
25 1993, the Franciscans insisted on restricting Ladenburger's ministry. However, at no time did the  
26 Franciscans report Ladenburger's criminal acts to law enforcement. Nor did the Franciscans warn  
27 any families or communities where Ladenburger had worked or was working as a priest. As a result,  
28 when he left the priesthood nearly twenty-years after the Franciscans first learned of and began to

1 conceal the risk he posed to children, Ladenburger had never been convicted of a sex crime, was not  
2 a registered sex offender, and only the Franciscans were aware of his pedophilic propensities.  
3 Ladenburger's Franciscan-created anonymity enabled him to obtain a job at an Idaho school where  
4 he abused again. Specifically, in May of 2007, Ladenburger was arrested for sexually assaulting  
5 several children from the school in Idaho.

6 25. When first contacted shortly after Ladenburger's arrest, the Franciscans denied having  
7 any record of past abuses by Ladenburger. After this initial denial they finally admitted to  
8 Ladenburger's sordid history, and to the Franciscans' knowledge since the 1980s of the risk he posed  
9 to children. Ladenburger pled guilty to lewd conduct with two Idaho boarding school students, and  
10 on March 24, 2008, was sentenced to five years in prison. The sentencing judge found  
11 Ladenburger's conduct so severe that he rejected a joint request by the prosecution and the defense of  
12 a suspended sentence. Ladenburger has admitted he has a sex addiction. These latest victims are  
13 further evidence of the continuing threat to children created by the Franciscans' refusal to identify  
14 their current and former members who have been accused of sexual abuse but never reported to law  
15 enforcement.

#### 16 Childhood Sexual Abuse Committed by Franciscans in Nevada

17 26. Nevada children have not escaped Franciscan perpetration, and continue to be placed  
18 at risk by the Franciscans and their current and former members. Although no Ladenburger victims  
19 from Nevada have come forward to date, other Franciscan perpetrators have been accused of abusing  
20 children in Nevada. For instance, in approximately 1975 Br. Mateo Guererro began grooming a  
21 young Santa Barbara boy for sexual abuse. The grooming eventually became fondling, and in  
22 September of 1976 became much worse. Specifically, Br. Guererro induced the boy to join him on a  
23 road trip that included stops in Big Sur, Pacific Palisades, and ended with Guererro sexually  
24 assaulting the boy in Las Vegas.

25 27. Additionally, Fr. Ladenburger was not the first perpetrator the Franciscans assigned to  
26 St. John's Parish in Overton, Nevada. Specifically, after Fr. Gus Krumm abused at least four boys in  
27 Santa Barbara from 1980-81, the Franciscans transferred him to St. John's. Despite the fact they had  
28 received reports of Krumm's abuse of at least two of those boys, the Franciscans provided no

1 warning to the St. John's community of the danger he posed. As a result, Fr. Krumm was able to  
2 continue his criminal conduct against at least one young Nevada boy. Fr. Krumm began grooming  
3 the 11 year-old boy in approximately 1983, taking a strong interest in the boy and earning his trust  
4 first by befriending the boy's family, and then by baptizing him in approximately 1985 and becoming  
5 his godfather. The boy served as Fr. Krumm's personal altar boy for over two years, assisting Fr.  
6 Krumm both at St. John's in Overton and at St. John in Las Vegas in performing weddings and  
7 baptisms.

8 28. Unfortunately, Krumm's paternal conduct was really a self-serving attempt to render  
9 the boy vulnerable to abuse. Krumm sexually abused him at a cabin used by the Franciscans on Mt.  
10 Charleston in Nevada. At the cabin Krumm induced the boy to drink and then sexually abused him  
11 once the boy was too intoxicated to resist. After the abuse Krumm would force the boy to sleep  
12 naked with him in the same bed or sleeping bag. Krumm also took the boy on trips with him out of  
13 Nevada to other locations where the Franciscans conduct their ministry, such as Santa Barbara and  
14 San Francisco. At these locations the boy served as Krumm's altar boy, only to be subjected to  
15 further sexual abuse by Krumm later that night.

16 **Prior Sexual Abuse by Br. Tom Thing**

17 29. Plaintiff is the most recent Nevada victim to have reported Franciscan childhood  
18 sexual abuse. However, he was not the first victim of the Perpetrator, Br. Tom Thing. Before the  
19 Franciscans transferred Br. Thing to Las Vegas, Thing was assigned in Santa Barbara, a location  
20 where he abused at least one boy. Beginning at least as early as 1979 if not earlier, the Franciscans  
21 allowed Thing to work and travel with the Santa Barbara Boys Choir. One former choir member  
22 recalls Thing traveling to Europe with the choir, and waking up one morning to find his (the choir  
23 member's) pants and underwear around his ankles and Thing sleeping next to him in the bed.

24 Additionally, despite the fact he was not assigned to the Franciscan seminary in Santa  
25 Barbara, St. Anthony's, the Franciscans allowed Thing to fraternize with the students, boys who  
26 were between the ages of thirteen and eighteen. The Franciscans allowed Br. Thing to develop  
27 inappropriate relationships with the seminarians, and to take them off campus to a variety of  
28 locations around Santa Barbara. He also was observed openly engaging in inappropriate physical

1 contact with seminarians with whom he became particularly close. Eventually, most likely in the  
2 summer of 1984, Thing sexually abused a seminarian on a camping trip. The Franciscans quickly  
3 transferred Thing out of Santa Barbara shortly after Thing molested the boy in his (the victim's)  
4 sleeping bag. The victim recalls that prior to the abuse Thing was something of a fixture in the  
5 Catholic community. However, not long after the abuse Thing suddenly vanished without any  
6 explanation. Shortly thereafter the Franciscans transferred Thing to Las Vegas without any warning  
7 to the community. Thing resurfaced at Defendant St. Christopher's School in Las Vegas, most likely  
8 during the 1984-85 school year, and subjected an unknown number of children in the unsuspecting  
9 community to his criminal conduct. At least one of his victims was Plaintiff.

10 **Br. Thing's Grooming and Sexual Abuse of Plaintiff in Nevada and California**

11 30. Plaintiff was raised in a devout Roman Catholic family. His grandparents were  
12 members of the 3<sup>rd</sup> Order of St. Francis, and his family attended mass on a weekly basis. As a result  
13 of this upbringing he held Roman Catholic priests, and Franciscans in particular, in very high regard.  
14 He recalls feeling priests spoke with the voice of God.

