



## **CONFIDENTIAL FILES**

of

**GARY PACHECO**

1500 34th Ave  
Oakland CA 94601-3092  
Phone (510) 536-3772 • Fax (510) 536-3970  
[www.sf.franciscans.org](http://www.sf.franciscans.org)

GARY PACHECO

FEBRUARY 4, 1988

Received a call from Fr. John Urell, chancellor of diocese of Orange. He informed me that Gary Pacheco was at the house of prayer on administrative leave imposed by Bishop Mc Farland. Gary was in the process of incardination into the diocese.

Father Urell reported that first he talked with a mother and then with her son about allegations regarding Gary.- The son is presently 21. About 7 or 8 years ago, he claims, Gary took him to a motel and had sexual relations with him.

Fr. Urell talked with Gary. While not denying taking boys to motels while on days off (e.g. during a visit to Disneyland) he denied emphatically any sexual acts.

The mother claims that the son is having severe difficulties, he was using drugs and was dishonorably discharged from the service. ~~When she urged him to go to Church, he finally admitted he was turned off to the church because of this incident.~~

At this point the bishop put Gary on administrative leave. If he had admitted the allegations he would have immediately severed his relation with the diocese.

5PM Called [REDACTED] and relayed above report.

Attorney Client Privileged

FEB.5 % Talked with Gary Pacheco

We did not discuss the actual incidents.

He did offer the fact that he is affectionate, but was more cautious lately because of things he had seen on TV (apparently re priests and pedophilia).

I told him he would probably be asked to undergo psych. evaluation.

He seemed willing. I told him Fr. John Urell would probably contact him.

OFM PACH 1

0057

Feb. 5

Talked with Fr. Urell. He said that since Gary had admitted some indiscretions, in taking boys on days off and staying in motels with them, and even sleeping in the same bed, the Bishop will not incardinate him, and he returns to the diocese. Meanwhile the diocese will pay for the evaluation. Fr. Urell will arrange for this. with local psychologist with

Feb 7 Fr. Urell called, said that the psychologist had raised some questions, concerning reporting, and also what would the diocese want to do with the report if Gary was no longer attached to them. Therefore, we agreed to do the evaluation and I arranged for this to be done at Jemez Springs with the Paracletes. I called Gary and he agreed. This evaluation took place Feb. 22-26.

I was in Jemez Sprnnings Feb. 26. I did have a brief opportunity to talk with Gary. He indicated his willingness to go through a program there for his own growth.

We said we would await the report and he would return to the prayer house in Orange.

I did talk with Fr. Urell and he agreed with this though questioned how long it would be good for him to stay at the prayer house.

March 7 Fr. Urell called and said that he had agreed with Gary he could stay until the evaluation arrived, but a new development had occurred.  
(cf. next page)



DIOCESE OF ORANGE  
MARYWOOD CENTER  
2811 EAST VILLA REAL DRIVE  
ORANGE, CALIFORNIA 92667-1999  
(714) 974-7120

February 9, 1988

**CONFIDENTIAL**

[REDACTED]  
Provincial  
Province of Saint Barbara  
1500 34th Avenue  
Oakland, California 94601

RE: REVEREND GARY PACHECO, O.F.M.

Dear [REDACTED]


Pursuant to our phone conversation of February 4, 5, and 8, 1988, Bishop Norman F. McFarland has deemed it necessary to mandate Father Gary Pacheco back to the Franciscan Community from his service ad experimentum in the Diocese of Orange.

Following the public accusations made against Father Pacheco, about which no judgement has been made, and the admitted professional imprudences about which Father Pacheco has spoken, this decision is made for Father Pacheco's good and the good of the Church.

Father Pacheco returns to the Franciscan Community with the recommendation that he receive professional, psychological evaluation prior to any future assignment.

Father Pacheco has been on administrative leave from his parish assignment as of February 4, 1988, and has since been residing at the House of Prayer in Orange. He has been informed of this decision and is awaiting further word from you.

Sincerely yours in Christ,

  
Reverend John Urell  
Chancellor

ds

OFM PACH 1  
0059

GARY PACHECO

[REDACTED]

MARCH 7, 1988

Received a call from Fr. John Urell, chancellor of Orange.

He was very concerned that Gary had visited families in the Huntington Beach area. He had told him not to return to the parish, did not exactly say not to any homes, but had presumed that and thought this very irresponsible of Gary. Apparently [REDACTED] (mother of the one making the allegations?) said that she was talking about the situation with a friend who is a psychiatrist. The latter a mother with a number of sons was also alarmed because her sons might be involved. In the conversation it became clear that Gary had visited in the area. He had gone to a home and when the boys told them their parents were not home he left.

There were no allegations of any wrong doing in this report, only the fear of the families (at least [REDACTED] and the psychiatrist-friend) that he was in the area when they had been told by Fr. Urell that he was out of the area.

Fr. Urell then asked that he be moved from the area completely. He had told Gary recently that he could stay a few days until the results of the testing at Jemez Springs, but now felt he should leave the county as soon as possible.

I then phoned Gary and described the conversation from Fr. Urell. We agreed that he would go to our retreat house in Malibu until we heard from the Paracletes. He said he would try to go today (the understanding being if not today certainly tomorrow). Also it was clear he is not to visit families, etc.

I then phoned Fr. Ronal Collotty director at Serra Retreat Malibu and explained that Gary would be coming. He would welcome him. I explained a little of the situation and asked him to alert us if there was any indication that he was returning to the area, or any other reason for concern. He said he would.

Attorney Client Privileged

I finally ~~called~~ made contact with the Paracletes in Jemez Springs. I talked with Frank Luddy who spoke on behalf of the director Fr. Liam. He said although they recommended the move beginning in July, if it seemed better they would arrange for him to come right away and enter the program at Villa Louis Martin.

GARY Presently at ~~Paracletes~~ Villa Louis MARTIN  
6/8/88

CONFIDENTIAL

GARY PACHECO

June 20, 1988

Applied to join the Diocese of Orange; accepted on probation.  
Accused of molesting a young man 8 years ago. Gary denies this. So, who is telling the truth? It was pointed out that a characteristic of people who get involved in these things is total denial.  
He admits that he takes young people on weekends.  
He was removed by the diocese from the parish where he was and sent to the house of prayer. He was told not to go back to Huntington Beach; when he did, he was terminated from the diocese, and thus he returns to the province. He has told others that he does not want to be a friar, so apparently he will be looking for another diocese.  
At present we are legally responsible.

OFM PACH 1  
0061



# Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Gary Pacheco was at Villa Louis Martin, Jemez Springs, New Mexico,  
a treatment center run by the Servants of the Paraclete, from  
March 11, 1988 to September 2, 1988.

*gc*

**OFM PACH 1**

**0062**

Bates Number 63 was removed by the Plaintiffs at the request of the Franciscans.



17130 San Mateo  
Apt. B  
Fountain Valley, CA  
92708  
714 962-6790

GARY PACHECO

On October 27, 1992, [REDACTED] called the Provincial Office to report that a sister of a young man had come to [REDACTED] to report that her brother had been sexually abused by Gary Pacheco some eight years ago. The victim is now 24. The sister told [REDACTED] that the family found out about this a year ago. The victim has been in counseling and the insurance has run out. She was coming to [REDACTED] in order to get continued counseling for her brother.

Attorney Client Privileged

OFM PACH 1  
0064

Confidential

Memo: to [REDACTED]

From: [REDACTED]

Regarding: Gary Pacheco

Date: November 24, 1992

On November 4, 1992 [REDACTED] informed me of allegations of sexual abuse on the part of Gary Pacheco. These had been made by the [REDACTED] to [REDACTED] pastor of our parish in Huntington Beach. [REDACTED] name and phone number on November 6 and I talked to [REDACTED] on November 7.

[REDACTED] now 24 and living in [REDACTED] claimed that from his 8th. to 14th. year, on almost a weekly basis Gary Pacheco, while visiting his family home would enter his bedroom, fondle his genitals, and then take [REDACTED] hand and place it on his own genitals. Though the parents were at home at the time, this activity went unnoticed behind [REDACTED] closed door. Gary was a good friend of the family, a priest, and therefore trusted. Gary would see [REDACTED] at school as well, but there is no memory of any misconduct there. At the time [REDACTED] did not tell his parents for he was confused by this behavior, especially because it was initiated by a priest and friend. Though [REDACTED] felt it to be inappropriate, he wondered if any accusation would be believed by his parents.

In retrospect, [REDACTED] shares that the experience caused him to wonder if he were gay and led to feelings of shame and confusion. It colored his sense of sexual self and introduced ambivalent feelings. [REDACTED] claims that [REDACTED] was also abused but until the present [REDACTED] denies it. [REDACTED] said that he will broach the topic with [REDACTED] again and then suggest to us possible ways to proceed.

[REDACTED] started counseling while a sophomore in college and there was helped by a professor in a psychology class to remember these cases of abuse. After leaving college he discontinued the counseling.

In conversation with Gary Pacheco (714-962-6790) he has acknowledged the regular visits to the family home and backrubs and feet massages to [REDACTED] in his bedroom. However, he does not remember any sexual misconduct. He acknowledges

OFM PACH 1

0065

FILE 3713

From the desk of  
Rev. Mel J. [redacted] O.F.H.

Gay Prochers  
17130 San Mateo  
Apt. B22  
FOURTAIL Valley, CA 92708  
714 962-6790  
✓ [redacted]

Wrote a Card to [redacted]  
① call [redacted] - info  
② info on [redacted]  
③ [redacted]  
④ [redacted]

Victim [redacted]  
Box [redacted]  
(at least 3 years ago)  
parents [redacted]  
Box [redacted]  
contact Mrs. [redacted] (sister)  
[redacted]

just looking for payment on counseling  
(on going and past)

Me [redacted] (714) 962 6790

how [redacted]  
Same survivor as above  
[redacted]

OFM PACH 1  
0066

that he was not affectively mature. He was fond of [REDACTED] and he says that he is sorry for any pain he might have caused him.

#### Action Recommended

- 1) CPS is to be notified. According to provincial policy, this should be done at the local level. [REDACTED] has agreed to do this with or without familial participation.
- 2) Counseling has been offered to [REDACTED], but for now he declines.
- 3) [REDACTED] parents have been invited to discuss this matter with me or the provincial through [REDACTED]. They, too, would be welcome to counseling as well as the brother if so desired.
- 4) Process Gary's request to leave both the Order and the priesthood, and along with this acknowledge Gary's treatment at Jemez Springs.
- 5) Be aware that [REDACTED] wants to confront Gary in person and that Gary's "poor memory" could provoke [REDACTED] to raise the ante, e. g., a legal suit.
- 6) I will continue to keep in touch with [REDACTED] and make available resources for his own recovery.

