

FILED
Superior Court of California
County of Los Angeles

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Sherri R. Carter, Executive Officer/Clerk

STEVEN OREW
STEVEN OREW

1 JOHN C. MANLY, Esq. (State Bar No. 149080)
VINCE W. FINALDI (State Bar No. 238279)
2 ALEX CUNNY (State Bar No. 291567)
MANLY, STEWART & FINALDI
3 19100 Von Karman Ave., Suite 800
Irvine, CA 92612
4 Telephone: (949) 252-9990
Fax: (949) 252-9991

5 Attorneys for Plaintiff, JOHN LA-1 DOE

BY FAX

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF LOS ANGELES**

10 JOHN LA-1 DOE, an individual,

11 Plaintiff,

12 vs.

13 THE ROMAN CATHOLIC ARCHBISHOP
OF LOS ANGELES, a California corporation
14 sole; MICHAEL BAKER, an individual;
15 ROGER MAHONY, an individual, and DOES
1-100, inclusive,

16 Defendants.

Case No.:

20STCV05160

Judge: _____

Department: _____

PLAINTIFF'S COMPLAINT FOR DAMAGES FOR:

- (1) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- (2) NEGLIGENCE;
- (3) NEGLIGENT SUPERVISION;
- (4) NEGLIGENT RETENTION/HIRING;
- (5) NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE;
- (6) BREACH OF FIDUCIARY DUTY;
- (7) CONSTRUCTIVE FRAUD (*CIVIL CODE* §1573) ;
- (8) SEXUAL HARASSMENT (*CIVIL CODE* §51.9);
- (9) SEXUAL BATTERY;
- (10) GENDER VIOLENCE (*CIVIL CODE* §52.4)
- (11) VIOLATION OF *PENAL CODE* § 287(a)-(b)(1);
- (12) VIOLATION OF *PENAL CODE* § 289(h);
- (13) VIOLATION OF *PENAL CODE* § 288(a)
- (14) VIOLATION OF *PENAL CODE* § 647.6(a)(1).

DEMAND FOR JURY TRIAL

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MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

02/10/2020

MAINLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

02/10/2020

1 COMES NOW, Plaintiff JOHN LA-1 DOE (“Plaintiff”), who hereby complains and
2 alleges against Defendants THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES
3 (“RCALA”), MICHAEL BAKER (“BAKER”), ROGER MAHONY (“MAHONY”) and DOES 1
4 through 100, inclusive (hereinafter collectively referred to as “Defendants”), as follows:

5 1. Over five years prior to the Plaintiff coming into contact with priest and notorious
6 pedophile, BAKER, Defendant MAHONY was made directly and actually aware that BAKER was
7 a pedophile, had abused minor children, and was a danger to continue to molest minor children, yet
8 he did nothing to protect the minor parishioners within RCALA from BAKER. Instead, MAHONY
9 engaged in a calculated plot and scheme to hide BAKER’s true identity as a pedophile, represent
10 to the public that BAKER was a safe, highly-respected diocesan priest without any complaints of
11 misconduct, and represented to parents that they could trust that their child would be safe in
12 BAKER’s care. MAHONY’s concerted effort to hide, conceal and enable BAKER to be around
13 minor children, was motivated by his desire to protect the reputation of the RCALA and the
14 Vatican. Indeed, it was MAHONY’s own personal, financial and professional ties at the highest
15 levels of the Vatican that enabled him to protect BAKER from civil, criminal and administrative
16 investigation into his decades-long sexual abuse of children, along with many other molester-priests
17 within the jurisdiction of RCALA. It is based upon information, and therefore belief, that
18 MAHONY informed the highest levels of the Catholic Church’s senior leadership about BAKER
19 being a pedophile, including but not limited to Cardinal William J. Levada as well as others in
20 Rome, who, due to the financial, personal and professional influence that MAHONY exerted,
21 overlooked BAKER as a notorious pedophile and still permitted BAKER to be around children.

22 2. Pursuant to *Code of Civil Procedure* §340.1(q) as amended by Assembly Bill 218,
23 effective January 1, 2020 there is a three (3) year window in which all civil claims of childhood
24 sexual assault are revived if they have not been litigated to finality. This provision provides that,
25 “[n]otwithstanding any other provision of law, any claim for damages described in paragraphs (1)
26 through (3), inclusive, of subdivision (a) that has not been litigated to finality and that would
27 otherwise be barred as of January 1, 2020, because the applicable statute of limitations, claim
28 presentation deadline, or any other time limit had expired, is revived, and these claims may be

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

02/10/2020

1 commenced within three years of January 1, 2020. A plaintiff shall have the later of the three-year
2 time period under this subdivision or the time period under subdivision (a) as amended by the act
3 that added this subdivision.” This claim has not been previously litigated to finality, thus, it is timely
4 under the revised provisions of *Code of Civil Procedure* §340.1(q).

5 **PARTIES**

6 **(Plaintiff JOHN LA-1 DOE)**

7 3. At all times mentioned herein, Plaintiff John LA-1 Doe (“Plaintiff”) was a resident
8 of the State of California, in and for the County of Los Angeles. The name utilized by John LA-1
9 Doe in this Complaint is not the real name of John LA-1 Doe, but is a fictitious name utilized to
10 protect his privacy as a victim of childhood sexual harassment, molestation, abuse, and assault. *See*
11 *Doe v. Lincoln Unified School District* (2010) 188 Cal.App.4th 758. Plaintiff was born on March
12 22, 1987 and was a minor throughout the period of childhood sexual assault alleged herein. He
13 brings this action pursuant to *Code of Civil Procedure* § 340.1 for the childhood sexual assault he
14 suffered at the hands of BAKER and through the concealment, neglect, and enablement by
15 MAHONY, RCALA, and DOES 1 through 100. Currently, the Plaintiff resides in the city and
16 county of Los Angeles, California.

17 4. The Plaintiff was a parishioner at St. Columbkille Church, within the geographical
18 bounds of RCALA and under the direction, control and management of RCALA, MAHONY and
19 DOES 1 through 100, inclusive, during the time that he was subjected to childhood sexual assault
20 by BAKER. By virtue of this relationship between the Plaintiff and Defendants RCALA,
21 MAHONY, and Does 1 through 100, stood *in loco parentis* with the Plaintiff and his parents, and
22 created a special, trusting, fiduciary, and protective duty of care to the Plaintiff, who was a minor
23 child in their custody, care, and control.

24 **(Defendant, ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES (“RCALA”))**

25 5. Defendant RCALA is, and at all times mentioned herein was, a corporation sole,
26 having its principal place of business in the County of Los Angeles, State of California. Defendant
27 RCALA purposely conducts substantial business activities in the State of California, and was the
28 primary entity owning, operating and controlling the activities and behavior of its employees,

1 agents MAHONY, BAKER, DOES 1 through 100 and all other employees, agents, and supervisors
2 of those defendants. The Plaintiff is informed and believes, and thereon alleges that Defendant
3 RCALA was an entity that supervised priests, supervised children, and understood that children
4 would be in its programs, on its premises, and in the care, custody, and control of Defendant
5 RCALA, including the Plaintiff when he was a parishioner at St. Columbkille Church.

6 6. At all times relevant herein, Defendant RCALA had control over BAKER, who was
7 a priest with RCALA, and who was assigned during the relevant time period to St. Columbkille
8 Church. St. Columbkille Church is not a separately incorporated entity, but rather, is a parish that
9 is (and was) wholly owned, operated, supervised, and managed by RCALA and the Bishop of
10 RCALA at the time. During the relevant time period, MAHONY and RCALA were entirely
11 responsible for the hiring, firing, supervision, management and employment of priests, nuns,
12 religious, and laypersons hired and/or assigned to St. Columbkille Church.

13 **(Defendant, ROGER MAHONY (“MAHONY”))**

14 7. Defendant MAHONY is, and at all times mentioned herein, a male adult individual
15 who is a resident of the County of Los Angeles, State of California. MAHONY was appointed the
16 Archbishop of the Archdiocese of Los Angeles in 1985 and served in that position until 2010. In
17 1991, MAHONY was made a Cardinal within the Roman Catholic Church. As the Archbishop of
18 Los Angeles, and Cardinal, MAHONY was the religious superior to all priests within the
19 geographic region assigned to the RCALA. By and through this position, MAHONY had the
20 ultimate authority to remove dangerous priests within RCALA, and to protect those parishioners at
21 RCALA parishes. During this period, MAHONY was a managing agent of RCALA, which was
22 formed as a California Corporation Sole.

23 8. Prior to becoming the Archbishop of Los Angeles, MAHONY was the Bishop of
24 the Diocese of Stockton, where he had a history of allowing known pedophile priests to continue
25 in ministry, after receiving complaints of sexual misconduct, including notorious child molester,
26 Father Oliver O’Grady. At all times relevant herein, MAHONY had a pattern and practice of
27 concealing child molestation allegations from law enforcement, from civil authorities, and
28 administrative agencies, in order to protect the name and reputation of RCALA, himself, and the

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

02/10/2020

1 Catholic Church, at-large; all done in order to prevent scandal. This pattern and practice continued
2 during the time at MAHONY was appointed Archbishop of RCALA, and Cardinal, and is
3 exemplified by his decision to conceal child molestation complaints about BAKER and allow him
4 to remain in contact with minor parishioners, such as the Plaintiff.

5 9. Despite covering up child molestation allegations by pedophile priests for decades,
6 the RCALA, by and through MAHONY's successor Archbishop José H. Gómez, ratified
7 MAHONY's active concealment of child molestation allegations by allowing MAHONY to remain
8 as a priest with RCALA after his retirement as Archbishop of RCALA. To this date, MAHONY
9 remains as a priest with RCALA and is considered to be in "good standing", in addition to being a
10 Cardinal with the Catholic Church. This conduct by Archbishop Gómez after taking over as
11 Archbishop in 2010, in allowing MAHONY, an individual known to conceal child molestation
12 allegations and protect pedophile priests, to remain a priest in good standing with RCALA and to
13 conduct mass with the public, was a ratification of MAHONY's malfeasance as Archbishop of
14 RCALA, and further evidences the culture of silence, disregard for safety of minor parishioners,
15 and express stance of the RCALA and Catholic Church to protect those who protect pedophiles.

16 10. During all relevant times mentioned herein, MAHONY was the secular direct
17 supervisor, report, and religious superior to BAKER, and at all relevant times herein, had the
18 authority, mandate and obligation to remove him from public ministry upon being apprised of
19 suspicions that BAKER had committed crimes, had molested children, or was otherwise unfit for
20 his position within RCALA as a diocesan priest.

21 **(Defendant, MICHAEL BAKER ("BAKER"))**

22 11. Defendant BAKER was formerly a priest with RCALA, and DOES 1 through 100,
23 who was assigned to St. Columbkille's Church through in or around 1993 through in or around
24 1997. During all instances of sexual assault outlined herein, BAKER was a resident of California
25 and perpetrated his repeated sexual assault against the Plaintiff (and others) while a priest with
26 RCALA, and DOES 1 through 100, under the direct supervision of MAHONY. Currently, BAKER
27 is, based on information and belief, a resident of the County of Orange, located in the State of
28 California.

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 12. BAKER was first ordained a priest with the Catholic Church, and incardinated
2 within RCALA, in or around 1974. BAKER remained a priest, incardinated within RCALA from
3 in or around 1974 through in or around 2000, when he was finally removed from active ministry
4 with RCALA, and finally defrocked in or around December of 2000. Many years prior to BAKER
5 being defrocked in 2000, in or around 1986, MAHONY was made actually aware that BAKER was
6 had sexually molested children, because BAKER had admitted the molestations to MAHONY. As
7 a result, MAHONY sent BAKER to “treatment” at a facility in Jemez Springs, New Mexico
8 operated by a religious order known as the Servants of the Paraclete, for the “treatment” of
9 pedophile priests. After spending approximately six (6) months as a patient at the Servants of the
10 Paraclete’s facility in Jemez Springs, New Mexico, MAHONY returned BAKER to service as a
11 priest within RCALA. It was years after his stay in Jemez Springs that BAKER came into contact
12 with the Plaintiff and repeatedly molested and sexually assaulted him.

13 13. Plaintiff is informed and believes, and thereupon alleges, that the true names and
14 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as
15 DOES 1 through 100, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by
16 such fictitious names. Plaintiff will amend Complaint to allege their true names and capacities when
17 such have been ascertained. Upon information and belief, each of the said DOE Defendants is
18 responsible in some manner under *Code of Civil Procedure* §§340.1(a)(1),(2),(3), and 340.1 (c) for
19 the occurrences herein alleged, and were a legal cause of the childhood sexual assault which
20 resulted in injury to the Plaintiff as alleged herein.

21 14. Plaintiff is informed and believes, and on that basis alleges, that at all times
22 mentioned herein, there existed a unity of interest and ownership among Defendants and each of
23 them, such that any individuality and separateness between Defendants, and each of them, ceased
24 to exist. Defendants and each of them, were the successors-in-interest and/or alter egos of the other
25 Defendants, and each of them, in that they purchased, controlled, dominated and operated each
26 other without any separate identity, observation of formalities, or other manner of division. To
27 continue maintaining the facade of a separate and individual existence between and among
28 Defendants, and each of them, would serve to perpetrate a fraud and an injustice.

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

02/18/2020

1 15. Plaintiff is informed and believes, and on that basis alleges, that at all times
2 mentioned herein, Defendants and each of them were the agents, representatives and/or employees
3 of each and every other Defendant. In doing the things hereinafter alleged, Defendants and each of
4 them, were acting within the course and scope of said alternative personality, capacity, identity,
5 agency, representation and/or employment and were within the scope of their authority, whether
6 actual or apparent. Plaintiff is informed and believes, and on that basis alleges, that at all times
7 mentioned herein, Defendants and each of them were the trustees, partners, servants, joint
8 venturers, shareholders, contractors, and/or employees of each and every other Defendant, and the
9 acts and omissions herein alleged were done by them, acting individually, through such capacity
10 and within the scope of their authority, and with the permission and consent of each and every other
11 Defendant and that said conduct was thereafter ratified by each and every other Defendant, and that
12 each of them is jointly and severally liable to Plaintiff.

13 **FACTUAL ALLEGATIONS OF PLAINTIFF'S CHILDHOOD SEXUAL ASSAULT AND**
14 **DAMAGES**

15 16. From in or around 1993 through in or around 1997, the Plaintiff was a minor
16 parishioner who attended St. Columbkille Church. It is through his attendance at services held at
17 St. Columbkille, that he was placed into contact with BAKER. During this period, BAKER
18 repeatedly sexually abused the Plaintiff in the following ways, including, but not limited to:
19 BAKER fondling the Plaintiff's penis, BAKER orally copulating the Plaintiff's penis, BAKER
20 exposing his bare penis to the Plaintiff, BAKER forcing the Plaintiff to touch and fondle his bare
21 penis, and BAKER digitally penetrating the Plaintiff's anus. The childhood sexual assaults of the
22 Plaintiff occurred on numerous occasions between in or around 1993 and in or around 1997. The
23 Plaintiff came into contact with BAKER through his role with RCALA as a diocesan priest.

24 17. The sexual assault described herein was done for the sexual gratification of
25 Defendant BAKER and was based, at least in part, on the gender of the Plaintiff, who was a minor
26 boy at the time.

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MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 18. The childhood sexual assault described herein was a violation of various provisions
2 of the California *Penal Code* involving sexual assault of minors, including but not limited to *Penal*
3 *Code* §§287(c)(1), 288(a), 647.6, and potentially others.

4 19. Given that the Plaintiff was a minor child at the time of his sexual assault alleged
5 herein, the Plaintiff did not, and was unable to, give free or voluntary consent to the sexual acts
6 perpetrated upon him as a child, by Defendant BAKER.