15 31. Like so many clergy abuse victims, Plaintiff also was the product of a broken home,  
16 his father having left the family when Plaintiff was three years-old. Br. Thing recognized Plaintiff's  
17 resulting need for paternal attention and affection, and exploited that need for his own sexual  
18 gratification. Plaintiff met Br. Thing at school at St. Christopher's where Thing was a staff member,  
19 most likely during the 1984-85 school year when Plaintiff was in the 7<sup>th</sup> grade. Plaintiff understood  
20 Thing to be a priest because of the brown Franciscan habit he wore on campus. This status, coupled  
21 with Thing's active exploitation of Plaintiff's need for paternal affection, enabled Thing quickly to  
22 earn Plaintiff's complete trust, and soon created an emotional dependence in Plaintiff for Thing's  
23 attention. Br. Thing utilized this dependence to manipulate Plaintiff and induce Plaintiff to submit to  
24 sexual abuse. Specifically, after successfully creating the emotional dependency in Plaintiff, Thing  
25 would become cold and distant, rendering the boy desperate for Thing's approval and affection.  
26 Thing then would provide this paternal approval and affection to Plaintiff, but ultimately began  
27 abusing Plaintiff in this context. In so doing Thing created a situation where his more subtle sexual  
28 abuse became reassuring and validating to Plaintiff, confirming for Plaintiff that Thing still cared

1 about him. So desperate was Plaintiff for that validation that he subconsciously ignored the  
2 inappropriate conduct Thing cloaked in the attention and affection Plaintiff craved.

3 32. Initially, Thing's abuse of Plaintiff was subtle, taking the form of more friendly and  
4 affectionate, albeit inappropriate, over the clothes touching and fondling. Often this abuse took place  
5 in Thing's car, or at the Las Vegas residence where Thing lived with other Franciscans who refused  
6 to make eye contact with Plaintiff or acknowledge his presence in any way. Br. Thing always  
7 couched the abuse under the false pretense of Thing being friendly, affectionate, and paternal toward  
8 Plaintiff. However, eventually the abuse became more severe.

9 33. The first more severe instance of abuse took place at the same Franciscan cabin on  
10 Mt. Charleston that was used by Fr. Krumm to sexually abuse another Nevada boy in the 1980s. Br.  
11 Thing initially represented to Plaintiff and/or his mother that the Franciscans had a lodge on Mt.  
12 Charleston that they used for recreational purposes. Thing also indicated he wanted to take Plaintiff  
13 there, and gave Plaintiff's mother the false impression there would be other people going on the trip.  
14 In reality it was just a cabin, and clearly was not a "lodge" intended for large groups of people.  
15 Similarly, the trip to Mt. Charleston was not a group trip, but an opportunity created by Br. Thing to  
16 isolate and sexually abuse Plaintiff. Like Fr. Krumm with his own victim at the cabin, Br. Thing  
17 induced Plaintiff to enter his sleeping bag naked and then sexually assaulted the boy.

18 34. Br. Thing's final sexual assault of Plaintiff took place in California. This time Br.  
19 Thing falsely represented to Plaintiff and/or his mother that other faculty members and students were  
20 going to California on an unofficial school trip. So confident was Thing in his manipulations that  
21 after the trip had been agreed to and scheduled, Thing asked Plaintiff's mother if she would consider  
22 allowing Plaintiff to live with him in California at the conclusion of the school year, claiming he  
23 could offer Plaintiff greater financial support than Plaintiff's family. Although Plaintiff's mother  
24 refused to agree to this, the road trip from Las Vegas to California went forward as planned, and  
25 culminated with Br. Thing subjecting Plaintiff to a violent sexual assault, most likely in Northern  
26 California.

27 35. The conduct described above was undertaken while the Perpetrator was employed,  
28 volunteered, represented, or an agent of the Franciscans and/or one or more of the remaining

1 Defendants, while in the course and scope of employment with Defendants, and/or was ratified by  
2 Defendants.

3 **FIRST CAUSE OF ACTION**

4 **(Public Nuisance-Against All Defendants)**

5 36. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
6 allegation contained in the preceding paragraphs of this Complaint and further alleges as follows:

7 37. Defendants continue to conspire and engage in efforts to: 1) conceal from the  
8 general public the sexual assaults committed by, the identities of, and the pedophilic/ ephebophilic  
9 tendencies of, the Perpetrator and Defendants' other pedophilic agents; 2) attack the credibility of the  
10 victims of the Perpetrator and Defendants' other pedophilic/ephebophilic agents; 3) protect the  
11 Perpetrator and Defendants' other pedophilic/ephebophilic current and former agents from criminal  
12 prosecution and registration as sex offenders for their sexual assaults against children; and 4) exploit  
13 and abuse the protection for religious freedom provided by the 1st Amendment to the U.S.  
14 Constitution for the purpose of escaping their obligation to report childhood sexual abuse in  
15 violation of law.

16 38. The negligence and/or deception and concealment by Defendants was and is  
17 injurious to the health of, indecent or offensive to the senses of, and an obstruction to the free use of  
18 property by, the general public, including but not limited to residents of the County of Clark and all  
19 other members of the general public who live in communities where Defendants conducted, and  
20 continue to conduct, their work and/or ministry. Further, the negligence and/or deception and  
21 concealment by Defendants is and was and is indecent and offensive to the senses, so as to interfere  
22 with the general public's comfortable enjoyment of life in that children cannot be left unsupervised in  
23 any location where Defendants' agents are present as the general public cannot trust Defendants to  
24 prohibit their pedophilic agents from supervising, caring for, or having any contact with children, nor  
25 to warn parents of the presence of the pedophilic agents of Defendants, nor to identify their  
26 pedophilic agents, nor to identify and/or report to law enforcement their agents accused of childhood  
27 sexual abuse; thus, creating an impairment of the safety of children in the neighborhoods where  
28 Defendants conducted, and continue to conduct, their work and/or ministries.

1           39. Defendants' conduct has caused further injury to the public and severely impaired the  
2 safety of children where Defendants have protected and concealed the Perpetrator and Defendants'  
3 other pedophilic/ephebophilic agents from criminal prosecution and registration as sex offenders for  
4 their sexual assaults, where the Perpetrator and/or Defendants' other pedophilic/ephebophilic agents  
5 subsequently have left Defendants' employ, and where Defendants have disavowed any responsibility  
6 for the Perpetrator and/or Defendants' other pedophilic/ephebophilic former agents despite the fact  
7 Defendants facilitated these former agents' avoiding criminal prosecution and having to register as  
8 sex offenders. As a result of Defendants' conduct, when Defendants' former agents have sought  
9 employment placing them in positions of trust with children, Defendants are the only ones aware of  
10 the risk posed by these former agents, and potential employers, childcare custodians, and parents  
11 have no means of identifying the risk to their children posed by such men. Today's children continue  
12 to be put at risk and abused under these circumstances by Defendants' former agents, at least as  
13 recently as 2007.