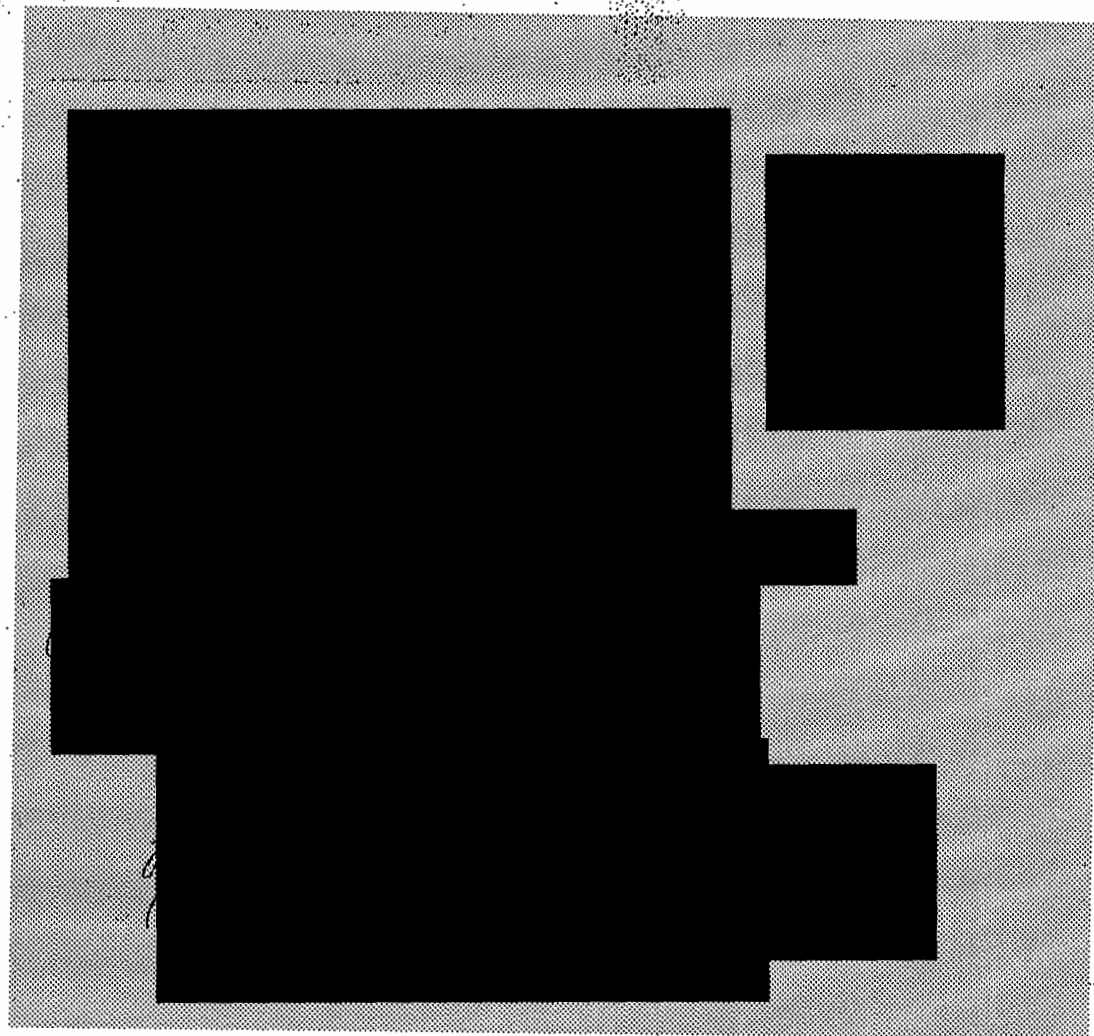
[REDACTED]

N. B. [REDACTED] comes across as a sensitive, mature, non-vindictive person. He's recently become a father, and he has some sense of concern for children in general - that they be protected.

Bates Number 68 was removed by the Plaintiffs at the request of the Franciscans.



OFM PACH 1  
0069



Mel -

h. w. A. 1

Time: 8<sup>th</sup> - 14<sup>th</sup> year presently 24.  
at your house.

he didn't tell his parents  
They'd be home, but in his room  
" 15-20 minutes.  
done 3 or 4 times a month.

Result

Thought he was gay, he's mixed,  
confused. This solved his experience there.

Also happened to a brother - but the  
brother denied it.

STARTED counselling while in college  
in '89. - 2nd. year of counselling.

2. Counselling

OFM PACH 1  
0071



UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

[REDACTED]  
Plaintiff

v.

FR. RICHARD T. COUGHLIN, BOYS  
CHOIR SCHOOL OF ORANGE COUNTY,  
a.k.a. ALL-AMERICAN BOY'S  
CHORUS, DIOCESE OF ORANGE  
EDUCATION AND WELFARE  
CORPORATION, aka ROMAN  
CATHOLIC BISHOP OF ORANGE aka  
ROMAN CATHOLIC DIOCESE OF  
ORANGE, ROMAN CATHOLIC  
ARCHBISHOP OF LOS ANGELES,  
FR. GARY PACHECO and  
FRANCISCAN FRIARS OF  
CALIFORNIA, INC.

Defendants

Case No. [REDACTED]

Waiver of Service of Summons

TO: Rev. [REDACTED] as agent for service of  
process for FRANCISCAN FRIARS OF CALIFORNIA, INC..

I acknowledge receipt of your request that I waive service of  
summons in the action of [REDACTED] V. COUGHLIN, ET AL., which is  
case number [REDACTED] in the United States District Court  
for the CENTRAL DISTRICT OF CALIFORNIA. I have also received a  
copy of the complaint in the action, two copies of this instrument,  
and a means by which I can return the signed waiver to you without  
cost to me.

I agree to save the cost of service of summons and an  
additional copy of the complaint in this lawsuit by not requiring  
that I (or the entity on whose behalf I am acting) be served with  
judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all  
defenses or objections to the lawsuit or to the jurisdiction or  
venue of the court except for objections based on a defect in the  
summons or in the service of the summons.

I understand that a judgment may be entered against me (or the  
party on whose behalf I am acting) if an answer or motion under

OEM PACH 1

0072

### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or represented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be entered against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

[REDACTED]  
Plaintiff

v.

FR. RICHARD T. COUGHLIN, BOYS  
CHOIR SCHOOL OF ORANGE COUNTY,  
a.k.a. ALL-AMERICAN BOY'S  
CHORUS, DIOCESE OF ORANGE  
EDUCATION AND WELFARE  
CORPORATION, aka ROMAN  
CATHOLIC BISHOP OF ORANGE aka  
ROMAN CATHOLIC DIOCESE OF  
ORANGE, ROMAN CATHOLIC  
ARCHBISHOP OF LOS ANGELES,  
FR. GARY PACHECO and  
FRANCISCAN FRIARS OF  
CALIFORNIA, INC.

Defendants

Case No. [REDACTED]

Notice of Lawsuit and  
Request for Waiver of  
Service of Summons

NOTICE

TO: Rev. [REDACTED], OFM, as agent for service of  
process for FRANCISCAN FRIARS OF CALIFORNIA, INC..

A lawsuit has been commenced against the entity on whose behalf you are addressed. A copy of the Summons, Complaint, Litigation Guidelines, Notice of Right to Consent to Disposition of a Civil Case by a United States Magistrate, Notice of Assignment to a United States Magistrate Judge, and Notice to Counsel is attached to this notice. It has been filed in the United States District Court for the Central District and has been assigned docket number [REDACTED].

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within 30 days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on

OFM PACH 1

0074

[REDACTED] r. Coughlin, et al.

Case No. [REDACTED]

Notice of Lawsuit and Request  
for Waiver of Service of Summons

Rev. [REDACTED]

Page 2

you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below

as the date on which this notice is sent.

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this 24th day of January, 1994.



MARK E. ROSEMAN, ESQ.  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

<div data-bbox="221 429 579 500" style="background-color: black; width: 100%; height: 33px;"></div> <div data-bbox="556 487 767 517" style="text-align: center;">PLAINTIFF(S)</div>	<div data-bbox="1152 434 1355 461" style="text-align: center;">CASE NUMBER</div> <div data-bbox="924 461 1495 542" style="background-color: black; width: 100%; height: 38px;"></div>
<div data-bbox="282 551 929 729"><p style="text-align: center;">vs.</p><p>FR. RICHARD T. COUGHLIN, BOYS CHOIR SCHOOL OF ORANGE COUNTY, a.k.a. ALL-AMERICAN BOY'S CHORUS, DIOCESE OF ORANGE EDUCATION AND WELFARE CORPORATION, aka ROMAN CATHOLIC BISHOP OF ORANGE</p></div> <div data-bbox="556 678 784 706" style="text-align: center;">DEFENDANT(S)</div> <div data-bbox="260 729 1547 819"><p>aka ROMAN CATHOLIC DIOCESE OF ORANGE, <del>CATHOLIC ARCHBISHOP OF LOS ANGELES</del> <del>FR. GARY BACHECO, SPP FRANCISCAN FRIARS OF CALIFORNIA, INC</del> TO THE ABOVE-NAMED DEFENDANT(S), you are hereby summoned and required to file with this court and serve upon</p></div>	<div data-bbox="1098 572 1337 600" style="text-align: center;">S U M M O N S</div> <div data-bbox="929 706 1033 734" style="text-align: center;"><i>Roman</i></div>

Plaintiff's attorney, whose address is:

MARK E. ROSEMAN, ESQ., Bar #82723  
TIMOTHY M. O'CROWLEY, ESQ. #158549  
LAW OFFICES OF BLUM & ROSEMAN, APC  
1851 East First Street, Suite 850  
Santa Ana, California 92705  
(714)547-8801

an answer to the complaint which is herewith served upon you  
within 20 days after service of this summons upon you, exclusive  
of the day of service. If you fail to do so, judgment by default  
will be taken against you for the relief demanded in the complaint.

DATE: JAN 14 1994

CLERK, U.S. DISTRICT COURT

By *Tim Rose*  
Deputy Clerk

(SEAL OF THE COURT)

---

S U M M O N S

---

CV-1A (1787) OFM PACH 1 0076

This is a cover sheet and the information contained hereon is to be used to provide the court with information for the proper filing and service of process. It is not to be used for the purpose of providing information to the parties or for the purpose of providing information to the public. The information contained hereon is to be used for the purpose of providing information to the court only. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

[REDACTED]

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

[REDACTED]

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
MARK E. ROSEMAN, ESQ., Bar #82723  
TIMOTHY M. O'CROWLEY, ESQ. #158549  
LAW OFFICES OF BLUM & ROSEMAN, APC  
1851 E. First Street, Suite 850  
Santa Ana, CA 92705; 714-547-8801

DEFENDANTS

FR. RICHARD T. COUGHLIN, BOYS CHOIR  
SCHOOL OF ORANGE COUNTY, a.k.a. ALL-  
AMERICAN BOY'S CHORUS, DIOCESE OF  
ORANGE EDUCATION AND WELFARE CORPORATION  
aka ROMAN CATHOLIC BISHOP OF ORANGE aka  
ROMAN CATHOLIC DIOCESE OF ORANGE, CATHOLIC  
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED

ARCHBISHOP OF LOS ANGELES, FR. GARY PACHECO  
ATTORNEYS (IF KNOWN) and FRANCISCAN FRIARS OF CA, INC.

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- (For Diversity Cases Only)
- |   | PTF                                   | DEF                                   |
|---|---------------------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input checked="" type="checkbox"/> 1 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            |
- Incorporated or Principal Place of Business in This State  
Incorporated and Principal Place of Business in Another State  
Foreign Nation

IV. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Remanded or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

V. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint  
JURY DEMAND: ☒ YES ☐ NO

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. 1332 (Diversity)

VII. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability 	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employer's Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights 	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage Product Liability <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights 	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act 	<input type="checkbox"/> 422 Appeal <input type="checkbox"/> 423 Withdrawal <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1995H) <input type="checkbox"/> 862 Back Pay (923) <input type="checkbox"/> 863 DMC/DMW (405(p)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 	<input type="checkbox"/> 400 State Readjustment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/Credit/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Receiver Influenced and Control Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Access of Fire Determination Under Eusei <input type="checkbox"/> 950 Access to Justice Constitutionality of State Statutes <input type="checkbox"/> 980 Other Statutory Actions 

VIII. RELATED CASE(S)

(See instructions):

IF ANY

January 14, 1984  
DATE

JUDGE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD  
MARK E. ROSEMAN, ESQ.

UNITED STATES DISTRICT COURT  
CV-71107/921

(CONTINUED ON REVERSE SIDE)

OFM PACH 1

0077

**CIVIL COVER SHEET**  
(Reverse Side)

The JS-44 Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3.3 and is used by the Clerk of Court for the purpose of initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet)

**AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.**

Has this action previously been filed and dismissed, remanded, or closed?

