

JAN 20 2013 3:34

1 IRWIN M. ZALKIN, ESQ. (#89957)  
2 DEVIN M. STOREY, ESQ. (#234271)  
3 The Zalkin Law Firm, P.C.  
4 10590 West Ocean Air Dr., Suite 125  
5 San Diego, CA 92130  
6 Tel: 858-259-3011  
7 Fax: 858-259-3015  
8 Email: [Irwin@zalkin.com](mailto:Irwin@zalkin.com)  
9 [dms@zalkin.com](mailto:dms@zalkin.com)

10 Attorneys for Plaintiffs

11  
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **FOR THE COUNTY OF SAN DIEGO**  
14

15 Marvin Mayne, James Black, John Roe 71,  
16 John Roe 74, and John Roe 75,  
17 individually,

18 Plaintiffs,

19 v.

20 Defendant Doe 1, Diocese; Defendant Doe  
21 2, Diocese 2; Defendant Doe 3, Parish 1;  
22 Defendant Doe 4, Parish 2; Defendant Doe  
23 5, Parish 3; Does 6 through 100, inclusive,

24 Defendants.

Case No:

**COMPLAINT FOR DAMAGES:**

1. **NEGLIGENCE;**
2. **NEGLIGENT SUPERVISION/FAILURE TO WARN;**
3. **NEGLIGENT HIRING/RETENTION**
4. **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF**
5. **SEXUAL BATTERY;**

[Filed Contemporaneously With  
Certificates of Merit CCP § 340.1(h)]

[Demand for Jury Trial]

Judge:  
Dept.:

1 Based upon information and belief available to Plaintiffs, Marvin Mayne, James  
2 Black, John Roe 71, John Roe 74, and John Roe 75 at the time of the filing of this Complaint  
3 for Damages, Plaintiffs make the following allegations:

4 **PARTIES**

5 1. Plaintiff, Marvin Mayne, is an adult male. Plaintiff was a minor at the time of the  
6 sexual abuse alleged herein.

7 2. Plaintiff, James Black, is an adult male. Plaintiff was a minor at the time of the  
8 sexual abuse alleged herein.

9 2. Plaintiff, John Roe 71, is an adult male. Plaintiff was a minor at the time of the  
10 sexual abuse alleged herein. The name used by Plaintiff in this Complaint is not the real  
11 name of Plaintiff, but is a fictitious name used to protect the privacy of Plaintiff, a victim of  
12 childhood sexual abuse.

13 3. Plaintiff, John Roe 74, is an adult male. Plaintiff was a minor at the time of the  
14 sexual abuse alleged herein. The name used by Plaintiff in this Complaint is not the real  
15 name of Plaintiff, but is a fictitious name used to protect the privacy of Plaintiff, a victim of  
16 childhood sexual abuse.

17 4. Plaintiff, John Roe 75, is an adult male. Plaintiff was a minor at the time of the  
18 sexual abuse alleged herein. The name used by Plaintiff in this Complaint is not the real  
19 name of Plaintiff, but is a fictitious name used to protect the privacy of Plaintiff, a victim of  
20 childhood sexual abuse.

21 5 Defendant Doe 1, Diocese (hereinafter "Diocese") is a corporation sole, authorized to  
22 conduct business and conducting business in the State of California, with its principal place  
23 of business in the County of San Diego, California. Defendant Diocese has responsibility for  
24 Roman Catholic Church operations in Imperial County and San Diego County, California.

25 6. Defendant Doe 2, Diocese 2 (hereinafter Diocese 2) is a corporation sole, authorized  
26 to conduct business and conducting business in the State of California, with its principal  
27 place of business in the County of San Bernardino, California. Defendant Diocese 2 has  
28

1 responsibility for Roman Catholic Church operations in Riverside County and San  
2 Bernardino County, California.

3 7. Defendant Doe 3 (Parish 1), is a corporation sole, authorized to conduct business and  
4 conducting business in the State of California, with its principal place of business in the  
5 County of Imperial, California. Defendant Parish 1 provides religious instruction,  
6 administers sacraments, and preforms other functions relating to the Roman Catholic religion  
7 in Calexico, California. Father Edward Anthony Rodrigue sexually molested children at  
8 Parish 1, including Plaintiffs Marvin Mayne, James Black and John Roe 71.

9 8. Defendant Doe 4 (Parish 2), is a corporation sole, authorized to conduct business and  
10 conducting business in the State of California, with its principal place of business in the  
11 County of Imperial, California. Defendant Parish 2 provides religious instruction,  
12 administers sacraments, and preforms other functions relating to the Roman Catholic religion  
13 in El Centro, California. Father Edward Anthony Rodrigue sexually molested children at  
14 Parish 2, including Plaintiffs John Roe 74 and John Roe 75.

15 9. Defendant Doe 5 (Parish 3), is a business entity of unknown form which is authorized  
16 to conduct business and conducting business in the State of California, with its principal  
17 place of business in the County of San Bernardino, California. Defendant Parish 3 provides  
18 religious instruction, administers sacraments, and performs other functions relating to the  
19 Roman Catholic religion in Ontario, California. Father Edward Anthony Rodrigue sexually  
20 molested children at Parish 3, including Plaintiff John Roe 71.

21 10. Father Edward Anthony Rodrigue (hereinafter "Perpetrator") was at all times relevant  
22 an ordained priest in the Roman Catholic Church. During the dates of abuse alleged herein,  
23 Perpetrator was a practicing priest assigned to Defendant Diocese, Defendant Diocese 2,  
24 Defendant Parish 1 in Calexico, Defendant Parish 2 in El Centro, California, Defendant  
25 Parish 3 in Ontario, California, and Does 6 through 100, and was under the direct  
26 supervision, employ and control of Defendant Diocese, Defendant Diocese 2, Defendant  
27 Parish 1, Defendant Parish 2, Defendant Parish 3, and Does 6 through 100.

1 11. Defendant Does 6 through 100, inclusive, are individuals and/or business or  
2 corporate entities incorporated in and/or doing business in California whose true names and  
3 capacities are unknown to Plaintiff who therefore sues such defendants by such fictitious  
4 names, and who will amend the Complaint to show the true names and capacities of each  
5 such Doe Defendant when ascertained. Each such Defendant Doe is legally responsible in  
6 some manner for the events, happenings and/or tortious and unlawful conduct that caused the  
7 injuries and damages alleged in this Complaint. Defendant Diocese, Defendant Diocese 2,  
8 Defendants Parish 1, Parish 2, Parish 3, and Does 6 through 100 are sometimes hereinafter  
9 referred to as the "Defendants."