14           40. The negligence and/or deception and concealment by Defendants was specially  
15 injurious to Plaintiff's health as he and his family were unaware of the danger posed to children left  
16 unsupervised with agents of Defendants, and as a result of this deception, Plaintiff was placed in the  
17 custody and control of the Perpetrator, an agent of Defendants, who subsequently sexually assaulted  
18 Plaintiff.

19           41. The continuing public nuisance created by Defendants was, and continues to be,  
20 the proximate cause of the injuries and damages to the general public alleged in paragraph 14,  
21 and of Plaintiff's special injuries and damages as alleged in paragraph 15.

22           42. In doing the aforementioned acts, Defendants acted negligently and/or intentionally,  
23 maliciously and with conscious disregard for Plaintiff's rights.

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



1 obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and  
2 earning capacity; and/or has incurred and will continue to incur expenses for medical and  
3 psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff  
4 has suffered general and special damages in an amount in excess of \$10,000.00.

5 44. As a further result of the above-described conduct by Defendants Plaintiff  
6 further requests injunctive relief prohibiting Defendants from, among other things: allowing their  
7 pedophilic/ephebophilic agents to have any unsupervised contact with children; transferring their  
8 pedophilic/ephebophilic agents to communities whose citizens are unaware of the risk to children  
9 posed by said agents; failing/refusing to disclose to and/or concealing from the general public and/or  
10 law enforcement when Defendants have transferred a pedophilic/ephebophilic agent into their midst;  
11 failing/refusing to disclose to and/or concealing from law enforcement and/or the general public the  
12 identities and the criminal acts of their pedophilic/ephebophilic agents; failing/refusing to disclose to  
13 and/or concealing from the public and/or law enforcement reports, complaints, accusations or  
14 allegations of acts of childhood sexual abuse committed by Defendants' current or former agents; and  
15 insisting that reports, complaints, accusations or allegations of acts by Defendants' agents be made  
16 only in the context of a penitential communication. Defendants should be ordered to stop  
17 failing/refusing to disclose to and/or concealing and instead should identify each and every one of  
18 their current and former agents who have been accused of childhood sexual abuse, the dates of the  
19 accusation(s), the date(s) of the alleged abuse, the location(s) of the alleged abuse, and the accused  
20 agents' assignment histories.

21 45. Plaintiff was required to retain the services of counsel to bring this action, and,  
22 accordingly, Plaintiff is entitled to recover its reasonable attorneys' fees and costs incurred herein  
23 pursuant to NRS 18.010 and Nevada law.

## 24 SECOND CAUSE OF ACTION

### 25 (Negligence-Against All Defendants)

26 46. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
27 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

28 47. Sometime between approximately 1984 to 1986 the Perpetrator repeatedly engaged

1 in unpermitted, harmful and offensive sexual conduct and contact with Plaintiff. Said conduct  
2 was undertaken while the Perpetrator was employed, volunteered, represented, or an agent of  
3 Defendants, while in the course and scope of employment with Defendants, and/or was ratified by  
4 Defendants.

5 48. Prior to or during the abuse alleged above, Defendants knew, had reason to know, or  
6 were otherwise on notice of unlawful sexual conduct by the Perpetrator and Defendants' other  
7 pedophilic and/or ephebophilic agents. Defendants failed to take reasonable steps and failed to  
8 implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by the  
9 Perpetrator and Defendants' other pedophilic and/or ephebophilic agents, including, but not limited  
10 to, preventing or avoiding placement of the Perpetrator and Defendants' other pedophilic and/or  
11 ephebophilic agents in functions or environments in which contact with children was an inherent part  
12 of those functions or environments.

13 49. Furthermore, at no time during the periods of time alleged did Defendants have in  
14 place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or  
15 agents to insure that they did not molest or abuse minors in Defendants' care, including the Plaintiff.

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

22 51. Defendants, by and through their agents, servants and employees, knew or reasonably  
23 should have known of the Perpetrator's and Defendants' other pedophilic and/or ephebophilic agents'  
24 dangerous and exploitive propensities and that they were unfit agents. It was foreseeable that if  
25 Defendants did not adequately exercise or provide the duty of care owed to children in their care,  
26 including but not limited to Plaintiff, the child entrusted to Defendants' care would be vulnerable to  
27 sexual abuse by the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents.

28 52. Defendants breached their duty of care to the minor Plaintiff by allowing the

1 Perpetrator to come into contact with the minor Plaintiff without supervision; by failing to  
2 adequately hire, supervise, or retain the Perpetrator and Defendants' other pedophilic and/or  
3 ephebophilic agents who they permitted and enabled to have access to Plaintiff; by failing to  
4 investigate or otherwise confirm or deny such facts about the Perpetrator and Defendants' other  
5 pedophilic and/or ephebophilic agents; by failing to tell or concealing from Plaintiff, Plaintiff's  
6 parents, guardians, or law enforcement officials that the Perpetrator and Defendants' other pedophilic  
7 and/or ephebophilic agents were or may have been sexually abusing minors; by failing to tell or  
8 concealing from Plaintiff's parents, guardians, or law enforcement officials that Plaintiff was or may  
9 have been sexually abused after Defendants knew or had reason to know that the Perpetrator may  
10 have sexually abused Plaintiff, thereby enabling Plaintiff to continue to be endangered and sexually  
11 abused, and/or creating the circumstance where Plaintiff was less likely to receive medical/mental  
12 health care and treatment, thus exacerbating the harm done to Plaintiff; and/or by holding out the  
13 Perpetrator to the Plaintiff and his parents or guardians as being in good standing and trustworthy.  
14 Defendants cloaked within the facade of normalcy Defendants' and/or the Perpetrator's and  
15 Defendants' other pedophilic and/or ephebophilic agents' contact and/or actions with the Plaintiff  
16 and/or with other minors who were victims of the Perpetrator and Defendants' other pedophilic  
17 and/or ephebophilic agents, and/or disguised the nature of the sexual abuse and contact.

18 53. As a direct and proximate result of the above-described conduct, Plaintiff has  
19 suffered, 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, humiliation, and  
21 loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will  
22 continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment  
23 of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has  
24 incurred and will continue to incur expenses for medical and psychological treatment, therapy, and  
25 counseling. As a proximate result of these injuries, Plaintiff has suffered general and special  
26 damages in an amount in excess of \$10,000.00.

27 54. Plaintiff was required to retain the services of counsel to bring this action, and,  
28 accordingly, Plaintiff is entitled to recover its reasonable attorneys' fees and costs incurred herein

1 pursuant to NRS 18.010 and Nevada law.

