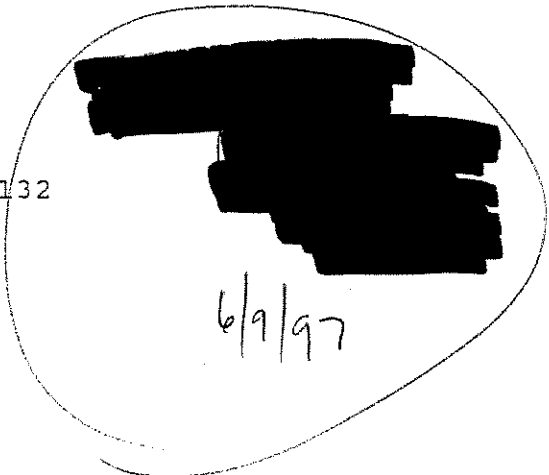


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5 Attorneys for Plaintiffs

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ORANGE

11 MATHEW H. and)
12 ANISSA H.,)
13 Plaintiffs,)
14 v.)
15 DEFENDANTS UNNAMED PURSUANT)
16 TO CALIFORNIA CODE OF CIVIL)
17 PROCEDURE, Section 340.1, and)
18 DOES 1 through 150,)
19 inclusive and each of them,)
20 Defendants.)

- CASE NO.)
COMPLAINT FOR PERSONAL)
INJURIES AND DAMAGES)
1. NEGLIGENCE)
2. NEGLIGENT INFLECTION OF)
EMOTIONAL DISTRESS)
3. ASSAULT AND BATTERY)
4. FALSE IMPRISONMENT)
5. INTENTIONAL INFLECTION)
OF EMOTIONAL DISTRESS)
6. FRAUD)
7. NEGLIGENT MISREPRESENTATION)
8. STATUTORY VIOLATIONS)
9. LOSS OF CONSORTIUM)

(Filed Concurrently With
Certificates of Merit of
Werner R. Meissner
and J. Alan Elliott, Ph.D.)

27 COMES NOW, Plaintiff, MATHEW H., who hereby alleges against
28 all Defendants, and each of them, as follows:

1 FOR A FIRST, SEPARATE AND DISTINCT CAUSE OF ACTION

2 FOR NEGLIGENCE AGAINST ALL DEFENDANTS,

3 AND EACH OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

4 1. Plaintiff, MATHEW H., is, and at all times mentioned
5 herein was, a resident of the County of Orange, State of California.

6 2. Pursuant to California Code of Civil Procedure, Section
7 340.1(g), this Complaint for Personal Injuries and Damages and the
8 Certificates of Merit filed concurrently herewith will not name the
9 defendants herein until Court approval to name said defendants is
10 granted. After said Court approval has been granted, Plaintiff will
11 amend his Complaint to add the true names and capacities of each
12 defendant herein. For the purposes of this Complaint, all defendants
13 not named herein due to the provisions of California Code of Civil
14 Procedure, Section 340.1(g), will hereinafter be referred to
15 individually and collectively as "UNNAMED DEFENDANTS".

16 3. Plaintiff is informed and believes and thereon alleges,
17 that UNNAMED DEFENDANTS and DOES 1 through 100, inclusive, and each
18 of them, are, and at all times mentioned herein were, corporations,
19 partnerships, joint venturers or other business entities, associations
20 or church organizations, units, divisions, branches, or subsidiaries
21 thereof, having their principal places of business in the County of
22 Orange, and/or County of Los Angeles, State of California. The
23 majority of the intentional, negligent and careless acts and
24 occurrences, as alleged herein, as against said Defendants, giving
25 rise to the causes of action herein, occurred at or about the premises
26 commonly known as UNNAMED DEFENDANT, located at 171 North Bradford
27 Street, in the City of Placentia, County of Orange, State of
28 California, the premises commonly known as UNNAMED DEFENDANT, located

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1 at or about 1100 South Center Street, in the City of Santa Ana, County
2 of Orange, State of California, the premises commonly known as UNNAMED
3 DEFENDANT, located at or about 585 South Walnut, City of Brea, County
4 of Orange, State of California, the premises commonly known as UNNAMED
5 DEFENDANT, located at or about 900 W. La Habra Boulevard, City of La
6 Habra, County of Orange, State of California and the premises commonly
7 known as UNNAMED DEFENDANT, located at or about 1450 East La Palma
8 Avenue, City of Anaheim, County of Orange, State of California, and
9 the premises commonly known as UNNAMED DEFENDANTS, located at or about
10 2811 East Villa Real Drive, City of Orange, State of California,
11 and/or some other locations within the County of Orange and elsewhere,
12 including, but not limited to movie theatres, drive-ins, restaurants
13 and motels.

14 4. Plaintiff is ignorant of the true names and capacities
15 of Defendants sued herein as DOES 1 through 150, inclusive, and each
16 of them, and, therefore, sues said Defendants by such fictitious
17 names. Plaintiff will amend this Complaint to allege their true names
18 and capacities when ascertained. Plaintiff is informed and believes,
19 and thereon alleges, that each said fictitiously named Defendant is
20 negligently, carelessly, intentionally, or otherwise, responsible, in
21 some manner for his injuries as alleged herein, and that the injuries
22 and damages sustained by Plaintiff as more particularly set forth
23 herein, were directly and proximately caused by said wrongful conduct.

24 5. All Defendants, and each of them, at all times mentioned
25 herein, were the principals, agents, employers, employees, co-
26 employees, supervisors, servants, co-servants, partners, associates,
27 joint venturers, co-participants, co-conspirators, principals and/or

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1 representatives of each of their co-Defendants and, in doing the
2 things herein described, were acting within the course and scope of
3 such relationship and each such act or omission was with the
4 authority, permission, consent, knowledge and/or ratification of each
5 said co-Defendant, who are thereby vicariously, and otherwise,
6 responsible for same.