7 20. As a direct and proximate result of his sexual assault by Defendant BAKER, which
8 was enabled and facilitated by Defendants RCALA, MAHONY and DOES 1 through 100, Plaintiff
9 has suffered, and will continue to suffer, psychological, mental and emotional distress, including
10 but not limited to fear, anxiety, self-medicating behaviors, depression, symptoms consistent with
11 Post-Traumatic Stress Disorder, grief, embarrassment, trouble with interpersonal relationships,
12 problems with trust relationships, and issues with trust. He has and will continue to incur expenses
13 for mental, psychological, psychiatric, and medical care due to the assault, according to proof at
14 trial.

15 21. As a direct and proximate result of his sexual assaults by Defendant BAKER, which
16 was enabled and facilitated by Defendant RCALA, MAHONY, and DOES 1 through 100, Plaintiff
17 has been damaged in his employment, specifically losing wages and earnings and economic
18 benefits according to proof at the time of trial. Plaintiff has lost wages as a result of the assaults he
19 suffered at the hands of Defendants and will continue to lose wages in an amount to be determined
20 at trial. Plaintiff has suffered economic injury, all to Plaintiff's general, special and consequential
21 damage in an amount to be proven at trial, but in no event less than the minimum jurisdictional
22 amount of this Court.

23 **DEFENDANT BAKER'S TENURE WITH RCALA, AND WARNING SIGNS TO**
24 **DEFENDANT, AND DUTIES OF DEFENDANTS RCALA, MAHONY, AND DOES 1-100**
25 **TO PROTECT THE PLAINTIFF**

26 22. BAKER was one of the most notorious child molesters to have ever dawned the
27 collar of a catholic priest, and was well-known by those within RCALA as being an abuser long
28 before his removal from ministry. In 1974, BAKER first became a priest within RCALA, and
subsequent thereto, RCALA and MAHONY received numerous warnings that BAKER was an

1 abuser, and that he was unfit to be around children. Instead of reporting him to law enforcement
2 and complying with their moral, legal, and ethical duties to do so, BAKER remained a priest and
3 was able to be in contact with minor children. Specifically, RCALA, MAHONY, and DOES 1
4 through 100 were aware of the following, prior to the Plaintiff's molestations and sexual assaults
5 by BAKER:

- 6 a. In or around 1986, MAHONY was made actually aware that BAKER had
7 molested at least one child, as BAKER had admitted the molestation to
8 MAHONY;
- 9 b. After acknowledging that BAKER had molested a child, MAHONY
10 recommended and transferred BAKER, without reporting him to law
11 enforcement, for treatment at a Servants of the Paraclete Facility located in
12 Jemez Springs, New Mexico meant to "cure" known pedophiles;
- 13 c. After spending approximately six (6) months in "treatment" in Jemez
14 Springs, New Mexico in 1987, BAKER returned to ministry at RCALA;
- 15 d. Despite having actual knowledge that BAKER was a molester in or around
16 1986, MAHONY returned BAKER to ministry where he continued to be in
17 contact with, and molest, minor children including the Plaintiff;
- 18 e. Despite BAKER's history of abusing kids that was admitted to MAHONY
19 in or around 1986, BAKER was still permitted solitary access to minor
20 boys;
- 21 f. After being returned to ministry in or around 1987, BAKER, while being
22 told by MAHONY and RCALA that he was not permitted one-on-one
23 access to kids, violated this directive on no less than three (3) documented
24 occasions that were observed by RCALA personnel. Nevertheless, BAKER
25 remained in ministry until in or around 2000;
- 26 g. BAKER remained in ministry until in or around 2000, when RCALA
27 became aware that a civil lawsuit was being prepared and that MAHONY's,
28 RCALA's and DOES 1 through 100's common plan, scheme, and
arrangement to conceal BAKER's true identity as a child molester, would
come to light publicly and cast scandal upon the Church's hierarchy;
- h. Despite enabling pedophile priests for decades and ignoring known
complaints of sexual misconduct by priests, MAHONY remains a priest
with RCALA, who is permitted to give mass, and a Cardinal within the
Catholic Church for which he continues to exert influence over church
policy. In allowing MAHONY to remain a priest, the current Archbishop of
RCALA, Archbishop José H. Gómez, ratified MAHONY's conduct in
allowing him to remain in a position of authority and continue to exert
influence as a Cardinal within the Catholic Church. By allowing MAHONY
to remain a priest and Cardinal, and not instituting formal proceedings
through the Catholic Church and RCALA to remove MAHONY for actively
hiding child molesters, including BAKER, within the RCALA. This
decision of Archbishop Gomez is part-and-parcel of the poisonous pattern,
practice and culture within RCALA to hide child molester priests.

23. As a priest of RCALA, and DOES 1 through 100, BAKER was placed into a position
of moral, ethical, religious, and legal authority over the Plaintiff, his parents, and parishioners with

1 whom he came into contact. BAKER was a confidant to the Plaintiff and his family, and as a result,
2 there was a special, trusting, confidential and fiduciary relationship between the Plaintiff and
3 BAKER, as well as between Defendants RCALA, MAHONY and DOES 1 through 100 and the
4 Plaintiff. Through this relationship with the Plaintiff, Defendants RCALA, MAHONY, BAKER,
5 and DOES 1 through 100 stood *in loco parentis* with the Plaintiff as well as with his family.
6 Specifically, Defendants RCALA, MAHONY, BAKER, and DOES 1 through 100 took the
7 Plaintiff into their custody, care and control, which conferred upon the Plaintiff and his family, the
8 reasonable belief that the Plaintiff, a minor child, would be protected and cared for, as if RCALA,
9 MAHONY, BAKER and DOES 1 through 100 were the Plaintiff's own parents.

10 24. As is set forth herein, Defendants and each of them have failed to uphold numerous
11 mandatory duties imposed upon them by state and federal law, and by written policies and
12 procedures applicable to Defendants, including but not limited to the following:

- 13 * Duty to protect minor children in their care, and provide adequate
14 supervision;
- 15 * Duty to ensure that any direction given to employees and agents is lawful,
16 and that adults act fairly, responsibly and respectfully towards other adults
17 and minor children;
- 18 * Duty to properly train teachers, mentors, priests, supervisors and advisors
19 so that they are aware of their individual responsibility for creating and
20 maintaining a safe environment;
- 21 * Duty to supervise employees and minor children in its care, enforce rules
22 and regulations prescribed for childcare organizations, exercise reasonable
23 control over minor children in its care as is reasonably necessary to maintain
24 order, protect property, or protect the health and safety of employees and
25 minor children or to maintain proper and appropriate conditions conducive
26 to learning and child development;
- 27 * Duty to exercise careful supervision of the moral conditions in the youth
28 programs set forth by Defendants RCALA and MAHONY;
- * Duty to properly monitor minor children, prevent or correct harmful
situations or call for help when a situation is beyond their control;
- * Duty to ensure that personnel are actually on-hand and supervising minors;
- * Duty to provide enough supervision to minor children, including the
Plaintiff;
- * Duty to supervise diligently;

- 1 * Duty to act promptly and diligently and not ignore or minimize problems;
- 2 * Duty to refrain from violating Plaintiff's right to protection from bodily
- 3 restraint or harm, from personal insult, from defamation, and from injury to
- 4 his personal relations (*Civil Code* § 43);
- 5 * Duty to abstain from injuring the person or property of Plaintiff, or
- 6 infringing upon any of his rights (*Civil Code* § 1708); and
- 7 * Duty to report suspected incidents of child assault and more specifically
- 8 childhood sexual abuse (*Penal Code* §§ 11166, 11167).

9 25. During BAKER's tenure as a priest with RCALA, and DOES 1 through 100,
10 Plaintiff is informed, and therefore believes, that there were ample warning signs, reports, and/or
11 investigations about BAKER's unfitness for this position of trust and misconduct in his contact
12 with minor parishioners, including the Plaintiff. It is upon information, and therefore belief, that
13 the Defendants RCALA, MAHONY, and DOES 1 through 100 knew or had reason to know that,
14 or was otherwise on notice, of misconduct that created a risk of childhood sexual assault by
15 BAKER, and also, that Defendants RCALA, MAHONY, and DOES 1 through 100 failed to take
16 reasonable steps, or to implement reasonable safeguards, to avoid acts of childhood sexual assault,
17 including but not limited to preventing or avoiding placement of BAKER in a function or
18 environment in which contact with children was an inherent part of that function or environment.
19 Defendants had a duty to disclose to these facts to Plaintiff, his parents and others, but negligently
20 and/or intentionally suppressed, concealed or failed to disclose this information for the express
21 purposes of facilitating BAKER's sexual assault of children, maintaining BAKER's image as an
22 ethical, wholesome, safe, and trusted spiritual leader at RCALA, and DOES 1 through 100. The
23 duty to disclose this information arose by the special, trusting, confidential, fiduciary, and *in loco*
24 *parentis* relationship between Defendants and Plaintiff.

25 26. As a minor at Defendant RCALA, and DOES 1 through 100, where BAKER was
26 employed, retained, and worked, Plaintiff was under BAKER's, as well as RCALA, MAHONY,
27 and DOES 1-100's direct supervision, care and control, thus creating a special relationship,
28 fiduciary relationship, and/or special care relationship with Defendants, and each of them.
Additionally, as a minor child under the custody, care and control of Defendants, Defendants stood
in loco parentis with respect to Plaintiff while he was at RCALA and DOES 1 through 100. As the

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
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1 responsible parties and/or employers controlling BAKER, Defendants were also in a special
2 relationship with Plaintiff, and owed special duties to Plaintiff.

3 27. Instead, Defendants RCALA, MAHONY and DOES 1 through 100 ignored and/or
4 concealed the sexual assault of Plaintiff and others by BAKER that had already occurred, and
5 continued to allow numerous children, including the Plaintiff, to be in private, secluded areas with
6 BAKER, including but not limited to the grounds of St. Columbkille Church, despite this
7 knowledge of BAKER's prior unfitness and danger posed to minors. Plaintiff is informed and
8 believes, and on that basis alleges, that Defendants and each of them were given notice of incidents
9 of inappropriate conduct by BAKER, including such facts as those set forth in this Complaint.

10 28. Plaintiff is informed and believes, on that basis alleges, that prior to and during the
11 sexual harassment, molestation and assault of Plaintiff, Defendants knew or had reason to know
12 that BAKER had violated his role as a teacher, mentor, supervisor, caretaker and advisor to minors,
13 and used this position of authority and trust acting on behalf of Defendants to gain access to
14 children, including Plaintiff, on and off the premises and grounds of Defendants, in which he caused
15 Plaintiff to touch him, to allow BAKER to touch Plaintiff in a sexual manner, and engaged in sexual
16 conduct and assault, including harassment and molestation, with such children including Plaintiff.

17 29. With actual or constructive knowledge that Defendant BAKER had previously
18 engaged in dangerous and inappropriate misconduct, Defendants conspired to and did knowingly
19 fail to take reasonable steps, and failed to implement reasonable safeguards to avoid acts of sexual
20 assault by BAKER, including, but not limited to, preventing or avoiding placement of BAKER in
21 a function or environment in which contact with children is an inherent aspect of that function or
22 environment.

23 30. Plaintiff further alleges that Defendants failed to report and did hide and conceal
24 from the Plaintiff, the Plaintiff's parents, other minor children in their care (and parents of those
25 children), law enforcement authorities, civil authorities and others, the true facts and relevant
26 information necessary to bring BAKER to justice for misconduct that created a risk of childhood
27 sexual assault of children, including the Plaintiff.

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MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 31. Defendants also implemented various measures designed to, or which effectively,
2 made BAKER's conduct harder to detect including, but not limited to:

- 3 a. Permitting BAKER to remain in a position of authority and trust after
4 Defendants knew or had reason to know he engaged in misconduct that
5 created a risk of childhood sexual assault to be perpetrated by BAKER;
- 6 b. Placing BAKER in a separate and secluded environment, including placing
7 him in charge of, and contact with, young boys where they purported to
8 supervise the children, which allowed BAKER to sexually and physically
9 interact with and assault the children, including Plaintiff;
- 10 c. Allowing BAKER to come into contact with minors, including Plaintiff,
11 without adequate supervision;
- 12 d. Failing to inform, or concealing from Plaintiff's parents and law
13 enforcement officials the fact that Plaintiff and others were or may have
14 been sexually assaulted after Defendants knew or had reason to know that
15 BAKER may have sexually assaulted Plaintiff or others, thereby enabling
16 Plaintiff to continue to be endangered and sexually assaulted, and/or
17 creating the circumstance where Plaintiff and others were less likely to
18 receive medical/mental health care and treatment, thus exacerbating the
19 harm to Plaintiff;
- 20 e. Holding out BAKER to Plaintiff and his parents, other children and their
21 parents, and to the community as being in good standing and trustworthy;
- 22 f. Failing to take reasonable steps, and to implement reasonable safeguards to
23 avoid acts of unlawful sexual conduct by BAKER with students, who were
24 minor children; and
- 25 g. Failing to put in place a system or procedure to supervise or monitor
26 employees, volunteers, representatives or agents to insure that they did not
27 molest or assault minors in Defendants' care, including Plaintiff.

28 32. By his position within the Defendants' institutions, Defendants and BAKER
demanded and required that Plaintiff respect BAKER in his position of priest, spiritual advisor,
confidant, teacher, and mentor at Defendants RCALA, and DOES 1 through 100.

33. Plaintiff is informed and believes, and on that basis alleges, that Defendants and
each of them, were or had reason to have been aware of BAKER's wrongful conduct at or about
the time it was occurring, and thereafter, but took no action to obstruct, inhibit or stop such
continuing conduct, or to help Plaintiff endure the trauma from such conduct. Despite the authority
and ability to do so, these Defendants negligently and/or willfully refused to, and/or did not act
effectively to stop the sexual assaults on Plaintiff, to inhibit or obstruct such assault, or to protect
Plaintiff from the results of that trauma.

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 34. During the period of assault of Plaintiff at the hands of BAKER, Defendants
2 RCALA, MAHONY and DOES 1 through 100 had the authority and the ability to obstruct or stop
3 BAKER 's sexual assaults on Plaintiff, but negligently and/or willfully failed to do so, thereby
4 allowing the assault to occur and to continue unabated. This failure was a part of Defendants' plan
5 and arrangement to conceal wrongful acts, to avoid and inhibit detection, to block public disclosure,
6 to avoid scandal, to avoid the disclosure of their tolerance of child sexual molestation and assault,
7 to preserve a false appearance of propriety, and to avoid investigation and action by public authority
8 including law enforcement. Plaintiff is informed and believes, and on that basis alleges, that such
9 actions were motivated by a desire to protect the reputation of Defendants and each of them, and to
10 protect the monetary support of Defendants while fostering an environment where such assault
11 could continue to occur.

12 35. Plaintiff is informed and believes, and on that basis alleges, that at the time
13 BAKER's violations of the *Penal Code* and other provisions of California Law, alleged herein-
14 above were committed, Defendants knew or had reason to know, or were or were otherwise on
15 notice of, misconduct that created a risk of childhood sexual assault by BAKER, and despite such
16 knowledge and/or notice, placed Plaintiff in BAKER's custody and/or made Plaintiff available
17 BAKER and failed to take reasonable steps or implement reasonable safeguards to protect Plaintiff
18 from BAKER's acts of childhood sexual assault. Plaintiff is further informed and believes, and on
19 that basis alleges, that these acts and/or omissions on the part of Defendants were committed despite
20 their ability to exercise control over the personal and business affairs of BAKER. Accordingly,
21 Defendants are liable for BAKER's acts of childhood sexual assault in that their wrongful,
22 intentional and/or negligent acts were a legal cause of the childhood sexual assault.