2 **THIRD CAUSE OF ACTION**

3 **(Negligent Supervision Failure to Warn-Against All Defendants)**

4 55. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
5 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

6 56. Defendants had a duty to provide reasonable supervision of the Perpetrator and  
7 Defendants' other pedophilic and/or ephebophilic agents, and to use reasonable care in investigating  
8 the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents. Additionally, because  
9 Defendants knew or should have known of the heightened risk the Perpetrator and Defendants' other  
10 pedophilic and/or ephebophilic agents posed to all children, Defendants had a heightened duty to  
11 provide reasonable supervision and protection to children with whom Defendants allowed the  
12 Perpetrator and Defendants' other pedophilic and/or ephebophilic agents to have contact and/or  
13 custody and control of; and to provide adequate warning to the Plaintiff, the Plaintiff's family, minor  
14 students, and minor parishioners of the Perpetrator's and Defendants' other pedophilic and/or  
15 ephebophilic agents' dangerous propensities and unfitness.

16 57. Defendants, by and through their agents, servants and employees, knew or reasonably  
17 should have known of the Perpetrator's and Defendants' other pedophilic and/or ephebophilic agents'  
18 dangerous and exploitive propensities and that they were unfit agents. Defendants also knew that if  
19 they failed to provide children who had contact with the Perpetrator and Defendants' other pedophilic  
20 and/or ephebophilic agents sufficient supervision and protection, those children would be vulnerable  
21 to sexual assaults by the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents.  
22 Despite such knowledge, Defendants negligently failed to supervise the Perpatrator and Defendants'  
23 other pedophilic and/or ephebophilic agents in the position of trust and authority as Roman Catholic  
24 Priests, religious brothers, religious instructors, counselors, school administrators, school teachers,  
25 surrogate parents, spiritual mentors, emotional mentors, and/or other authority figures, where they  
26 were able to commit the wrongful acts against the Plaintiff. Defendants failed to provide reasonable  
27 supervision of the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents, failed to  
28 use reasonable care in investigating the Perpetrator and Defendants' other pedophilic and/or

1 ephebophilic agents, and failed to provide adequate warning to Plaintiff and Plaintiff's family of the  
2 Perpetrator' and Defendants' other pedophilic and/or ephebophilic agents' dangerous propensities and  
3 unfitness. Defendants further failed to provide Plaintiff with adequate supervision and protection,  
4 and failed to take reasonable measures to prevent future sexual abuse.

5 58. As a result of the above-described conduct, Plaintiff has suffered, and continues  
6 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of  
7 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment  
8 of life; has suffered and continues to suffer spiritually; was prevented and will continue to be  
9 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has  
10 sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and  
11 will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As  
12 a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount  
13 in excess of \$10,000.00.

14 59. Plaintiff was required to retain the services of counsel to bring this action, and,  
15 accordingly, Plaintiff is entitled to recover its reasonable attorneys' fees and costs incurred herein  
16 pursuant to NRS 18.010 and Nevada law.

#### 17 FOURTH CAUSE OF ACTION

#### 18 (Negligent Hiring/Retention-Against All Defendants)

19 60. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
20 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

21 61. Defendants had a duty not to hire and/or retain the Perpetrator and Defendants'  
22 other pedophilic and/or ephebophilic agents given their dangerous and exploitive propensities.

23 62. Defendants, by and through their agents, servants and employees, knew or reasonably  
24 should have known of the Perpetrator's and Defendants' other pedophilic and/or ephebophilic agents'  
25 dangerous and exploitive propensities and/or that they were unfit agents. Despite such knowledge,  
26 Defendants negligently hired and/or retained the Perpetrator and Defendants' other pedophilic and/or  
27 ephebophilic agents in the position of trust and authority as Roman Catholic Priests, religious  
28 brothers, religious instructors, counselors, school administrators, school teachers, surrogate parents,

1 spiritual mentors, emotional mentors, and/or other authority figures, where they were able to commit  
2 the wrongful acts against the Plaintiff. Defendants failed to use reasonable care in investigating the  
3 Perpetrator and/or Defendants' other pedophilic and/or ephebophilic agents and failed to provide  
4 adequate warning to Plaintiff and Plaintiff's family of the Perpetrator' and Defendants' other  
5 pedophilic and/or ephebophilic agents' dangerous propensities and unfitness. Defendants further  
6 failed to take reasonable measures to prevent future sexual abuse.

7 63. As a result of the above-described conduct, Plaintiff has suffered, and continues  
8 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of  
9 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment  
10 of life; has suffered and continues to suffer spiritually; was prevented and will continue to be  
11 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has  
12 sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and  
13 will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As  
14 a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount  
15 in excess of \$10,000.00.

16 64. Plaintiff was required to retain the services of counsel to bring this action, and,  
17 accordingly, Plaintiff is entitled to recover its reasonable attorneys' fees and costs incurred herein  
18 pursuant to NRS 18.010 and Nevada law.

19 FIFTH CAUSE OF ACTION

20 (Battery-Against Tom Thing)

21 65. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
22 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

23 66. Perpetrator intentionally, harmfully and offensively touched Plaintiff while in  
24 the course and scope of his employment for Defendants.

25 67. As a direct and proximate result of Perpetrator's intentional battery, Plaintiff  
26 has suffered, 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, and  
28 loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will

1 continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment  
2 of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has  
3 incurred and will continue to incur expenses for medical and psychological treatment, therapy, and  
4 counseling. As a proximate result of these injuries, Plaintiff has suffered general and special  
5 damages in an amount in excess of \$10,000.00

6 68. Defendants' tortious conduct was intentional, thereby Plaintiff is entitled to  
7 punitive damages on all intentional claims.

8 **SIXTH CAUSE OF ACTION**

9 **(Assault-Against Thom Thing)**

10 69. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
11 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

12 70. Plaintiff was reasonably placed in fear of imminent harmful or offensive contact for  
13 the duration of sexual molestation by the Perpetrator.

14 71. Plaintiff's apprehension was reasonable because the Perpetrator had already  
15 demonstrated a willingness to molest and/or sexually assault Plaintiff.

16 72. As a direct and proximate result of the Perpetrator's and Defendants' tortious  
17 conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional  
18 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,  
19 humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was  
20 prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining  
21 the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning  
22 capacity; and/or has incurred and will continue to incur expenses for medical and psychological  
23 treatment, therapy, and counseling. As a direct and proximate result of these injuries, Plaintiff has  
24 suffered general and special damages in an amount in excess of \$10,000.00.

25 **SEVENTH CAUSE OF ACTION**

26 **(Negligent Failure to Warn, Train, or Educate Plaintiff-Against All Defendants)**

27 73. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
28 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

1           74.       Defendants breached their duty to take reasonable protective measures to protect  
2 Plaintiff and other minor parishioners and/or students from the risk of childhood sexual abuse by the  
3 Perpetrator and/or Defendants' other pedophilic and/or ephebophilic agents, such as the failure to  
4 properly warn, train, or educate Plaintiff, his parents, Defendants' agents, employees and volunteers,  
5 and other minor parishioners and/or students about how to avoid such a risk and/or defend himself or  
6 herself if necessary.