7 6. Plaintiff is informed and believes, and thereon alleges,
8 that at all times mentioned herein, that UNNAMED DEFENDANTS and DOES
9 1 through 150, inclusive, and each of them, were Fathers, Pastors,
10 Bishops, Archbishops, Teachers, Administrators and/or other church
11 authorities at UNNAMED DEFENDANTS, and DOES 51 through 100, inclusive,
12 and each of them, which were branches of, or otherwise affiliated
13 with, the UNNAMED DEFENDANTS, and DOES 100 through 150, inclusive, and
14 each of them, and performed sermons, instructed students, oversaw and
15 managed the youth groups, altar boys, and house boys, Christian
16 education, acted as counselors and performed various other duties at
17 said parishes, schools, and other locations, and oversaw, directed,
18 disciplined, hired, retained and/or fired all school and church
19 personnel, all within the course and scope of the authority and/or
20 employment with said Dioceses, churches, schools and/or parish, with
21 the knowledge, and permission, consent, authority and/or ratification
22 of each of their employers, principals and/or superiors.

23 7. Plaintiff is informed and believes, and thereon alleges,
24 that UNNAMED DEFENDANTS and DOES 1 through 150, inclusive, and each
25 of them, were the owners, operators, licensors, licensees, lessors,
26 lessees, principals, employers, employees, overseers, or otherwise in
27 control and supervision of the premises commonly known as UNNAMED

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1 DEFENDANTS as well as all church, religious, educational and other
2 activities, events, and occurrences at said location.

3 8. From approximately, but not limited to, 1974 up through
4 and including, but not limited to, approximately 1980, UNNAMED
5 DEFENDANT and DOES 1 through 50, inclusive, and each of them,
6 negligently, carelessly, willfully, wantonly, maliciously, with a
7 conscious disregard for the well-being of others and otherwise, under
8 the cloak of their authority, confidence, trust, faith, hierarchical,
9 and special relationship with Plaintiff, and otherwise, either
10 directly or as a co-participant, co-conspirator, aider, abettor,
11 enabler, assistant, partner, overseer, or otherwise, committed acts
12 of sexual abuse, molestation, and other wrongful acts, upon Plaintiff
13 in violation of California Penal Code, Section 285, 266(j), 286,
14 288(a)(b) and (c), and 289(H) (I) and (J), 311.1, 311.3 and 647.6 as
15 well as other laws of the State of California proscribing said
16 conduct, and continued to perform said acts and conduct, causing
17 Plaintiff to suffer great physical, mental and emotional injury as
18 more particularly set forth and alleged herein.

19 9. At all times material herein, Plaintiff was a student at
20 UNNAMED DEFENDANTS and DOES 50 through 100, inclusive, and each of
21 them, and an altar boy, parishioner and/or house boy in the rectory
22 and/or a member of the parishes and congregations at UNNAMED
23 DEFENDANTS and DOES 100 through 150, inclusive, and each of them, and
24 a member of the Catholic Church as governed and operated by UNNAMED
25 DEFENDANTS and DOES 50 through 150, inclusive, and each of them, and
26 was an invited visitor, patron, parishioner, or other guest, member
27 and/or invitee of UNNAMED DEFENDANTS at UNNAMED DEFENDANTS and/or

1 other locations all owned, operated, directed, supervised and/or
2 otherwise controlled by UNNAMED DEFENDANTS. As such, all Defendants,
3 and each of them, had acquired a special relationship to Plaintiff as
4 an active member of their parish, church and/or school, and receiving
5 special education and training in the Catholic religion. All
6 Defendants, and each of them, were in a position to educate, advise,
7 discipline, supervise, protect, influence and control Plaintiff. As
8 such, all Defendants, and each of them, had a duty to protect, keep
9 safe from harm, care for, supervise, warn and advise him in a
10 reasonably prudent manner, as well as a duty not to violate his civil
11 rights by performing, or allowing to be performed, any illegal,
12 immoral, or sexual acts against him, including, but not limited to,
13 acts of sexual abuse. Said Defendants, and each of them, had a
14 further duty to reasonably employ only qualified people and take
15 affirmative steps to supervise, investigate, monitor, report, warn,
16 ascertain, uncover and terminate any such wrongful and illegal acts
17 and activities involving any employees, including UNNAMED DEFENDANTS
18 and DOES 1 through 50, and each of them, such as those acts set forth
19 and alleged herein.

20 10. At all times material herein, UNNAMED DEFENDANTS and
21 DOES 51 through 200, inclusive, and each of them, had a duty to
22 diligently, reasonably and carefully investigate and screen all
23 applicants, future employees and actual employees to ensure that said
24 individuals were not child molesters, perverts, sex offenders and/or
25 otherwise dangerous or potentially dangerous to children, and to
26 carefully hire, engage, retain, associate, supervisor, employ, train,
27 investigate, reprimand, treat, refer, counsel, discharge, report,

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1 warn, and otherwise be responsible for, priests, teachers, principals,
2 administrators and other church and school authorities as they
3 performed their functions within the church and church schools,
4 including their duties as priests, teachers, administrators,
5 counselors and principals at UNNAMED DEFENDANTS and DOES 51 through
6 100, inclusive, and each of them, particularly as it pertains to
7 contact with students and members of the parish, congregation and
8 public, such as Plaintiff herein. At all times relevant herein,
9 Defendants, and each of them, represented, advertised, maintained and
10 advised that UNNAMED DEFENDANTS and DOES 1 through 200, inclusive, and
11 each of them, are represented by and through the actions of, the
12 priests employed by them, and the actions of these priests represent
13 the actions, opinions, beliefs, faith, tactics and position, in sum
14 and substance, of all Defendants herein.