23 36. Defendants owed the Plaintiff a special duty of care. The Plaintiff, as a minor at all
24 relevant times alleged herein, was placed in the physical custody, control, and dominion of
25 Defendants and their agents, employees, and/or servants, and was placed in such custody, control,
26 and dominion in locations including, but not limited to the grounds of St. Columbkille Church. The
27 Plaintiff, as a minor in the custody, control, and under the dominion of Defendants, stood *in loco*
28 *parentis* with Defendants. As entities responsible for the custody, supervision, care, and dominion

1 JOHN C. MANLY, Esq. (State Bar No. 149080)
VINCE W. FINALDI (State Bar No. 238279)
2 ALEX CUNNY (State Bar No. 291567)
MANLY, STEWART & FINALDI
3 19100 Von Karman Ave., Suite 800
Irvine, CA 92612
4 Telephone: (949) 252-9990
Fax: (949) 252-9991

5 Attorneys for Plaintiff, JOHN LA-1 DOE

6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF LOS ANGELES**

9
10 JOHN LA-1 DOE, an individual,

11 Plaintiff,

12 vs.

13 THE ROMAN CATHOLIC ARCHBISHOP
OF LOS ANGELES, a California corporation
14 sole; MICHAEL BAKER, an individual;
ROGER MAHONY, an individual, and DOES
15 1-100, inclusive,

16 Defendants.

Case No.: _____

Judge: _____

Department: _____

PLAINTIFF'S COMPLAINT FOR DAMAGES FOR:

- (1) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- (2) NEGLIGENCE;
- (3) NEGLIGENT SUPERVISION;
- (4) NEGLIGENT RETENTION/HIRING;
- (5) NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE;
- (6) BREACH OF FIDUCIARY DUTY;
- (7) CONSTRUCTIVE FRAUD (*CIVIL CODE* §1573) ;
- (8) SEXUAL HARASSMENT (*CIVIL CODE* §51.9);
- (9) SEXUAL BATTERY;
- (10) GENDER VIOLENCE (*CIVIL CODE* §52.4)
- (11) VIOLATION OF *PENAL CODE* § 287(a)-(b)(1);
- (12) VIOLATION OF *PENAL CODE* § 289(h);
- (13) VIOLATION OF *PENAL CODE* § 288(a)
- (14) VIOLATION OF *PENAL CODE* § 647.6(a)(1).

DEMAND FOR JURY TRIAL

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MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 COMES NOW, Plaintiff JOHN LA-1 DOE (“Plaintiff”), who hereby complains and
2 alleges against Defendants THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES
3 (“RCALA”), MICHAEL BAKER (“BAKER”), ROGER MAHONY (“MAHONY”) and DOES 1
4 through 100, inclusive (hereinafter collectively referred to as “Defendants”), as follows:

5 1. Over five years prior to the Plaintiff coming into contact with priest and notorious
6 pedophile, BAKER, Defendant MAHONY was made directly and actually aware that BAKER was
7 a pedophile, had abused minor children, and was a danger to continue to molest minor children, yet
8 he did nothing to protect the minor parishioners within RCALA from BAKER. Instead, MAHONY
9 engaged in a calculated plot and scheme to hide BAKER’s true identity as a pedophile, represent
10 to the public that BAKER was a safe, highly-respected diocesan priest without any complaints of
11 misconduct, and represented to parents that they could trust that their child would be safe in
12 BAKER’s care. MAHONY’s concerted effort to hide, conceal and enable BAKER to be around
13 minor children, was motivated by his desire to protect the reputation of the RCALA and the
14 Vatican. Indeed, it was MAHONY’s own personal, financial and professional ties at the highest
15 levels of the Vatican that enabled him to protect BAKER from civil, criminal and administrative
16 investigation into his decades-long sexual abuse of children, along with many other molester-priests
17 within the jurisdiction of RCALA. It is based upon information, and therefore belief, that
18 MAHONY informed the highest levels of the Catholic Church’s senior leadership about BAKER
19 being a pedophile, including but not limited to Cardinal William J. Levada as well as others in
20 Rome, who, due to the financial, personal and professional influence that MAHONY exerted,
21 overlooked BAKER as a notorious pedophile and still permitted BAKER to be around children.

22 2. Pursuant to *Code of Civil Procedure* §340.1(q) as amended by Assembly Bill 218,
23 effective January 1, 2020 there is a three (3) year window in which all civil claims of childhood
24 sexual assault are revived if they have not been litigated to finality. This provision provides that,
25 “[n]otwithstanding any other provision of law, any claim for damages described in paragraphs (1)
26 through (3), inclusive, of subdivision (a) that has not been litigated to finality and that would
27 otherwise be barred as of January 1, 2020, because the applicable statute of limitations, claim
28 presentation deadline, or any other time limit had expired, is revived, and these claims may be

1 commenced within three years of January 1, 2020. A plaintiff shall have the later of the three-year
2 time period under this subdivision or the time period under subdivision (a) as amended by the act
3 that added this subdivision.” This claim has not been previously litigated to finality, thus, it is timely
4 under the revised provisions of *Code of Civil Procedure* §340.1(q).

5 PARTIES

6 **(Plaintiff JOHN LA-1 DOE)**

7 3. At all times mentioned herein, Plaintiff John LA-1 Doe (“Plaintiff”) was a resident
8 of the State of California, in and for the County of Los Angeles. The name utilized by John LA-1
9 Doe in this Complaint is not the real name of John LA-1 Doe, but is a fictitious name utilized to
10 protect his privacy as a victim of childhood sexual harassment, molestation, abuse, and assault. *See*
11 *Doe v. Lincoln Unified School District* (2010) 188 Cal.App.4th 758. Plaintiff was born on March
12 22, 1987 and was a minor throughout the period of childhood sexual assault alleged herein. He
13 brings this action pursuant to *Code of Civil Procedure* § 340.1 for the childhood sexual assault he
14 suffered at the hands of BAKER and through the concealment, neglect, and enablement by
15 MAHONY, RCALA, and DOES 1 through 100. Currently, the Plaintiff resides in the city and
16 county of Los Angeles, California.

17 4. The Plaintiff was a parishioner at St. Columbkille Church, within the geographical
18 bounds of RCALA and under the direction, control and management of RCALA, MAHONY and
19 DOES 1 through 100, inclusive, during the time that he was subjected to childhood sexual assault
20 by BAKER. By virtue of this relationship between the Plaintiff and Defendants RCALA,
21 MAHONY, and Does 1through 100, stood *in loco parentis* with the Plaintiff and his parents, and
22 created a special, trusting, fiduciary, and protective duty of care to the Plaintiff, who was a minor
23 child in their custody, care, and control.

24 **(Defendant, ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES (“RCALA”))**

25 5. Defendant RCALA is, and at all times mentioned herein was, a corporation sole,
26 having its principal place of business in the County of Los Angeles, State of California. Defendant
27 RCALA purposely conducts substantial business activities in the State of California, and was the
28 primary entity owning, operating and controlling the activities and behavior of its employees,

1 agents MAHONY, BAKER, DOES 1 through 100 and all other employees, agents, and supervisors
2 of those defendants. The Plaintiff is informed and believes, and thereon alleges that Defendant
3 RCALA was an entity that supervised priests, supervised children, and understood that children
4 would be in its programs, on its premises, and in the care, custody, and control of Defendant
5 RCALA, including the Plaintiff when he was a parishioner at St. Columbkille Church.

6 6. At all times relevant herein, Defendant RCALA had control over BAKER, who was
7 a priest with RCALA, and who was assigned during the relevant time period to St. Columbkille
8 Church. St. Columbkille Church is not a separately incorporated entity, but rather, is a parish that
9 is (and was) wholly owned, operated, supervised, and managed by RCALA and the Bishop of
10 RCALA at the time. During the relevant time period, MAHONY and RCALA were entirely
11 responsible for the hiring, firing, supervision, management and employment of priests, nuns,
12 religious, and laypersons hired and/or assigned to St. Columbkille Church.

13 **(Defendant, ROGER MAHONY (“MAHONY”))**

14 7. Defendant MAHONY is, and at all times mentioned herein, a male adult individual
15 who is a resident of the County of Los Angeles, State of California. MAHONY was appointed the
16 Archbishop of the Archdiocese of Los Angeles in 1985 and served in that position until 2010. In
17 1991, MAHONY was made a Cardinal within the Roman Catholic Church. As the Archbishop of
18 Los Angeles, and Cardinal, MAHONY was the religious superior to all priests within the
19 geographic region assigned to the RCALA. By and through this position, MAHONY had the
20 ultimate authority to remove dangerous priests within RCALA, and to protect those parishioners at
21 RCALA parishes. During this period, MAHONY was a managing agent of RCALA, which was
22 formed as a California Corporation Sole.

23 8. Prior to becoming the Archbishop of Los Angeles, MAHONY was the Bishop of
24 the Diocese of Stockton, where he had a history of allowing known pedophile priests to continue
25 in ministry, after receiving complaints of sexual misconduct, including notorious child molester,
26 Father Oliver O’Grady. At all times relevant herein, MAHONY had a pattern and practice of
27 concealing child molestation allegations from law enforcement, from civil authorities, and
28 administrative agencies, in order to protect the name and reputation of RCALA, himself, and the

1 Catholic Church, at-large; all done in order to prevent scandal. This pattern and practice continued
2 during the time at MAHONY was appointed Archbishop of RCALA, and Cardinal, and is
3 exemplified by his decision to conceal child molestation complaints about BAKER and allow him
4 to remain in contact with minor parishioners, such as the Plaintiff.

5 9. Despite covering up child molestation allegations by pedophile priests for decades,
6 the RCALA, by and through MAHONY's successor Archbishop José H. Gómez, ratified
7 MAHONY's active concealment of child molestation allegations by allowing MAHONY to remain
8 as a priest with RCALA after his retirement as Archbishop of RCALA. To this date, MAHONY
9 remains as a priest with RCALA and is considered to be in "good standing", in addition to being a
10 Cardinal with the Catholic Church. This conduct by Archbishop Gómez after taking over as
11 Archbishop in 2010, in allowing MAHONY, an individual known to conceal child molestation
12 allegations and protect pedophile priests, to remain a priest in good standing with RCALA and to
13 conduct mass with the public, was a ratification of MAHONY's malfeasance as Archbishop of
14 RCALA, and further evidences the culture of silence, disregard for safety of minor parishioners,
15 and express stance of the RCALA and Catholic Church to protect those who protect pedophiles.

16 10. During all relevant times mentioned herein, MAHONY was the secular direct
17 supervisor, report, and religious superior to BAKER, and at all relevant times herein, had the
18 authority, mandate and obligation to remove him from public ministry upon being apprised of
19 suspicions that BAKER had committed crimes, had molested children, or was otherwise unfit for
20 his position within RCALA as a diocesan priest.

21 **(Defendant, MICHAEL BAKER ("BAKER"))**

22 11. Defendant BAKER was formerly a priest with RCALA, and DOES 1 through 100,
23 who was assigned to St. Columbkille's Church through in or around 1993 through in or around
24 1997. During all instances of sexual assault outlined herein, BAKER was a resident of California
25 and perpetrated his repeated sexual assault against the Plaintiff (and others) while a priest with
26 RCALA, and DOES 1 through 100, under the direct supervision of MAHONY. Currently, BAKER
27 is, based on information and belief, a resident of the County of Orange, located in the State of
28 California.

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 12. BAKER was first ordained a priest with the Catholic Church, and incardinated
2 within RCALA, in or around 1974. BAKER remained a priest, incardinated within RCALA from
3 in or around 1974 through in or around 2000, when he was finally removed from active ministry
4 with RCALA, and finally defrocked in or around December of 2000. Many years prior to BAKER
5 being defrocked in 2000, in or around 1986, MAHONY was made actually aware that BAKER was
6 had sexually molested children, because BAKER had admitted the molestations to MAHONY. As
7 a result, MAHONY sent BAKER to “treatment” at a facility in Jemez Springs, New Mexico
8 operated by a religious order known as the Servants of the Paraclete, for the “treatment” of
9 pedophile priests. After spending approximately six (6) months as a patient at the Servants of the
10 Paraclete’s facility in Jemez Springs, New Mexico, MAHONY returned BAKER to service as a
11 priest within RCALA. It was years after his stay in Jemez Springs that BAKER came into contact
12 with the Plaintiff and repeatedly molested and sexually assaulted him.

13 13. Plaintiff is informed and believes, and thereupon alleges, that the true names and
14 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as
15 DOES 1 through 100, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by
16 such fictitious names. Plaintiff will amend Complaint to allege their true names and capacities when
17 such have been ascertained. Upon information and belief, each of the said DOE Defendants is
18 responsible in some manner under *Code of Civil Procedure* §§340.1(a)(1),(2),(3), and 340.1 (c) for
19 the occurrences herein alleged, and were a legal cause of the childhood sexual assault which
20 resulted in injury to the Plaintiff as alleged herein.

21 14. Plaintiff is informed and believes, and on that basis alleges, that at all times
22 mentioned herein, there existed a unity of interest and ownership among Defendants and each of
23 them, such that any individuality and separateness between Defendants, and each of them, ceased
24 to exist. Defendants and each of them, were the successors-in-interest and/or alter egos of the other
25 Defendants, and each of them, in that they purchased, controlled, dominated and operated each
26 other without any separate identity, observation of formalities, or other manner of division. To
27 continue maintaining the facade of a separate and individual existence between and among
28 Defendants, and each of them, would serve to perpetrate a fraud and an injustice.

MANLY, STEWART & FINALDI
 ATTORNEYS AT LAW
 19100 Von Karman Avenue, Suite 800
 Irvine, CA 92612
 Telephone: (949) 252-9990

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1 15. Plaintiff is informed and believes, and on that basis alleges, that at all times
 2 mentioned herein, Defendants and each of them were the agents, representatives and/or employees
 3 of each and every other Defendant. In doing the things hereinafter alleged, Defendants and each of
 4 them, were acting within the course and scope of said alternative personality, capacity, identity,
 5 agency, representation and/or employment and were within the scope of their authority, whether
 6 actual or apparent. Plaintiff is informed and believes, and on that basis alleges, that at all times
 7 mentioned herein, Defendants and each of them were the trustees, partners, servants, joint
 8 venturers, shareholders, contractors, and/or employees of each and every other Defendant, and the
 9 acts and omissions herein alleged were done by them, acting individually, through such capacity
 10 and within the scope of their authority, and with the permission and consent of each and every other
 11 Defendant and that said conduct was thereafter ratified by each and every other Defendant, and that
 12 each of them is jointly and severally liable to Plaintiff.

13 **FACTUAL ALLEGATIONS OF PLAINTIFF'S CHILDHOOD SEXUAL ASSAULT AND**
 14 **DAMAGES**

15 16. From in or around 1993 through in or around 1997, the Plaintiff was a minor
 16 parishioner who attended St. Columbkille Church. It is through his attendance at services held at
 17 St. Columbkille, that he was placed into contact with BAKER. During this period, BAKER
 18 repeatedly sexually abused the Plaintiff in the following ways, including, but not limited to:
 19 BAKER fondling the Plaintiff's penis, BAKER orally copulating the Plaintiff's penis, BAKER
 20 exposing his bare penis to the Plaintiff, BAKER forcing the Plaintiff to touch and fondle his bare
 21 penis, and BAKER digitally penetrating the Plaintiff's anus. The childhood sexual assaults of the
 22 Plaintiff occurred on numerous occasions between in or around 1993 and in or around 1997. The
 23 Plaintiff came into contact with BAKER through his role with RCALA as a diocesan priest.