☒ No ☐ Yes Case No. \_\_\_\_\_

RELATED CASE(S), IF ANY: \_\_\_\_\_

CIVIL CASES ARE DEEMED RELATED IF A PREVIOUSLY FILED CASE AND THE PRESENT CASE:

- A. Appear to arise from the same or substantially identical transactions, happenings or events;
- B. Involve the same or substantially the same parties or property;
- C. Involve the same patent, trademark or copyright;
- D. Call for determination of the same or substantially identical questions of law, or
- E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

List the California County or State (if other than California) in which each named plaintiff resides. (Use an additional sheet if necessary)

██████████

List the California County or State (if other than California) in which each named defendant resides. (Use an additional sheet if necessary)

Orange County, Orange County, Orange County, Los Angeles, Orange County and Alameda County.

List the California County or State (if other than California) in which each claim arose. (Use an additional sheet if necessary)

Orange County

**Key to Statistical Codes relating to Social Security Cases:**

<b>NATURE OF SUIT CODE</b>	<b>ABBREVIATION</b>	<b>SUBSTANTIVE STATEMENT OF CAUSE OF ACTION</b>
861	HIA	All claims for health insurance benefits (medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 USC 1915FF.(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 USC 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 USC 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 USC 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 USC (g))

### NOTICE TO COUNSEL

THE COURT HAS DIRECTED THAT THE FOLLOWING RULES BE SPECIFICALLY CALLED TO YOUR ATTENTION.

- I. Continuing Obligation to Report Related Cases (Local Rule 4)
- II. Service of Papers and Process (Local Rule 5)
- III. Notice of Right to Consent to Disposition of a Civil Case by a United States Magistrate (28 U.S.C. §636(c). General Order 194-G)

#### I. CONTINUING OBLIGATION TO REPORT RELATED CASES

Counsel are reminded that you have the continuing obligation to promptly advise the Court whenever one or more civil actions or proceedings previously commenced and one or more currently filed appear to be related.

Local Rule 4.3.3 provides that, "It shall be the continuing duty of the attorney in any case promptly to bring to the attention of the Court, by the filing of a Notice of Related Case(s) pursuant to Local Rule 4.3.1, all facts which in the opinion of the attorney or party appear relevant to a determination whether such action and one or more pending actions should, under the criteria and procedures set forth in Local Rule 4.3, be heard by the same judge."

Local Rule 4.2.1 provides that, "It is not permissible to dismiss and thereafter re-file an action for the purpose of obtaining a different judge." Whenever an action is dismissed before judgment and thereafter the same or essentially the same action is re-filed, the latter action shall be assigned to the judge to whom the first action was assigned. It shall be the continuing duty of every attorney appearing in such a re-filed action promptly to bring the facts of the matter to the attention of the Clerk in writing.

#### II. SERVICE OF PAPERS AND PROCESS

Local Rule 5.4 provides that "Except as otherwise provided by order of Court, or when required by the treaties or statutes of the United States, process shall not be presented to the United States Marshal for service." Service of process upon classes of persons identified FRCP 4(d)(1), (2), (3) and (6) shall be accomplished in any manner provided by State law including but not limited to service by private persons qualified to serve process under the Federal Rules of Civil Procedure (a person of suitable discretion at least 18 years of age). Service upon the United States, an officer or agency thereof, shall be served pursuant to the provisions of FRCP 4(d)(4) and (5). Service should be promptly made; unreasonable delay may result in a dismissal of the action under Local Rule 12. Proof of Service must be promptly filed with the Court.

For further information inquire at the Office of the Clerk, Civil Filing Window.



III. NOTICE OF RIGHT TO CONSENT TO DISPOSITION OF A CIVIL CASE BY A UNITED STATES MAGISTRATE

PURSUANT TO GENERAL ORDER 194-G, NOTICE MUST BE SERVED WITH THE SUMMONS AND COMPLAINT ON ALL DEFENDANTS. ADDITIONAL COPIES OF THIS NOTICE HAVE BEEN PROVIDED FOR THAT PURPOSE.

In accordance with the provisions of 28 U.S.C. §636(c), you are hereby notified that the full-time United States Magistrates of this District Court, in addition to their other duties, may, upon the consent of all parties to their civil case, conduct any and all proceedings in a civil case, including a jury or non-jury trial, and order the entry of a final judgment. Copies of appropriate consent forms for this purpose (Form number CV-11) are available from the Clerk of Court.

Your opportunity to have your case disposed of by a Magistrate is subject to the calendar requirements of the court. Accordingly, the district judge to whom your case is assigned must approve the reference of the case to a Magistrate for disposition.

You should be aware that your decision to consent, or not to consent, to the referral of your case to a United States Magistrate for disposition is entirely voluntary and should be communicated solely to the clerk of the district court by submitting form number CV-11 after it has been completed. Only if all parties to the case consent to the reference to a Magistrate will either the Judge or Magistrate to whom the case has been assigned be informed of your decision.

The parties may stipulate to the designation of a specific Magistrate to conduct all further proceedings. A space is provided on the consent form for use by parties if they desire to stipulate to a specific Magistrate.

NOTE: The parties may not stipulate to the designation of a specific Magistrate in a case which has already been assigned to a Magistrate for a report and recommendation. If the case has been so assigned, it shall remain assigned to the assigned Magistrate. (General Order 194-G, 6.6.04.01).

Any appeal from a judgment of the Magistrate shall be taken to the United States Court of Appeal in the same manner as an appeal from any other judgment of the district court in accordance with 28 U.S.C. §636(c)(3). In the alternative, in accordance with 28 U.S.C. §636(c)(4), at the time of the reference to a Magistrate, the parties may further consent to appeal on the record to a judge of the district court in the same manner as on an appeal from a judgment of the district court to a court of appeals, subject to the limitation contained in 28 U.S.C. §636(c)(5) which provides that cases appealed under 28 U.S.C. §636(c)(4) "may be reviewed by the appropriate United States Court of Appeals upon petition for leave to appeal by a party stating specific objections to the judgment."

Form number CV-11 provides an opportunity for parties to designate their election of appellate alternatives under 28 U.S.C. §636(c)(3) or 28 U.S.C. §636(c)(4).

CLERK, UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF RIGHT TO CONSENT TO DISPOSITION OF A CIVIL CASE  
BY A UNITED STATES MAGISTRATE

PURSUANT TO GENERAL ORDER 194-G, NOTICE MUST BE  
SERVED WITH THE SUMMONS AND COMPLAINT ON ALL DEFENDANTS.  
ADDITIONAL COPIES OF THIS NOTICE HAVE BEEN PROVIDED FOR  
THAT PURPOSE.

In accordance with the provisions of 28 U.S.C. §636(c), you are hereby notified that the full-time United States Magistrates of this District Court, in addition to their other duties, may, upon the consent of all parties to their civil case, conduct any and all proceedings in a civil case, including a jury or non-jury trial, and order the entry of a final judgment. Copies of appropriate consent forms for this purpose (Form number CV-11) are available from the Clerk of Court.

Your opportunity to have your case disposed of by a Magistrate is subject to the calendar requirements of the court. Accordingly, the district judge to whom your case is assigned must approve the reference of the case to a Magistrate for disposition.

You should be aware that your decision to consent, or not to consent, to the referral of your case to a United States Magistrate for disposition is entirely voluntary and should be communicated solely to the clerk of the district court by submitting form number CV-11 after it has been completed. Only if all parties to the case consent to the reference to a Magistrate will either the Judge or Magistrate to whom the case has been assigned be informed of your decision.

The parties may stipulate to the designation of a specific Magistrate to conduct all further proceedings. A space is provided on the consent form for use by parties if they desire to stipulate to a specific Magistrate.

CV-20a 8/85 NOTICE OF G.O. 194-G

**NOTE:** The parties may not stipulate to the designation of a specific Magistrate in a case which has already been assigned to a Magistrate for a report and recommendation. If the case has been so assigned, it shall remain assigned to the assigned Magistrate. (General Order 194-G, 6.6.04.01).

Any appeal from a judgment of the Magistrate shall be taken to the United States Court of Appeal in the same manner as an appeal from any other judgment of the district court in accordance with 28 U.S.C. §636(c)(3). In the alternative, in accordance with 28 U.S.C. §636(c)(4), at the time of the reference to a Magistrate, the parties may further consent to appeal on the record to a judge of the district court in the same manner as on an appeal from a judgment of the district court to a court of appeals, subject to the limitation contained in 28 U.S.C. §636(c)(5) which provides that cases appealed under 28 U.S.C. §636(c)(4) "may be reviewed by the appropriate United States Court of Appeals upon petition for leave to appeal by a party stating specific objections to the judgment."

Form number CV-11 provides an opportunity for parties to designate their election of appellate alternatives under 28 U.S.C. §636(c)(3) or 28 U.S.C. §636(c)(4).

CLERK, UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE

Pursuant to the Local Rules Governing Duties of Magistrate Judges, Magistrate Judge Charles F. Eick has been designated to hear discovery motions in the within action at the discretion of the assigned District Judge.

Upon the filing of a discovery motion, the motion will be presented to the United States District Judge for consideration and may hereafter be referred to the Magistrate Judge for hearing and determination.

The Magistrate Judge's initials should be used on all documents filed with the Court so that the case number reads as follows:



NOTE: A COPY OF THIS NOTICE MUST BE SERVED WITH THE SUMMONS  
AND COMPLAINT ON ALL DEFENDANTS.

MARK E. ROSEMAN, ESQ., Bar #82723  
TIMOTHY M. O'CROWLEY, ESQ. #158549  
LAW OFFICES OF BLUM & ROSEMAN, APC  
1851 East First Street, Suite 850  
Santa Ana, California 92705  
(714) 547-8801

FILED

JAN 14 1991

ATTORNEY FOR PLAINTIFF: [REDACTED]

CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA OFFICE

DEPUTY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

[REDACTED]  
Plaintiff,  
vs.  
FR. RICHARD T. COUGHLIN,  
BOYS CHOIR SCHOOL OF  
ORANGE COUNTY, a.k.a.  
ALL-AMERICAN BOY'S CHORUS,  
DIOCESE OF ORANGE EDUCATION  
AND WELFARE CORPORATION, aka  
ROMAN CATHOLIC BISHOP OF  
ORANGE aka ROMAN CATHOLIC  
DIOCESE OF ORANGE, ROMAN  
CATHOLIC ARCHBISHOP OF  
LOS ANGELES, FR. GARY PACHECO,  
and FRANCISCAN FRIARS OF  
CALIFORNIA, INC.  
Defendants

CASE NO. [REDACTED]

COMPLAINT FOR:

1. SEXUAL ASSAULT AND BATTERY;
2. INTENTIONAL INFLECTION  
OF EMOTIONAL DISTRESS
3. NEGLIGENT INFLECTION OF  
EMOTIONAL DISTRESS
4. NEGLIGENT SUPERVISION
5. VIOLATION OF STATUTE
6. SEXUAL ASSAULT AND BATTERY;
7. NEGLIGENT INFLECTION OF  
EMOTIONAL DISTRESS
8. NEGLIGENT SUPERVISION

DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, [REDACTED] who alleges as  
follows:

JURISDICTION

1. Plaintiff, [REDACTED] hereinafter, Plaintiff, is  
a citizen of the State of [REDACTED] The jurisdiction of this  
Court over the subject matter of the action is predicated on 28  
USC Section 1332. The amount in controversy exceeds \$50,000.00,  
exclusive of interest and costs.

1           2. Defendant FR. RICHARD T. COUGHLIN, hereinafter referred  
2 to as FR. COUGHLIN, is a resident of the State of California.