15 11. At all times relevant herein, UNNAMED DEFENDANTS and
16 DOES 1 through 200, inclusive, and each of them, negligently,
17 carelessly, willfully, intentionally, and otherwise, under the cloak
18 of their authority, disciplinary position, confidence, trust, faith,
19 and special relationship with Plaintiff, and with the knowledge and
20 notice of said priests, principals, teachers, administrators, adults
21 and church authorities wrongful conduct, propensities and illegal and
22 harmful acts as alleged herein, did so willfully and intentionally
23 take affirmative actions to provide UNNAMED DEFENDANTS and DOES 1
24 through 50, inclusive, children to molest, alcoholic beverages with
25 which to intoxicate, anesthetize and seduce children and a place to
26 molest children so as to cause, aid and abet, advise, encourage,
27 allow, assist, arrange, conspire and act in concert, through their

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1 activities, inaction, silence and agreements, among other actions, to
2 violate California Penal Code, Sections 285, 266(j), 286, 288(a)(b)
3 and (c), and 289 (H)(I) and (J), 311.1, 311.3 and 647.6 as well as
4 other laws of the State of California by being an active co-
5 conspirator, aider, abettor and co-participant in the molestation and
6 sexual assault of Plaintiff herein described and alleged.

7 12. At all times material herein, all Defendants, and each
8 of them, negligently, carelessly, willfully, intentionally and
9 otherwise wrongfully carried out their respective aforementioned
10 duties to Plaintiff, causing serious injuries and damages to Plaintiff
11 as more particularly set forth and alleged herein.

12 13. At all times material herein, all Defendants, and each
13 of them, engaged in a pattern of practice, intentional and willful
14 misconduct whereby they would actively recruit young male parishioners
15 such as Plaintiff herein, and otherwise pressure young male
16 parishioners such as Plaintiff herein, to act as house boys, altar
17 boys and to be the defacto servants of Catholic Priests, including,
18 UNNAMED DEFENDANTS and DOES 1 through 50, inclusive, and each of them,
19 and all Defendants, and each of them, and thereafter negligently,
20 carelessly, willfully, intentionally or otherwise wrongfully, cared
21 for, taught, advised, disciplined, chaperoned, supervised, treated,
22 protected, educated, trained, brainwashed, and otherwise controlled
23 Plaintiff, so that Plaintiff's person was secluded away from people
24 who would protect him from Defendants, and each of them, and that
25 Plaintiff's person was violated as a result of illegal and immoral
26 acts including, but not limited to, sexual abuse and molestation being
27 performed on him by all Defendants, inclusive, and each of them, so

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1 as to cause serious and permanent physical, mental and emotional
2 injuries to Plaintiff as more particularly set forth and alleged
3 herein.

4 14. At all times material herein, UNNAMED DEFENDANTS and
5 DOES 1 through 150, inclusive, and each of them, negligently and
6 carelessly hired, engaged, retained, associated, supervised, employed,
7 trained, investigated, reprimanded, treated, referred, counseled,
8 discharged, and were otherwise responsible for priests and other
9 church authorities such as UNNAMED DEFENDANT and DOES 1 through 50,
10 inclusive, and each of them, and retained said priests or other church
11 figures, despite the fact that they were placed on notice of said
12 priests' and church authorities' wrongful conduct, propensities, and
13 the resulting reasonably foreseeable injury to persons lawfully
14 situated such as Plaintiff herein on more than one occasion by, at
15 minimum, a school teacher, a priest at the parish, another altar boy
16 and other reliable, reputable and verifiable sources.

17 15. At all times material herein, UNNAMED DEFENDANTS and
18 DOES 1 through 150, inclusive, and each of them, knew, or should have
19 known that UNNAMED DEFENDANT and DOES 1 through 50, inclusive, and
20 each of them, were suffering from mental, emotional or physical
21 injury, disability, or other illness, whereby it was, or should have
22 been, foreseeable that he/they was/were engaging, or would engage, in
23 immoral, illegal and unprivileged acts and activities, including, but
24 not limited to, acts of sexual abuse, with Plaintiff under the cloak
25 of his/their authority, confidence and trust, bestowed upon him/them
26 by, and through, the church. Despite such knowledge and duty to
27 investigate, control, counsel, advise, reprimand, discharge, report,

1 warn, and take other appropriate actions with respect to UNNAMED
2 DEFENDANT and DOES 1 through 50, inclusive, and each of them, said
3 Defendants negligently and carelessly failed to take any appropriate
4 action to protect and insure the safety of persons lawfully situated
5 such as Plaintiff herein including, but not limited to, reporting said
6 Defendants to the appropriate authorities, warning Plaintiff and other
7 members of the public or persons affiliated or associated with the
8 congregation of said dangerous and illegal propensities, or undertake
9 any other appropriate action such as, but not limited to, removing
10 UNNAMED DEFENDANT, and DOES 1 through 50, from their position of
11 authority and contact with minors, which would have prevented the acts
12 alleged herein from being committed upon Plaintiff resulting in
13 serious injury and damages as more particularly set forth and alleged
14 herein.

15 16. As a further direct, legal and proximate result of said
16 negligence, carelessness and other wrongful acts of said Defendants,
17 and each of them, Plaintiff continued to be so injured and damaged and
18 was not afforded the opportunity to obtain rehabilitation, counseling
19 and other appropriate treatment for his physical, mental, emotional,
20 and other injuries, within a reasonable time after Defendants'
21 wrongful conduct, acts, actions and omissions against him, thereby
22 causing further injuries and damages to him as more particularly set
23 forth and alleged herein.