24 17. The sexual assault described herein was done for the sexual gratification of
 25 Defendant BAKER and was based, at least in part, on the gender of the Plaintiff, who was a minor
 26 boy at the time.

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MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 18. The childhood sexual assault described herein was a violation of various provisions
2 of the California *Penal Code* involving sexual assault of minors, including but not limited to *Penal*
3 *Code* §§287(c)(1), 288(a), 647.6, and potentially others.

4 19. Given that the Plaintiff was a minor child at the time of his sexual assault alleged
5 herein, the Plaintiff did not, and was unable to, give free or voluntary consent to the sexual acts
6 perpetrated upon him as a child, by Defendant BAKER.

7 20. As a direct and proximate result of his sexual assault by Defendant BAKER, which
8 was enabled and facilitated by Defendants RCALA, MAHONY and DOES 1 through 100, Plaintiff
9 has suffered, and will continue to suffer, psychological, mental and emotional distress, including
10 but not limited to fear, anxiety, self-medicating behaviors, depression, symptoms consistent with
11 Post-Traumatic Stress Disorder, grief, embarrassment, trouble with interpersonal relationships,
12 problems with trust relationships, and issues with trust. He has and will continue to incur expenses
13 for mental, psychological, psychiatric, and medical care due to the assault, according to proof at
14 trial.

15 21. As a direct and proximate result of his sexual assaults by Defendant BAKER, which
16 was enabled and facilitated by Defendant RCALA, MAHONY, and DOES 1 through 100, Plaintiff
17 has been damaged in his employment, specifically losing wages and earnings and economic
18 benefits according to proof at the time of trial. Plaintiff has lost wages as a result of the assaults he
19 suffered at the hands of Defendants and will continue to lose wages in an amount to be determined
20 at trial. Plaintiff has suffered economic injury, all to Plaintiff's general, special and consequential
21 damage in an amount to be proven at trial, but in no event less than the minimum jurisdictional
22 amount of this Court.

23 **DEFENDANT BAKER'S TENURE WITH RCALA, AND WARNING SIGNS TO**
24 **DEFENDANT, AND DUTIES OF DEFENDANTS RCALA, MAHONY, AND DOES 1-100**
25 **TO PROTECT THE PLAINTIFF**

26 22. BAKER was one of the most notorious child molesters to have ever dawned the
27 collar of a catholic priest, and was well-known by those within RCALA as being an abuser long
28 before his removal from ministry. In 1974, BAKER first became a priest within RCALA, and
subsequent thereto, RCALA and MAHONY received numerous warnings that BAKER was an

1 abuser, and that he was unfit to be around children. Instead of reporting him to law enforcement
2 and complying with their moral, legal, and ethical duties to do so, BAKER remained a priest and
3 was able to be in contact with minor children. Specifically, RCALA, MAHONY, and DOES 1
4 through 100 were aware of the following, prior to the Plaintiff's molestations and sexual assaults
5 by BAKER:

- 6 a. In or around 1986, MAHONY was made actually aware that BAKER had
7 molested at least one child, as BAKER had admitted the molestation to
8 MAHONY;
 - 9 b. After acknowledging that BAKER had molested a child, MAHONY
10 recommended and transferred BAKER, without reporting him to law
11 enforcement, for treatment at a Servants of the Paraclete Facility located in
12 Jemez Springs, New Mexico meant to "cure" known pedophiles;
 - 13 c. After spending approximately six (6) months in "treatment" in Jemez
14 Springs, New Mexico in 1987, BAKER returned to ministry at RCALA;
 - 15 d. Despite having actual knowledge that BAKER was a molester in or around
16 1986, MAHONY returned BAKER to ministry where he continued to be in
17 contact with, and molest, minor children including the Plaintiff;
 - 18 e. Despite BAKER's history of abusing kids that was admitted to MAHONY
19 in or around 1986, BAKER was still permitted solitary access to minor
20 boys;
 - 21 f. After being returned to ministry in or around 1987, BAKER, while being
22 told by MAHONY and RCALA that he was not permitted one-on-one
23 access to kids, violated this directive on no less than three (3) documented
24 occasions that were observed by RCALA personnel. Nevertheless, BAKER
25 remained in ministry until in or around 2000;
 - 26 g. BAKER remained in ministry until in or around 2000, when RCALA
27 became aware that a civil lawsuit was being prepared and that MAHONY's,
28 RCALA's and DOES 1 through 100's common plan, scheme, and
arrangement to conceal BAKER's true identity as a child molester, would
come to light publicly and cast scandal upon the Church's hierarchy;
 - h. Despite enabling pedophile priests for decades and ignoring known
complaints of sexual misconduct by priests, MAHONY remains a priest
with RCALA, who is permitted to give mass, and a Cardinal within the
Catholic Church for which he continues to exert influence over church
policy. In allowing MAHONY to remain a priest, the current Archbishop of
RCALA, Archbishop José H. Gómez, ratified MAHONY's conduct in
allowing him to remain in a position of authority and continue to exert
influence as a Cardinal within the Catholic Church. By allowing MAHONY
to remain a priest and Cardinal, and not instituting formal proceedings
through the Catholic Church and RCALA to remove MAHONY for actively
hiding child molesters, including BAKER, within the RCALA. This
decision of Archbishop Gomez is part-and-parcel of the poisonous pattern,
practice and culture within RCALA to hide child molester priests.
23. As a priest of RCALA, and DOES 1 through 100, BAKER was placed into a position
of moral, ethical, religious, and legal authority over the Plaintiff, his parents, and parishioners with

1 whom he came into contact. BAKER was a confidant to the Plaintiff and his family, and as a result,
2 there was a special, trusting, confidential and fiduciary relationship between the Plaintiff and
3 BAKER, as well as between Defendants RCALA, MAHONY and DOES 1 through 100 and the
4 Plaintiff. Through this relationship with the Plaintiff, Defendants RCALA, MAHONY, BAKER,
5 and DOES 1 through 100 stood *in loco parentis* with the Plaintiff as well as with his family.
6 Specifically, Defendants RCALA, MAHONY, BAKER, and DOES 1 through 100 took the
7 Plaintiff into their custody, care and control, which conferred upon the Plaintiff and his family, the
8 reasonable belief that the Plaintiff, a minor child, would be protected and cared for, as if RCALA,
9 MAHONY, BAKER and DOES 1 through 100 were the Plaintiff's own parents.

10 24. As is set forth herein, Defendants and each of them have failed to uphold numerous
11 mandatory duties imposed upon them by state and federal law, and by written policies and
12 procedures applicable to Defendants, including but not limited to the following:

- 13 * Duty to protect minor children in their care, and provide adequate
14 supervision;
- 15 * Duty to ensure that any direction given to employees and agents is lawful,
16 and that adults act fairly, responsibly and respectfully towards other adults
17 and minor children;
- 18 * Duty to properly train teachers, mentors, priests, supervisors and advisors
19 so that they are aware of their individual responsibility for creating and
20 maintaining a safe environment;
- 21 * Duty to supervise employees and minor children in its care, enforce rules
22 and regulations prescribed for childcare organizations, exercise reasonable
23 control over minor children in its care as is reasonably necessary to maintain
24 order, protect property, or protect the health and safety of employees and
25 minor children or to maintain proper and appropriate conditions conducive
26 to learning and child development;
- 27 * Duty to exercise careful supervision of the moral conditions in the youth
28 programs set forth by Defendants RCALA and MAHONY;
- * Duty to properly monitor minor children, prevent or correct harmful
situations or call for help when a situation is beyond their control;
- * Duty to ensure that personnel are actually on-hand and supervising minors;
- * Duty to provide enough supervision to minor children, including the
Plaintiff;
- * Duty to supervise diligently;

- 1 * Duty to act promptly and diligently and not ignore or minimize problems;
- 2 * Duty to refrain from violating Plaintiff's right to protection from bodily
- 3 restraint or harm, from personal insult, from defamation, and from injury to
- 4 his personal relations (*Civil Code* § 43);
- 5 * Duty to abstain from injuring the person or property of Plaintiff, or
- 6 infringing upon any of his rights (*Civil Code* § 1708); and
- 7 * Duty to report suspected incidents of child assault and more specifically
- 8 childhood sexual abuse (*Penal Code* §§ 11166, 11167).

9 25. During BAKER's tenure as a priest with RCALA, and DOES 1 through 100,
10 Plaintiff is informed, and therefore believes, that there were ample warning signs, reports, and/or
11 investigations about BAKER's unfitness for this position of trust and misconduct in his contact
12 with minor parishioners, including the Plaintiff. It is upon information, and therefore belief, that
13 the Defendants RCALA, MAHONY, and DOES 1 through 100 knew or had reason to know that,
14 or was otherwise on notice, of misconduct that created a risk of childhood sexual assault by
15 BAKER, and also, that Defendants RCALA, MAHONY, and DOES 1 through 100 failed to take
16 reasonable steps, or to implement reasonable safeguards, to avoid acts of childhood sexual assault,
17 including but not limited to preventing or avoiding placement of BAKER in a function or
18 environment in which contact with children was an inherent part of that function or environment.
19 Defendants had a duty to disclose to these facts to Plaintiff, his parents and others, but negligently
20 and/or intentionally suppressed, concealed or failed to disclose this information for the express
21 purposes of facilitating BAKER's sexual assault of children, maintaining BAKER's image as an
22 ethical, wholesome, safe, and trusted spiritual leader at RCALA, and DOES 1 through 100. The
23 duty to disclose this information arose by the special, trusting, confidential, fiduciary, and *in loco*
24 *parentis* relationship between Defendants and Plaintiff.

25 26. As a minor at Defendant RCALA, and DOES 1 through 100, where BAKER was
26 employed, retained, and worked, Plaintiff was under BAKER's, as well as RCALA, MAHONY,
27 and DOES 1-100's direct supervision, care and control, thus creating a special relationship,
28 fiduciary relationship, and/or special care relationship with Defendants, and each of them.
Additionally, as a minor child under the custody, care and control of Defendants, Defendants stood
in loco parentis with respect to Plaintiff while he was at RCALA and DOES 1 through 100. As the

1 responsible parties and/or employers controlling BAKER, Defendants were also in a special
2 relationship with Plaintiff, and owed special duties to Plaintiff.

3 27. Instead, Defendants RCALA, MAHONY and DOES 1 through 100 ignored and/or
4 concealed the sexual assault of Plaintiff and others by BAKER that had already occurred, and
5 continued to allow numerous children, including the Plaintiff, to be in private, secluded areas with
6 BAKER, including but not limited to the grounds of St. Columbkille Church, despite this
7 knowledge of BAKER's prior unfitness and danger posed to minors. Plaintiff is informed and
8 believes, and on that basis alleges, that Defendants and each of them were given notice of incidents
9 of inappropriate conduct by BAKER, including such facts as those set forth in this Complaint.

10 28. Plaintiff is informed and believes, on that basis alleges, that prior to and during the
11 sexual harassment, molestation and assault of Plaintiff, Defendants knew or had reason to know
12 that BAKER had violated his role as a teacher, mentor, supervisor, caretaker and advisor to minors,
13 and used this position of authority and trust acting on behalf of Defendants to gain access to
14 children, including Plaintiff, on and off the premises and grounds of Defendants, in which he caused
15 Plaintiff to touch him, to allow BAKER to touch Plaintiff in a sexual manner, and engaged in sexual
16 conduct and assault, including harassment and molestation, with such children including Plaintiff.

17 29. With actual or constructive knowledge that Defendant BAKER had previously
18 engaged in dangerous and inappropriate misconduct, Defendants conspired to and did knowingly
19 fail to take reasonable steps, and failed to implement reasonable safeguards to avoid acts of sexual
20 assault by BAKER, including, but not limited to, preventing or avoiding placement of BAKER in
21 a function or environment in which contact with children is an inherent aspect of that function or
22 environment.

23 30. Plaintiff further alleges that Defendants failed to report and did hide and conceal
24 from the Plaintiff, the Plaintiff's parents, other minor children in their care (and parents of those
25 children), law enforcement authorities, civil authorities and others, the true facts and relevant
26 information necessary to bring BAKER to justice for misconduct that created a risk of childhood
27 sexual assault of children, including the Plaintiff.

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MAINLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 31. Defendants also implemented various measures designed to, or which effectively,
2 made BAKER's conduct harder to detect including, but not limited to:

- 3 a. Permitting BAKER to remain in a position of authority and trust after
4 Defendants knew or had reason to know he engaged in misconduct that
5 created a risk of childhood sexual assault to be perpetrated by BAKER;
- 6 b. Placing BAKER in a separate and secluded environment, including placing
7 him in charge of, and contact with, young boys where they purported to
8 supervise the children, which allowed BAKER to sexually and physically
9 interact with and assault the children, including Plaintiff;
- 10 c. Allowing BAKER to come into contact with minors, including Plaintiff,
11 without adequate supervision;
- 12 d. Failing to inform, or concealing from Plaintiff's parents and law
13 enforcement officials the fact that Plaintiff and others were or may have
14 been sexually assaulted after Defendants knew or had reason to know that
15 BAKER may have sexually assaulted Plaintiff or others, thereby enabling
16 Plaintiff to continue to be endangered and sexually assaulted, and/or
17 creating the circumstance where Plaintiff and others were less likely to
18 receive medical/mental health care and treatment, thus exacerbating the
19 harm to Plaintiff;
- 20 e. Holding out BAKER to Plaintiff and his parents, other children and their
21 parents, and to the community as being in good standing and trustworthy;
- 22 f. Failing to take reasonable steps, and to implement reasonable safeguards to
23 avoid acts of unlawful sexual conduct by BAKER with students, who were
24 minor children; and
- 25 g. Failing to put in place a system or procedure to supervise or monitor
26 employees, volunteers, representatives or agents to insure that they did not
27 molest or assault minors in Defendants' care, including Plaintiff.

28 32. By his position within the Defendants' institutions, Defendants and BAKER
demanded and required that Plaintiff respect BAKER in his position of priest, spiritual advisor,
confidant, teacher, and mentor at Defendants RCALA, and DOES 1 through 100.

33. Plaintiff is informed and believes, and on that basis alleges, that Defendants and
each of them, were or had reason to have been aware of BAKER's wrongful conduct at or about
the time it was occurring, and thereafter, but took no action to obstruct, inhibit or stop such
continuing conduct, or to help Plaintiff endure the trauma from such conduct. Despite the authority
and ability to do so, these Defendants negligently and/or willfully refused to, and/or did not act
effectively to stop the sexual assaults on Plaintiff, to inhibit or obstruct such assault, or to protect
Plaintiff from the results of that trauma.

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 34. During the period of assault of Plaintiff at the hands of BAKER, Defendants
2 RCALA, MAHONY and DOES 1 through 100 had the authority and the ability to obstruct or stop
3 BAKER 's sexual assaults on Plaintiff, but negligently and/or willfully failed to do so, thereby
4 allowing the assault to occur and to continue unabated. This failure was a part of Defendants' plan
5 and arrangement to conceal wrongful acts, to avoid and inhibit detection, to block public disclosure,
6 to avoid scandal, to avoid the disclosure of their tolerance of child sexual molestation and assault,
7 to preserve a false appearance of propriety, and to avoid investigation and action by public authority
8 including law enforcement. Plaintiff is informed and believes, and on that basis alleges, that such
9 actions were motivated by a desire to protect the reputation of Defendants and each of them, and to
10 protect the monetary support of Defendants while fostering an environment where such assault
11 could continue to occur.