3           3. Defendant BOYS CHOIR SCHOOL OF ORANGE, also known as  
4 "The All-American Boys Chorus," hereinafter referred to as CHOIR,  
5 is a non-profit corporation with its principle place of business  
6 in Orange County, California.

7           4. Defendant DIOCESE OF ORANGE EDUCATION AND WELFARE  
8 CORPORATION, also known as the "ROMAN CATHOLIC BISHOP OF ORANGE",  
9 aka "THE ROMAN CATHOLIC DIOCESE OF ORANGE" hereinafter DIOCESE, is  
10 a corporation organized and existing under the laws of the State  
11 of California.

12           5. Defendant ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, is  
13 an unknown business entity, having its principle place of business  
14 in the County of Los Angeles, California.

15           6. Defendant FRANCISCAN FRIARS OF CALIFORNIA, INC.,  
16 hereinafter referred to as FRANCISCANS is, and at all times herein  
17 mentioned was, an unknown business entity, having its principle  
18 place of business in Oakland, California.

19           7. Defendant FR. GARY PACHECO hereinafter FR. PACHECO is a  
20 resident of the State of California.

21           8. The incidents of alleged childhood sexual abuse and other  
22 factors giving rise to each of the Claims, herein alleged, took  
23 place in Orange County, California.

24       \\\

25       \\\

26       \\\

27       \\\

28       \\\

1 BACKGROUND

2 9. Plaintiff, born [REDACTED] is [REDACTED] years old, and at  
3 all times the allegations of sexual abuse and/or negligence are  
4 mentioned, herein, was a minor.

5 10. Defendant CHOIR, was established in 1970, by FR.  
6 COUGHLIN, who was employed, monitored and otherwise supervised by  
7 the CHOIR, as its music director, until January 1993.

8 11. Plaintiff was a member of the CHOIR between [REDACTED] and  
9 [REDACTED] and at all times during that membership, FR. COUGHLIN was  
10 the music director in charge of training members of the CHOIR.

11 12. Between 1976 and 1983, Defendant DIOCESE was the parent  
12 ecclesiastic body where the Bishop, by whom FR. COUGHLIN was  
13 employed, supervised or otherwise controlled, was venued.

14 13. Prior to 1976, Defendant DIOCESE/LA was the parent  
15 ecclesiastic body where the Bishop by whom FR. COUGHLIN was  
16 employed, supervised or otherwise controlled, was venued.

17 14. Between 1978 and 1983, defendant FRANCISCANS was the  
18 parent ecclesiastic body to which PACHECHO reported, and by whom  
19 he was employed, supervised or otherwise controlled.

20 I.

21 FIRST CLAIM FOR RELIEF  
22 Sexual Assault and Battery  
(Plaintiff vs. FR. COUGHLIN)

23 15. PLAINTIFF realleges and incorporates paragraphs 1-14,  
24 inclusive, above, by this reference, into the allegations of this  
25 Claim for Relief.

26 16. At all times herein mentioned, FR. COUGHLIN was a Roman  
27 Catholic priest assigned to the DIOCESE/LA or DIOCESE, and was the  
28 music director of the CHOIR. At all times herein mentioned, FR.

1 COUGHLIN worked for the Bishop of Los Angeles County and/or for  
2 the Bishop of Orange County.

3 17. Plaintiff is informed and believes, and on such  
4 information and belief alleges that each of the Defendants are  
5 now, and have been at all times herein mentioned, the agent,  
6 servant, employee, partner, associate, joint venturer, co-  
7 participant, co-conspirator and/or principal of or with each of  
8 the remaining Defendants, and that each Defendant has been, at all  
9 times herein mentioned, acting within the scope of such  
10 relationship and with the full knowledge, consent, authority,  
11 ratification, and/or permission of each of the remaining  
12 Defendants.

13 18. Wherever appearing in this Complaint, each and every  
14 reference to Defendants, or any of them, is intended to, and shall  
15 be deemed to, include all fictitiously named Defendants.

16 19. During Plaintiff's childhood, between the approximate  
17 ages of ten (10) years old, until approximately fifteen (15) years  
18 of age, (1978 through June 1983), FR. COUGHLIN did, with intent,  
19 malice, willfulness and oppression, repeatedly and continually  
20 sexually batter, assault, molest and abuse the Plaintiff on or  
21 about his body and person, including but not limited to fondling  
22 the Plaintiff's genitalia on bus rides to and from chorus  
23 engagements, soaping Plaintiff's body during showers, and wiping  
24 excess water from Plaintiff's body after showering, with  
25 defendant's own hands.

26 20. The period of Plaintiff's discovery that his  
27 psychological injury or illness, occurring after the age of  
28 majority, was caused by the sexual abuse of FR. COUGHLIN, began in



1 or about 1993, when Plaintiff initially realized, and understood,  
2 the link between his alleged childhood sexual abuse and the  
3 psychological injury or illness in his adulthood. Prior to 1993,  
4 Plaintiff was reasonably and blamelessly prevented from knowing,  
5 discovering or otherwise being cognizant that his psychological  
6 injury or illness, occurring after the age of majority, was the  
7 resultant psychological legacy of his childhood sexual abuse, by  
8 FR. COUGHLIN.

9 21. As a result of the sexual acts committed upon Plaintiff  
10 by FR. COUGHLIN, Plaintiff psychologically buried some details of  
11 the herein alleged childhood sexual abuse.

12 22. As a proximate result of FR. COUGHLIN'S aforesaid sexual  
13 conduct, Plaintiff has been damaged as will be more particularly  
14 set forth, below.

15 23. In doing the acts hereinabove described, FR. COUGHLIN  
16 acted with willfulness, malice and oppression, justifying a future  
17 award of punitive damages. Plaintiff reserves the right to amend  
18 this complaint pursuant to California Code of Civil Procedure  
19 425.14, for leave to request punitive or exemplary damages.

20 24. That as a direct and proximate result of the conduct of  
21 FR. COUGHLIN, Plaintiff has been injured in his psychological and  
22 physical health, including, but not limited to, feelings of  
23 helplessness, great shame, embarrassment, humiliation, fear,  
24 confusion about himself, guilt, self-blame, self-hate, anxiety,  
25 extreme depression, spiritual loss, psychosomatic and sleep-  
26 related complaints, difficulty forming meaningful trust  
27 relationships, and other long-term psychological sequelae, all to  
28 Plaintiff's damage in general damage dollar sums, subject to

1 proof, at time of trial.

2 25. The actions of FR. COUGHLIN, as alleged, herein,  
3 shattered the natural human trust inherent in any adult-child  
4 relationship with an Alter Christi, ethereal figure, and moral  
5 arbiter of right and wrong, thereby contributing to continued and  
6 deep-seated psychological injuries to Plaintiff, necessitating the  
7 need for past, present and future psychological care and  
8 treatment, and to a loss of earnings and future earning capacity,  
9 all contributing to Plaintiff's damages in a dollar sum subject to  
10 proof at time of trial.

11 II.

12 SECOND CLAIM FOR RELIEF

13 (Intentional Infliction of Emotional Distress)  
14 (Plaintiff v. FR. COUGHLIN)

15 26. Plaintiff realleges and incorporates as if fully stated,  
16 herein, each and every allegation contained in Paragraphs 15  
17 through 25, inclusive, of the First Claim For Relief.

18 27. At all times mentioned herein, FR. COUGHLIN was a Roman  
19 Catholic Priest and director of the CHOIR. At all times during  
20 the conduct complained of in paragraph 19 of Plaintiff's First  
21 Claim For Relief, FR. COUGHLIN had actual care and control of the  
22 then minor Plaintiff relinquished to him by Plaintiff's trusting  
23 parents, thereby creating a special relationship between himself  
24 and the then minor Plaintiff.

25 28. Acting with knowledge of his superior spiritual position  
26 and special fiduciary relationship with the Plaintiff, and  
27 realizing the special susceptibility to emotional distress due to  
28 Plaintiff's tender age, and his temporary dependency upon him, FR.  
COUGHLIN intentionally and repeatedly humiliated and embarrassed  
Plaintiff while sexually battering and assaulting Plaintiff,

1 thereby directly or indirectly threatening/intimidating him not to  
2 tell others of these acts.

3 29. Said acts of FR. COUGHLIN were done without just cause,  
4 provocation, legal consent or complicity.

5 30. FR. COUGHLIN'S alleged acts of sexual molestation were  
6 intentional, willful and malicious and done for the purpose of  
7 causing Plaintiff to suffer humiliation, mental anguish and  
8 emotional distress or with reckless disregard for the likelihood  
9 that he would cause Plaintiff such distress.

10 31. As a proximate result of the aforesaid sexual  
11 molestation conduct of Defendant, Plaintiff has been damaged as  
12 alleged, above, at paragraphs 24 and 25 of the First Claim For  
13 Relief.

14 32. In doing the acts hereinabove described, FR. COUGHLIN  
15 acted with willfulness, malice and oppression justifying a future  
16 award of punitive damages. Plaintiff reserves the right to amend  
17 this complaint pursuant to California Code of Civil Procedure  
18 425.14, and to bring a motion for leave to request punitive or  
19 exemplary damages.

20 III.

21 THIRD CLAIM FOR RELIEF  
22 (Negligent Infliction of Emotional Distress)  
(Plaintiff vs. FR. COUGHLIN)

23 33. Plaintiff realleges and incorporates as if fully stated  
24 herein each and every allegation contained in Paragraphs 15  
25 through 18, 20 through 21, of the First Claim For Relief.

26 34. Defendant, in his special relationship as a trusted  
27 Roman Catholic Priest, had the duty to exercise ordinary care  
28 regarding Plaintiff, and should have known that his secretive pre-

1 sexual grooming and conditioning conduct of the then minor  
2 Plaintiff would likely cause, and did cause, Plaintiff to suffer  
3 emotional distress and mental anguish.

4 35. As a proximate result of the secretive pre-sexual  
5 negligence and carelessness of Defendant, Plaintiff has been  
6 injured in his psychological and physical health, including but  
7 not limited to feelings of shame, embarrassment, humiliation,  
8 anxiety, lack of trust, spiritual loss, and other long-term  
9 psychological sequelae, all to Plaintiff's general damage, subject  
10 to proof at time of trial.

11 36. FR. COUGHLIN breached his natural and legal duties to  
12 Plaintiff by digressing from the natural order of interaction  
13 between a trusted priest, and minor child, by engaging in  
14 secretive pre-sexual grooming and conditioning conduct separable  
15 from the actual inherently harmful acts of molestations, as  
16 distinguished in legal theory by Horace Mann Insurance Company v.  
17 Barbara B., (1993) 4 Cal.3d 1076. Such separate conduct included,  
18 but was not limited to, the non-sexual psychological conditioning  
19 by FR. COUGHLIN of the Plaintiff, directed towards maintaining his  
20 sexually abusive conduct, such as grooming Plaintiff to submit to  
21 his sexual contacts by shaming and confusing Plaintiff into  
22 accepting, without protest, acts of childhood sexual abuse.

23 37. Likewise, FR. COUGHLIN engaged in specific individual  
24 non-sexually coercive, and harassing actions relevant to  
25 Plaintiff, including scaring and intimidating the Plaintiff, and  
26 turning trust into opportunity to molest, thereby causing the  
27 occurrences and the secreting of the incestuous conduct FR.  
28 COUGHLIN perpetrated on Plaintiff.

1 38. Plaintiff discovered all the facts essential to this  
2 Claim for Relief within one year of the filing of this Complaint.

3 39. The negligent, secretive pre-sexual conditioning conduct  
4 of FR. COUGHLIN, as alleged, herein, shattered the natural human  
5 trust inherent in any adult-child relationship with an Alter  
6 Christi, ethereal figure, and moral arbiter of right and wrong,  
7 thereby contributing to continuing and deep-seated psychological  
8 injuries to Plaintiff, necessitating the need for past, present  
9 and future psychological care and treatment, all of which has  
10 resulted in loss of earnings and future earning capacity, thereby  
11 contributing to Plaintiff's further damages in a dollar sum  
12 subject to proof at time of trial.