24 17. As a result of the nature of Defendants' and each of
25 their, wrongful conduct, and of the injuries and damages sustained as
26 alleged herein by Plaintiff, said wrongful conduct of said Defendants,
27 and each of them, was reasonably psychologically repressed by

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1 Plaintiff, thereby causing him to forget and suppress from his memory
2 such wrongful conduct, including, but not limited to, acts of sexual
3 abuse and molestation and other physical, emotional, mental and
4 related abuse and injury. Plaintiff did not discover, and reasonably
5 could not have discovered, that his mental and psychological injuries
6 or illnesses occurring after the age of majority were caused by said
7 wrongful conduct including, but not limited to, the aforementioned
8 sexual abuse and molestation occurring during his minority, as well
9 as any other injuries alleged herein, until approximately June 19,
10 1994, at which time said knowledge first began to surface and
11 continues to presently surface to Plaintiff.

12 18. As a direct, legal and proximate result of said conduct
13 of Defendants, and each of them, Plaintiff sustained personal injuries
14 which have caused, and will continue to cause, permanent physical,
15 emotional and mental pain, discomfort, disability and suffering, all
16 to his general damage in an amount believed to be in excess of the
17 minimum jurisdiction of this court, according to proof.

18 19. As a further direct, legal and proximate result of said
19 wrongful acts of Defendants, and each of them, Plaintiff was required
20 to, and did, expend money and incur obligations for medical,
21 psychiatric, psychological and other health care services,
22 hospitalization, medicine and medical supplies, therapy,
23 rehabilitation, and other services, and will in the future be
24 compelled to incur additional obligations for same. Plaintiff does
25 not know the reasonable value of said obligations at this time, but
26 prays that same may be inserted herein when ascertained or upon
27 proof thereof.

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1 20. As a further direct, legal and proximate result of
2 Defendants', and each of their, wrongful conduct, Plaintiff has been
3 deprived of earnings and earning capacity, and will in the future be
4 so deprived. Plaintiff does not know the reasonable value of same at
5 this time but prays that same be inserted herein when ascertained or
6 upon proof thereof.

7 21. Pursuant to the provisions of California Code of Civil
8 Procedure, Section 340.1 , Plaintiff will make an Ex Parte Application
9 to this Court for an Order permitting Plaintiff to file a First
10 Amended Complaint specifically naming each defendant who is
11 responsible for Plaintiff's injuries and damages.

12
13 FOR A SECOND, SEPARATE AND DISTINCT CAUSE OF ACTION

14 FOR NEGLIGENT INFLICTION OF EMOTIONAL

15 DISTRESS AGAINST ALL DEFENDANTS, AND EACH OF THEM.

16 PLAINTIFF ALLEGES AS FOLLOWS:

17 22. Plaintiff hereby refers to, repeats, and reallege each
18 and every paragraph contained in the First Cause of Action, and each
19 and every allegation contained therein, and incorporates same by this
20 reference, as though fully set forth at this point.

21 23. As alleged herein UNNAMED DEFENDANT and DOES 1 through
22 50, inclusive and each of them, did so unlawfully touch, sexually
23 molest and abuse Plaintiff, or wrongfully allow, assist, or
24 participate in, Plaintiff being so unlawfully touched, sexually
25 molested and abused, as alleged herein and otherwise abusing and
26 causing physical and mental abuse as alleged herein thereby causing
27 Plaintiff to suffer severe and extreme emotional and mental distress.

1 24. At all times relevant herein, as alleged herein,
2 Defendants, and each of them, knew, or should have known, of the
3 aforementioned acts of sexual molestation and abuse of Plaintiff by
4 UNNAMED DEFENDANT, and DOES 1 through 50, inclusive, and each of them,
5 or otherwise knew, or should have known, that their failure to
6 exercise reasonable conduct and due care in the carrying out of their
7 duties to Plaintiff, as aforescribed and alleged herein, and that
8 acting so negligently, carelessly and otherwise wrongfully, would
9 cause severe mental anguish, emotional and physical distress and
10 profound shock to Plaintiff's nervous system, but nevertheless
11 negligently, carelessly, recklessly and otherwise recruited young boys
12 to act as altar boys, house boys and de facto servants for Catholic
13 priests as herein described and alleged.

14 25. As a further direct, legal and proximate result of said
15 wrongful acts of Defendants, and each of them, as specifically alleged
16 herein, Plaintiff has suffered, and continues to suffer, severe mental
17 anguish, emotional and physical distress, and profound shock to his
18 nervous system, resulting in the injuries and damages set forth
19 herein.

20 FOR A THIRD, SEPARATE AND DISTINCT CAUSE OF ACTION

21 FOR ASSAULT AND BATTERY AGAINST ALL DEFENDANTS,

22 AND EACH OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

23 26. Plaintiff hereby refers to, repeats and realleges each
24 and every paragraph contained in the First and Second Causes of
25 Action, and each every allegation contained therein, and incorporates
26 same by this reference, as though fully set forth at this point.

27 27. UNNAMED DEFENDANT and DOES 1 through 50, inclusive, and
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1 each of them, verbally, physically, or otherwise threatened,
2 intimidated, coerced, deceived, or otherwise wrongfully communicated
3 or conveyed to Plaintiff that said Defendants, and each of them, would
4 unlawfully, in a harmful and offensive manner, touch and perform
5 illegal acts upon Plaintiff including, but not limited to, acts of
6 sexual molestation and sexual abuse, with the intent and ability of
7 carrying out said acts. As a result thereof, Plaintiff justifiably
8 feared for his life, health, strength, physical and emotional
9 condition, and well-being.

10 28. UNNAMED DEFENDANT and DOES 1 through 50, inclusive, and
11 each of them, then proceeded without consent to unlawfully touch,
12 sexually molest and abuse Plaintiff, and otherwise physically and
13 mentally abuse and cause serious injury and harm to Plaintiff as
14 alleged herein, and thereafter continued to do so, causing Plaintiff
15 to suffer great physical and emotional injury, as more particularly
16 set forth herein.