12 35. Plaintiff is informed and believes, and on that basis alleges, that at the time
13 BAKER's violations of the *Penal Code* and other provisions of California Law, alleged herein-
14 above were committed, Defendants knew or had reason to know, or were or were otherwise on
15 notice of, misconduct that created a risk of childhood sexual assault by BAKER, and despite such
16 knowledge and/or notice, placed Plaintiff in BAKER's custody and/or made Plaintiff available
17 BAKER and failed to take reasonable steps or implement reasonable safeguards to protect Plaintiff
18 from BAKER's acts of childhood sexual assault. Plaintiff is further informed and believes, and on
19 that basis alleges, that these acts and/or omissions on the part of Defendants were committed despite
20 their ability to exercise control over the personal and business affairs of BAKER. Accordingly,
21 Defendants are liable for BAKER's acts of childhood sexual assault in that their wrongful,
22 intentional and/or negligent acts were a legal cause of the childhood sexual assault.

23 36. Defendants owed the Plaintiff a special duty of care. The Plaintiff, as a minor at all
24 relevant times alleged herein, was placed in the physical custody, control, and dominion of
25 Defendants and their agents, employees, and/or servants, and was placed in such custody, control,
26 and dominion in locations including, but not limited to the grounds of St. Columbkille Church. The
27 Plaintiff, as a minor in the custody, control, and under the dominion of Defendants, stood *in loco*
28 *parentis* with Defendants. As entities responsible for the custody, supervision, care, and dominion

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 of minor children in their care, Defendants owed the Plaintiff a special duty of care, as they were
2 entrusted with the Plaintiff's safety, security and care.

3 **STATUTE OF LIMITATIONS AND ASSEMBLY BILL-218**

4 37. Effective January 1, 2020, California's statute of limitations for childhood sexual
5 assault cases has been amended pursuant to Assembly Bill 218, providing for a three (3) year
6 window for any and all claims of childhood sexual assault, which have not already been finally
7 adjudicated, to be brought. This lawsuit, involving acts of childhood sexual assault perpetrated by
8 BAKER, the agent, servant, priest, and employee of RCALA, MAHONY and DOES 1 through
9 100, falls within the scope of *Code of Civil Procedure* §340.1, thus, is timely as an "action
10 commenced on or after the date of enactment of that act, and to any action filed before the date of
11 enactment, and still pending on that date, including any action or causes of action that would have
12 been barred by the laws in effect before the date of enactment." *Code of Civil Procedure* §340.1(r).
13 Regardless of the Plaintiff's age or date upon which the Plaintiff discovers or "reasonably should
14 have discovered that psychological injury or illness occurring after the age of majority was caused
15 by the sexual assault...", the Plaintiff's action is timely as it is pending before the Court and has
16 been filed prior to January 1, 2023. Nevertheless, the Plaintiff is currently under the age of forty
17 (40) years old at the time of filing, and thus, regardless of the three (3) year "window", is within
18 the statute of limitations.

19 **DEFENDANT RCALA AND MAHONY'S COVER-UP OF SEXUAL ABUSE THAT**
20 **LEAD TO THE HARM TO THE PLAINTIFF.**

21 38. It is upon information, and therefore belief, that the sexual assaults perpetrated upon
22 the Plaintiff as a child (as more fully described *supra*), were the result of a "cover-up" or a "a
23 concerted effort to hide evidence relating to childhood sexual assault." *See Code of Civil Procedure*
24 §340.1(b). Specifically, it is based upon information and therefore belief, that the Defendants
25 RCALA, MAHONY, and DOES 1 through 100 engaged in conduct to conceal the sexually
26 inappropriate behavior of BAKER and to hide facts from the Plaintiff, which would have apprised
27 the Plaintiff, his family, and those who could have intervened in BAKER's abusive behavior
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MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 (including but not limited to law enforcement, administrative authorities, and child protective
2 agencies) and prevented the Plaintiff's sexual assault as a child.

3 39. Specifically, it is upon information, and therefore belief, that the Defendants
4 RCALA, MAHONY, and DOES 1 through 100 were specifically aware, or based on the availability
5 of information to them had reason to know, that BAKER was a sexual threat to children in his
6 presence, including the Plaintiff. Defendants RCALA, MAHONY and DOES 1 through 100 were
7 aware, or very well should have been aware that BAKER had engaged in the following misconduct:

- 8 a. In or around 1986, MAHONY was made actually aware that BAKER had
9 molested at least one child, as BAKER had admitted the molestation to
10 MAHONY;
- 11 b. After acknowledging that BAKER had molested a child, MAHONY
12 recommended and transferred BAKER, without reporting him to law
13 enforcement, for treatment at a Servants of the Paraclete Facility located in
14 Jemez Springs, New Mexico meant to "cure" known pedophiles;
- 15 c. After spending approximately six (6) months in "treatment" in Jemez
16 Springs, New Mexico in 1987, BAKER returned to ministry at RCALA;
- 17 d. Despite having actual knowledge that BAKER was a molester in or around
18 1986, MAHONY returned BAKER to ministry where he continued to be in
19 contact with, and molest, minor children including the Plaintiff;
- 20 e. Despite BAKER's history of abusing kids that was admitted to MAHONY
21 in or around 1986, BAKER was still permitted solitary access to minor
22 boys;
- 23 f. After being returned to ministry in or around 1987, BAKER, while being
24 told by MAHONY and RCALA that he was not permitted one-on-one
25 access to kids, violated this directive on no less than three (3) documented
26 occasions that were observed by RCALA personnel. Nevertheless, BAKER
27 remained in ministry until in or around 2000;
- 28 g. BAKER remained in ministry until in or around 2000, when RCALA
became aware that a civil lawsuit was being prepared and that MAHONY's,
RCALA's and DOES 1 through 100's common plan, scheme, and
arrangement to conceal BAKER's true identity as a child molester, would
come to light publicly and cast scandal upon the Church's hierarchy;
- h. MAHONY, as a managing agent of RCALA, maintained secret files for
priests, separate from their ordinary personnel files, in order to seclude and
conceal especially troublesome complaints of sexual abuse and molestation.
These files were kept by select clergyman, away from lay employees of
RCALA, in order to further conceal these allegations, and limit those who
would be privy to, and potentially report to law enforcement, information
that would give rise to a mandated report under the Child Abuse Reporting
and Neglect Act ("CANRA").
- i. Despite enabling pedophile priests for decades and ignoring known
complaints of sexual misconduct by priests, MAHONY remains a priest
with RCALA, who is permitted to give mass, and a Cardinal within the
Catholic Church for which he continues to exert influence over church

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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policy. In allowing MAHONY to remain a priest, the current Archbishop of RCALA, Archbishop José H. Gómez, ratified MAHONY's conduct in allowing him to remain in a position of authority and continue to exert influence as a Cardinal within the Catholic Church. By allowing MAHONY to remain a priest and Cardinal, and not instituting formal proceedings through the Catholic Church and RCALA to remove MAHONY for actively hiding child molesters, including BAKER, within the RCALA. This decision of Archbishop Gomez is part-and-parcel of the poisonous pattern, practice and culture within RCALA to hide child molester priests.

40. Despite having this knowledge and prior warning about BAKER's risk of childhood sexual assault posed to children, as delineated in paragraph 38, Defendants RCALA, MAHONY and DOES 1 through 100 did nothing to protect the Plaintiff, inform his parents of the risk that the Plaintiff was placed at, and further, actively concealed this information from the Plaintiff and his family. Regardless of its knowledge about the danger posed to the Plaintiff (and other minors) by BAKER, Defendants RCALA, MAHONY and DOES 1 through 100 ignored "civil law" and followed Cannon Law, which provides for a priest's reputation to be maintained, even in the face of unequivocal acts and complaints about abuse of children. It is through this Cannon that RCALA, MAHONY and DOES 1 through 100, ignored complaints of abuse by BAKER, refused to investigate clear warning signs about BAKER, and refused to inform the Plaintiff or his parents about the danger that BAKER posed to him.

41. Moreover, it is based upon information and belief that Defendant RCALA, MAHONY and DOES 1 through 100, maintained "secret" files on its priests, including BAKER, that contained information about reports of childhood sexual abuse and/or misconduct, that were never investigated, never reported to civil authorities (law enforcement, administrative compliance or child protection agencies) and instead, were kept within the confidential files of Defendant RCALA, MAHONY and/or DOES 1 through 100.

42. Plaintiff is informed and believes, and thereon alleges, that Defendants RCALA, MAHONY and DOES 1 through 100 had known institutional failures in the handling of childhood sexual assault claims dating back decades prior to the sexual assault of the Plaintiff. Prior to the sexual assaults of the Plaintiff, Defendants RCALA, MAHONY and DOES 1 through 100 had dozens of clergy accused of sexual misconduct of children, knew that they (RCALA, MAHONY and DOES 1 through 100) failed to report priests to law enforcement or civil agencies to be

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ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 investigated, and instead, moved known, abusive clergy members from parish-to-parish, diocese-
2 to-diocese, in order to avoid detection, prevent scandal, and maintain a façade of normalcy within
3 RCALA, MAHONY and DOES 1 through 100. It is this toxic culture that permitted BAKER to
4 molest, sexually assault and abuse children without detection by civil authorities, and which
5 contributed to the sexual assaults of the Plaintiff.

6 43. Plaintiff is further informed, and therefore believes, that after MAHONY received
7 unequivocal complaints and admissions from BAKER admitting to being a sexual molester of
8 children, that MAHONY covered up his knowledge of BAKER and utilized his resources within
9 the hierarchy of the Catholic Church, his relationship with Cardinal William J. Levada, and his
10 financial relationship with the Vatican, to maintain BAKER as a molester within RCALA. It is with
11 these actions, that MAHONY permitted BAKER to remain a molester within RCALA, hidden from
12 public scrutiny and investigation from law enforcement. Only upon MAHONY and RCALA
13 realizing that their secret handling of BAKER's case would be exposed publicly in or around 2000
14 by the preparation of a lawsuit against RCALA, was BAKER's employment, priesthood and agency
15 with RCALA finally acted upon by RCALA and MAHONY. Through MAHONY's concealment
16 of BAKER's history as a child molester, BAKER was actively enabled by MAHONY to continue
17 molesting children, including the Plaintiff.

18 44. This conduct constituted a "cover up" under the meaning of *Code of Civil Procedure*
19 §340.1(b)(1) and (b)(2). Therefore, the Plaintiff is entitled to the enhanced remedy provided for in
20 *Code of Civil Procedure* §340.1(b)(1) and may recover up to treble damages.

21 **REQUEST FOR PUNITIVE DAMAGES AGAINST BAKER AND MAHONY**

22 45. In subjecting the Plaintiff to the wrongful treatment herein described, Defendants
23 BAKER and MAHONY, acted willfully and maliciously with the intent to harm Plaintiff, and in
24 conscious disregard of Plaintiff's rights, to constitute malice, oppression, and fraud under
25 California *Civil Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive
26 damages, in an amount to be determined by the court, against Defendants BAKER and MAHONY,
27 in a sum to be shown according to proof. Moreover, MAHONY ratified, enabled, authorized and
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ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 approved of the sexual misconduct of BAKER by placing him back in ministry with minor children
2 and without warning, which subjects MAHONY to punitive damages.

3 **RESERVATION OF RIGHT TO PLEAD PUNITIVE DAMAGES AGAINST**
4 **RCALA AND DOES 1 THROUGH 100**

4 46. Defendants RCALA and DOES 1 through 100 are, based on information and belief,
5 religious corporations sole, organized under the laws of California, and therefore, are afforded the
6 protection of *Code of Civil Procedure* §425.14. Upon such time as appropriate, the Plaintiff
7 expressly reserves his right to file a Motion to Amend the instant Complaint, in order to allege facts
8 sufficient to constitute punitive damages against Defendant RCALA, in accord with evidence that
9 substantiates a finding of the clear and convincing evidentiary requirement of *Civil Code* §3294.

10 **FIRST CAUSE OF ACTION**
11 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
12 **(Plaintiff Against Defendants RCALA, MAHONY, BAKER, and DOES 1-100)**

12 47. Plaintiff repeats, re-alleges and incorporates herein by reference as though fully set
13 forth herein.

14 48. Defendants' conduct towards the Plaintiff, as described herein, was outrageous and
15 extreme.

16 49. A reasonable person would not expect or tolerate Defendants' putting BAKER in
17 positions of authority at RCALA, and DOES 1 through 100, which enabled BAKER to have access
18 to minor children, including Plaintiff, so that he could commit wrongful sexual acts with him,
19 including the conduct described herein above. Plaintiff held great trust, faith and confidence in
20 Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

21 50. A reasonable person would not expect or tolerate Defendants to be incapable of
22 supervising and preventing employees of Defendants, including BAKER, from committing
23 wrongful sexual acts with minor children in their charge, including Plaintiff, or to be incapable of
24 properly supervising BAKER to prevent such assault from occurring.

25 51. Defendants' conduct described herein was intentional and malicious and done for
26 the purpose of causing, or with reckless disregard of the rights of the Plaintiff, with the substantial
27 certainty that it would cause Plaintiff to suffer humiliation, mental anguish and emotional and
28 physical distress.

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ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 52. Defendants MAHONY, RCALA and DOES 1 through 100 directed their conduct
2 at, and to, the Plaintiff, knowing full-well that the Plaintiff was a minor parishioner at RCALA, and
3 that BAKER was a known child molester assigned to the same parish. In failing to inform the
4 parishioners of BAKER's prior, known danger and sexual misconduct, RCALA ratified BAKER's
5 conduct and directed it at, and to, the Plaintiff.

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

13 54. In subjecting the Plaintiff to the wrongful treatment herein described, Defendants
14 BAKER and MAHONY, acted willfully and maliciously with the intent to harm Plaintiff, and in
15 conscious disregard of Plaintiff's rights, so as to constitute malice and oppression under California
16 *Civil Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an
17 amount to be determined by the court, against Defendants BAKER and MAHONY, in a sum to be
18 shown according to proof. As to Defendants RCALA and DOES 1 through 100, Plaintiff reserves
19 the right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14
20 and as further reserved in Paragraph 45, *supra*.

21 **SECOND CAUSE OF ACTION**
22 **NEGLIGENCE**

23 **(Plaintiff Against Defendants RCALA, MAHONY, and DOES 1-100)**

24 55. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
25 though fully set forth herein.

26 56. As more fully set forth above, the conduct and actions of Defendants RCALA,
27 MAHONY, and DOES 1 through 100, served to create an environment in which BAKER was
28 afforded years of continuous secluded access to minor children including the Plaintiff when he was
a minor boy at the time of his sexual assaults by BAKER. These actions in arranging for the

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ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 secluded access of BAKER to the Plaintiff include, but are not limited to: arranging and allowing
2 for Plaintiff to be alone with BAKER.

3 57. As more fully set forth above, Defendants RCALA, MAHONY and DOES 1
4 through 100, inclusive, were aware and/or on notice of BAKER's proclivities for engaging in sexual
5 acts with minors prior to the first occasion on which Plaintiff was placed in BAKER's custody
6 through the acts of Defendants. Accordingly, at the time BAKER and Defendants RCALA,
7 MAHONY and DOES 1 through 100, inclusive, performed the acts alleged herein, it was or should
8 have been reasonably foreseeable to Defendants that by continuously exposing and making Plaintiff
9 available to BAKER, Defendants were placing Plaintiff in grave risk of being sexually assaulted
10 by BAKER. By knowingly subjecting Plaintiff to such foreseeable danger, Defendants RCALA,
11 MAHONY and DOES 1 through 100, inclusive, were duty-bound to take reasonable steps and
12 implement reasonable safeguards to protect Plaintiff from BAKER. Furthermore, as alleged herein,
13 Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, at all times exercised a
14 sufficient degree of control over BAKER's personal and business affairs to prevent the acts of
15 assault by keeping BAKER away from Plaintiff. However, Defendants RCALA, MAHONY and
16 DOES 1 through 100, inclusive, failed to take any reasonable steps or implement any reasonable
17 safeguards for Plaintiff's protection whatsoever, and continued to make Plaintiff accessible to
18 BAKER for the purposes of sexual assault.