10 12. Each Defendant is the agent, servant and/or employee of other Defendants, and each  
11 Defendant was acting within the course and scope of his, her or its authority as an agent,  
12 servant and/or employee of the other Defendants. Defendants, and each of them, are  
13 individuals, corporations, partnerships and other entities which engaged in, joined in and  
14 conspired with the other wrongdoers in carrying out the tortious and unlawful activities  
15 described in this Complaint.

16 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

17 13. At all times material, Defendant Diocese employed Priests, including Father Edward  
18 Anthony Rodrigue, to provide religious and pastoral services. The duties of Father  
19 Rodrigue's employment included, but were not restricted to, teaching the word of God and  
20 the law of the church, providing pastoral services, spiritual care, guidance and counseling,  
21 and obtaining financial support for the Church. At all times material, Father Rodrigue was a  
22 Roman Catholic priest, employed by and an agent of Defendant Diocese and was under its  
23 direct supervision, employ and control. With respect to the abuse inflicted upon Marvin  
24 Mayne and James Black, Fr. Rodrigue was at all times material assigned to Defendant Parish  
25 1 in Calexico, California. With respect to the abuse inflicted upon John Roe 74, and John  
26 Roe 75, Fr. Rodrigue was at all times material assigned to Defendant Parish 2 in El Centro,  
27 California. With respect to the abuse inflicted upon John Roe 71, Fr. Rodrigue was at  
28

1 sometimes assigned to Defendant Parish 1 in Calexico and at other times assigned to  
2 Defendant Parish 3 in Ontario, California. At all times material, Father Rodrigue was an  
3 adult at the time of the sexual abuse alleged herein.

4 14. Priests are instructed by Canon Law to take a special interest in young people. Priests  
5 have an agency responsibility to pay special attention to young boys in the hopes that they  
6 would inspire the boys in thoughts of a vocation to the priesthood or religious life. Parish  
7 priests are encouraged to make special efforts at gaining the trust and friendship of young  
8 boys. Thus, the grooming of young boys is considered to be an important part of a priest's  
9 ministry. Therefore, inherent in the Perpetrator's duties as a priest employed by Defendants  
10 was an obligation to develop close relationships with young Catholic boys, including altar  
11 boys, to gain the trust of such minor males and build friendship with young male parishioners  
12 (such conduct is referred to herein as grooming). Such grooming was a required duty of Fr.  
13 Rodrigue's agency relationship with Defendants, so that the Perpetrator could use the boys'  
14 trust, and the friendships engendered by his grooming of the minors, to entice such boys into  
15 following the Perpetrator into the priesthood.

16 15. Fr. Rodrigue's acts of grooming the Plaintiffs herein, as well as the sexual abuse of  
17 Plaintiffs described more fully herein, were committed within the time and space limits of Fr.  
18 Rodrigue's employment as a priest, counselor and spiritual leader, were committed out of a  
19 desire, at least initially and partially, to fulfill his employment duties as a priest, counselor  
20 and spiritual leader, and the acts of grooming minor males, including Plaintiffs, were  
21 generally actions of a kind and nature which Fr. Rodrigue was required to perform as a  
22 priest, counselor and spiritual leader at Defendant Parishes 1, 2, and 3 which were  
23 characteristic of the employment responsibilities of priests serving Defendants, generally.

24 16. That the close relationship the Defendants encouraged the Perpetrator to foster with  
25 young boys, including Plaintiffs, evolved into a sexual relationship with Plaintiffs was a  
26 foreseeable consequence of the Perpetrator's express agency responsibilities, was engendered  
27 by his agency duties, and was an outgrowth of the Perpetrator's employment responsibilities.

1 17. More than 850 actions alleging childhood sexual abuse by priests and religious have  
2 been filed against Roman Catholic institutions in California state courts since 2002. Plaintiff  
3 is informed and believes, and on that basis alleges that more than 146 lawsuits were filed  
4 against Defendant Doe 1 Diocese, and its priests, since 2002, which allege childhood sexual  
5 abuse by priests and religious.

6 18. In light of the widespread problem of sexual abuse of minors by priests, the more  
7 localized state problem of sexual molestation of minors by priests, and the specific  
8 prevalence of sexual abuse of minors by priests within Defendant Diocese, and Defendant  
9 Diocese 2, in the context of Defendant Diocese and Defendant Diocese 2's particular  
10 enterprise, it is foreseeable that priests and religious under Defendants' supervision and  
11 control would sexually abuse minor children. In light of the priests' employment  
12 responsibility to groom young males, that some minor males would be sexually abused by  
13 priests during the grooming process is a foreseeable outgrowth of the priest's agency  
14 responsibilities. It is neither so unusual nor so startling that Fr. Rodrigue would sexually  
15 abuse children so as to be an unforeseeable risk of conducting Defendants' business.

16 19. Fr. Rodrigue's molestations of Plaintiffs were an outgrowth of his employment  
17 responsibility to foster close relationships with minor parishioners and to gain said minors'  
18 trust and friendship. In the course of performing his agency responsibilities, Fr. Rodrigue  
19 committed the acts of sexual abuse of Plaintiffs' bodies that are the subject of this legal  
20 action.

21 20. At all times material, Defendants endowed Fr. Rodrigue with various trappings and  
22 instrumentalities of agency. These Defendants provided Fr. Rodrigue with priestly  
23 vestments conveying authority over Roman Catholic parishioners. These Defendants granted  
24 Fr. Rodrigue access to and control of various premises utilized in the molestation of  
25 Plaintiffs, including a room in rectory at Defendant Parish 1, Defendant Parish 2, and  
26 Defendant Parish 3, use of the rectory office, as well use of other parish buildings and  
27 property at Defendant Parish 1, Defendant Parish 2, and Defendant Parish 3. These

1 Defendants provided Fr. Rodrigue with direct access to a steady stream of impressionable  
2 and devout young Catholic boys. Without these instrumentalities of agency provided by  
3 Defendants, Fr. Rodrigue could not have molested Plaintiffs.