17 29. Plaintiff is informed and believes and thereon alleges
18 that at all relevant times herein, UNNAMED DEFENDANTS and DOES 1
19 through 150, inclusive, and each of them, and the Defendants agents
20 herein knew, or should have known, of the herein above alleged acts
21 of assault and battery, including, but not limited to, sexual
22 molestation and abuse committed on Plaintiff, and the intent and/or
23 of the propensity of UNNAMED DEFENDANT, and DOES 1 through 50,
24 inclusive, and each of them, to commit the acts of sexual molestation
25 and sexual abuse against Plaintiff including, but not limited, to
26 those acts alleged herein, and that UNNAMED DEFENDANTS and DOES 1
27 through 50, inclusive, and each of them, were not qualified, competent

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1 nor capable of being a child care custodian, priest, advisor or
2 authority figure placed in contact with children, thereby creating an
3 undue risk of harm to children similarly situated as Plaintiff herein,
4 which was, or should have been, reasonably foreseeable to all
5 Defendants, and each of them, particularly since they had or should
6 have had, specific knowledge that UNNAMED DEFENDANTS were sexually
7 molesting and abusing other similarly situated children. On more than
8 one occasion, said Defendants were specifically informed of said
9 Defendant's wrongful conduct by a school teacher at Immaculate Heart
10 of Mary School, a priest, another altar boy, and other reliable,
11 reputable and verifiable sources. Yet, with full knowledge of those
12 acts and in a conscious disregard for the rights of Plaintiff, said
13 Defendants permitted, adopted, ratified and otherwise approved those
14 acts which were committed in the course and scope of UNNAMED
15 DEFENDANTS' employment with Defendants herein and each of them, and
16 Defendants' agents herein. In addition, UNNAMED DEFENDANTS and DOES
17 1 through 150, inclusive, and each of them, and their agents, had no
18 reliable, significant or meaningful policy or practice and otherwise
19 failed and/or refused to properly investigate and report complaints
20 about the conduct of the clergy or take appropriate action to protect
21 the well-being of its parishioners and others, including Plaintiff.
22 Thereafter, UNNAMED DEFENDANT, and DOES 1 through 50, inclusive, and
23 each of them, continued to provide the ways and means to commit such
24 wrongful and egregious acts and conduct, thereby becoming
25 perpetrators, cohorts, co-conspirators, aiders, abettors and co-
26 participants in such wrongful acts and conduct, by recruiting young
27 boys to act as altar boys, house boys and defacto servants and placing

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1 them under the guidance, care, supervision and control of Catholic
2 priests and others, such as UNNAMED DEFENDANTS and DOES 1 through 50,
3 inclusive, and each of them. Thereafter, Defendants, and each of
4 them, continued to perpetuate and perform and otherwise, aid, abet,
5 assist and/or participate in the wrongful, despicable and outrageous
6 acts alleged herein including, but not limited to, acts of sexual
7 abuse, and molestation and other wrongful acts upon Plaintiff in
8 violation of California Penal Code, Sections 285, 266(j), 286, 288(a)
9 (b) and (c), and 289(H) (I) and (J), 311.1, 311.3 and 647.6 as well
10 as other laws of the State of California proscribing said conduct.
11 As a result thereof, said Defendants, and each of them, did continue
12 to cause Plaintiff to suffer severe mental, emotional and physical
13 damages and injuries as more particularly set forth and alleged
14 herein.

15 30. The aforementioned acts of said Defendants, and each
16 of them, constituted unprovoked conduct which was willful, wanton,
17 malicious, oppressive and beyond all reasonable bounds of decency and
18 conscious disregard the physical and emotional health, safety and
19 well-being of Plaintiff.

20 31. By reason of said wrongful acts of Defendants, and each
21 of them, Plaintiff has suffered extreme and severe mental anguish,
22 emotional distress, physical pain and has been injured and damaged as
23 more particularly set forth herein.

24 32. Said wrongful conduct of Defendants, and each of them,
25 was intended to cause injury and damages to Plaintiff, or
26 alternatively, was despicable and unconscionable conduct carried out
27 with a willful, wanton, and conscious disregard for the rights,
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1 health, safety and well-being of Plaintiff, subjecting Plaintiff to
2 cruel and unjust hardship, humiliation, severe mental anguish, severe
3 emotional distress and suffering and was so vile, base, contemptible,
4 miserable, wretched and loathsome that it would be looked down upon
5 and despised so as to cause injuries and damages of the kind
6 justifying an award of exemplary and punitive damages. Pursuant to
7 the provisions of California Code of Civil Procedure, Section 425.14,
8 Plaintiff will seek leave of Court in the future in order to amend
9 this Complaint to include a prayer for punitive damages against the
10 religious corporations, religious corporations sole, their units,
11 divisions, branches or subsidiaries thereof, named herein.

12 FOR A FOURTH, SEPARATE AND DISTINCT CAUSE OF ACTION

13 FOR FALSE IMPRISONMENT AGAINST ALL DEFENDANTS,

14 AND EACH OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

15 33. Plaintiff hereby refers to, repeats and realleges each
16 and every paragraph of the First, Second and Third Causes of Action,
17 and each and every allegation contained therein, and incorporates same
18 by this reference, as though fully set forth at this point.

19 34. In carrying out the wrongful conduct alleged herein of
20 said Defendants, and each of them, said Defendants forcibly, against
21 Plaintiff's will, and without his consent and over his protest, kept
22 Plaintiff in said Defendants' presence and caused Plaintiff to remain
23 in Defendants' presence until said Defendants had completed their
24 unlawful acts including, but not limited to, acts of sexual
25 molestation and sexual abuse upon Plaintiff.