19 **NEGLIGENCE PER SE—PENAL CODE MANDATORY CHILD ABUSE REPORTING**

20 58. Under the Child Abuse and Neglect Reporting Act ("CANRA"), Defendants
21 RCALA (by and through its agents), MAHONY and DOES 1 through 100, inclusive, were child
22 care custodians and were under a statutory duty to report known or suspected incidents of sexual
23 molestation or abuse of minors to a child protective agency, pursuant to California *Penal Code* §
24 11166, and/or not to impede the filing of any such report. Furthermore, Defendants RCALA (by
25 and through its agents) and MAHONY were under a statutory duty to provide their employees with
26 various acknowledgements of reporting requirements under *Penal Code* §11166.5.

27 59. Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, knew or
28 should have known that their agent, employee, counselor, advisor and mentor, BAKER, had

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ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 sexually molested, abused or caused touching, battery, harm, and other injuries to minors, including
2 Plaintiff, giving rise to a duty to report such conduct under California *Penal Code* §11166.

3 60. Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, knew, or
4 should have known of in the exercise of reasonable diligence, that an undue risk to minors,
5 including the Plaintiff, existed because Defendants RCALA and MAHONY did not comply with
6 California's mandatory reporting requirements.

7 61. By failing to report the continuing molestations and assaults, which Defendants
8 RCALA, MAHONY and DOES 1 through 100, inclusive, knew of or should have known of, and
9 by ignoring the fulfillment of the mandated compliance with the reporting requirements provided
10 under California *Penal Code* § 11166, Defendants RCALA, MAHONY and DOES 1 through 100,
11 inclusive, created the risk and danger contemplated by CANRA, and as a result, unreasonably and
12 wrongfully exposed Plaintiff and other minors to sexual molestation and abuse.

13 62. The Plaintiff was a member of the class of persons for whose protection California
14 *Penal Code* § 11166 was specifically adopted to protect.

15 63. Had Defendants RCALA, MAHONY and DOES 1 through 100, inclusive,
16 adequately reported the molestation of Plaintiff and other minors as required by California *Penal*
17 *Code* § 11166, further harm to Plaintiff and other minors would have been avoided.

18 64. As a proximate result of Defendants RCALA, MAHONY and DOES 1 through
19 100's, inclusive, failure to follow the mandatory reporting requirements of California *Penal Code*
20 § 11166, Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, wrongfully denied
21 the Plaintiff and other minors the intervention of child protection services. Such public agencies
22 would have changed the then-existing arrangements and conditions that provided the access and
23 opportunities for the molestation of Plaintiff by BAKER.

24 65. The physical, mental, and emotional damages and injuries resulting from the sexual
25 molestation of Plaintiff by BAKER, were the type of occurrence and injuries that the CANRA was
26 designed to prevent.

27 66. As a result, Defendants RCALA, MAHONY and DOES 1 through 100's, inclusive,
28 failure to comply with the mandatory reporting requirements of California *Penal Code* § 11166

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19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 also constituted a *per se* breach of Defendants' RCALA, MAHONY and DOES 1 through 100's,
2 inclusive duties to Plaintiff.

3 67. As a direct and proximate result of his sexual assault by Defendant BAKER, which
4 was enabled and facilitated by Defendants RCALA, MAHONY and DOES 1 through 100, Plaintiff
5 has suffered, and will continue to suffer, psychological, mental and emotional distress, including
6 but not limited to fear, anxiety, self-medicating behaviors, depression, symptoms consistent with
7 Post-Traumatic Stress Disorder, grief, embarrassment, trouble with interpersonal relationships,
8 problems with trust relationships, and issues with trust. He has and will continue to incur expenses
9 for mental, psychological, psychiatric, and medical care due to the assault, according to proof at
10 trial. Furthermore, Plaintiff has suffered loss of past and future earnings and other economic
11 benefits according to proof at the time of trial.

12 **THIRD CAUSE OF ACTION**
13 **NEGLIGENT SUPERVISION**
14 **(Plaintiff Against Defendants RCALA, MAHONY, and DOES 1-100)**

15 68. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
16 though fully set forth herein.

17 69. By virtue of Plaintiff's special relationship with Defendants RCALA, MAHONY
18 and DOES 1 through 100, inclusive, and Defendants RCALA, MAHONY and DOES 1 through
19 100's, inclusive, relation to BAKER, Defendants RCALA, MAHONY and DOES 1 through 100,
20 inclusive, owed Plaintiff a duty to provide reasonable supervision of the Plaintiff, to provide
21 reasonable supervision of BAKER, to use reasonable care in investigating BAKER 's background,
22 and to provide adequate warning to the Plaintiff, his family, and other children, of BAKER's
23 dangerous propensities and unfitness.

24 70. Plaintiff is informed and believes, and on that basis alleges, that Defendants
25 RCALA, MAHONY and DOES 1 through 100, inclusive, by and through their respective agents,
26 servants and employees, knew or should have known of BAKER's dangerous and exploitive
27 propensities and/or that BAKER was an unfit agent. Despite such knowledge, Defendants RCALA,
28 MAHONY and DOES 1 through 100, inclusive, negligently failed to supervise BAKER in his
position of trust and authority as an authority figure and supervisor of children, where he/she was

1 able to commit wrongful acts against the Plaintiff. Defendants RCALA, MAHONY and DOES 1
2 through 100, inclusive, failed to provide reasonable supervision of BAKER, failed to use reasonable
3 care in investigating BAKER, and failed to provide adequate warning to Plaintiff of BAKER's
4 dangerous propensities and unfitness. Defendants RCALA, MAHONY and DOES 1 through 100,
5 inclusive, further failed to take reasonable measures to prevent sexual assault, harassment, and
6 molestation of children, including Plaintiff.

7 71. Plaintiff is informed and believes, and on that basis alleges, that Defendants
8 RCALA, MAHONY and DOES 1 through 100, inclusive, were put on notice, and knew or should
9 have known, that BAKER had previously engaged and was continuing to engage in unlawful sexual
10 conduct with children and committed other felonies, for his own personal gratification, and that it
11 was, or should have been foreseeable that he was engaging, or would engage in illicit sexual
12 activities with Plaintiff, and others, under the cloak of his authority, confidence, and trust, bestowed
13 upon him through Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, and each
14 of them.

15 72. Plaintiff is informed and believes, and on that basis alleges, that Defendants
16 RCALA, MAHONY and DOES 1 through 100, inclusive, were placed on actual or constructive
17 notice that, BAKER had assaulted children prior to, and/or during the time he was in contact with
18 the Plaintiff. Plaintiff is informed, and thereon alleges, that Defendants RCALA, MAHONY and
19 DOES 1 through 100, inclusive, were informed of sexual assault, harassment and molestations
20 committed by BAKER or of conduct that would put a reasonable person on notice of such
21 propensity to assault, harassment and molestation.

22 73. Even though Defendants RCALA, MAHONY and DOES 1 through 100, inclusive,
23 knew or should have known of these activities by BAKER, Defendants RCALA, MAHONY and
24 DOES 1 through 100, inclusive, did nothing to investigate, supervise or monitor BAKER to ensure
25 the safety of the guests.

26 74. As an institution entrusted with the care of minors, where staff, employees, agents,
27 and management, such as BAKER were placed in contact with minors, Defendants RCALA,
28 MAHONY and DOES 1 through 100's expressly and implicitly represented that these individuals,

1 including BAKER, were not a sexual threat to children and others who would fall under BAKER's
2 influence, control, direction, and guidance.

3 75. Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, negligently
4 failed to supervise BAKER in his positions of trust and authority as an employee, agent, counselor
5 and mentor, and/or other authority figure, where BAKER was able to commit wrongful acts against
6 the Plaintiff. Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, failed to provide
7 reasonable supervision of BAKER. Defendants RCALA, MAHONY and DOES 1 through 100
8 further failed to take reasonable measures to prevent sexual harassment, molestation and assault of
9 minors, including the Plaintiff.

10 76. At no time during the periods of time alleged did Defendants' RCALA, MAHONY
11 and DOES 1 through 100, inclusive, have in place a system or procedure to reasonably investigate,
12 supervise and monitor individuals in contact with minor children, including BAKER, to prevent
13 pre-sexual grooming and sexual harassment, molestation and assault of children, nor did they
14 implement a system or procedure to oversee or monitor conduct toward minors, students and others
15 in Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, care.

16 77. Defendants' RCALA, MAHONY and DOES 1 through 100, inclusive, were or
17 should have known to be aware and understand how vulnerable children were to sexual harassment,
18 molestation and assault by mentors, advisors, and other persons of authority within Defendants
19 RCALA, MAHONY and DOES 1 through 100, inclusive.

20 78. Defendants RCALA, MAHONY and DOES 1 through 100's, inclusive, conduct was
21 a breach of their duties to the Plaintiff.

22 79. Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, breached their
23 duty to the Plaintiff by, *inter alia*, failing to adequately monitor and supervise BAKER and stopping
24 BAKER from committing wrongful sexual acts with minors including the Plaintiff. This belief is
25 founded on the fact that employees and staff of Defendants RCALA, MAHONY and DOES 1
26 through 100, inclusive, including had suspected the assault was occurring at the time, and failed to
27 investigate into the matter further. Based on these facts, Defendants RCALA, MAHONY and
28 DOES 1 through 100, inclusive, knew or should have known of BAKER's incapacity to supervise

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19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 and stop employees of Defendants RCALA, MAHONY and DOES 1 through 100, inclusive from
2 committing wrongful sexual acts with minors.

3 80. As a direct and proximate result of his sexual assault by Defendant BAKER, which
4 was enabled and facilitated by Defendants RCALA, MAHONY and DOES 1 through 100, Plaintiff
5 has suffered, and will continue to suffer, psychological, mental and emotional distress, including
6 but not limited to fear, anxiety, self-medicating behaviors, depression, symptoms consistent with
7 Post-Traumatic Stress Disorder, grief, embarrassment, trouble with interpersonal relationships,
8 problems with trust relationships, and issues with trust. He has and will continue to incur expenses
9 for mental, psychological, psychiatric, and medical care due to the assault, according to proof at
10 trial. Furthermore, Plaintiff has suffered loss of past and future earnings and other economic
11 benefits according to proof at the time of trial.

12 **FOURTH CAUSE OF ACTION**
13 **NEGLIGENT RETENTION/HIRING**
14 **(Against Defendants RCALA, MAHONY, and DOES 1-100)**

15 81. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
16 though fully set forth herein.

17 82. By virtue of Plaintiff's special relationship with Defendants RCALA, MAHONY
18 and DOES 1 through 100, inclusive and each of them, and Defendants RCALA, MAHONY and
19 DOES 1 through 100's, inclusive, relation to BAKER, Defendants RCALA, MAHONY and DOES
20 1 through 100, inclusive, owed Plaintiff a duty to not hire and/or retain BAKER, given his
21 dangerous and exploitive propensities, which Defendants RCALA, MAHONY and DOES 1
22 through 100, inclusive, knew or should have known had they engaged in a meaningful and adequate
23 investigation of his background prior to his hiring.

24 83. As an institution entrusted with the care of minors, where staff, employees, agents,
25 and management, such as the BAKER were placed in contact with minors, Defendants RCALA,
26 MAHONY and DOES 1 through 100's, inclusive, expressly and implicitly represented that these
27 individuals, including BAKER, were not a sexual threat to children and others who would fall under
28 BAKER 's influence, control, direction, and guidance.

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1 84. Plaintiff is informed and believes, and on that basis alleges, that at no time during
2 the periods of time alleged did Defendants RCALA, MAHONY and DOES 1 through 100's,
3 inclusive, have in place a system or procedure to reasonably investigate, supervise and/or monitor
4 those individuals in direct contact with children, including BAKER, to prevent pre-sexual grooming
5 and/or sexual harassment, molestation and assault of parishioners, nor did they implement a system
6 or procedure to oversee or monitor conduct toward patrons and others in Defendants RCALA,
7 MAHONY and DOES 1 through 100's, inclusive, care.

8 85. Defendants RCALA, MAHONY and DOES 1 through 100's, inclusive, and each of
9 them were or should have been aware and understood how vulnerable minor children were to sexual
10 assault, harassment and molestation by persons of authority, including BAKER, within the control
11 of Defendants RCALA, MAHONY and DOES 1 through 100, inclusive.

12 86. Plaintiff is informed and believes, and on that basis alleges, other children and/or
13 employees of Defendants RCALA, MAHONY and DOES 1 through 100's, inclusive, complained
14 of BAKER's sexual improprieties prior to the sexual assault of the Plaintiff. Either Defendants
15 RCALA, MAHONY and DOES 1 through 100's, inclusive, knew, or at the very least should have
16 known of BAKER's prior history of sexual misconduct with minors prior to Plaintiff's assaults.

17 87. Plaintiff is informed, and believes, and on that basis alleges, that the Defendants
18 RCALA, MAHONY and DOES 1 through 100, inclusive, were put on notice, and should have
19 known that BAKER had previously engaged and continued to engage in unlawful sexual conduct
20 with patrons and other felons, for his own personal gratification, and that it was, or should have
21 been foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiff,
22 and others, under the cloak of his authority, confidence, and trust, bestowed upon him through
23 Defendants RCALA, MAHONY and DOES 1 through 100, inclusive.

24 88. Plaintiff is informed and believes, and on that basis alleges that Defendants RCALA,
25 MAHONY and DOES 1 through 100's, inclusive, were placed on actual and/or constructive notice
26 that BAKER had abused, harassed, molested and/or was molesting minor children, both before his
27 sexual assault, molestation and harassment of the Plaintiff, and during that same period. Plaintiff is
28 informed, and thereon alleges, that other third parties, patrons, and/or law enforcement officials

1 informed Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, of inappropriate
2 conduct and molestations committed by BAKER.

3 89. Even though Defendants RCALA, MAHONY and DOES 1 through 100, inclusive,
4 knew or should have known of these activities by BAKER, Plaintiff is informed that Defendants
5 RCALA, MAHONY and DOES 1 through 100, inclusive, failed to use reasonable care in
6 investigating BAKER and did nothing to investigate, supervise or monitor BAKER to ensure the
7 safety of the other minor children in his charge, including the Plaintiff.

8 90. Defendants RCALA, MAHONY and DOES 1 through 100's, inclusive, conduct was
9 a breach of their duties to the Plaintiff.

10 91. As a direct and proximate result of his sexual assault by Defendant BAKER, which
11 was enabled and facilitated by Defendants RCALA, MAHONY and DOES 1 through 100, Plaintiff
12 has suffered, and will continue to suffer, psychological, mental and emotional distress, including
13 but not limited to fear, anxiety, self-medicating behaviors, depression, symptoms consistent with
14 Post-Traumatic Stress Disorder, grief, embarrassment, trouble with interpersonal relationships,
15 problems with trust relationships, and issues with trust. He has and will continue to incur expenses
16 for mental, psychological, psychiatric, and medical care due to the assault, according to proof at
17 trial. Furthermore, Plaintiff has suffered loss of past and future earnings and other economic
18 benefits according to proof at the time of trial.

19 **FIFTH CAUSE OF ACTION**
20 **NEGLIGENT FAILURE TO TRAIN, WARN OR EDUCATE**
21 **(Plaintiff Against Defendants RCALA, MAHONY, and DOES 1-100)**

22 92. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
23 though fully set forth herein.

24 93. Defendants RCALA, MAHONY and DOES 1 through 100, inclusive owed Plaintiff
25 a duty to take reasonable protective measures to protect Plaintiff and other minor children in their
26 charge from the risk of sexual assault, harassment and molestation by BAKER by properly warning,
27 training or educating the Plaintiff and other minors about how to avoid such a risk.