4 21. Catholic children, including Plaintiffs, are taught that priests are God's special  
5 representatives on Earth and took the place of Jesus Christ, especially when they celebrated  
6 mass or heard confession. Priests, including the Perpetrator, controlled access to the seven  
7 sacraments, which Catholics, including Plaintiffs, were taught are necessary for eternal  
8 salvation. Thus, lay people are groomed to maintain a spirit of docility and obedience to  
9 priests. Without the authority over parishioners, including Plaintiffs, conveyed by  
10 Defendants, Fr. Rodrigue could not have molested Plaintiffs.

11 **FATHER RODRIGUE'S LONG HISTORY OF CHILD MOLESTATION**

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

16 23. Thomas Rodrigue, the Perpetrator's brother, has stated publicly that, while visiting  
17 the Perpetrator at the Seminary, he was told by a fellow seminarian that the Perpetrator may  
18 be held back from ordination due to his "sexual immaturity problems."

19 24. Plaintiffs are informed and believe and on that basis alleged that all seminary records,  
20 including psychological reports, which relate to Edward Anthony Rodrigue, other than grade  
21 reports, were destroyed by the rector of the seminary within two years of his ordination.

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

24 26. The Perpetrator was ordained as a priest of the Defendant Diocese in 1962, and was  
25 assigned as an associate pastor at Mary Star of the Sea Parish in La Jolla, California.

1 27. The Perpetrator admits to sexually molesting minor boys at this assignment. During  
2 this assignment, he abused children in the sacristy of the church, in his room on the second  
3 floor of the rectory, and at his parents' home on Parrot Street, in San Diego, California.

4 28. Upon information and belief, on occasion, children would come to the rectory to see  
5 Fr. Rodrigue and would be escorted by the secretary to wait alone in Rodrigue's room until  
6 he returned.

7 29. Upon information and belief, Fr. Rodrigue was open and obvious about bringing  
8 children to his room through the main entrance to the rectory.

9 30. After only two years at Mary Star of the Sea, Fr. Rodrigue was transferred in 1964 to  
10 Our Lady of Perpetual help in Lakeside, California.

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

13 32. In 1964, or 1965, Fr. Rodrigue took several young boys from the parish on a month-  
14 long, cross-country, trip to New York. Fr. Rodrigue drove the boys from San Diego, through  
15 Louisiana, and up to New York. Fr. Rodrigue admits that he could not have been absent  
16 from the parish for such an extended period of time without the Pastor being aware of his  
17 absence. Fr. Rodrigue made no effort to hide the fact that he was taking the boys on the trip,  
18 despite the lack of any additional adult supervision.

19 33. Upon information and belief, in 1965 Fr. Rodrigue abused a minor parishioner at Our  
20 Lady of Perpetual Help, R.W. R.W. reported the abuse to his parents, who in turn made a  
21 report to the Pastor of Our Lady of Perpetual Help. Father Rodrigue confronted R.W. about  
22 causing trouble for the priest and instructed R.W. not to tell his parents what happened with  
23 the priest.

24 34. Fr. Rodrigue was later transferred to St. John's in Encinitas, California, in early 1966.  
25 The parish was near the beach.

26 35. Fr. Rodrigue admits to molesting several minor boys in his room at the rectory during  
27 this assignment.



1 36. Plaintiffs are informed and believe on that basis allege that the parish housekeeper at  
2 St. John's knocked on the door to Fr. Rodrigue's quarters in the rectory and asked if he had  
3 any boys with him. A boy, C.W., was in the room at the time and was instructed by Fr.  
4 Rodrigue to hide behind the couch. When C.W. was out of sight, Fr. Rodrigue opened the  
5 door and told the housekeeper, "see, there are no boys in here." Father Rodrigue sexually  
6 abused C.W. on several occasions over the course of approximately two years.

7 37. Fr. Rodrigue testified that before his abrupt transfer from the parish in Encinitas, he  
8 was confronted by a victim of his sexual abuse from his previous assignment in Lakeside.  
9 The boy shouted at Fr. Rodrigue under the carport outside of the rectory at St. John's.  
10 Rodrigue admits to sexually abusing the boy, and therefore did not argue against the  
11 allegation.

12 38. Upon information and belief, in September or October of 1967, the local Dean, a  
13 high-ranking priest within the Diocese who was responsible for supervision of multiple  
14 parish priests within a geographic area of the Diocese, drove down to meet with Fr.  
15 Rodrigue. The Dean confronted Fr. Rodrigue in his room at the rectory, and admonished the  
16 Perpetrator that "you have to be careful." Fr. Rodrigue understood this statement to mean he  
17 should be careful about the company he keeps and careful about having so many young boys  
18 around him. The discussion contained sexual overtones, and ultimately, the Dean informed  
19 Fr. Rodrigue that he was being transferred to a new parish in the desert. Fr. Rodrigue  
20 understood the content of the discussion to revolve around sexual misconduct on his part.

21 39. The confrontation was the first conversation Fr. Rodrigue had with a Diocesan Dean,  
22 and it was the first time that he had been informed of a transfer in person, rather than simply  
23 by letter.

24 40. Fr. Rodrigue was transferred to Defendant Parish 1 in Calexico, California, in  
25 November of 1967, shortly after his meeting with the Dean.

26 41. A former Chancellor of the Defendant Diocese has testified that the Diocese had a  
27 pattern and practice of transferring priests with problems to parishes in the desert. After his  
28

1 meeting with the Dean, Fr. Rodrigue was transferred from a parish in Encinitas which was  
2 mere blocks from the beach, to a parish in the heart of the desert.

3 42. Rodrigue freely admits to abusing several young boys during his assignment in  
4 Calexico. He is unsure of the exact number but testified that it was more than five boys.

5 43. Fr. Rodrigue had a very open relationship with the boys and made no effort to keep  
6 the relationship a secret. The boys often hung out in his room in the rectory.

7 44. Fr. Rodrigue took several boys, more than five, on a month-long road trip to Canada  
8 in 1971. On the return trip, Fr. Rodrigue took the boys to a confirmation in San Diego at  
9 which Bishop Leo T. Maher was present. Fr. Rodrigue spoke to Bishop Maher at the event.  
10 Fr. Rodrigue believed Bishop Maher saw the boys with him.