13 IV.

14 FOURTH CLAIM FOR RELIEF  
15 (Negligent Supervision)  
(Plaintiff v. CHOIR, DIOCESE, and DIOCESE/LA)

16 40. Plaintiff realleges and incorporates as if fully stated  
17 herein each and every allegation contained in Paragraphs 15  
18 through 25, of the First Claim For Relief.

19 41. Defendants were informed prior to or contemporaneously  
20 to Plaintiff's childhood sexual abuse that COUGHLIN had molested  
21 members of the "All- American Boy's Chorus." Defendants were  
22 informed by third parties, prior to the termination of Plaintiff's  
23 molestations, that FR. COUGHLIN had molested members of the "All-  
24 American Boy's Chorus."

25 42. Plaintiff is informed and believes and thereon alleges  
26 that Defendants knew or in the exercise of reasonable diligence  
27 should have known, that FR. COUGHLIN was neither qualified nor  
28 able to function as a responsible, and trustworthy child care

1 custodian, and that an undue risk to children, such as the class  
2 of individuals including Plaintiff, existed, because Defendants  
3 did not adequately supervise FR. COUGHLIN.

4 43. Defendants breached their duty to Plaintiff, arising  
5 from the special relationship Plaintiff had with Defendants, and  
6 the foreseeability of harm to Plaintiff, to supervise FR. COUGHLIN,  
7 by failing to take any action upon notice of COUGHLIN'S conduct as  
8 referred to in the First Claim For Relief.

9 44. That had Defendants adequately performed their duties to  
10 supervise FR. COUGHLIN, Plaintiff would not have been subject to  
11 some or all of the conduct of FR. COUGHLIN as alleged in the First  
12 Claim For Relief.

13 45. As a result of the of Defendants breaching their duty to  
14 competently supervise FR. COUGHLIN, Defendant COUGHLIN maintained  
15 his position as chorus director, and was afforded the continued  
16 opportunity to be alone, and unsupervised, with minor children,  
17 including the Plaintiff.

18 46. As a further result of the failure of Defendants to  
19 competently supervise FR. COUGHLIN, no report of the sexual  
20 molestation of the minor was made pursuant to section 11166 of the  
21 California Penal Code.

22 47. The failure of Defendants to adequately supervise FR.  
23 COUGHLIN was the legal and proximate cause of Plaintiff's  
24 injuries, as more specifically stated, at paragraphs 24 and 25 of  
25 the First Claim For Relief, and incorporated, herein.

26 48. Plaintiff discovered all the fact essential to this  
27 Cause of Action within one year of the filing of this Complaint.

28 \\\

1 V.

2 FIFTH CLAIM FOR RELIEF  
3 (Negligence - Violation of Statute)  
4 (Plaintiff v. CHOIR, DIOCESE, DIOCESE/LA and  
5 FRANCISCANS)

6 49. Plaintiff realleges and incorporates as if fully set  
7 forth herein each and every allegation contained in paragraphs 1  
8 through 47 of this Complaint, and paragraphs 62 through 68 of the  
9 Sixth Claim for Relief, below.

10 50. After the Child Abuse Reporting Act took effect in 1980,  
11 Defendants by and through their employees and agents, as "Child  
12 care custodians," had a statutory duty to report known or  
13 suspected incidence of sexual molestation of minors to a child  
14 protective agency, pursuant to Child Abuse Reporting Act,  
15 California Penal Code Section 11164, et. seq.

16 51. Plaintiff is informed and believes and thereon alleges  
17 that Defendants knew, or in the exercise of reasonable diligence  
18 should have known, that FR. COUGHLIN and/or FR. PACHECO had  
19 sexually molested or otherwise caused non-accidental injuries to  
20 a minor giving rise to a duty to report such conduct under section  
21 11166 of the California Penal Code, and that an undue risk to  
22 children, such as Plaintiff, existed because Defendants did not  
23 comply with those reporting requirements.

24 52. By failing to report the molestation known or reasonably  
25 known to Defendants, and ignoring the fulfillment of the mandated  
26 compliance with reporting requirements provided by California  
27 Penal Code Section 11166, Defendants created the risks and dangers  
28 contemplated by the Child Abuse Reporting Act, and exposed  
Plaintiff to the molestations that subsequently occurred.

53. In 1980, and thereafter, Plaintiff was one of the class

1 of persons whose protection California Penal Code Section 11166  
2 was specifically adopted.

3 54. That had Defendants adequately performed their duties  
4 mandated by section 11166 of the Penal Code, a report of molest to  
5 a child protective agency would have been made in 1980, resulting  
6 in the involvement of trained child sexual abuse case workers.

7 55. That the foreseeable result of a mandated reporting to  
8 a child protective agency, in 1980, 1981, 1982 and 1983, would  
9 have been to protect the Plaintiff, by initiating an investigation  
10 by trained child sexual abuse counselors, who had the potential to  
11 change the then existing arrangements and conditions between  
12 Plaintiff and FR. COUGHLIN and/or FR. PACHECO, (ie: recommend  
13 police investigation leading to criminal prosecution, removal of  
14 FR. COUGHLIN as director, provide chaperones so FR. COUGHLIN and  
15 FR. PACHECO would not be unmonitored with the children) which  
16 theretofore provided the basis for the access and opportunity for  
17 the Plaintiff's molestations as alleged.

18 56. The physical and emotional damages resulting from  
19 continued sexual molestations of the Plaintiff, by FR. COUGHLIN  
20 and FR. PACHECO are the nature of damages California Penal Code  
21 Section 11161.5 was designed to prevent.

22 57. As a legal and proximate result of the negligence of  
23 Defendants, and the foreseeable resultant molestations, Plaintiff  
24 was injured in his health, strength and activity, thereby  
25 sustaining long-term and future psychological sequelae as a child  
26 molestation victim, including shame, loss of self-esteem, injury  
27 to his nervous system and person, and spiritual loss, all of which  
28 injuries have caused and continue to cause him great mental, and



1 nervous pain and suffering. Plaintiff is informed and believes,  
2 and thereon alleges that such injuries have resulted in permanent  
3 disability to him.

4 58. As a further legal and proximate result of the  
5 Defendants' negligence herein alleged, Plaintiff has been damaged  
6 in that he has been required in the past, and will be required in  
7 the future, to expend money and incur obligations for medical  
8 services, including psychotherapy, drugs and sundries reasonably  
9 required in the further treatment and relief of the injuries  
10 herein alleged in an amount to be proven at time of trial.

11 59. As a further legal and proximate result of the  
12 negligence of Defendants, Plaintiff's earning capacity has been  
13 greatly impaired for the future, in an amount according to proof  
14 at time of trial.

15 60. Plaintiff discovered all the facts essential to this  
16 Cause of Action within one year of the filing of this Complaint.  
17

18 VI.

19 SIXTH CLAIM FOR RELIEF  
20 (SEXUAL ASSAULT AND BATTERY)  
(Plaintiff v. FR. PACHECO)

21 61. PLAINTIFF realleges and incorporates as if fully stated,  
22 herein, each and every allegation contained in Paragraphs 15 and  
23 17; of the First Claim For Relief.

24 62. During Plaintiff's childhood, between the approximate  
25 age of ten years old, until approximately fifteen years of age,  
26 (1978 through June 1983), Defendant FR. PACHECO did, with intent,  
27 malice, willfulness and oppression, repeatedly and continually  
28 sexually batter, assault, molest and abuse the Plaintiff on or

1 about his body and person, including but not limited to fondling  
2 and the plaintiff, and forcing the plaintiff to place his hand on  
3 FR. PACHECO'S penis, skin to skin.

4 63. The period of Plaintiff's discovery that his  
5 psychological injury or illness, occurring after his age of  
6 majority, was caused by the sexual abuse of FR. PACHECO, began in  
7 1993, when he initially realized that it was this sexual abuse  
8 that caused his psychological injury or illness in adulthood.  
9 Prior to 1993, Plaintiff was reasonably and blamelessly prevented  
10 from knowing or discovering or becoming aware that his  
11 psychological injury or illness, occurring after the age of  
12 majority, was caused by his childhood sexual abuse, by FR.  
13 PACHECO.

14 64. As a result of the sexual acts committed upon Plaintiff  
15 by Defendant FR. PACHECO, Plaintiff psychologically buried some  
16 details, of the herein alleged childhood sexual abuse.

17 65. As a proximate result of FR. PACHECO'S aforesaid  
18 conduct, Plaintiff has been damaged as will be more particularly  
19 set forth, below.

20 66. In doing the acts hereinabove described, Defendant  
21 PACHECO acted with willfulness, malice and oppression, justifying  
22 a future award of punitive damages. Plaintiff reserves the right  
23 to amend this complaint pursuant to California Code of Civil  
24 Procedure 425.14, to bring a motion for leave to request punitive  
25 or exemplary damages.

26 67. That as a direct and proximate result of the conduct of  
27 FR. PACHECO, Plaintiff has been injured in his psychological and  
28 physical health, including, but not limited to, feelings of

1 helplessness, great shame, embarrassment, humiliation, fear,  
2 confusion about himself, guilt, self-blame, self-hate, anxiety,  
3 extreme depression, spiritual loss, psychosomatic and sleep-  
4 related complaints, difficulty forming meaningful trust  
5 relationships, and other long-term psychological sequelae, all to  
6 Plaintiff's damage in general damage dollar sums, subject to  
7 proof, at time of trial.

8 68. The actions of FR. PACHECO, as alleged, herein,  
9 shattered the natural human trust inherent in any adult-child  
10 relationship with an Alter Christi, ethereal figure, and moral  
11 arbiter of right and wrong, thereby contributing to continued and  
12 deep-seated psychological injuries to Plaintiff, necessitating the  
13 need for past, present and future psychological care and  
14 treatment, resulting in loss of earnings and future earning  
15 capacity, all contributing to Plaintiff's further damages in a  
16 dollar sum subject to proof at time of trial.

17 VII.

18 SEVENTH CLAIM FOR RELIEF  
19 (Negligent Infliction of Emotional Distress)  
20 (Plaintiff v. FR. PACHECO)

21 69. Plaintiff realleges and incorporates as if fully stated  
22 in Paragraphs 15 and 17 of the First Claim For Relief.

23 70. Defendant FR. PACHECO, in his special relationship as a  
24 trusted Franciscan Priest, had the duty to exercise ordinary care  
25 regarding Plaintiff, and should have known that his secretive pre-  
26 sexual, grooming and conditioning conduct of the then minor  
27 Plaintiff would likely cause, and did cause, Plaintiff to suffer  
28 emotional distress and mental anguish.

71. As a proximate result of the secretive pre-sexual

1 negligence and carelessness of FR. PACHECO, Plaintiff has been  
2 injured in his psychological and physical health, including but  
3 not limited to feelings of shame, embarrassment, humiliation,  
4 anxiety, lack of trust, and other long-term psychological  
5 sequelae, all to Plaintiff's general damage, subject to proof at  
6 time of trial.

7 72. Defendant FR. PACHECO breached his natural and legal  
8 duties to Plaintiff by digressing from the natural order of  
9 interaction between a trusted priest, and minor child, by engaging  
10 in secretive pre-sexual grooming and conditioning conduct  
11 separable from the actual inherently harmful acts of molestations,  
12 as distinguished in legal theory by Horace Mann Insurance Company  
13 v. Barbara B., (1993) 4 Cal.3d 1076. Such separate conduct  
14 included, but was not limited to, the non-sexual psychological  
15 conditioning by FR. PACHECO of the Plaintiff, directed towards  
16 maintaining his sexually abusive conduct, such as grooming  
17 Plaintiff to submit to his sexual contacts by shaming and  
18 confusing Plaintiff into accepting, without protest, acts of  
19 childhood sexual abuse.