26 35. Immediately prior to said wrongful acts of said
27 Defendants, and each of them, Plaintiff had been peacefully visiting,
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1 staying, attending school or church, performing church duties, and
2 otherwise acting lawfully at UNNAMED DEFENDANTS, and DOES 51 through
3 100, inclusive, and each of them, and at all other locations wherein
4 said wrongful acts and conduct of Defendants, and each of them,
5 occurred throughout the time period referred to herein.

6 36. The aforementioned acts of said Defendants, and each
7 of them, constituted unprovoked conduct which was willful, wanton,
8 malicious, oppressive, beyond all reasonable bounds of decency and
9 conscious disregard for the physical and emotional health, safety and
10 well-being of Plaintiff.

11 37. Said wrongful conduct of Defendants, and each of them,
12 was intended to cause injury and damages to Plaintiff or
13 alternatively, were despicable and unconscionable conduct carried out
14 with a willful, wanton and conscious disregard of the rights, health,
15 safety and well-being of Plaintiff, subjecting Plaintiff to cruel and
16 unjust hardship, humiliation, severe mental anguish, severe emotional
17 distress and suffering, and was so vile, base, contemptible,
18 miserable, wretched and loathsome that it would be looked down upon
19 and despised so as to cause injuries and damages of the kind
20 justifying an award of exemplary and punitive damages. Pursuant to
21 the provisions of California Code of Civil Procedure, Section 425.14,
22 Plaintiff will at the appropriate time, seek leave of Court in the
23 future in order to amend this Complaint to include a prayer for
24 punitive damages against the religious corporations, religious
25 corporations sole, their units, divisions, branches or subsidiaries
26 thereof, named herein.

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1 and alleged herein.

2 42. The aforementioned acts of said Defendants, and each
3 of them, was intended to cause injury and damages to Plaintiff or,
4 alternatively, were despicable and unconscionable conduct carried out
5 with a willful, wanton and conscious disregard of the rights, health,
6 safety and well-being of Plaintiff, subjecting Plaintiff to cruel and
7 unjust hardship, humiliation, severe mental anguish, severe emotional
8 distress and suffering, and other injuries and damages, and were so
9 vile, base, contemptible, miserable, wretched and loathsome that it
10 would be looked down upon and despised so as to cause injuries and
11 damages of the kind justifying an award of exemplary and punitive
12 damages. Pursuant to the provisions of California Code of Civil
13 Procedure, Section 425.14, Plaintiff will seek leave of Court in the
14 future in order to amend this Complaint to include a prayer for
15 punitive damages against the Defendants named herein which are a
16 religious corporations, religious corporations sole, their units,
17 divisions, branches or subsidiaries thereof, named herein.

18 FOR A SIXTH, SEPARATE AND DISTINCT CAUSE OF ACTION
19 FOR FRAUD AGAINST ALL DEFENDANTS, AND EACH OF THEM,
20 PLAINTIFF ALLEGES AS FOLLOWS:

21 43. Plaintiff hereby refers to, repeats and realleges each
22 and every paragraph contained in the First, Second, Third, Fourth and
23 Fifth Causes of Action herein, and each and every allegation contained
24 therein, and incorporates same by this reference, as though fully set
25 forth at this point.

26 44. At all times relevant herein, Defendants, and each of
27 them, represented they were religious establishments, and loving

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1 Catholics and Christians who would hold Plaintiff safe from harm,
2 protected against illegal, evil and/or wrongful acts and were further
3 fathers, pastors, bishops, archbishops, teachers, administrators and
4 such other church authorities or other individuals or entities which
5 were branches of, or otherwise affiliated with UNNAMED DEFENDANTS and
6 DOES 51 through 150, inclusive and that defendants, and each of them,
7 would protect Plaintiff from any harm and provide him with education,
8 emotional support, religious training, support and protection while
9 Plaintiff was under their custody, control, direction, authority and
10 supervision, as well as later when Plaintiff was attempting to handle,
11 cope with and seek assistance with the injuries and damages alleged
12 herein.

13 45. At all times relevant herein, Defendants, and each of
14 them, knew, or should have known, that said representations were false
15 and that said Defendants, and each of them, knowingly, intentionally
16 and willfully made said representations in order to fraudulently
17 induce Plaintiff to rely upon said representations for the purpose of
18 inducing Plaintiff to accept Defendants, and each of their,
19 confidence, trust, faith, educational, supervisory and hierarchical
20 positions and special relationships so that UNNAMED DEFENDANTS and
21 DOES 1 through 150, could commit the acts of sexual abuse and
22 molestation and other wrongful acts and conduct, and that subsequently
23 Defendants, and each of them, could commit the other wrongful acts and
24 conduct upon Plaintiff as alleged herein.

25 46. At all times relevant herein, Plaintiff was unaware of
26 the falsity of these representations and relied upon the truth of said
27 false representations by Defendants, and each of them, that Plaintiff
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1 would be free from harm and wrongful acts while a church member,
2 parishioner, altar boy and/or student, at UNNAMED DEFENDANTS and DOES
3 51 through 150, and during and following his meeting and discussions
4 with UNNAMED DEFENDANTS and DOES 1 through 150, and each of them, as
5 alleged herein, and while engaged in any other conduct or activity
6 sanctioned, authorized, supervised, controlled and/or administered by
7 Defendants, and each of them, and that he would not suffer the
8 injuries and damages alleged herein. Plaintiff did not discover the
9 fraudulent and other misrepresentations of Defendants, and each of
10 them, until June 19, 1994 and later.

11 47. As a direct, proximate and legal result of Plaintiff's
12 reliance upon the truth of these representations made by Defendants,
13 and each of them, as more specifically alleged herein, Plaintiff has
14 suffered, and continues to suffer, the economic, physical, mental and
15 emotional illnesses, injuries and damages as alleged herein.