11 45. Plaintiffs are informed and believe and on that basis allege that while Fr. Rodrigue  
12 was assigned in Calexico, two young victims of sexual abuse at his hands reported the abuse  
13 to other priests of the parish. One young boy informed the Parish Pastor of Fr. Rodrigue's  
14 conduct, while the other young victim informed a fellow associate pastor of the abuse.

15 46. In 1971, Fr. Rodrigue was transferred to the desert parish of Our Lady of Perpetual  
16 Help in Indio, California.

17 47. Fr. Rodrigue admits to sexually molesting young boys during his brief stay in Indio.  
18 Fr. Rodrigue also admits that he had a sexual encounter with a young man, in his twenties.

19 48. After only six months, Fr. Rodrigue was transferred to St. Joseph in Barstow,  
20 California.

21 49. Fr. Rodrigue admits to abusing several children during his assignment in Barstow.

22 50. In June of 1973, Fr. Rodrigue was transferred to St. Augustine in Eagle Mountain,  
23 California, his most remote assignment. He served as the parish priest of a small, Kaiser  
24 Steel owned mining town of less than 4,000 inhabitants.

25 51. Fr. Rodrigue admits to abusing children during this assignment.

26 52. Plaintiffs are informed and believe and on that basis alleges that while he was  
27 assigned to Eagle Mountain, a woman accused Rodrigue of sexually abusing children.

1 53. Thereafter, Fr. Rodrigue became aware of a Diocesan investigation involving his  
2 conduct in Eagle Mountain. The Diocesan Dean responsible for the supervision of the priest  
3 in Eagle Mountain called Fr. Rodrigue on the telephone, and said "something of the nature  
4 that would lead one to believe there was an investigation." The Dean also mentioned that he  
5 was concerned about Fr. Rodrigue's sexuality.

6 54. During this assignment, Fr. Rodrigue experienced severe difficulties, including  
7 "fantasy involvement with minors" and an inability to distinguish fantasy from actions. A  
8 psychiatrist hired in 1988 by a Roman Catholic Diocese, other than the Defendant Diocese,  
9 to evaluate Fr. Rodrigue for purposes of laicization has testified that Fr. Rodrigue confided in  
10 the psychiatrist for purposes of evaluation that he had reported his difficulties with children  
11 to the Chancery office of Defendant Diocese while he was assigned at Eagle Mountain.

12 55. The Dean instructed Fr. Rodrigue to write a letter to the Diocesan Personnel Board,  
13 requesting a transfer from St. Augustine. The Dean instructed Fr. Rodrigue to resign his post  
14 due to his "loneliness" and the "isolation" of the assignment. Though Fr. Rodrigue did not  
15 feel lonely or isolated, he complied with the Dean's instruction because he believed that it  
16 "would have been murder" not to comply.

17 56. Shortly thereafter, Fr. Rodrigue was transferred from Eagle Mountain.

18 57. Upon information and belief, Fr. Rodrigue returned to San Diego, where he was  
19 ordered to undergo a battery of medical tests. Fr. Rodrigue did not have any health problems  
20 at the time, did not request any medical care at that time, and was never shown the results of  
21 any of the medical tests.

22 58. Diocesan documents produced by Defendant Diocese indicate that Rodrigue was then  
23 assigned to St. Michael's parish in Poway, California. Fr. Rodrigue's testimony, as well as  
24 documents obtained from the Defendant Diocese's insurer, however, demonstrate that  
25 Rodrigue was instead sent on a "pastoral retreat" to the Mexican American Cultural Center in  
26 San Antonio, Texas, for a three-month period in early 1975.

1 59. Upon returning from San Antonio, Fr. Rodrigue was unofficially sent to Defendant  
2 Parish 1 in Calexico for several months until he received an official appointment. During  
3 this brief respite in Calexico, Fr. Rodrigue admits to sexually abusing several young boys.

4 60. Effective July 1, 1975, Fr. Rodrigue was assigned as the Pastor of Defendant Diocese  
5 2 in El Centro, California.

6 61. Fr. Rodrigue openly admits to abusing children from Heber, Calexico and El Centro  
7 during this assignment.

8 62. Upon information and belief, at the time of his transfer to Defendant Parish 2, Fr.  
9 Rodrigue was introduced to the head altar boy, who was approximately 17 years old. Fr.  
10 Rodrigue molested the boy.

11 63. Upon information and belief, after the first instance of abuse, that young victim  
12 telephoned Defendant Diocese's office and attempted to report that Fr. Rodrigue had hurt  
13 him. He advised the female who answered the phone that he was calling from Defendant  
14 Parish 2 in El Centro, and that Fr. Rodrigue had hurt him, and touched him. The victim  
15 refused to identify himself. The recipient of the phone call responded that he should not  
16 speak that way about priests and hung up.

17 64. Upon information and belief, approximately two weeks later, Fr. Rodrigue abused the  
18 head altar boy again. And again, the victim phoned Defendant Diocese's Office. A male  
19 answered the phone. The boy reported that he was calling about Fr. Rodrigue at Defendant  
20 Doe 2 Parish and advised the male recipient that the priest was hurting the altar boys,  
21 touching the altar boys, and requested that Fr. Rodrigue be removed from the parish. The  
22 man demanded to know who was calling. When the boy declined to identify himself, the  
23 man hung up.

24 65. Fr. Rodrigue admits to abusing a young boy from Heber – John Roe 74 - at the  
25 rectory in El Centro. While Rodrigue and the boy were naked in Fr. Rodrigue's bed, a knock  
26 at the door interrupted the sexual molestation. Fr. Rodrigue instructed the boy to hide in the  
27 bathroom. The knock at the door came from a Roman Catholic Priest assigned within  
28

1 Defendant Diocese, who stopped by unexpectedly and, unbeknownst to Father Rodrigue, to  
2 use the restroom on his way through town. When the priest entered the rectory bathroom, he  
3 found the naked young boy hiding in the shower and confronted Fr. Rodrigue about his  
4 conduct.

5 66. Shortly after the incident with John Roe 74, an associate Pastor was assigned. Fr.  
6 Rodrigue testified to his belief that the associate had been sent by the Bishop to "checkup"  
7 on him.

8 67. Fr. Rodrigue allowed the associate pastor to take up residence in the Pastor's  
9 quarters, while Fr. Rodrigue converted the more secluded basement into a room for himself.  
10 The basement had a separate entrance.