20 73. Likewise, FR. PACHECO engaged in specific individual  
21 non-sexually coercive, and harassing actions relevant to  
22 Plaintiff, including scaring and intimidating the Plaintiff into  
23 secreting the incest he perpetratrated on him.

24 74. The negligent secretive pre-sexual conditioning conduct  
25 by FR. PACHECO, as alleged, herein, shattered the natural human  
26 trust inherent in any adult-child relationship, especially when  
27 the adult was a trusted priest, thereby contributing to  
28 continuing and deep-seated psychological injuries to Plaintiff,

1 necessitating the need for past, present and future psychological  
2 care and treatment, all of which has resulted in loss of earnings  
3 and future earning capacity, thereby contributing to Plaintiff's  
4 further damages in a dollar sum subject to proof at time of trial.

5 75. Plaintiff discovered the facts essential to this Claim  
6 for Relief within one year of the filing of this Complaint.

7 VIII.

8 EIGHTH CLAIM FOR RELIEF  
9 (Negligent Supervision)  
(Plaintiff v. FRANCISCANS)

10 76. Plaintiff realleges and incorporates as if fully stated  
11 herein each and every allegation contained in Paragraphs 61  
12 through 68, of the Sixth Claim For Relief and paragraphs 70  
13 through 75 of the Seventh Claim For Relief.

14 77. Plaintiff is informed and believes and thereon alleges  
15 that FRANCISCANS knew, or in the exercise of reasonable diligence  
16 should have known, that FR. PACHECO was neither qualified nor able  
17 to be a trustworthy and responsible child care custodian, and that  
18 an undue risk to children, such as Plaintiff existed because  
19 Defendant FRANCISCANS did not adequately train and supervise  
20 PACHECO.

21 78. Defendant FRANCISCANS breached their duty to supervise  
22 PACHECO, by failing to take any action upon their imputed notice  
23 of FR. PACHECO'S conduct.

24 79. That had Defendants FRANCISCANS adequately performed  
25 their duties to supervise FR. PACHECO, the Plaintiff would not  
26 have been subject to some or all of the alleged sexual abuse  
27 conduct perpetrated by FR. PACHECO.

28 80. As a result of FRANCISCANS breaching their duty to

1 competently supervise FR. PACHECO, Defendant FR. PACHECO was  
2 permitted to maintain his position as a trusted priest and allowed  
3 to be alone and unsupervised with the Plaintiff.

4 81. As a further result of the failure of FRANCISCANS to  
5 competently supervise FR. PACHECO, no report of the sexual  
6 molestation of the minor was made pursuant to section 11166 of the  
7 California Penal Code.

8 82. The failure of Defendants FRANCISCANS to adequately  
9 supervise FR. PACHECO was the legal and proximate cause of  
10 Plaintiff's injuries, to his psychological and physical health,  
11 including but not limited to feelings of shame, embarrassment,  
12 humiliation, anxiety, spiritual loss, lack of trust, and other  
13 long-term psychological sequelae, all to Plaintiff's general  
14 damage, subject to proof at time of trial.

15 83. The negligent supervision, as herein alleged, shattered  
16 the natural human trust inherent in Plaintiff's relationship with  
17 a trusted and revered religious order, and moral arbiter of right  
18 and wrong, thereby contributing to continued deep-seated  
19 psychological injuries to Plaintiff, necessitating the need for  
20 past, present and future psychological care and treatment, and to  
21 a loss of earnings and future earning capacity, all contributing  
22 to Plaintiff's damages in a dollar amount subject to proof at time  
23 of trial.

24 PRAYER FOR RELIEF

25 WHEREFORE, Plaintiff prays for judgment against the  
26 defendants as follows:

27 1. For general compensatory damages for past, present and  
28 future psychological, emotional and physical pain, suffering,

1 distress and injury.

2 2. For past, present and future medical and mental health  
3 and incidental expenses in an amount to be proven.

4 3. For loss of earnings and of earning capacity in an  
5 amount to be proven.

6 4. For legal interest on judgment according to code.

7 5. For costs of suit incurred herein.

8 6. For such other relief as the Court deems proper.

9  
10 Dated: January 14 1994

BLUM & ROSEMAN, APC

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

BY: Mark E. Roseman  
MARK E. ROSEMAN, Esq.  
Attorney for Plaintiff  
[REDACTED]

JURY TRIAL DEMANDED

Dated: January 14 1994

BLUM & ROSEMAN, APC

BY: Mark E. Roseman  
MARK E. ROSEMAN, Esq.  
Attorney for Plaintiff  
[REDACTED]

Bates Numbers 103-124 were removed by the Plaintiffs at the request of the Franciscans.



MAR 30 '94 15:33 FRIAR CAN FRIARS OF CALIFORNIA

P.5/6

## FILE

Confidential

Memo: to [REDACTED]

From: [REDACTED]

Regarding: Gary Pacheco

Date: November 24, 1992

On November 4, 1992 [REDACTED] informed me of allegations, of sexual abuse on the part of Gary Pacheco. These had been made by the victim's [REDACTED], to [REDACTED] pastor of our parish in Huntington Beach. [REDACTED] gave me her brother's name and phone number on November 6 and I talked to her brother [REDACTED] on November 7.

[REDACTED] now [REDACTED] and living in [REDACTED] claimed that from his 8th. to 14th. year, on almost a weekly basis Gary Pacheco, while visiting his family home would enter his bedroom, fondle his genitals, and then take [REDACTED] hand and place it on his own genitals. Though the parents were at home at the time, this activity went unnoticed behind [REDACTED] closed door. Gary was a good friend of the family, a priest, and therefore trusted. Gary would see [REDACTED] at school as well, but there is no memory of any misconduct there. At the time [REDACTED] did not tell his parents for he was confused by this behavior, especially because it was initiated by a priest and friend. Though [REDACTED] felt it to be inappropriate, he wondered if any accusation would be believed by his parents.

In retrospect, [REDACTED] shares that the experience caused him to wonder if he were gay and led to feelings of shame and confusion. It colored his sense of sexual self and introduced ambivalent feelings. [REDACTED] claims that his brother was also abused but until the present the brother denies it. [REDACTED] said that he will broach the topic with his brother again and then suggest to us possible ways to proceed.

[REDACTED] started counseling while a sophomore in college and there was helped by a professor in a psychology class to remember these cases of abuse. After leaving college he discontinued the counseling.

OFM PACH 1

0125

Action Recommended

2) Counseling has been offered to [REDACTED] but for now he declines.

3) [REDACTED] parents have been invited to discuss this matter with me or the provincial through [REDACTED]. They, too, would be welcome to counseling as well as the brother if so desired.

6) I will continue to keep in touch with [REDACTED] and make available resources for his own recovery.

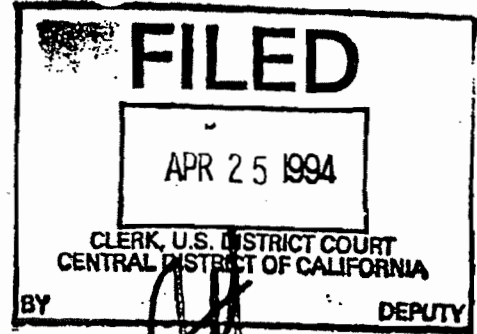
[REDACTED]  
N. B. [REDACTED] comes across as a sensitive, mature, non-vindictive person. He's recently become a father, and he has some sense of concern for children in general - that they be protected.

Mark E. Roseman, Esq.  
May 3, 1994  
Page 3

bcc: Sheryl Bandy  
Fr. Mel Jurisich, OFM

L:\0418\ [REDACTED] \rose3.ltr

Bates Numbers 128-129 were removed by the Plaintiffs at the request of the Franciscans.



1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 [REDACTED]  
12 [REDACTED] )  
13 Plaintiff, )

14 v. )

15 FR. RICHARD T. COUGHLIN, ET AL., )

16 Defendants, )  
17 \_\_\_\_\_ )  
18  
19

CASE NO. [REDACTED]  
(Ex)

ORDER DENYING DEFENDANT  
ROMAN CATHOLIC ARCHBISHOP  
OF LOS ANGELES' MOTION TO  
DISMISS

20 On March 4, 1994, defendant Roman Catholic Archbishop of Los  
21 Angeles filed a motion to dismiss for failure to state a claim.  
22 The Court waived oral argument pursuant to Local Rule 7.11.  
23 After considering the parties' written submissions, the Court  
24 concludes that the defendant has not shown that plaintiff's claim  
25 has lapsed or that plaintiff can prove no set of facts in support  
26 of his claim. Therefore, the motion to dismiss is DENIED.

27 //

28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

In his complaint, filed on January 14, 1994, [REDACTED] alleges the following facts. He was born [REDACTED] and was 25 years old at the time this complaint was filed. He attained his age of majority on March 22, 1986. Between the ages of 10 and 15, i.e. from 1978 to 1983, [REDACTED] was a member of the Boys Choir. During that time, he alleges that he was sexually abused by Coughlin and Pacheco. Coughlin allegedly fondled [REDACTED] genitalia and washed and dried [REDACTED] during showers. Pacheco allegedly fondled [REDACTED] and forced [REDACTED] to touch his genitals.

[REDACTED] alleges he discovered in or about 1993 that "it was this sexual abuse that caused his psychological injury or illness in adulthood." Id. at 14. Prior to 1993, [REDACTED] alleges that he was reasonably prevented from being cognizant that the

1 psychological injury was the legacy of his childhood abuse by  
2 Coughlin and Pacheco. Id.

3 The plaintiff alleges that he has needed psychological  
4 treatment to deal with his "feelings of helplessness, great  
5 shame, embarrassment, humiliation, fear," and other long term  
6 psychological problems. Id. at 5. In addition, he alleges that  
7 he has lost both present and future earnings due to his deep  
8 seated psychological injuries.

9 [REDACTED] claims are for sexual assault and battery against  
10 Coughlin and Pacheco, negligent infliction of emotional distress  
11 against Coughlin and Pacheco, negligent supervision against the  
12 Boys Choir, Diocese of Orange, and the Archbishop, and violation  
13 of the Child Abuse Reporting Act, § 11166 of the California Penal  
14 Code, against the Boys Choir, Diocese of Orange, the Archbishop,  
15 and the Franciscans.

#### 16 DISCUSSION

17 The Archbishop filed this motion pursuant to F.R.Civ.P.  
18 12(b)(6) to dismiss the claims against it for negligent  
19 supervision and violation of the Child Abuse Reporting Act, the  
20 fourth and fifth claims in [REDACTED] complaint. The Archbishop  
21 argues that [REDACTED] claims have lapsed. Furthermore, the  
22 Archbishop argues that it was not the employer of Coughlin at the  
23 time the alleged incidents took place nor was it required to  
24 report the alleged incidents under the Child Abuse Reporting Act.  
25 This issue is one that can be addressed in a motion for summary  
26 judgment. The discovery issue may also be addressed in the same  
27 way.

1 Fed.R.Civ.P. 12(b)(6) provides for dismissal where the  
2 complaint fails to state a claim upon which relief can be  
3 granted. In reviewing a Rule 12(b)(6) motion, the court must  
4 accept as true all material allegations in the complaint, as well  
5 as reasonable inferences that can be drawn therefrom, and must  
6 construe those facts and inferences in a light most favorable to  
7 the non-moving party. See NL Industries, Inc. v. Kaplan, 792  
8 F.2d 896, 898 (9th Cir. 1986). "When a motion to dismiss is  
9 based on the running of the statute of limitations, it can be  
10 granted only if the assertions of the complaint, read with the  
11 required liberality, would not permit the plaintiff to prove that  
12 the statute was tolled." Jablon v. Dean Witter & Co., 614 F.2d  
13 677, 682 (9th Cir. 1980).