16 48. Said wrongful conduct of Defendants, and each of them,
17 was intended to cause injury and damages to Plaintiff, or
18 alternatively, was despicable and unconscionable conduct carried out
19 with a willful, wanton, and conscious disregard for the rights,
20 health, safety and well-being of Plaintiff, subjecting Plaintiff to
21 cruel and unjust hardship, humiliation, severe mental anguish, severe
22 emotional distress and suffering and was so vile, base, contemptible,
23 miserable, wretched and loathsome that it would be looked down upon
24 and despised, justifying an award of exemplary and punitive damages.
25 Pursuant to the provisions of California Code of Civil Procedure,
26 Section 425.14, Plaintiff will seek leave of Court in the future in
27 order to amend this Complaint to include a prayer for punitive damages

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1 against the religious corporations, religious corporations sole, their
2 units, divisions, branches, employees or subsidiaries thereof, named
3 herein.

4 FOR A SEVENTH, SEPARATE AND DISTINCT CAUSE OF
5 ACTION FOR NEGLIGENT REPRESENTATION AGAINST ALL
6 DEFENDANTS AND EACH OF THEM, PLAINTIFF ALLEGES
7 AS FOLLOWS:

8 49. Plaintiff hereby refers, repeats and realleges each and
9 every paragraph contained in the First, Second, Third, Fourth, Fifth
10 and Sixth Causes of Action herein, and each and every allegation
11 contained therein, and incorporates same by this reference, as though
12 fully set forth at this point.

13 50. At all times relevant herein, UNNAMED DEFENDANTS and
14 DOES 1 through 200, inclusive, and each of them, made continuing and
15 repeated oral and written representations that they were churches,
16 Catholic schools, loving and protecting Catholics and Christians,
17 and/or otherwise religious establishments and/or individuals who would
18 hold Plaintiff safe from harm, protected against wrongful acts, by
19 said schools and churches as well as the monsignors, fathers, pastors,
20 bishops, archbishops, teachers and such other church authorities at
21 Defendant premises; and elsewhere, which premises were branches of,
22 or otherwise affiliated with UNNAMED DEFENDANTS and DOES 51 through
23 150, inclusive, and each of them, and at the office of UNNAMED
24 DEFENDANTS, and that Defendants, and each of them, and DOES 1 through
25 150, would protect Plaintiff from any harm and/or wrongful conduct as
26 alleged herein, and otherwise, and provide Plaintiff with education,
27 guidance, supervision, emotional support, religious education and

1 training, counseling, treatment, protection and other services as is
2 further alleged herein.

3 51. At all times relevant herein, Defendants, and each of
4 them, made said representations without any reasonable ground for
5 believing them to be true as they knew, or should have known of same,
6 and with the purpose and intent of inducing Plaintiff to rely upon
7 said representation in order to coerce or otherwise cause Plaintiff
8 to come under their confidence, trust, faith and supervisory,
9 hierarchical, administrative or other control and special relationship
10 so that Defendants, and each of them, could, and did, commit the acts
11 of sexual abuse and molestation, and other wrongful acts upon
12 Plaintiff as alleged herein.

13 52. At all times relevant herein, Plaintiff was unaware of
14 the falsity of these representations and justifiably relied upon the
15 truth of these representations by Defendants, and each of them and did
16 not reasonably become aware that such representations were false until
17 June 19, 1994 and later.

18 53. As a direct, proximate and legal result of Plaintiff's
19 justifiable reliance upon the truth of these false representations
20 made by Defendants, and each of them, as more specifically alleged
21 herein, Plaintiff has suffered, and continues to suffer, the mental,
22 physical, economic and emotional injuries and damages as set forth and
23 alleged herein.

24 FOR A EIGHTH, SEPARATE AND DISTINCT CAUSE OF ACTION

25 FOR STATUTORY VIOLATIONS AGAINST ALL DEFENDANTS,

26 AND EACH OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

27 54. Plaintiff hereby refers, repeats, and realleges each
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1 and every paragraph contained in the First, Second, Third, Fourth,
2 Fifth, Sixth and Seventh Causes of Action herein, and each and every
3 allegation contained therein, and incorporates same by this reference,
4 as though fully set forth at this point.

5 55. After the Child Abuse and Neglect Reporting Act took
6 effect in 1980, UNNAMED DEFENDANTS and DOES 1 through 150, inclusive,
7 and each of them, by and through their employees and agents, were
8 "child care custodians" and were under a statutory duty to report
9 known or suspected incidences of sexual molestation of minors to a
10 Child Protective Agency, pursuant to the Child Abuse and Neglect
11 Reporting Act, enunciated in California Penal Code, Section 11164, et
12 seq.

13 56. At all times relevant herein, UNNAMED DEFENDANTS and
14 DOES 1 through 150, inclusive, and each of them knew, or in the
15 exercise of reasonable diligence, should have known, that UNNAMED
16 DEFENDANT, and DOES 1 through 50, inclusive, and each of them, had
17 sexually molested, abused, or otherwise caused non-accidental
18 touching, battery, harm and other injuries to a minor giving rise to
19 a duty to report such conduct under Section 11166 of the California
20 Penal Code, and that an undue risk to children, such as Plaintiff,
21 existed because UNNAMED DEFENDANTS and DOES 1 through 150, inclusive,
22 and each of them, even though they had been advised, knew, or should
23 have known, of the wrongful acts of UNNAMED DEFENDANT, and DOES 1
24 through 50, inclusive, and each of them, by, among others, a teacher
25 at UNNAMED DEFENDANTS and DOES 51 through 150, inclusive, and each of
26 them, and another altar boy, and a priest, Defendants, and each of
27 them, and otherwise, did not comply with these mandatory reporting

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1 requirements.