11 68. Upon information and belief, Fr. Rodrigue frequently invited young boys to his room  
12 at the rectory. He would ply the boys with alcohol and cigarettes and would allow the boys  
13 to watch pornography. During these interludes, Fr. Rodrigue often exposed his penis to the  
14 boys and masturbated himself to ejaculation. The Perpetrator then fondled the boys' penises  
15 and testicles in turn.

16 69. Upon information and belief, while Fr. Rodrigue was assigned to El Centro, several  
17 of the altar boys from Heber informed their parents of the sexual abuse they suffered at the  
18 hands of Fr. Rodrigue, and another volunteer at the church.

19 70. Upon information and belief, several mothers of the abused children, as well as one  
20 or more of the minor victims, went to Calexico to complain to the Pastor of Defendant Parish  
21 1. The parents informed the Pastor, who was the local Dean, and therefore exercised a great  
22 deal of authority within the Roman Catholic Church in the local area, of Fr. Rodrigue's  
23 sexual misconduct with children.

24 71. Upon information and belief, the Dean promised that Fr. Rodrigue would be removed  
25 from ministry.

26 72. Upon information and belief, Fr. Rodrigue was then called before the Dean and was  
27 informed of the allegations against him. Fr. Rodrigue knew the allegations to be true, in that  
28

1 he had been sexually abusing children, and therefore did not deny them. The Dean informed  
2 Fr. Rodrigue that he had an appointment with Bishop Maher scheduled for the following day  
3 to discuss the allegations and Fr. Rodrigue's future.

4 73. Upon information and belief, Fr. Rodrigue met with Bishop Maher, and was  
5 confronted with a letter written by angry parishioners from Heber. Once again, Fr. Rodrigue  
6 did not deny the allegations against him. Bishop Maher informed Fr. Rodrigue that he was  
7 no longer the Pastor of Defendant Parish 2 in El Centro and instructed him to pack his things  
8 and return to his parents' home in San Diego, where he would await further instructions.

9 74. Upon information and belief, when Fr. Rodrigue returned to El Centro to pack his  
10 belongings, he was confronted by the associate pastor and told that several young boys from  
11 El Centro had lied on Fr. Rodrigue's behalf to concoct an alibi. He admonished "those boys  
12 lied for you!"

13 75. Upon information and belief, Fr. Rodrigue was provided a plane ticket, and  
14 instructions to fly to Massachusetts, where he would undergo an evaluation at the House of  
15 Affirmation, a treatment center specializing in the treatment of pedophile priests.

16 76. Upon information and belief, Fr. Rodrigue flew to Massachusetts on Friday and  
17 underwent a three-day evaluation. While there, he met a friend of his from childhood who  
18 was also undergoing treatment. At the conclusion of the three-day period, Fr. Rodrigue was  
19 sent back to San Diego.

20 77. The House of Affirmation did not have any open beds to accommodate Fr. Rodrigue  
21 at the time but would accept him when an opening became available. Defendant Diocese  
22 was informed that it could be as long as several months before a space opened for Fr.  
23 Rodrigue.

24 78. Upon information and belief, during the intervening period, Fr. Rodrigue was  
25 assigned to Our Lady of Soledad Parish in Coachella, California. This assignment ultimately  
26 lasted four months, before Fr. Rodrigue was sent to the House of Affirmation for Treatment.  
27 Defendant Diocese did not place any restrictions on Fr. Rodrigue's ability to associate with  
28

1 children during this assignment. Moreover, Fr. Rodrigue did not receive competent  
2 treatment from a mental health practitioner during this period, despite the apparent nature of  
3 his psychological problems.

4 79. Upon information and belief, over the course of Fr. Rodrigue's four-month  
5 assignment to Coachella, he received counseling on approximately three occasions from a  
6 psychologist who frequently provided services for Defendant Diocese. The psychologist had  
7 no expertise in treating pedophiles and, in fact, would not provide treatment for such a  
8 condition.

9 80. From mid-September of 1976, until January 4, 1977, Fr. Rodrigue underwent  
10 treatment at the House of Affirmation in Whittinsville, Massachusetts.

11 81. The "Discharge Summary" provided by the treatment facility to Defendant Diocese  
12 indicated that Fr. Rodrigue had received counseling related to his past "homosexual  
13 conduct." The Discharge Summary also instructed the Defendant Diocese that Fr. Rodrigue  
14 could not go from receiving intensive counseling at House of Affirmation, to receiving no  
15 counseling after his discharge.

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

19 83. Upon information and belief, after the conclusion of his time at the Vatican II  
20 Institute, Fr. Rodrigue was assigned to Defendant Parish 3 in Ontario, California. Fr.  
21 Rodrigue did not receive counseling during his time in Ontario and was not instructed by  
22 Defendant Diocese to receive treatment. Defendant Diocese did not place any limitations on  
23 Fr. Rodrigue's ability to associate with children at Parish 3. The parishioners at Parish 3, like  
24 the parishioners in Calexico, El Centro, Heber, Indio, Barstow, and Coachella, were not  
25 warned of Fr. Rodrigue's problems, or the danger he posed to children.

26 84. Upon his arrival at Parish 3, Fr. Rodrigue was originally given an upstairs bedroom in  
27 the rectory, near the quarters of the other priests. Shortly, after Fr. Rodrigue's arrival  
28

1 however, the housekeeper's quarters in a remote location on the first floor became empty.  
2 That bedroom had direct access through a back door. Fr. Rodrigue asked the parish priest if  
3 he could move to that room and was granted permission.

4 85. Effective July of 1978, Parish 3 came under the control and supervision of Diocese 2,  
5 which came into existence at that time.

6 86. Fr. Rodrigue admits to abusing several young boys during his assignment at Parish 3,  
7 many in his bedroom on the first floor. In 1979, Fr. Rodrigue was arrested and convicted of  
8 sexually molesting two children between the ages of nine and sixteen.

9 87. Fr. Rodrigue's assignment to Parish 3 came in 1977, less than one year before the  
10 Diocese 2 was to split off from the Defendant Diocese. Parish 3 was to become part of the  
11 newly formed Diocese 2, and all priests assigned thereto would no longer be the  
12 responsibility of the Defendant Diocese. Upon information and belief, Defendant Diocese  
13 intended to be rid of Fr. Rodrigue by pushing him off on Diocese 2.