7           75.       Defendants knew, or in the exercise of reasonable diligence should have known,  
8 of the general risk of sexual assaults against children and, specifically, of the Perpetrator's and  
9 Defendants' other pedophilic and/or ephebophilic agents' propensities to commit, and history of  
10 committing, sexual abuse of children, and that an undue risk to children in their custody and care,  
11 such as Plaintiff, would exist because of this propensity to commit sexual assaults, and the history of  
12 sexual assaults against children, unless Defendants adequately taught, educated, secured, oversaw,  
13 and maintained students, including Plaintiff, as well as other children in the custody and control of,  
14 or in contact with, Catholic clergy and Defendants' other pedophilic and ephebophilic agents.  
15 Defendants were put on actual and/or constructive notice, at least as early as 1979, that the  
16 Perpetrator and Defendants' other pedophilic and/or ephebophilic agents were sexually assaulting  
17 children at countless locations, including Clark County. From that date forward, Defendants  
18 repeatedly and negligently ignored complaints from victims and/or their parents, as well as warnings  
19 from Catholic clergy, that pedophilic and/or ephebophilic Catholic clergy were assaulting children  
20 in, among other locations, Clark County, Nevada.

21           76.       Defendants also knew or should have known that the general risk of sexual  
22 assaults against children and, specifically, the risk posed by the Perpetrator and Defendants' other  
23 pedophilic and/or ephebophilic agents' propensities to commit, and history of committing, sexual  
24 abuse of children, could be eliminated, or at least minimized, if they took steps to educate, warn and  
25 train children in Defendants' custody and control, as well as those children's parents, and Defendants'  
26 employees, agents and volunteers, regarding the danger posed by pedophilic and ephebophilic clergy,  
27 how to recognize and avoid this danger, and how a child should defend herself or himself when  
28 assaulted by pedophilic and/or ephebophilic clergy. Based on their knowledge of the risk posed by



1 the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents, and the history of  
2 sexual assaults by Franciscan perpetrators since at least 1936, Defendants had a duty to take the  
3 aforementioned steps.

4 77. Notwithstanding the knowledge of the general risk of sexual assaults against  
5 children and, specifically, that the Perpetrator and Defendants' other pedophilic and/or ephebophilic  
6 agents had such propensities to commit, and had committed, sexual abuse of children, and  
7 notwithstanding that Defendants knew it was not only reasonably foreseeable but likely that the  
8 Perpetrator and Defendants' other pedophilic and/or ephebophilic agents would sexually assault  
9 children, Defendants breached their duty to adequately teach, educate, secure, oversee, and maintain  
10 students, including Plaintiff, as well as all other children in the custody and control of, or in contact  
11 with, Catholic clergy, and breached their duty to educate, warn and train children in Defendants'  
12 custody and control, as well as those children's parents and Defendants' employees, agents and  
13 volunteers, regarding the danger to children posed by pedophilic and/or ephebophilic clergy, how to  
14 recognize and avoid this danger, and how a child should defend himself or herself when assaulted by  
15 pedophilic and/or ephebophilic clergy. Defendants knew or should have known that their failure to  
16 exercise reasonable care, as discussed above, would cause Plaintiff severe emotional distress and  
17 physical injury. Because of the foreseeability and likelihood of sexual assaults by the Perpetrator and  
18 Defendants' other pedophilic and/or ephebophilic agents against Plaintiff and other children,  
19 Defendants breached their duty of care to Plaintiff and other children in their custody and control.  
20 The failure of Defendants to educate, warn and train children in Defendants' custody and control, as  
21 well as those children's parents and Defendants' employees, agents and volunteers, regarding the  
22 danger to children posed by pedophilic and/or ephebophilic clergy, how to recognize and avoid this  
23 danger, and how a child should defend himself or herself when assaulted by pedophilic and  
24 ephebophilic clergy, was the proximate cause of Plaintiff's injuries as alleged herein.

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

1 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has  
2 sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and  
3 will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As  
4 a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount  
5 in excess of \$10,000.00.

6 79. Plaintiff was required to retain the services of counsel to bring this action, and,  
7 accordingly, Plaintiff is entitled to recover its reasonable attorneys' fees and costs incurred herein  
8 pursuant to NRS 18.010 and Nevada law.

9 **EIGHTH CAUSE OF ACTION**

10 **(Premises Liability-Against All Defendants)**

11 80. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
12 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

13 81. At all times herein mentioned, Defendants were in possession of the properties  
14 where the Plaintiff was groomed and assaulted by the Perpetrator, and had the right to manage, use  
15 and control those properties. Those properties include but are not limited to St. Christopher  
16 Elementary School, the residence located at 1420 West Bartlett Ave. in Las Vegas, and the cabin on  
17 Mt. Charleston (hereinafter "the Properties").

18 82. At all times herein mentioned, Defendants knew that the Perpetrator and  
19 Defendants' other pedophilic and/or ephebophilic agents had a history of committing sexual assaults  
20 against children, and that any child at, among other locations in Clark County, Nevada, the  
21 Properties, was at risk to be sexually assaulted by the Perpetrator and Defendants' other pedophilic  
22 and/or ephebophilic agents.

23 83. Defendants knew or should have known that there was a history of grooming of  
24 and/or sexual assaults against children committed by the Perpetrator and/or Defendants' other  
25 pedophilic and/or ephebophilic agents and that any child at, among other locations in Clark County,  
26 Nevada, the Properties, was at risk to be sexually assaulted. It was foreseeable to Defendants that the  
27 Perpetrator and Defendants' other pedophilic and/or ephebophilic agents would sexually assault  
28 children if they continued to allow the Perpetrator and/or Defendants' other pedophilic and/or

1 ephebophilic agents to teach, supervise, instruct, care for, and have custody and control of and/or  
2 contact with children.

3 84. At all times herein mentioned, Defendants knew or should have known the  
4 Perpetrator and Defendants' other pedophilic and/or ephebophilic agents were repeatedly committing  
5 sexual assaults against children.

6 85. It was foreseeable to Defendants that the sexual assaults being committed by the  
7 Perpetrator and Defendants' other pedophilic and/or ephebophilic agents would continue if  
8 Defendants continued to allow the Perpetrator and Defendants' other pedophilic and/or ephebophilic  
9 agents to teach, supervise, instruct, care for, conduct physical examinations of, and have custody of  
10 and/or contact with young children.