2 57. At all times relevant herein, by failing to report the
3 continuing molestation known by Defendants, and each of them, at all
4 time material herein, and ignoring the fulfillment of the mandated
5 compliance with reporting requirements provided under California Penal
6 Code, Section 11166, UNNAMED DEFENDANTS and DOES 1 through 150,
7 inclusive, and each of them, created the risk and dangers contemplated
8 by the Child Abuse and Neglect Reporting Act and as a result
9 unreasonably and wrongfully exposed Plaintiff to the molestation as
10 alleged herein, thereby breaching Defendants' duty of care to him.

11 58. At all times relevant herein, Plaintiff was one of the
12 class of persons for whose protection California Penal Code, Section
13 11166, was specifically adopted to protect.

14 59. At all times relevant herein, had Defendants,
15 UNNAMED DEFENDANTS and DOES 1 through 150, inclusive, and each of
16 them, adequately performed their duties under Section 11166 of the
17 California Penal Code, and reported the molestation of then minor
18 Plaintiff, to a child protective agency at all times material herein,
19 it would have resulted in the involvement of trained child sexual
20 abuse case workers for the purposes of preventing harm and further
21 harm to Plaintiff and preventing and/or treating the injuries and
22 damages suffered by Plaintiff as alleged herein.

23 60. As a direct, legal and proximate result of UNNAMED
24 DEFENDANTS and DOES 1 through 150, inclusive, and each of their,
25 failure to follow the mandatory reporting requirements of California
26 Penal Code, Section 11166, and report the aforesaid acts of UNNAMED
27 DEFENDANT, and DOES 1 through 50, inclusive, and each of them, at all
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1 times material herein, to a child protective agency, UNNAMED
2 DEFENDANTS and DOES 1 through 150, inclusive, and each of them,
3 wrongfully denied and restricted Plaintiff, and other similarly
4 situated minors from the protection of child protection agencies which
5 would have changed the then existing arrangements and conditions,
6 which theretofore provided the basis for access and opportunities for
7 the molestation of Plaintiff as alleged herein.

8 61. The physical, mental and emotional injuries and damages
9 as alleged herein resulting from the continued sexual molestation of
10 Plaintiff by UNNAMED DEFENDANT, and DOES 1 through 50, inclusive, and
11 each of them, as alleged herein, were the types of occurrences and
12 injuries and damages the Child Abuse and Neglect Reporting Act was
13 designed to prevent.

14 62. As a direct, legal and proximate result of the
15 intentional, negligent, careless and other wrongful acts of UNNAMED
16 DEFENDANTS and DOES 1 through 150, inclusive, and each of them, the
17 lack of appropriate referral for child sexual abuse treatment, and the
18 foreseeable resultant molestation, Plaintiff was injured in his
19 health, strength and activity, and thereby suffered, and continues to
20 suffer, permanent and severe mental anguish, emotional and physical
21 distress and profound shock to his nervous system and other injuries
22 resulting in the trauma and damages set forth and alleged herein.

23 FOR A NINTH, SEPARATE AND DISTINCT CAUSE OF ACTION

24 FOR LOSS OF CONSORTIUM AGAINST ALL DEFENDANTS,

25 AND EACH OF THEM, PLAINTIFF ANISSA H. ALLEGES AS FOLLOWS:

26 63. Plaintiff, ANISSA H., hereby repeats, realleges and
27 incorporates by reference each and every allegation, and each and
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1 every paragraph contained herein, of the First, Second Third, Fourth,
2 Fifth, Sixth, Seventh and Eighth Causes of Action, as though fully and
3 completely set forth at this point.

4 64. As a further legal, direct and proximate result of the
5 aforepleled negligence and wrongful conduct of Defendants, and each of
6 them, Plaintiff ANISSA H., who at the times relevant herein was and
7 is lawfully married to Plaintiff MATHEW H., has been, and continues
8 to be, deprived of the companionship, comfort, love, affection, care,
9 conjugal relationships, and services of Plaintiff, MATHEW H., due to
10 the physical, emotional, mental and other injuries and disabilities
11 caused to plaintiffs, MATHEW H. and ANISSA H., by Defendants, and each
12 of them, in an amount believed to be within the jurisdiction of this
13 Court.

14 WHEREFORE, Plaintiffs pray as follows:

15 AS FOR ALL CAUSES OF ACTION

- 16 1. General damages according to proof;
- 17 2. Medical and related expenses, past, present, and
18 future, according to proof;
- 19 3. Loss of earnings, past, present, and future, and loss
20 of earning capacity, in a sum according to proof;
- 21 4. Other items of special damage according to proof;
- 22 5. Costs of suit incurred herein;
- 23 6. Prejudgment interest as provided by law; and,
- 24 7. Such other and further relief as may be deemed just and
25 proper.

26 FOR THE THIRD, FOURTH, FIFTH, SIXTH, SEVENTH
27 AND EIGHTH CAUSES OF ACTION AS AGAINST UNNAMED

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DEFENDANTS AND DOES 1 THROUGH 50, INCLUSIVE, AND
EACH OF THEM, AND OTHER DEFENDANTS SUBJECT TO
LEAVE OF COURT IN ACCORDANCE WITH CODE OF
CIVIL PROCEDURE, SECTION 425.14

8. For punitive and exemplary damages in an amount deemed just and proper.

FOR THE NINTH CAUSE OF ACTION ONLY

9. Loss of love, companionship, comfort, affection, society, solace, moral support, loss of enjoyment of sexual relations and physical assistance in the operation of the home.

DATED: June 6, 1997

WERNER R. MEISSNER
A Professional Law Corporation

Werner R. Meissner
Attorney for Plaintiffs