14 I. [REDACTED] Claims Were Filed Within the Statute of  
15 Limitations

16 [REDACTED] filed this complaint pursuant to § 340.1 of the  
17 California Code of Civil Procedure. Section 340.1 provides:

18 (a) In any action for recovery of damages suffered as a  
19 result of childhood sexual abuse, the time for  
20 commencement of the action shall be within eight years  
21 of the date the plaintiff attains the age of majority  
22 or within three years of the date the plaintiff  
discovers or reasonably should have discovered that  
psychological injury or illness occurring after the age  
of majority was caused by the sexual abuse, whichever  
occurs later.

23 \*

\*

\*

23 (k) The amendments to this section enacted at the 1990  
24 portion of the 1989-90 Regular Session shall apply to  
any action commenced on or after January 1, 1991.

25 The language of this section is clear. [REDACTED] complaint  
26 was filed on January 14, 1994, after the effective date provided  
27 in § 340.19k). His complaint was filed within eight years of  
28



1 attaining majority, approximately two months before his 26th  
2 birthday. Furthermore, [REDACTED] filed his complaint within three  
3 years from the date he discovered his psychological injuries were  
4 caused by the defendant. Under § 340.1, [REDACTED] complaint was  
5 timely filed.

6  
7 II. [REDACTED] Claims Have Not Lapsed

8 The Archbishop argues that under § 340.1, [REDACTED] claims  
9 have lapsed. The 1991 amendment to § 340.1 liberalized the  
10 statute of limitations for childhood sexual abuse claims.  
11 Typically, claims for personal injuries are subject to a one year  
12 statute of limitations. "For injuries suffered during childhood,  
13 the statute is tolled until the plaintiff reaches majority on his  
14 or her 18th birthday." David A. v. Superior Court (Jane D.), 24  
15 Cal. Rptr.2d 537, 539 (1993). "In effect the deadline for filing  
16 suit is the plaintiff's 19th birthday." Id.

17 Claims for childhood sexual abuse were subject to the same  
18 statute of limitations until § 340.1 was enacted, in 1987.<sup>1</sup>

19 <sup>1</sup> Former § 340.1 provided in pertinent part: "(a) In any civil  
20 action for injury or illness based upon lewd or lascivious acts  
21 with a child under the age of 14 years, fornication, sodomy, oral  
22 copulation, or penetration of genital or anal openings of another  
23 with a foreign object, in which this conduct is alleged to have  
occurred between a household or family member and a child where the  
act upon which the action is based occurred before the plaintiff  
attained the age of 18 years, the time for commencement of the  
action shall be three years.

\* \* \*

24 (d) Nothing in the bill [sic] is intended to preclude the courts  
25 from applying delayed discovery exceptions to the accrual of a  
cause of action for sexual molestation of a minor.

(e) This section shall apply to both of the following:

26 (1) Any action commenced on or after January 1, 1987, including any  
27 action which would be barred by application of the period of  
limitation applicable prior to January 1, 1987.

1 Section 340.1 applied to any claims of childhood sexual abuse  
2 alleged against a family or household member. Such claims could  
3 be brought until the child's 21st birthday. In addition to  
4 extending the time in which such an action could be brought, the  
5 legislature allowed previously lapsed claims to be revived. The  
6 1987 version of § 340.1 which stated that the statute applied to  
7 "any action which would be barred by application of the period of  
8 limitation applicable prior to January 1, 1987" unmistakably  
9 revived lapsed claims.

10 In 1990, the legislature amended § 340.1 and in so doing  
11 liberalized the statute of limitations for childhood sexual abuse  
12 claims. Section 340.1 claims were extended to all persons, not  
13 just family or household members. Furthermore, the limitation  
14 period was extended to age 26, or three years after the date  
15 plaintiff became aware of the sexual abuse. However, the  
16 legislature excised from the statute the provision that all  
17 previously lapsed claims were revived.

18 The Archbishop argues that [REDACTED] claims first lapsed in  
19 1987 when he reached his 19th birthday. The claims were revived  
20 with the enactment of § 340.1 in 1987, but lapsed again in 1989  
21 when Archambo reached 21. Because § 340.1 no longer explicitly  
22 states that it revives lapsed claims, the Archbishop argues that  
23 [REDACTED] claims were not revived in 1991 when § 340.1 was  
24 amended.

25 The Archbishop cites David A. in support of its position and

26  
27 (2) Any action commenced prior to January 1, 1987, and pending on  
28 January 1, 1987."

1 as the prevailing law in California. In David A., the Court of  
2 Appeal sustained a demurrer previously overruled by the Superior  
3 Court and held that the plaintiff's sexual abuse claim under §  
4 340.1 had lapsed. In David A., as in this case, the plaintiff's  
5 claims against her two stepbrothers had lapsed prior to the  
6 enactment of § 340.1 in 1987, and again before the statute was  
7 amended in 1991. David A., 24 Cal Rptr.2d at 539. Unlike  
8 [REDACTED] the plaintiff in David A. had not recently discovered  
9 her sexual abuse history and had not previously proceeded with  
10 her claim due to the "emotionally traumatic nature of (the)  
11 case." Id. at 542.

12 Although David A. is not mandatory authority for the Court  
13 to follow in this diversity action, the reasoning of its decision  
14 is persuasive. The Court of Appeal stated:

15 If the legislature wishes to revive lapsed claims, it  
16 should so declare in "unmistakable terms. . . Here the  
17 circumstances do not support plaintiff's view that the  
18 phrase "any action" in subdivision (k) refers to lapsed  
19 claims. From a comparison of the amended statute of  
20 its predecessor, it appears that subdivision (k) is  
21 derived from former subdivision (e). The latter  
22 contained an explicit and unmistakable declaration that  
23 the statute would operate to revive lapsed claims.  
24 Subdivision (k) differs from former subdivision (e)  
25 primarily in its omission of this language. . . This  
26 comparison alone seems to preclude a determination that  
27 subdivision (k) explicitly or unmistakably revives  
28 lapsed claims.

Id. at 540.

23 The Court of Appeal's does not preclude all claims that may  
24 have lapsed earlier. The court acknowledged that the inclusion  
25 of the postponed accrual clause in subdivision (a) liberalized §  
26 340.1. In reviewing plaintiff's claim, the court in David A.

1 reviewed three conditions for whether a claim under § 340.1 was  
2 untimely:

3 (1) the plaintiff reached age 21 before the amended §  
4 340.1 took effect on January 1, 1991; (2) the suit was  
5 filed after the plaintiff reached age 21; and (3) the  
6 claim is not subject to postponed accrual.

7 Id. at 541-42.

8 In David A., the plaintiff's claim failed to meet the first  
9 two conditions on the face of the pleadings, therefore, the only  
10 basis for her claim was postponed accrual. Id. at 542. Because  
11 plaintiff did not initiate her action earlier due to what she  
12 described as the "emotional trauma" of the ordeal, the court  
13 decided that her claim was not subject to postponed accrual, and  
14 thus the lower court's ruling was vacated and the demurrer was  
15 sustained. Id.

16 Although [REDACTED] claims meet the first two conditions of  
17 untimeliness set forth in David A., the third is not met because  
18 the claims were first known to him in 1993. the plaintiff  
19 alleges that "prior to 1993, plaintiff was reasonably and  
20 blamelessly prevented from knowing. . .that his psychological  
21 injury. . . was the resultant psychological legacy of his  
22 childhood sexual abuse, by Fr. Coughlin." Complaint at 5. For  
23 present purposes, this allegation is taken as true. Therefore,  
24 [REDACTED] claims had not lapsed because they satisfy the  
25 postponed accrual clause of § 340.1.

26 III. The Archbishop's Duty to Report Under the Child Abuse  
27 Reporting Act Arose Before 1983

28 The Archbishop argues that it was not obligated to comply  
with the Child Abuse Reporting Act as alleged in the fifth claim

1 by a motion for summary judgment." Schwarzer, at §14:12. After  
2 opportunity for discovery, summary judgment may be granted if the  
3 pleader is unable to produce facts supporting the claims pleaded.  
4 "A motion for summary judgment will be granted if the moving  
5 party has demonstrated the absence of any issue of material fact  
6 and the right to judgment as a matter of law." Jablon, 614 F.2d  
7 at 682.

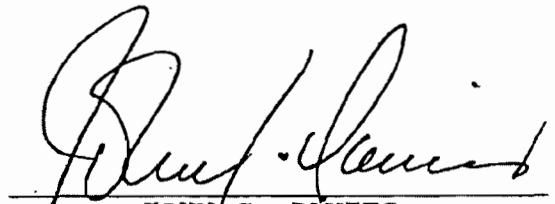
8 Although the Archbishop disputes the employer relationship  
9 alleged in the complaint, the Court must accept plaintiff's  
10 assertion that the Archbishop was the employer of Coughlin at the  
11 time the incidents took place. The Court is not inclined to  
12 convert the motion to dismiss to one for summary judgment at this  
13 early stage of the proceedings.

14 CONCLUSION

15 For the reasons stated above, the motion to dismiss is  
16 DENIED.

17 IT IS SO ORDERED.

18 Dated: APR 20 1994

19   
20 JOHN G. DAVIES  
21 United States District Judge  
22  
23  
24  
25  
26  
27  
28

CV 94-350-JGD

SERVICE LIST

BLUM & ROSEMAN  
MARK E. ROSEMAN  
1851 EAST FIRST ST., STE 850  
SANTA ANA, CA 92705

McNICHOLAS & McNICHOLAS  
JOHN P. McNICHOLAS  
10866 WILSHIRE BLVD., STE 1400  
LOS ANGELES, CA 90024-4338

LEWIS, D'AMATO, BRISBOIS & BISGAARD  
MICHAEL C. OLSON  
650 TOWN CENTER DR., STE 1400  
COSTA MESA, CA 92626-1970

# LEWIS, D'AMATO, BRISBOIS & BISGAARD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

## LAWYERS

LOS ANGELES OFFICE  
SUITE 1200  
221 NORTH FIGUEROA STREET  
LOS ANGELES, CALIFORNIA 90012  
TELEPHONE (213) 250-1800

SAN FRANCISCO OFFICE  
SUITE 1900  
601 CALIFORNIA STREET  
SAN FRANCISCO, CALIFORNIA 94108  
TELEPHONE (415) 362-2580

SAN DIEGO OFFICE  
SUITE 800  
550 WEST "C" STREET  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE (619) 233-1006

SUITE 1400  
650 TOWN CENTER DRIVE  
CENTER TOWER BUILDING  
COSTA MESA, CALIFORNIA 92626  
TELEPHONE (714) 545-9200

## FACSIMILES:

COSTA MESA: (714) 850-1030  
LOS ANGELES: (213) 250-7900  
SAN DIEGO: (619) 233-8627  
SAN FRANCISCO: (415) 434-0882  
SAN BERNARDINO: (909) 387-1138  
ORANGE: (714) 978-6922  
SACRAMENTO: (916) 564-5444

INLAND EMPIRE OFFICE  
TRI-CITY CORPORATE CENTRE  
SUITE 600  
650 EAST HOSPITALITY LANE  
SAN BERNARDINO, CALIFORNIA 92408  
TELEPHONE (909) 387-1130

ORANGE OFFICE  
THE CITY TOWER  
333 CITY BOULEVARD WEST, SUITE 1600  
ORANGE, CALIFORNIA 92668-2924  
TELEPHONE (714) 978-6300

SACRAMENTO OFFICE  
METRO CENTER  
2720 GATEWAY OAKS DRIVE, SUITE 250  
SACRAMENTO, CALIFORNIA 95833-3501  
TELEPHONE (916) 584-5400

MICHAEL C. OLSON

May 5, 1994

Mark E. Roseman, Esq.  
LAW OFFICES OF BLUM & ROSEMAN, APC  
1851 East First Street, Suite 850  
Santa Ana, California 92705

Re: [REDACTED] v. Fr. Richard Coughlin, et al  
Our File No: 21155-026

Dear Mr. Roseman:

Per your letter of May 3, 1994, we request that the joint status report include the following information:

1. DISCOVERY.

Defendant Franciscan Friars has served request for production of documents, interrogatories and requests for admission. Plaintiff will respond to the discovery on or before May 13, 1994. Franciscan Friars contemplates taking the deposition of plaintiff, plaintiff's sister, plaintiff's brother, plaintiff's parents, and plaintiff's college counselor in the month of July. Defendant also intends to subpoena medical records, etc. regarding the plaintiff upon receipt of plaintiff's responses to the discovery devices already propounded. Defendant may serve follow-up interrogatories, request for production or request for admission depending upon the responses received from plaintiff to the first set of discovery devices.