11 86. Because it was foreseeable that the sexual assaults being committed by the Perpetrator  
12 and Defendants' other pedophilic and/or ephebophilic agents would continue if Defendants continued  
13 to allow them to teach, supervise, instruct, care for, conduct physical examinations of, and have  
14 custody of and/or contact with young children, Defendants owed a duty of care to all children,  
15 including Plaintiff, exposed to the Perpetrator and/or Defendants' other pedophilic and/or  
16 ephebophilic agents. Defendants also owed a heightened duty of care to all children, including  
17 Plaintiff, because of their young age.

18 87. By allowing the Perpetrator and/or Defendants' other pedophilic and/or ephebophilic  
19 agents to teach, supervise, instruct, care for, conduct physical examinations of, and have custody of  
20 and/or contact with young children, and by failing to warn children and their families of the threat  
21 posed by the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents, Defendants  
22 breached their duty of care to all children, including Plaintiff.

23 88. Defendants negligently used and/or managed the Properties, and created a dangerous  
24 condition and an unreasonable risk of harm to children by allowing the Perpetrator and Defendants'  
25 other pedophilic and/or ephebophilic agents to teach, supervise, instruct, care for, conduct physical  
26 examinations of, and have custody of and/or contact with young children at, among other locations in  
27 Clark County, Nevada, the Properties.

28 89. As a result of the dangerous conditions created by Defendants, numerous children

1 were sexually assaulted by the Perpetrator and Defendants' other pedophilic and/or ephebophilic  
2 agents.

3 90. The activities described herein offend public policy; are immoral, unethical,  
4 oppressive, and unscrupulous; are substantially injurious to children in Clark County, Nevada and  
5 their families; and are undertaken without any valid reason, justification or motive.

6 91. These dangerous conditions directly and proximately caused Plaintiff to suffer,  
7 and continue to suffer great pain of mind and body, shock, emotional distress, physical  
8 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
9 loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will  
10 continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment  
11 of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has  
12 incurred and will continue to incur expenses for medical and psychological treatment, therapy, and  
13 counseling. As a proximate result of these injuries, Plaintiff has suffered general and special  
14 damages in an amount in excess of \$10,000.00.

15 92. Plaintiff was required to retain the services of counsel to bring this action, and,  
16 accordingly, Plaintiff is entitled to recover its reasonable attorneys' fees and costs incurred herein  
17 pursuant to NRS 18.010 and Nevada law.

### 18 NINTH CAUSE OF ACTION

#### 19 **(Intentional Infliction of Emotional Distress-Against all Defendants)**

20 93. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
21 allegation contained in the preceding paragraphs of this Complaint and further alleges as follows:

22 94. Defendants' conduct was extreme and outrageous and was intentional and/or  
23 done recklessly. Defendants knew or should have known the Perpetrator and Defendants' other  
24 pedophilic and/or ephebophilic agents were spending time in the company of and assaulting  
25 numerous children, including Plaintiff, around Clark County, Nevada and other locations, including  
26 on school grounds, in the parishes, and in the Perpetrators' rectory rooms or other living quarters.  
27 Defendants also knew or should have known the Perpetrator and Defendants' other pedophilic and/or  
28 ephebophilic agents were high risks to all children as Defendants had received numerous complaints

1 and other notice of prior acts of childhood sexual abuse by the Perpetrator and Defendants' other  
2 pedophilic and/or ephebophilic agents, and had sent the Perpetrator and/or Defendants' other  
3 pedophilic and/or ephebophilic agents for treatment for their pedophilia, prior to and/or after  
4 assigning them to work in Clark County, Nevada. Given their knowledge of numerous prior acts of  
5 abuse by the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents, Defendants  
6 knew or should have known that every child exposed to the Perpetrator and Defendants' other  
7 pedophilic and/or ephebophilic agents, including Plaintiff, was substantially certain to be assaulted  
8 by the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents. Defendants knew or  
9 should have known, and had the opportunity to learn of, the intentional and malicious conduct of the  
10 Perpetrator and Defendants' other pedophilic and/or ephebophilic agents, and thereby ratified and  
11 joined in said conduct by failing to terminate, discharge, or at least discipline the Perpetrator and  
12 Defendants' other pedophilic and/or ephebophilic agents, and/or by failing to prevent them from  
13 having contact with children. The conduct of Defendants in confirming, concealing and ratifying that  
14 conduct was done with knowledge that Plaintiff's emotional and physical distress would thereby  
15 increase, and was done with a wanton and reckless disregard of the consequences to Plaintiff and  
16 other children in their custody and control.

17 95. As a direct and proximate result of Defendants' conduct, Plaintiff experienced and  
18 continues to experience severe emotional distress resulting in bodily harm.

19 96. As a result of the above-described conduct, Plaintiff has suffered, and continues  
20 to suffer 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 enjoyment  
22 of life; has suffered and continues to suffer spiritually; was prevented and will continue to be  
23 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has  
24 sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and  
25 will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As  
26 a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount  
27 in excess of \$10,000.00.

28 . . .

1 TENTH CAUSE OF ACTION

2 (Negligent Infliction of Emotional Distress-Against All Defendants)

3 97. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
4 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

5 98. Defendants knew or should have known that their failure to exercise reasonable  
6 care in the selection, approval, employment and supervision of the Perpetrator and Defendants' other  
7 pedophilic and/or ephebophilic agents would cause Plaintiff severe emotional distress. Because of  
8 the foreseeability of sexual assaults by the Perpetrator and Defendants' other pedophilic and/or  
9 ephebophilic agents against Plaintiff and other children, Defendants breached their duty of care in  
10 engaging in the conduct referred to in the preceding paragraphs.

11 99. Defendants knew or should have known that their failure to exercise reasonable  
12 care in providing adequate supervision to Plaintiff and other children in their custody and control,  
13 despite the fact they knew or should have known of the threat to children posed by the Perpetrator  
14 and Defendants' other pedophilic and/or ephebophilic agents, would cause Plaintiff severe emotional  
15 distress. Defendants also knew or should have known that their failure to disclose information  
16 relating to sexual misconduct of the Perpetrator and Defendants' other pedophilic and/or  
17 ephebophilic agents as described herein would cause Plaintiff severe emotional distress and subject  
18 him to further assaults. Because of the foreseeability of sexual assaults by the Perpetrator and  
19 Defendants' other pedophilic and/or ephebophilic agents against Plaintiff and other children,  
20 Defendants breached their duty to exercise reasonable care in failing to provide adequate supervision  
21 to Plaintiff and other children in their custody and control, and in failing to disclose information to  
22 Plaintiff, his family, and the general public relating to sexual misconduct of the Perpetrator and  
23 Defendants' other pedophilic and/or ephebophilic agents.