14 88. Fr. Rodrigue was arrested and convicted of molesting a developmentally disabled boy  
15 in the late 1990s and served prison time.

16 89. At all times material, Defendant Diocese acted with a conscious disregard of the  
17 safety of others, including Plaintiffs, by providing a known pedophile with a position of  
18 authority in which access to children was an integral part.

19 90. At all times material, Fr. Rodrigue sexually abused and molested altar boys of  
20 Defendant Parish 1, Defendant Parish 2, and Defendant Parish 3 including Plaintiffs, by  
21 grabbing, fondling and masturbating the boys' penises and testicles, and by orally copulating  
22 children.

23 91. Defendant Diocese and Defendant Diocese 2, through their Bishops, hierarchy,  
24 priests, employees, agents and volunteers, knew of unlawful sexual conduct by Father  
25 Rodrigue with minor boys at various of his assignments prior to the molestation of Plaintiffs.

26 92. After becoming aware of acts of childhood sexual abuse committed by Father  
27 Rodrigue at a particular parish, Defendant Diocese quickly and quietly reassigned Father  
28



1 Rodrigue to new parishes where his pedophilic tendencies were not known to the  
2 parishioners. In this way, the parishioners at the parish where Father Rodrigue had molested  
3 children did not become aware of his illegal activities.

4 93. Defendant Diocese also did not warn or advise the parishioners at Father Rodrigue's  
5 new assignments of the danger that Father Rodrigue posed to children, or his past history of  
6 sexually abusing minors.

7 94. In this manner, Defendant Diocese actively concealed Father Rodrigue's sexual abuse  
8 of children and prevented parishioners at the parishes to which Father Rodrigue sexually  
9 abused children, as well as parishes to which Father Rodrigue was subsequently assigned,  
10 from learning of Father Rodrigue's sexual abuse of children, and therefore precluded  
11 parishioners from protecting their own children.

12 95. Defendant Diocese, notwithstanding its knowledge of acts of childhood sexual abuse  
13 committed by Father Rodrigue, held Father Rodrigue out to the community, including  
14 Plaintiffs, as a priest in good standing with Defendant Diocese. In doing so, Defendant  
15 Diocese represented that Plaintiffs, and other minor parishioners, were safe in Father  
16 Rodrigue's presence and under his supervision.

17 **PLAINTIFF MARVIN MAYNE**

18 96. Plaintiff Marvin Mayne was born on November 7, 1957. During Fr. Rodrigue's  
19 assignment to Defendant Parish 1 in Calexico, Plaintiff was an altar boy at Defendant Parish  
20 1. Fr. Rodrigue showed the altar boys, including Mayne, pornography, and the boys joked  
21 about the priest having such magazines. Fr. Rodrigue sexually abused Mayne on several  
22 occasions in the rectory at Defendant Parish 1, including oral copulation and other acts.  
23 Mayne remembers seeing the Pastor of Defendant Parish 1 as he was walking into Fr.  
24 Rodrigue's quarters, such that the Pastor must have been aware that Mayne was  
25 accompanying Perpetrator into the room.

1 **PLAINTIFF JAMES BLACK**

2 97. Plaintiff James Black was born on December 21, 1957. During Fr.  
3 Rodrigue's assignment to Defendant Parish 1 in Calexico, Plaintiff was an altar boy at  
4 Defendant Parish 1. Fr. Rodrigue showed the altar boys, including Black. Fr. Rodrigue took  
5 Plaintiff Black and others on a trip to Disneyland. Fr. Rodrigue sexually molested Plaintiff  
6 Black on several occasions over the course of approximately two years.

7 **JOHN ROE 71**

8 98. Plaintiff John Roe 71 was born on May 15, 1965. During Fr. Rodrigue's  
9 assignment at Defendant Parish 1, and again when he was assigned to Parish 3, John Roe 71  
10 served as an altar boy. Fr. Rodrigue molested John Roe 71 on multiple occasions during his  
11 assignments at Defendant Parish 1 and Defendant Parish 3.

12 **PLAINITFF JOHN ROE 74**

13 99. John Roe 74 was born on April 7, 1963. John Roe 74 became an altar boy at  
14 Defendant Parish 2, where he met Fr. Rodrigue. Fr. Rodrigue sexually assaulted John Roe  
15 74 repeatedly over the course of his assignment at Defendant Parish 2. The abuse included  
16 oral copulation and penetration among other acts. The assaults occurred in Defendant Parish  
17 2's rectory. As discussed above, another priest interrupted an act of assault and observed  
18 John Roe 74 naked in the rectory bathroom.

19 **PLAINTIFF JOHN ROE 75**

20 100. John Roe 75 was born on November 20, 1962. John Roe 75 met Fr. Rodrigue  
21 through the priest's assignment to Defendant Parish 2. Between the approximate years of  
22 1975 to 1976, Fr. Rodrigue sexually assault Plaintiff John Roe 75.

23 101. Prior to or during the abuse alleged above, Defendants knew, had reason to know,  
24 or were otherwise on notice of misconduct that created a risk of childhood sexual assault by  
25 Perpetrator. Indeed, Defendants knew or had reason to know of prior unlawful sexual  
26 conduct by Perpetrator. Defendants also failed to take reasonable steps and failed to  
27 implement reasonable safeguards to avoid acts of childhood sexual assault. Defendants  
28

1 continued to place Perpetrator in functions or environments in which contact with children  
2 was an inherent part of those functions or environments. Furthermore, at no time during the  
3 periods of time alleged did Defendants have in place a system or procedure to supervise  
4 and/or monitor employees, volunteers, representatives, or agents to insure that they did not  
5 molest or abuse minors in Defendants' care, including the Plaintiffs.

6 102. Over the course of many years, Defendants covered up Fr. Rodrigue's sexual abuse  
7 of children by making concerted efforts to hide evidence that Fr. Rodrigue had sexually  
8 abused children. Without this long and dedicated effort to cover up for Fr. Rodrigue,  
9 Plaintiffs would not have been molested.