28 94. Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, breached their
duty to take reasonable protective measures to protect Plaintiff and other minor children in their

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ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 charge, from the risk of sexual assault, harassment and molestation by BAKER, such as the failure
2 to properly warn, train or educate Plaintiff and other minor children in their charge about how to
3 avoid such a risk.

4 95. Defendants breached their duty to take reasonable protective measures to protect
5 Plaintiff and other minor children in their charge from the risk of sexual harassment, molestation
6 and assault by BAKER, by failing to supervising and/or stop employees of Defendants RCALA,
7 MAHONY and DOES 1 through 100, inclusive, including BAKER, from committing wrongful
8 sexual acts with minor children, including Plaintiff.

9 96. As a direct and proximate result of his sexual assault by Defendant BAKER, which
10 was enabled and facilitated by Defendants RCALA, MAHONY and DOES 1 through 100, Plaintiff
11 has suffered, and will continue to suffer, psychological, mental and emotional distress, including
12 but not limited to fear, anxiety, self-medicating behaviors, depression, symptoms consistent with
13 Post-Traumatic Stress Disorder, grief, embarrassment, trouble with interpersonal relationships,
14 problems with trust relationships, and issues with trust. He has and will continue to incur expenses
15 for mental, psychological, psychiatric, and medical care due to the assault, according to proof at
16 trial. Furthermore, Plaintiff has suffered loss of past and future earnings and other economic
17 benefits according to proof at the time of trial.

18 **SIXTH CAUSE OF ACTION**
19 **BREACH OF FIDUCIARY DUTY**
20 **(Plaintiff Against Defendants RCALA, MAHONY, BAKER, and DOES 1-100)**

21 97. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
22 though fully set forth herein.

23 98. As set forth more fully above, Defendants RCALA, MAHONY and DOES 1
24 through 100, inclusive, in concert with BAKER, recruited, enticed, and encouraged Plaintiff and
25 Plaintiff's family to give their trust and confidence to Defendants and BAKER so that Plaintiff
26 could be taken from his family's care and supervision and placed under the care and supervision of
27 Defendants and BAKER. In so doing, Defendants RCALA, MAHONY, BAKER and DOES 1
28 through 100, inclusive, entered into a fiduciary relationship with Plaintiff whereby Defendants
owed Plaintiff an *in loco parentis* duty of care to take all reasonable steps and implement all

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1 reasonable safeguards to protect Plaintiff while she was in the custody of Defendants and/or
2 BAKER.

3 99. Plaintiff and his family agreed to place their trust and confidence in Defendants
4 RCALA, MAHONY, BAKER and DOES 1 through 100, inclusive, in the expectation that
5 Defendants would properly supervise Plaintiff, regulate his activities and behavior, and ensure his
6 safety. Further, Plaintiff and his family agreed to this because they believed in the integrity of
7 Defendants RCALA, MAHONY and DOES 1 through 100, inclusive, and therefore felt
8 comfortable in entrusting the minor Plaintiff to the care and custody of Defendants.

9 100. As alleged herein, BAKER breached his duty to Plaintiff by repeatedly subjecting
10 Plaintiff to acts of childhood sexual assault. As further alleged herein, Defendants RCALA,
11 MAHONY, BAKER, and DOES 1 through 100, inclusive, breached this duty to Plaintiff by failing
12 to take any reasonable steps or implement any reasonable safeguards to protect Plaintiff from
13 BAKER, and by allowing Plaintiff to be sexually assaulted by BAKER on a regular basis.

14 101. As a direct and proximate result of Defendants' RCALA, MAHONY, BAKER and
15 DOES 1 through 100, inclusive, breach of their fiduciary duty to Plaintiff, Plaintiff has suffered
16 and will continue to suffer severe mental and emotional distress including but not limited to fear,
17 anxiety, self-medicating behaviors, depression, symptoms consistent with Post-Traumatic Stress
18 Disorder, grief, embarrassment, trouble with interpersonal relationships, problems with trust
19 relationships, and issues with trust. He has and will continue to incur expenses for mental,
20 psychological, psychiatric, and medical care due to the assault, according to proof at trial.
21 Furthermore, Plaintiff has suffered loss of past and future earnings and other economic benefits
22 according to proof at the time of trial.

23 102. In subjecting the Plaintiff to the wrongful treatment herein described, Defendants
24 BAKER and MAHONY, acted willfully and maliciously with the intent to harm Plaintiff, and in
25 conscious disregard of Plaintiff's rights, so as to constitute malice and oppression under California
26 *Civil Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an
27 amount to be determined by the court, against Defendants BAKER and MAHONY, in a sum to be
28 shown according to proof. As to Defendants RCALA and DOES 1 through 100, Plaintiff reserves

1 the right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14
2 and as further reserved in Paragraph 45, *supra*.

3 **SEVENTH CAUSE OF ACTION**
4 **CONSTRUCTIVE FRAUD (CIVIL CODE §1573)**
5 **(Against Defendants RCALA, MAHONY, BAKER, and DOES 1-100)**

6 103. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
7 though fully set forth herein.

8 104. By holding Defendant BAKER out as an agent of Defendants, and by allowing him
9 to undertake the educational and spiritual instruction of minor children such as Plaintiff, Defendants
10 entered into a confidential, fiduciary and special relationship with Plaintiff.

11 105. By holding themselves out as qualified institutions for the safety and supervision of
12 children, and by undertaking to provide for the wellness, spiritual guidance and mentorship of
13 Plaintiff and other minors, Defendants entered into a confidential, fiduciary and special relationship
14 with Plaintiff.

15 106. Defendants breached their confidential, fiduciary duty and special duties to Plaintiff
16 by the wrongful and negligent conduct described above and incorporated into this cause of action,
17 and in so doing, gained an advantage over Plaintiff in matters relating to Plaintiff's safety, security
18 and health. In breaching such duties as alleged, Defendants were able to sustain their status as
19 institutions of high moral repute, and preserve their reputation, all at the expense of Plaintiff's
20 further injury and in violation of Defendants' mandatory duties.

21 107. By virtue of their confidential, fiduciary and special relationship with Plaintiff,
22 Defendants owed Plaintiff a duty to:

- 23 a. Investigate or otherwise confirm or deny such claims of sexual assault;
- 24 b. Reveal such facts to Plaintiff, Plaintiff's family and caretakers, the
25 community at large, and law enforcement agencies;
- 26 c. Refuse to place Defendant BAKER and other molesters in positions of trust
27 and authority within Defendants' institutions;
- 28 d. Refuse to hold out Defendant BAKER and other molesters to the public, the
community, minors, parents and law enforcement agencies as being in good
standing and, trustworthy in keeping with his and their position as a teacher,
counselor, spiritual advisor, managing administrator and authority figure;
- e. Refuse to assign Defendant BAKER and other molesters to positions of
power within the Defendants' institutions and over minors; and

- 1 f. Disclose to Plaintiff, his family, the public, the Defendants' community,
2 minors, and law enforcement agencies the wrongful, tortious, and sexually
3 108. Defendants' breach of their respective duties included:
4 a. Not making reasonable investigations of Defendant BAKER;
5 b. Issuing no warnings about Defendant BAKER;
6 c. Permitting Defendant BAKER to routinely be alone with and in control of
7 minors, unsupervised;
8 d. Not adopting a policy to prevent Defendant BAKER from routinely having
9 minors in his unsupervised control;
10 e. Making no reports of any allegations of Defendant BAKER's assault of
11 minors prior to or during his employment at Defendants; and
12 f. Assigning and continuing to assign Defendant BAKER to duties which
13 placed him in positions of authority and trust over minors, positions in
14 which Defendant BAKER could easily isolate and sexually assault minors.
15 109. At the time that Defendants engaged in such suppression and concealment of acts,
16 such acts were done for the purpose of causing Plaintiff to forbear on Plaintiff's rights.
17 110. Defendants' misconduct did reasonably cause Plaintiff to forbear on Plaintiff's
18 rights.
19 111. The misrepresentations, suppressions and concealment of facts by Defendants were
20 intended to and were likely to mislead Plaintiff and others to believe that Defendants had no
21 knowledge of any charges against Defendant BAKER, or that there were no other charges of
22 unlawful or sexual misconduct against Defendant BAKER or others and that there was no need for
23 them to take further action or precaution.
24 112. The misrepresentations, suppressions and concealment of facts by Defendants was
25 likely to mislead Plaintiff and others to believe that Defendants had no knowledge of the fact that
26 Defendant BAKER was a molester and was known to commit wrongful sexual acts with minors,
27 including Plaintiff.
28 113. Defendants knew or should have known at the time they suppressed and concealed
the true facts regarding others' sexual molestations, that the resulting impressions were misleading.
114. Defendants suppressed and concealed the true facts regarding Defendant BAKER
with the purpose of: preventing Plaintiff, Plaintiff's parents & family, and others, from learning that
Defendant BAKER and others had been and were continuing to sexually harass, molest and assault

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19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
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1 minors and others under Defendant BAKER's and Defendants' control, direction, and guidance,
2 with complete impunity; inducing people, including Plaintiff and other benefactors and donors to
3 participate and financially support Defendants' and other enterprises of Defendants; preventing
4 further reports and outside investigations into Defendant BAKER's and Defendants' conduct;
5 preventing discovery of Defendants' own conduct; avoiding damage to the reputations of
6 Defendants; protecting Defendants' power and status in the community and the academic
7 community; avoiding damage to the reputation of Defendants, or Defendants' institutions; and
8 avoiding the civil and criminal liability of Defendants, of Defendant BAKER, and of others.

9 115. At all times mentioned herein, Defendants, and in particular Defendant BAKER and
10 Defendants RCALA, MAHONY and DOES 1 through 100, with knowledge of the tortious nature
11 of their own and Defendant BAKER's conduct, knowingly conspired and gave each other
12 substantial assistance to perpetrate the misrepresentations, fraud and deceit alleged herein—
13 covering up the past allegations of sexual misconduct lodged against Defendant BAKER, and
14 allowing Defendant BAKER to remain in his position as a mentor, spiritual leader, and supervisor
15 of children, so they could maintain their reputations and continue to make a profit.

16 116. Plaintiff and others were misled by Defendants' suppressions and concealment of
17 facts, and in reliance thereon, were induced to act or induced not to act, exactly as intended by
18 Defendants. Specifically, Plaintiff and Plaintiff's family were induced to believe that there were no
19 allegations of criminal or sexual assault against Defendant BAKER and that he was safe to be
20 around children. Had Plaintiff and his family, and others, known the true facts about Defendant
21 BAKER, they would have not participated further in activities of Defendants RCALA, MAHONY,
22 and DOES 1 through 100, or continued to financially support Defendants' activities. They would
23 have reported the matters to the proper authorities, to other minors and their parents so as to prevent
24 future recurrences; they would not have allowed children, including Plaintiff, to be alone with, or
25 have any relationship with Defendant BAKER; they would not have allowed children, including
26 Plaintiff, to attend or be under the control of Defendants; they would have undertaken their own
27 investigations which would have led to discovery of the true facts; and they would have sought
28

1 psychological counseling for Plaintiff, and for other children molested and assaulted by Defendant
2 BAKER.

3 117. By giving Defendant BAKER the position of spiritual guide, priest, confidant, and
4 trusted individual, Defendants impliedly represented that Defendant BAKER was safe and morally
5 fit to give children direction and guidance.

6 118. When Defendants made these affirmative or implied representations and non-
7 disclosures of material facts, Defendants knew or should have known that the facts were otherwise.
8 Defendants knowingly and intentionally suppressed the material facts that Defendant BAKER had
9 on numerous, prior occasions sexually, physically, and mentally assaulted minors of Defendants,
10 including Plaintiff, and knew of or learned of conduct, or should have known of conduct by
11 Defendant BAKER which placed Defendants on notice that Defendant BAKER had previously
12 been suspected of felonies, including unlawful sexual conduct with minors, and was likely abusing
13 children.

14 119. Because of Plaintiff's young age, and because of the status of Defendant BAKER as
15 an authority figure to Plaintiff, Plaintiff was vulnerable to Defendant BAKER. Defendant BAKER
16 sought Plaintiff out and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's
17 vulnerability also prevented Plaintiff from effectively protecting himself from the sexual advances
18 of Defendant BAKER.

19 120. Defendants had the duty to obtain and disclose information relating to sexual
20 misconduct of Defendant BAKER.

21 121. Defendants misrepresented, concealed or failed to disclose information relating to
22 sexual misconduct of Defendant BAKER.

23 122. Defendants knew that they had misrepresented, concealed or failed to disclose
24 information related to sexual misconduct of Defendant BAKER.

25 123. Plaintiff justifiably relied upon Defendants for information relating to sexual
26 misconduct of Defendant BAKER.

27 124. Defendants RCALA, MAHONY, and DOES 1 through 100, and Defendant
28 BAKER, in concert with each other and with the intent to conceal and defraud, conspired and came

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1 to a meeting of the minds whereby they would misrepresent, conceal or fail to disclose information
2 relating to the sexual misconduct of Defendant BAKER, the inability of Defendants to supervise or
3 stop Defendant BAKER from sexually harassing, molesting and abusing Plaintiff, and their own
4 failure to properly investigate, supervise and monitor his conduct with minor children.

5 125. By so concealing, Defendants committed at least one act in furtherance of the
6 conspiracy.

7 126. As a direct and proximate result of his sexual assault by Defendant BAKER, which
8 was enabled and facilitated by Defendants RCALA, MAHONY and DOES 1 through 100, Plaintiff
9 has suffered, and will continue to suffer, psychological, mental and emotional distress, including
10 but not limited to fear, anxiety, self-medicating behaviors, depression, symptoms consistent with
11 Post-Traumatic Stress Disorder, grief, embarrassment, trouble with interpersonal relationships,
12 problems with trust relationships, and issues with trust. He has and will continue to incur expenses
13 for mental, psychological, psychiatric, and medical care due to the assault, according to proof at
14 trial. Furthermore, Plaintiff has suffered loss of past and future earnings and other economic
15 benefits according to proof at the time of trial.

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

24 128. In subjecting the Plaintiff to the wrongful treatment herein described, Defendants
25 BAKER and BAKER, acted willfully and maliciously with the intent to harm Plaintiff, and in
26 conscious disregard of Plaintiff's rights, so as to constitute malice and oppression under California
27 *Civil Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an
28 amount to be determined by the court, against Defendants BAKER and MAHONY, in a sum to be

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19100 Von Karman Avenue, Suite 800
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1 shown according to proof. As to Defendants RCALA and DOES 1 through 100, Plaintiff reserves
2 the right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14
3 and as further reserved in Paragraph 45, *supra*.

4 **EIGHTH CAUSE OF ACTION**
5 **SEXUAL HARASSMENT (CIVIL CODE §51.9)**
6 **(Plaintiff Against Defendants RCALA, MAHONY, BAKER, and DOES 1-100)**

7 129. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
8 though fully set forth herein.

9 130. During Plaintiff's time as a minor at Defendants RCALA, and DOES 1 through 100,
10 Defendant BAKER intentionally, recklessly and wantonly made sexual advances, solicitations,
11 requests, demands for sexual compliance of a hostile nature based on Plaintiff's gender that were
12 unwelcome, pervasive and severe, including but not limited to Defendant BAKER, all under the
13 supervision of Defendants, who were acting in the course and scope of their agency with
14 Defendants and each of them. The sexual harassment and assault is described within Paragraph 15
15 included but was not limited to BAKER fondling the Plaintiff, digitally penetrating the Plaintiff,
16 ejaculating on the Plaintiff, forced the Plaintiff to fondle BAKER, and BAKER orally copulating
17 the Plaintiff.