24 100. Defendants also knew or should have known that their creation and continuance  
25 of the Public Nuisance set forth in the preceding paragraphs would cause Plaintiff severe emotional  
26 distress. Because of the foreseeability of sexual assaults by the Perpetrator and Defendants' other  
27 pedophilic and/or ephebophilic agents against Plaintiff and other children as a result of this conduct,  
28 Defendants breached their duty of care in creating and continuing the Public Nuisance referred to in

1 the preceding paragraphs.

2 101. Plaintiff experienced and continues to experience severe emotional distress  
3 resulting in bodily harm.

4 102. As a direct and proximate result of the above-described tortious conduct,  
5 Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress,  
6 physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,  
7 humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was  
8 prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining  
9 the full 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 psychological  
11 treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered  
12 general and special damages in an amount in excess of \$10,000.00.

13 **ELEVENTH CAUSE OF ACTION**

14 **(Respondeat Superior-Against All Defendants)**

15 103. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
16 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

17 104. The Perpetrator met Plaintiff as a result of his employment, representation,  
18 volunteering or agency with the Defendants.

19 105. The Perpetrator used his employment, representation, volunteering or agency  
20 with the Defendants as an excuse to see Plaintiff and repeatedly engage in unpermitted, harmful and  
21 offensive sexual conduct and contact with Plaintiff.

22 106. Because the intentionally tortious conduct alleged in this Complaint arose within the  
23 scopes of its employees's duties and was reasonably foreseeable, Defendants and each of them, are  
24 liable for all intentional torts alleged herein.

25 107. Because the negligently tortious conduct alleged in this Complaint arose within  
26 the scopes of its employees's duties, Defendants and each of them, are liable for all negligent torts  
27 alleged herein.

28 108. As a direct and proximate result of the above-described tortious conduct, Plaintiff has

1 suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical  
2 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and  
3 loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will  
4 continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment  
5 of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has  
6 incurred and will continue to incur expenses for medical and psychological treatment, therapy, and  
7 counseling. As a proximate result of these injuries, Plaintiff has suffered general and special  
8 damages in an amount in excess of \$10,000.00.

9 **TWELFTH CAUSE OF ACTION**

10 **(Fraudulent Concealment/Conspiracy to Commit Fraud-Against All Defendants)**

11 109. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
12 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

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

17 111. By holding the Perpetrator and Defendants' other pedophilic and/or ephebophilic  
18 agents out as a qualified Roman Catholic clergy, religious brothers, religious instructors, counselors,  
19 school administrators, school teachers, surrogate parents, spiritual mentors, emotional mentors,  
20 medical services providers, and/or other authority figures, and by undertaking the religious and/or  
21 secular instruction and/or spiritual and emotional counseling and/or medical care of Plaintiff,  
22 Defendants held special positions of trust and entered into a fiduciary and/or confidential relationship  
23 with the minor Plaintiff.

24 112. Having a fiduciary and/or confidential relationship, Defendants had the duty to  
25 obtain and disclose information relating to sexual misconduct of the Perpetrator and Defendants'  
26 other pedophilic and/or ephebophilic agents.

27 113. Defendants misrepresented, concealed or failed to disclose information relating  
28 to sexual misconduct of the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents.



1 and Defendants continued to misrepresent, conceal, and/or fail to disclose information relating to  
2 sexual misconduct of the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents as  
3 described herein.

4 114. Defendants knew that they misrepresented, concealed or failed to disclose information  
5 relating to sexual misconduct of the Perpetrator and Defendants' other pedophilic and/or  
6 ephebophilic agents.

7 115. Plaintiff justifiably relied upon Defendants for information relating to sexual  
8 misconduct of the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents.

9 116. Defendants, in concert with each other and with the intent to conceal and defraud,  
10 conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to  
11 disclose information relating to the sexual misconduct of the Perpetrator and/or Defendants' other  
12 pedophilic and/or ephebophilic agents.

13 117. By so concealing, Defendants committed at least one act in furtherance of the  
14 conspiracy.

15 118. As a direct and proximate result of Defendants' fraudulent concealment and  
16 conspiracy, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock,  
17 emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem,  
18 disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually;  
19 was prevented and will continue to be prevented from performing Plaintiff's daily activities and  
20 obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and  
21 earning capacity; and/or has incurred and will continue to incur expenses for medical and  
22 psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff  
23 has suffered general and special damages in an amount in excess of \$10,000.00.

24 119. In addition, when Plaintiff discovered the fraud of Defendants, and continuing  
25 thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition, when  
26 Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced  
27 extreme and severe mental and emotional distress that Plaintiff had been the victim of the  
28 Defendants' fraud; that Plaintiff had not been able to help other minors being molested because of the

1 fraud; and that Plaintiff had not been able because of the fraud to receive timely medical treatment  
2 needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the  
3 molestations.

4 **THIRTEENTH CAUSE OF ACTION**

5 **(Fraud and Deceit-Against All Defendants)**

6 120. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
7 allegation contained in the preceding paragraphs of this Complaint and further alleges as follows:

8 121. The Perpetrator and Defendants' other pedophilic and/or ephebophilic agents held  
9 themselves out to Plaintiff as Roman Catholic Priests, religious brothers, religious instructors,  
10 counselors, school administrators, school teachers, surrogate parents, spiritual mentors, emotional  
11 mentors, medical services providers, and/or other authority figures. The Perpetrator and Defendants'  
12 other pedophilic and/or ephebophilic agents represented to Plaintiff and Plaintiff's parents that they  
13 would counsel and guide Plaintiff with his educational, spiritual, and/or emotional needs, and/or  
14 represented that they would provide medical care to Plaintiff that they were not qualified to provide.  
15 The Perpetrator further represented to Plaintiff and/or Plaintiff's parents that he would take Plaintiff  
16 on trips to the cabin on Mt. Charleston and to California with other adults and students from  
17 Plaintiff's school, and that these trips would benefit Plaintiff in terms of his educational, spiritual,  
18 and/or emotional needs.

19 122. These representations were made by the Perpetrator and Defendants' other pedophilic  
20 and/or ephebophilic agents with the intent and for the purpose of inducing Plaintiff and Plaintiff's  
21 parents to entrust the educational, spiritual and physical well being of Plaintiff with the Perpetrator  
22 and Defendants' other pedophilic and/or ephebophilic agents.

23 123. The Perpetrator and Defendants' other pedophilic and/or ephebophilic agents  
24 misrepresented, concealed or failed to disclose information relating to their true intentions to  
25 Plaintiff and Plaintiff's parents when they entrusted Plaintiff to his care, which were to isolate and  
26 sexually molest and abuse Plaintiff. Plaintiff justifiably relied upon the Perpetrator' and Defendants'  
27 other pedophilic and/or ephebophilic agents' representations.