10 103. As a direct result of the wrongful conduct alleged herein, Plaintiffs have suffered, and  
11 continue to suffer great pain of mind and body, shock, emotional distress, physical  
12 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,  
13 humiliation, and loss of enjoyment of life; have suffered and continue to suffer spiritually;  
14 were prevented and will continue to be prevented from performing Plaintiffs' daily activities  
15 and obtaining the full enjoyment of life; and/or have incurred and will continue to incur  
16 expenses for medical and psychological treatment, therapy, and counseling.

17 **FIRST CAUSE OF ACTION**

18 **NEGLIGENCE**

19 **(Plaintiff Marvin Mayne Against Defendant Diocese, Defendant Parish 1, and Does 6**  
20 **through 100; Plaintiff James Black Against Defendant Diocese, Defendant Parish 1 and**  
21 **Does 6 through 100; John Roe 71 Against Defendant Diocese, Defendant Diocese 2,**  
22 **Defendant Parish 1, Defendant Parish 3 and Does 6 through 100; Plaintiff John Roe 74**  
23 **Against Defendant Diocese, Defendant Parish 2 and Does 6 through 100; Plaintiff John**  
24 **Roe 75 Against Defendant Diocese, Defendant Parish 2 and Does 6 through 100.)**

25 104. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

26 105. Defendant Diocese, Defendant Diocese 2, Defendant Parish 1, Defendant Parish 2,  
27 Defendant Parish 3 and Does 6 through 100 had a duty to protect the minor Plaintiffs when

1 they were entrusted to Defendants' care by Plaintiffs' parents. Plaintiffs' care, welfare,  
2 and/or physical custody was temporarily entrusted to Defendants. Defendants voluntarily  
3 accepted the entrusted care of Plaintiffs. As such, Defendants owed Plaintiffs, minor  
4 children, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiffs the  
5 higher duty of care that adults dealing with children owe to protect them from harm.

6 106. Defendants, by and through their agents, servants and employees, knew or reasonably  
7 should have known of the Perpetrator's dangerous and exploitive propensities and/or that the  
8 Perpetrator was an unfit agent. It was foreseeable that if Defendants did not adequately  
9 exercise or provide the duty of care owed to children in their care, including but not limited  
10 to Plaintiffs, the children entrusted to Defendants' care would be vulnerable to sexual abuse  
11 by the Perpetrator.

12 107. Defendants breached their duty of care to the minor Plaintiffs by allowing the  
13 Perpetrator to come into contact with the minor Plaintiffs without supervision; by failing to  
14 adequately hire, supervise, or retain the Perpetrator who they permitted and enabled to have  
15 access to Plaintiffs; by failing to investigate or otherwise confirm or deny such facts about  
16 the Perpetrator; by failing to tell or concealing from Plaintiffs, Plaintiffs' parents, guardians,  
17 or law enforcement officials that the Perpetrator was or may have been sexually abusing  
18 minors; by failing to tell or concealing from Plaintiffs' parents, guardians, or law  
19 enforcement officials that Plaintiffs were or may have been sexually abused after Defendants  
20 knew or had reason to know that the Perpetrator may have sexually abused Plaintiffs, thereby  
21 enabling Plaintiffs to continue to be endangered and sexually abused, and/or creating the  
22 circumstance where Plaintiffs were less likely to receive medical/mental health care and  
23 treatment, thus exacerbating the harm done to Plaintiffs; and/or by holding out the  
24 Perpetrator to the Plaintiffs and their parents or guardians as being in good standing and  
25 trustworthy. Defendants cloaked within the facade of normalcy Defendants' and/or the  
26 Perpetrator's contact and/or actions with the Plaintiffs and/or with other minors who were  
27 victims of the Perpetrator, and/or disguised the nature of the sexual abuse and contact.

1 108. As a result of the above described conduct, Plaintiffs have suffered, and continue to  
2 suffer great pain of mind and body, shock, emotional distress, physical manifestations of  
3 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of  
4 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will  
5 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full  
6 enjoyment of life; and/or have incurred and will continue to incur expenses for medical and  
7 psychological treatment, therapy, and counseling.

8 **SECOND CAUSE OF ACTION**

9 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

10 **(Plaintiff Marvin Mayne Against Defendant Diocese, Defendant Parish 1, and Does 6**  
11 **through 100; Plaintiff James Black Against Defendant Diocese, Defendant Parish 1 and**  
12 **Does 6 through 100; John Roe 71 Against Defendant Diocese, Defendant Diocese 2,**  
13 **Defendant Parish 1, Defendant Parish 3 and Does 6 through 100; Plaintiff John Roe 74**  
14 **Against Defendant Diocese, Defendant Parish 2 and Does 6 through 100; Plaintiff John**  
15 **Roe 75 Against Defendant Diocese, Defendant Parish 2 and Does 6 through 100.)**

16 109. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

17 110. Defendant Diocese, Defendant Diocese 2, Defendant Parish 1, Defendant Parish 2,  
18 Defendant Parish 3 and Does 6 through 100 had a duty to provide reasonable supervision of  
19 the Perpetrator; to use reasonable care in investigating the Perpetrator; and to provide  
20 adequate warning to the Plaintiffs, the Plaintiffs' families, minor students, and minor  
21 parishioners of the Perpetrator's dangerous propensities and unfitness.

22 111. Defendants, by and through their agents, servants and employees, knew or reasonably  
23 should have known of the Perpetrator's dangerous and exploitive propensities and/or that the  
24 Perpetrator was an unfit agent. Despite such knowledge, Defendants negligently failed to  
25 supervise the Perpetrator in the position of trust and authority as a Roman Catholic Priest,  
26 religious instructor, counselor, school administrator, school teacher, surrogate parent,  
27 spiritual mentor, emotional mentor, and/or other authority figure, where he was able to  
28

1 commit the wrongful acts against the Plaintiffs. Defendants failed to provide reasonable  
2 supervision of the Perpetrator, failed to use reasonable care in investigating the Perpetrator,  
3 and failed to provide adequate warning to Plaintiffs and Plaintiffs' families of the  
4 Perpetrator's dangerous propensities and unfitness. Defendants further failed to take  
5 reasonable measures to prevent future sexual abuse.

6 112. As a result of the above described conduct, Plaintiffs have suffered, and continue to  
7 suffer great pain of mind and body, shock, emotional distress, physical manifestations of  
8 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of  
9 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will  
10 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full  
11 enjoyment of life; and/or has incurred and will continue to incur expenses for medical and  
12 psychological treatment, therapy, and counseling.