18 131. The incidents of assault outlined herein above took place while Plaintiff was under
19 the control of Defendants, as well as MAHONY and the staff of Defendants RCALA and DOES
20 1 through 100, in their capacity and position as teachers, spiritual advisors, counselors, mentors,
21 supervisors and administrators at Defendants RCALA and DOES 1 through 100 and while acting
22 specifically on behalf of Defendants.

23 132. During Plaintiff's time as a minor at Defendants RCALA, and DOES 1 through 100,
24 Defendant BAKER intentionally, recklessly and wantonly did acts which resulted in harmful and
25 offensive contact with intimate parts of Plaintiff's person, including but not limited to, using his
26 position of authority and age to force Plaintiff to give into Defendant BAKER's sexual suggestions.

27 133. Because of Plaintiff's relationship with Defendants RCALA, MAHONY, BAKER,
28 and DOES 1 through 100, and Plaintiff's young age as a minor boy, Plaintiff was unable to easily
terminate the relationship he had with the Defendants.

1 134. Because of Defendant BAKER's age and position of authority, physical seclusion
2 of the Plaintiff, Plaintiff's mental and emotional state, status in the religious community, and
3 Plaintiff's young age under the age of consent, Plaintiff was unable to, and did not, give meaningful
4 consent to such sexually abusive acts perpetrated by BAKER.

5 135. Even though the Defendants knew or should have known of these activities by
6 Defendant BAKER, Defendants did nothing to investigate, supervise or monitor Defendant
7 BAKER to ensure the safety of the minor children.

8 136. Because of Plaintiff's relationship with Defendants, as a minor attending St.
9 Columbkille Church within RCALA, and Plaintiff's young age as a minor boy, Plaintiff was unable
10 to easily terminate the priest-parishioner relationship he had with BAKER.

11 137. A corporation is a "person" within meaning of *Civil Code* section 51.9, which
12 subjects persons to liability for sexual harassment within a business, service or professional
13 relationship, and such an entity defendant may be held liable under this statute for the acts of its
14 employees. *C.R. v. Tenet Healthcare Corp.*, (2009) 169 Cal.App.4th 1094. Further, principles of
15 ratification apply when the principal ratifies the agent's originally unauthorized harassment, as is
16 alleged to have occurred herein. RCALA, by and through its managing agent MAHONY, ratified
17 the sexually abusive conduct of BAKER, knew of such conduct, but nevertheless, concealed such
18 knowledge and continued him in service as a priest within RCALA, which is how he accessed the
19 Plaintiff.

20 138. Defendants' conduct (and the conduct of their agents) was a breach of their duties to
21 Plaintiff.

22 139. As a direct and proximate result of his sexual assault by Defendant BAKER, which
23 was enabled and facilitated by Defendants RCALA, MAHONY and DOES 1 through 100, Plaintiff
24 has suffered, and will continue to suffer, psychological, mental and emotional distress, including
25 but not limited to fear, anxiety, self-medicating behaviors, depression, symptoms consistent with
26 Post-Traumatic Stress Disorder, grief, embarrassment, trouble with interpersonal relationships,
27 problems with trust relationships, and issues with trust. He has and will continue to incur expenses
28 for mental, psychological, psychiatric, and medical care due to the assault, according to proof at

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ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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1 trial. Furthermore, Plaintiff has suffered loss of past and future earnings and other economic
2 benefits according to proof at the time of trial.

3 140. In subjecting the Plaintiff to the wrongful treatment herein described, Defendants
4 BAKER and MAHONY, acted willfully and maliciously with the intent to harm Plaintiff, and in
5 conscious disregard of Plaintiff's rights, so as to constitute malice and oppression under California
6 *Civil Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an
7 amount to be determined by the court, against Defendants BAKER and MAHONY, in a sum to be
8 shown according to proof. As to Defendants RCALA and DOES 1 through 100, Plaintiff reserves
9 the right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14
10 and as further reserved in Paragraph 45, *supra*.

11 **NINTH CAUSE OF ACTION**
12 **SEXUAL BATTERY**
13 **(Plaintiff Against Defendant BAKER only)**

14 141. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
15 though fully set forth herein.

16 142. During Plaintiff's time as a parishioner at Defendants RCALA and DOES 1 through
17 100, Defendant BAKER intentionally, recklessly and wantonly did acts which were intended to,
18 and did result in harmful and offensive contact with intimate parts of Plaintiff's person. Plaintiff
19 was subjected to numerous instances of sexual assault by Defendant BAKER, during Plaintiff's
20 time as a minor with Defendants RCALA, DOE 4 through 100, including but not limited to the
21 conduct described in Paragraph 16, *supra*.

22 143. Defendant BAKER did the aforementioned acts with the intent to cause a harmful
23 or offensive contact with an intimate part of Plaintiff's person and would offend a reasonable sense
24 of personal dignity. Further, said acts did cause a harmful or offensive contact with an intimate part
25 of Plaintiff's person that would offend a reasonable sense of personal dignity.

26 144. Because of Defendant BAKER's position of authority over Plaintiff, and Plaintiff's
27 mental and emotional state, and Plaintiff's young age under the age of consent, Plaintiff was unable
28 to, and did not, give meaningful consent to such acts.

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1 145. As a direct, legal, and proximate result of the acts of Defendant BAKER, Plaintiff
2 sustained serious and permanent injuries to his person, all of his damage in an amount to be shown
3 according to proof and within the jurisdiction of the Court.

4 146. As a direct and proximate result of his sexual assault by Defendant BAKER, which
5 was enabled and facilitated by Defendants RCALA, MAHONY and DOES 1 through 100, Plaintiff
6 has suffered, and will continue to suffer, psychological, mental and emotional distress, including
7 but not limited to fear, anxiety, self-medicating behaviors, depression, symptoms consistent with
8 Post-Traumatic Stress Disorder, grief, embarrassment, trouble with interpersonal relationships,
9 problems with trust relationships, and issues with trust. He has and will continue to incur expenses
10 for mental, psychological, psychiatric, and medical care due to the assault, according to proof at
11 trial. Furthermore, Plaintiff has suffered loss of past and future earnings and other economic
12 benefits according to proof at the time of trial.

13 147. In subjecting the Plaintiff to the wrongful treatment herein described, Defendant
14 BAKER, acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
15 disregard of Plaintiff's rights, so as to constitute malice, oppression and fraud under California *Civil*
16 *Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an amount
17 to be determined by the court, against Defendants BAKER, in a sum to be shown according to
18 proof.

19 **TENTH CAUSE OF ACTION**
20 **GENDER VIOLENCE (CIVIL CODE §52.4)**
21 **(Plaintiff Against Defendant BAKER only)**

22 148. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
23 though fully set forth herein.

24 149. Defendant BAKER's acts committed against Plaintiff, as alleged herein, including
25 the sexual harassment, molestation and assault of the minor Plaintiff constitute gender violence and
26 a form of sex discrimination in that one or more of Defendants' acts would constitute a criminal
27 offense under state law that has an element the use, attempted use, or threatened use of physical
28 force against the person of another, committed at least in part based on the gender of the victim,
whether or not those acts have resulted in criminal complaints, charges, prosecution, or convictions.

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1 156. Under California law, victims of childhood sexual abuse are entitled to bring civil
2 actions for violations of *Penal Code* provisions that prohibit adults from engaging in sexual acts
3 with minors, including *Penal Code* § 287(a)-(b)(1). See *Angie M. v. Superior Court*, (1995) 37
4 Cal.App.4th 1217, 1224-1225.

5 157. Defendant BAKER' above-noted actions in engaging in oral copulation with the
6 minor Plaintiff were the proximate and legal causes of physical, psychological, emotional, and
7 economic damages Plaintiff has suffered and continues to suffer to this day. It also has resulted in
8 Plaintiff incurring, and will require him to incur into the future, expenses for medical and
9 psychological treatment, therapy, and counseling.

10 158. The above-described conduct of the Defendant BAKER was oppressive, malicious,
11 fraudulent and despicable in that it was intentional and done in conscious disregard for the rights
12 and safety of Plaintiff, and was carried out with a conscious disregard of Plaintiff's right to be free
13 from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California
14 *Civil Code* section 3294, entitling Plaintiff to punitive damages against Defendant BAKER in an
15 amount appropriate to punish and set an example of him.

16 **TWELFTH CAUSE OF ACTION**
17 **VIOLATION OF PENAL CODE § 289(h)**
18 **(Plaintiff Against Defendant BAKER only)**

19 159. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
20 though fully set forth herein.

21 160. California *Penal Code* § 289(h) provides that "(h) [e]xcept as provided in Section
22 288, any person who participates in an act of sexual penetration with another person who is under
23 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period
24 of not more than one year."

25 161. Defendant BAKER engaged in sexual penetration with Plaintiff while Plaintiff was
26 under eighteen years of age, in violation of California *Penal Code* § 289(h).

27 162. Under California law, victims of childhood sexual abuse are entitled to bring civil
28 actions for violations of *Penal Code* provisions that prohibit adults from engaging in sexual acts
with minors, including *Penal Code* § 289(h). See *Angie M. v. Superior Court*, (1995) 37

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Irvine, CA 92612
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1 Cal.App.4th 1217, 1224-25.

2 163. Defendant BAKER's above-noted actions in engaging in sexual penetration with the
3 minor Plaintiff were the proximate and legal causes of physical, psychological, emotional, and
4 economic damages Plaintiff has suffered and continues to suffer to this day. It also has resulted in
5 Plaintiff incurring, and will require him to incur into the future, expenses for medical and
6 psychological treatment, therapy, and counseling.

7 164. The above-described conduct of the Defendant BAKER was oppressive, malicious
8 and despicable in that it was intentional and done in conscious disregard for the rights and safety
9 of Plaintiff, and was carried out with a conscious disregard of Plaintiff's right to be free from such
10 tortious behavior, such as to constitute oppression, fraud or malice pursuant to California *Civil*
11 *Code* section 3294, entitling Plaintiff to punitive damages against Defendant BAKER in an amount
12 appropriate to punish and set an example of him.

13 **THIRTEENTH CAUSE OF ACTION**
14 **VIOLATION OF PENAL CODE § 288(a)**
(Plaintiff Against Defendant BAKER only)

15 165. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
16 though fully set forth herein.

17 166. California *Penal Code* § 288(a) provides that "...[e]xcept as provided in subdivision
18 (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts
19 constituting other crimes provided for in Part 1, upon or with the body, or any part or member
20 thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or
21 gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and
22 shall be punished by imprisonment in the state prison for three, six, or eight years."

23 167. Defendant BAKER engaged in lewd and lascivious sexual acts with the Plaintiff, as
24 described *supra* in Paragraph 15, in violation of *Penal Code* §288(a).

25 168. Under California law, victims of childhood sexual abuse are entitled to bring civil
26 actions for violations of *Penal Code* provisions that prohibit adults from engaging in sexual acts
27 with minors, including *Penal Code* § 288(a). *Angie M. v. Superior Court*, (1995) 37 Cal.App.4th
28 1217, 1224-25.

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1 169. Defendant BAKER's above-noted actions in engaging in lewd and lascivious acts
2 with the minor Plaintiff were the proximate and legal causes of physical, psychological, emotional,
3 and economic damages Plaintiff has suffered and continue to suffer to this day. It also has resulted
4 in Plaintiff incurring, and will require him to incur into the future, expenses for medical and
5 psychological treatment, therapy, and counseling.

6 170. The above-described conduct of the Defendant BAKER was oppressive, malicious,
7 fraudulent and despicable in that it was intentional and done in conscious disregard for the rights
8 and safety of Plaintiff, and was carried out with a conscious disregard of Plaintiff's right to be free
9 from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California
10 *Civil Code* section 3294, entitling Plaintiff to punitive damages against Defendant BAKER in an
11 amount appropriate to punish and set an example of him.

12 **FOURTEENTH CAUSE OF ACTION**
13 **VIOLATION OF *PENAL CODE* § 647.6(a)(1)**
14 **(Plaintiff Against Defendant BAKER only)**

15 171. Plaintiff repeats, re-alleges and incorporates each paragraph previously pleaded, as
16 though fully set forth herein.

17 172. California *Penal Code* § 647.6(a)(1) provides that "[e]very person who annoys or
18 molests any child under 18 years of age shall be punished by a fine not exceeding five thousand
19 dollars (\$5,000), by imprisonment in a county jail not exceeding one year, or by both the fine and
20 imprisonment."

21 173. Defendant BAKER annoyed and molested the Plaintiff while Plaintiff was under
22 eighteen years of age, in violation of California *Penal Code* § 647.6(a)(1).

23 174. Under California law, victims of childhood sexual abuse are entitled to bring civil
24 actions for violations of *Penal Code* provisions that prohibit adults from engaging in sexual acts
25 with minors, including *Penal Code* § 647.6(a)(1). See *Angie M. v. Superior Court*, (1995) 37
26 Cal.App.4th 1217, 1224-1225.

27 175. Defendant BAKER's above-noted actions in annoying and molesting the minor
28 Plaintiff were the proximate and legal causes of physical, psychological, emotional, and economic
damages Plaintiff has suffered and continues to suffer to this day. It also has resulted in Plaintiff

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1 incurring, and will require him to incur into the future, expenses for medical and psychological
2 treatment, therapy, and counseling.

3 176. The above-described conduct of the Defendant BAKER was oppressive, malicious
4 and despicable in that it was intentional and done in conscious disregard for the rights and safety
5 of Plaintiff, and was carried out with a conscious disregard of Plaintiff's right to be free from such
6 tortious behavior, such as to constitute oppression, fraud or malice pursuant to California *Civil*
7 *Code* section 3294, entitling Plaintiff to punitive damages against Defendant BAKER in an amount
8 appropriate to punish and set an example of him.

9 **PRAYER FOR RELIEF**

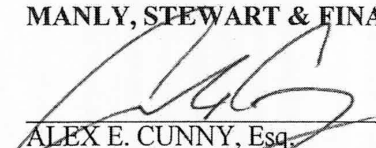
10 Wherefore, Plaintiff prays for Judgment against Defendants as follows:

- 11 1. For past, present and future general damages in an amount to be determined at
12 trial;
- 13 2. For past, present and future special damages, including but not limited to past,
14 present and future lost earnings, economic damages and others, in an amount to be
15 determined at trial;
- 16 3. Any appropriate statutory damages;
- 17 4. For costs of suit;
- 18 5. For interest as allowed by law;
- 19 6. For treble damages, as provided within *Code of Civil Procedure* §340.1(b);
- 20 7. For attorney's fees pursuant to California *Code of Civil Procedure* § 1021.5, *Code*
21 *of Civil Procedure* §1021.4 (against BAKER), *Civil Code* §52.4 (against BAKER),
22 *Civil Code* §52, or otherwise as allowable by law; and
- 23 8. For such other and further relief as the court may deem proper.

24 Dated: February 5th, 2020

MANLY, STEWART & FINALDI

25
26 By:


27 ALEX E. CUNNY, Esq.
Attorneys of Record for Plaintiff,
John LA-1 Doe.

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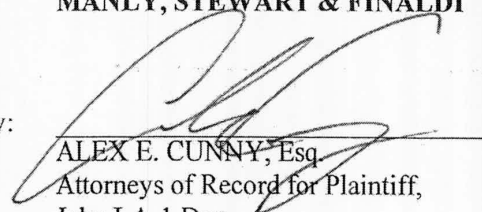
DEMAND FOR JURY TRIAL

A trial by jury is hereby demanded by Plaintiff.

Dated: February 5th, 2020

MANLY, STEWART & FINALDI

By:



ALEX E. CUNNY, Esq.
Attorneys of Record for Plaintiff,
John LA-1 Doe.

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Avenue, Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990

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