28 124. The Perpetrator and Defendants' other pedophilic and/or ephebophilic agents were

1 employees, agents, and/or representatives of Defendants. At the time they fraudulently induced  
2 Plaintiff and Plaintiff's parents to entrust the care and physical welfare of Plaintiff to the Perpetrator  
3 and Defendants' other pedophilic and/or ephebophilic agents, the Perpetrator and Defendants' other  
4 pedophilic and/or ephebophilic agents were acting within the course and scope of their employment  
5 with Defendants.

6 125. Defendants are vicariously liable for the fraud and deceit of the Perpetrator and  
7 Defendants' other agents.

8 126. As a direct and proximate result of the above-described conduct, Plaintiff 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, and  
11 loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will  
12 continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment  
13 of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has  
14 incurred and will continue to incur expenses for medical and psychological treatment, therapy, and  
15 counseling. As a proximate result of these injuries, Plaintiff has suffered general and special  
16 damages in an amount in excess of \$10,000.00.

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

#### 25 FOURTEENTH CAUSE OF ACTION

#### 26 (Breach of Fiduciary Duty/Constructive Fraud-Against All Defendants)

27 128. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
28 allegation contained in the preceding paragraphs of this Complaint and further alleges as follows:

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

5           130.    By holding the Perpetrator and Defendants' other pedophilic and/or ephebophilic  
6 agents out as a qualified Roman Catholic clergy, religious brothers, religious instructors, counselors,  
7 school administrators, school teachers, surrogate parents, spiritual mentors, emotional mentors,  
8 medical services providers, and/or any other authority figure, by allowing the Perpetrator to have  
9 custody and control of and/or contact with the Plaintiff, and by undertaking the religious and/or  
10 secular instruction and/or spiritual and/or emotional counseling and/or medical care of Plaintiff,  
11 Defendants entered into a fiduciary and/or confidential relationship with the minor Plaintiff.

12           131.    Defendants and each of them breached their fiduciary duty to Plaintiff and/or  
13 their confidential relationship with Plaintiff by engaging in the negligent and wrongful conduct  
14 described herein.

15           132.    As a direct result of Defendants' breach of their fiduciary duty and/or their  
16 confidential relationship with Plaintiff, Plaintiff has suffered, and continues to suffer great pain of  
17 mind and body, shock, emotional distress, physical manifestations of emotional distress,  
18 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered  
19 and continues to suffer spiritually; was prevented and will continue to be prevented from performing  
20 Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to  
21 sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses  
22 for medical and psychological treatment, therapy, and counseling. As a proximate result of these  
23 injuries, Plaintiff has suffered general and special damages in an amount in excess of \$10,000.00.

24           133.    Plaintiff was required to retain the services of counsel to bring this action, and,  
25 accordingly, Plaintiff is entitled to recover its reasonable attorneys' fees and costs incurred herein  
26 pursuant to NRS 18.010 and Nevada law.

27 . . .

28 . . .

1 FIFTEENTH CAUSE OF ACTION

2 (Fraud-Against All Defendants)

3 134. Plaintiff repeats, re-alleges, and incorporates by this reference each and every  
4 allegation contained in the proceeding paragraphs of this Complaint and further alleges as follows:

5 135. Defendants knew and/or had reason to know of the sexual misconduct of the  
6 Perpetrator and Defendants' other pedophilic and/or ephebophilic agents.

7 136. Defendants misrepresented, concealed or failed to disclose information relating  
8 to sexual misconduct of the Perpetrator and Defendants' other pedophilic and/or ephebophilic  
9 agents as described herein, and Defendants continue to misrepresent, conceal, and fail to  
10 disclose information relating to sexual misconduct of the Perpetrator and Defendants' other  
11 pedophilic and/or ephebophilic agents as described herein.

12 137. Defendants knew that they misrepresented, concealed or failed to disclose  
13 information relating to sexual misconduct of the Perpetrator and Defendants' other pedophilic and/or  
14 ephebophilic agents.

15 138. Plaintiff justifiably relied upon Defendants for information relating to sexual  
16 misconduct of the Perpetrator and Defendants' other pedophilic and/or ephebophilic agents.

17 139. Defendants, with the intent to conceal and defraud, did misrepresent, conceal or  
18 fail to disclose information relating to the sexual misconduct of the Perpetrator and Defendants' other  
19 pedophilic and/or ephebophilic agents.

20 140. As a direct result of Defendants' fraud, Plaintiff has suffered, and continues to suffer  
21 great pain of mind and body, shock, emotional distress, physical manifestations of emotional  
22 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has  
23 suffered and continues to suffer spiritually; was prevented and will continue to be prevented from  
24 performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will  
25 continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to  
26 incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate  
27 result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of  
28 \$10,000.00.

1           141. In addition, when Plaintiff discovered the fraud of Defendants, and continuing  
2 thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition, when  
3 Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced  
4 extreme and severe mental and emotional distress that Plaintiff had been the victim of the  
5 Defendants' fraud; that Plaintiff had not been able to help other minors being molested because of the  
6 fraud; and that Plaintiff had not been able because of the fraud to receive timely medical treatment  
7 needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the  
8 molestations.

9           **WHEREFORE**, Plaintiff prays for judgment against the Defendants as follows:

- 10           1. For an award of general damages in excess of TEN THOUSAND DOLLARS  
11                   (\$10,000.00);
- 12           2. For an award of special damages in an amount to be determined at the time of trial;
- 13           3. For an award of punitive damages in an amount to be determined at the time of trial;
- 14           4. For an award of reasonable costs and attorney's fees;
- 15           5. For injunctive relief; and
- 16           6. For such other and further relief as the Court deems just and proper.

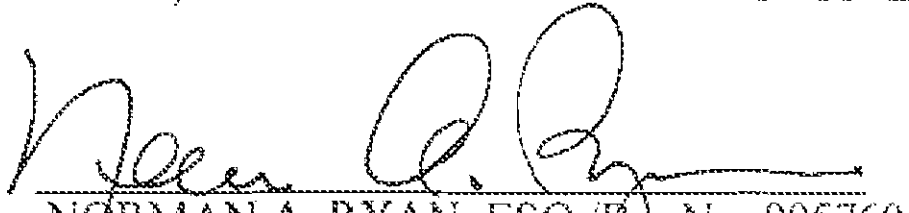
17                                   **JURY DEMAND**

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

19 Dated: March 14, 2011

RYAN, MERCALDO & WORTHINGTON LLP

21 By:

  
22           NORMAN A. RYAN, ESQ./Bar No. 005760  
23           RYAN M. VENCI, ESQ./Bar No. 007547  
24           SARAH K. SUTER, ESQ./Bar No. 010774  
25           5588 South Fort Apache Road, Suite 110  
26           Las Vegas, Nevada 89148  
27           Attorney's for Plaintiff, TIM COONCE