13 **THIRD CAUSE OF ACTION**

14 **NEGLIGENT HIRING/RETENTION**

15 **(Plaintiff Marvin Mayne Against Defendant Diocese, Defendant Parish 1, and Does 6**  
16 **through 100; Plaintiff James Black Against Defendant Diocese, Defendant Parish 1 and**  
17 **Does 6 through 100; John Roe 71 Against Defendant Diocese, Defendant Diocese 2,**  
18 **Defendant Parish 1, Defendant Parish 3 and Does 6 through 100; Plaintiff John Roe 74**  
19 **Against Defendant Diocese, Defendant Parish 2 and Does 6 through 100; Plaintiff John**  
20 **Roe 75 Against Defendant Diocese, Defendant Parish 2 and Does 6 through 100.)**

21 113. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

22 114. Defendant Diocese, Defendant Diocese 2, Defendant Parish 1, Defendant Parish 2,  
23 Defendant Parish 3 and Does 6 through 100 had a duty to not hire and/or retain the  
24 Perpetrator, and other employees, agents, volunteers, and other representatives, given the  
25 Perpetrator's dangerous and exploitive propensities.

26 115. Defendants, by and through their agents, servants and employees, knew or reasonably  
27 should have known of the Perpetrator's dangerous and exploitive propensities and/or that the  
28

1 Perpetrator was an unfit agent. Despite such knowledge, Defendants negligently hired and/or  
2 retained the Perpetrator in the position of trust and authority as a Roman Catholic Priest,  
3 religious instructor, counselor, school administrator, school teacher, surrogate parent,  
4 spiritual mentor, emotional mentor, and/or other authority figure, where he was able to  
5 commit the wrongful acts against the Plaintiffs. Defendants failed to use reasonable care in  
6 investigating the Perpetrator and failed to provide adequate warning to Plaintiffs and  
7 Plaintiffs' families of the Perpetrator's dangerous propensities and unfitness. Defendants  
8 further failed to take reasonable measures to prevent future sexual abuse.

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

#### 16 FOURTH CAUSE OF ACTION

##### 17 NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF

18 **(Plaintiff Marvin Mayne Against Defendant Diocese, Defendant Parish 1, and Does 6**  
19 **through 100; Plaintiff James Black Against Defendant Diocese, Defendant Parish 1 and**  
20 **Does 6 through 100; John Roe 71 Against Defendant Diocese, Defendant Diocese 2,**  
21 **Defendant Parish 1, Defendant Parish 3 and Does 6 through 100; Plaintiff John Roe 74**  
22 **Against Defendant Diocese, Defendant Parish 2 and Does 6 through 100; Plaintiff John**  
23 **Roe 75 Against Defendant Diocese, Defendant Parish 2 and Does 6 through 100.)**

24 117. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

25 118. Defendants breached their duty to take reasonable protective measures to protect  
26 Plaintiffs and other minor parishioners and/or students from the risk of childhood sexual  
27 abuse by the Perpetrator, such as the failure to properly warn, train, or educate Plaintiffs and  
28

1 other minor parishioners and/or students about how to avoid such a risk, pursuant to Juarez v.  
2 Boy Scouts of America, Inc., 97 Cal. Rptr. 2d 12, 81 Cal. App. 4th 377 (2000).

3 119. As a result of the above described conduct, Plaintiffs have suffered, and continue to  
4 suffer great pain of mind and body, shock, emotional distress, physical manifestations of  
5 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of  
6 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will  
7 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full  
8 enjoyment of life; and/or have incurred and will continue to incur expenses for medical and  
9 psychological treatment, therapy, and counseling.

10 **FIFTH CAUSE OF ACTION**

11 **SEXUAL BATTERY**

12 **(Plaintiff Marvin Mayne Against Defendant Diocese, Defendant Parish 1, and Does 6**  
13 **through 100; Plaintiff James Black Against Defendant Diocese, Defendant Parish 1 and**  
14 **Does 6 through 100; John Roe 71 Against Defendant Diocese, Defendant Diocese 2,**  
15 **Defendant Parish 1, Defendant Parish 3 and Does 6 through 100; Plaintiff John Roe 74**  
16 **Against Defendant Diocese, Defendant Parish 2 and Does 6 through 100; Plaintiff John**  
17 **Roe 75 Against Defendant Diocese, Defendant Parish 2 and Does 6 through 100.)**

18 120. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

19 121. During approximately 1967-1970, the Perpetrator engaged in unpermitted, harmful  
20 and offensive sexual contact upon the person of Plaintiffs Marvin Mayne and James Black,  
21 and during approximately 1975-1977, the Perpetrator engaged in unpermitted, harmful and  
22 offensive sexual contact upon the persons of John Roe 74 and John Roe 75, and while  
23 assigned to Parish 1 and Parish 3, the Perpetrator engaged in unpermitted, harmful and  
24 offensive sexual contact upon the person of John Roe 71, and Defendant Diocese, Defendant  
25 Diocese 2, Defendant Parish 1, Defendant Parish 2, Defendant Parish 3 and Does 6 through  
26 100 ratified or approved of that sexual contact.



1 122. As a result of the above-described conduct, Plaintiffs have suffered, and will continue  
2 to suffer physical injury, great pain of mind and body, shock, emotional distress, physical  
3 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,  
4 humiliation, and loss of enjoyment of life; have suffered and continues to suffer spiritually;  
5 were prevented and will continue to be prevented from performing Plaintiffs' daily activities  
6 and obtaining the full enjoyment of life; and/or have incurred and will continue to incur  
7 expenses for medical and psychological treatment, therapy, and counseling.


8 WHEREFORE, Plaintiffs pray for damages; treble damages; costs; interest;  
9 statutory/civil penalties according to law; and such other relief as the court deems  
10 appropriate and just.

11 **JURY DEMAND**

12 Plaintiffs demand a jury trial on all issues so triable.

13 THE ZALKIN LAW FIRM, P.C.

14  
15 Dated: \_\_\_\_\_

  
16 Devin M. Storey  
17 Attorney for Plaintiffs Marvin Mayne,  
18 James Black, John Roe 71,  
19 John Roe 74 and John Roe 75  
20  
21  
22  
23  
24  
25  
26  
27  
28