Defendant would anticipate having completed discovery by September 1, 1994.

OFM PACH 1

0140

Mark E. Roseman, Esq.  
May 5, 1994  
Page 2

2. CONTEMPLATED LAW AND MOTION.

Defendant will bring a motion for summary judgment on the statute of limitations. The motion will be based on the David A. case and upon the fact that plaintiff contacted the Franciscan Friars regarding the occurrences at issue in this litigation no later than November of 1992. Accordingly, plaintiff did not file a lawsuit within one year of the date of discovery of the alleged incidence.

Defendant will also bring a motion for summary judgment on the basis that as a matter of law it is not responsible for the alleged acts by Gary Pacheco.

3. PROSPECTS FOR SETTLEMENT.

Settlement is unlikely.

4. PROPOSED DATE FOR PRE-TRIAL CONFERENCE AND TRIAL.

Defendant would request a pre-trial conference in October and a trial date thereafter.

If you have any problems with what we proposed to be included in the Joint Status Report, please do not hesitate to contact me.

Very truly yours,

LEWIS, D'AMATO, BRISBOIS & BISGAARD

  
Michael C. Olson

MCO:dcw  
Enclosure

cc: David Ring, Esq.



Mark E. Roseman, Esq.  
May 5, 1994  
Page 3

bcc: Sheryl Bandy  
Fr. Mel Jurisich, OFM

L:\0418 [REDACTED] rose4.ltr

Bates Number 143 was removed by the Plaintiffs at the request of the Franciscans.

1 MARK E. ROSEMAN, ESQ., Bar #82723  
2 LAW OFFICES OF BLUM & ROSEMAN, APC  
3 1851 East First Street, Suite 850  
4 Santa Ana, California 92705  
5 (714) 547-8801

6 ATTORNEY FOR PLAINTIFF: [REDACTED]

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

9 [REDACTED]  
10 )  
11 Plaintiff,  
12 vs.  
13 FR. RICHARD T. COUGHLIN,  
14 BOYS CHOIR SCHOOL OF  
15 ORANGE COUNTY, a.k.a.  
16 ALL-AMERICAN BOY'S CHORUS,  
17 DIOCESE OF ORANGE EDUCATION  
18 AND WELFARE CORPORATION, aka  
19 ROMAN CATHOLIC BISHOP OF  
20 ORANGE aka ROMAN CATHOLIC  
21 DIOCESE OF ORANGE, ROMAN  
22 CATHOLIC ARCHBISHOP OF  
23 LOS ANGELES, FR. GARY PACHECO,  
24 and FRANCISCAN FRIARS OF  
25 CALIFORNIA, INC.  
26 )  
27 Defendants

CASE NO. [REDACTED]

PLAINTIFF'S RESPONSES TO  
SPECIAL INTERROGATORIES

SET NO. ONE

20 PROPOUNDING PARTY: Defendants, FRANCISCAN FRIARS OF CALIFORNIA,  
21 INC.

22 RESPONDING PARTY: Plaintiff, [REDACTED]

23 SET NO.: One

24 PRELIMINARY STATEMENT

25 Plaintiff, [REDACTED] ("responding party") hereby  
26 makes the following responses to Respondent's First Set of  
27 Interrogatories.  
28

1        These responses are made solely for the purpose of this  
2 action. Each response is subject to all appropriate objections  
3 (including but not limited to objections concerning competency,  
4 relevancy, materiality, propriety and admissibility) which would  
5 require the exclusion of any statement contained herein if the  
6 interrogatory was asked of, or any statements contained herein if  
7 the answer was given by a witness present and testifying in Court.  
8 All such objections and grounds are reserved and may be interposed  
9 at such later time.

10        This responding party has not completed their investigation  
11 of the facts relating to this action, has not yet completed  
12 discovery, and has not completed preparation for trial.  
13 Consequently, the following responses are given without prejudice  
14 to the responding party's right to produce all evidence, whenever  
15 discovered, relating to proof of subsequently discovered material  
16 facts.

17        Except for the explicit facts admitted herein, no admissions  
18 of any nature whatsoever are implied or should be inferred. The  
19 fact that an interrogatory herein has been answered should not be  
20 taken as an admission or acceptance of the existence of any facts  
21 set forth or assumed by such interrogatory, or that such answer  
22 constitutes admissible evidence.

23                    INTERROGATORY QUESTIONS AND RESPONSES

24                    INTERROGATORY NO. 1:

25                    State your name, address, date of birth and social security  
26 number.

27                    RESPONSE NO. 1:

28                    

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 INTERROGATORY NO. 2:

5 State the name and address of each and every counselor,  
6 social worker, psychiatrist and/or psychologist you have seen  
7 since the age of ten (10).

8 RESPONSE NO. 2:

- 9 1. David McSpaden, Ph.D.  
10 126 Shaul Avenue  
11 Ottumwa, Louisiana 52501  
12  
13 2. Sharon Thompson, M.A., M.F.C.C.  
14 2600 East Nutwood, Suite 205  
15 Fullerton, CA 92631

16 INTERROGATORY NO. 3:

17 State the name, address, area of expertise and substance of  
18 expected testimony from each and every expert you may or will call  
19 at the time of trial.

20 RESPONSE NO. 3:

- 21 1. Sharon Thompson, M.A., M.F.C.C. (714)239-3086  
22 2600 East Nutwood, Suite 205  
23 Fullerton, CA 92631  
24 - Psychotherapist: will testify on the issue of spiritual  
25 damages, ie: loss of trust and faith in men who have been sexually  
26 abused by priests.  
27 2. Dr. Veronica Thomas (714)730-7090  
28 17662 Irvine Blvd Suite 12  
Tustin, CA 92680

- Psychotherapist: will testify on the issue of general damages.

25 INTERROGATORY NO. 4:

26 State the name, address, and phone number of each and every  
27 person who has knowledge or information regarding the allegations  
28 contained in plaintiff's complaint.

1 RESPONSE NO. 4:

2 1. [REDACTED]

4 2. [REDACTED]

6 3. [REDACTED]

8 4. [REDACTED]

10 5. [REDACTED]

12 6. [REDACTED]

14 INTERROGATORY NO. 5:

15 State each and every fact upon which the plaintiff relies in  
16 support of its contention that defendants FRANCISCAN FRIARS OF  
17 CALIFORNIA, INC. knew or should have known of the claimed  
18 molestations of plaintiff prior to June of 1983.

19 RESPONSE NO. 5:

20 Gary Pacheco admitted having molested me in a phone  
21 conversation in February 1993, and I reasonably believe that he  
22 had confessed his sin to others associated with the Friars.

23 Gary Pacheco has another victim of whom I am aware. I  
24 reasonably believe that he did not isolate his sexual abuse to two  
25 boys. I believe that his abusive activities were covered up by  
26 the Friars.

27 INTERROGATORY NO. 6:

28 State all facts upon which you rely in support of the

1 allegations contained in paragraph 77 of your complaint that  
2 Father Pacheco was neither qualified nor able to be a trustworthy  
3 and responsible child care custodian.

4 RESPONSE NO. 6:

5 Gary Pacheco sexually molested me and another child while he  
6 was associated with the Friars.

7 INTERROGATORY NO. 7:

8 For each alleged wrongful act committed by Father Gary  
9 Pacheco, state the date and conduct of Father Pacheco which you  
10 alleged to be wrongful.

11

12 RESPONSE NO. 7:

13 I cannot recall specific dates of the abuse. I was sexually  
14 abused by Gary Pacheco while he was associated with St. Simon &  
15 Jude Parish in the Diocese of Orange.

16 The conduct consisted of him placing my hands on his penis  
17 and sticky fluid was present, having me rub his upper body while  
18 alone at my home.

19 INTERROGATORY NO. 8:

20 For each alleged wrongful act committed by Father Gary  
21 Pacheco, state the address or place where the alleged wrongful act  
22 occurred.

23 RESPONSE NO. 8:

24 1. 

25

26 2. On tour for the All American Boys Chorus.

27 INTERROGATORY NO. 9:

28 If plaintiff discussed the alleged wrongful acts by Father

1 Pacheco with any employee, agent, servant of the FRANCISCAN FRIARS  
2 OF CALIFORNIA, INC., state the date of each such conversation and  
3 person from FRANCISCAN FRIARS OF CALIFORNIA with whom the  
4 conversation was had by plaintiff.

5 RESPONSE NO. 9:

- 6 1. Called Father Gary Pacheco on February 7, 1993 at 9:30 p.m.  
7 2. Spoke with Father Booker on August 28, 1993.  
8 3. Spoke with [REDACTED] on November 7, 1992.

9 INTERROGATORY NO. 10:

10 State all facts upon which you rely in support of your  
11 contention contained in paragraph 50 of the complaint that the  
12 defendant is a "child care custodian" pursuant to California Penal  
13 Code Section 11164 et seq.

14 RESPONSE NO. 10:

15 Objection: Calls for a legal conclusion. Without waiving  
16 said objection, I am informed and believe that priests are  
17 teachers and instructors and therefore are child care custodians.

18 INTERROGATORY NO. 11:

19 State all facts upon which you rely in support of your  
20 contention that FRANCISCAN FRIARS OF CALIFORNIA, INC. knew or  
21 should have known prior to June of 1983, that Father Richard T.  
22 Coughlin had sexually molested plaintiff or committed any of the  
23 wrongful acts which are the subject matter of plaintiff's  
24 complaint.

25 RESPONSE NO. 11:

26 I have no specific facts at this time. I do not know, at  
27 this time, what was communicated to the Friars, by the Diocese of  
28 Orange and/or the AABC of notice given to them about Fr.



1 Coughlin's inappropriate sexual contact with choir members.

2 INTERROGATORY NO. 12:

3 If you respond (sic) to Defendant's First Set of Request for  
4 Admission, served concurrently herewith, is other than an  
5 unconditional admission for each response, please state all facts  
6 upon which you rely in support thereof.

7 RESPONSE NO. 12:

8 Request No. 1: See my response to Special Interrogatory No.  
9 5.

10 Request No. 2: I was sexually abuse by Gary Pacheco while he  
11 was employed by the Friars. The Friars implicitly represented  
12 that Gary Pacheco was a devote, religious man, while he was not.  
13 The Friars took no steps to assure that Gary Pacheco was safe  
14 around young boys, and that he did not have deviant sexual desires  
15 towards young boys.

16 Request No. 3: The Friars had a duty to protect me from Gary  
17 Pacheco since they represented that he was a devote man of god.  
18 He was not morally trained on the appropriate conduct between a  
19 priest and a young boy.

20 Request No. 4: This calls for a legal analysis

21 INTERROGATORY NO. 13:

22 Identify by name, address, and phone number each and every  
23 physician, outpatient clinic, hospital or other medical care  
24 provider who has provided professional service to plaintiff since  
25 the age of 10.

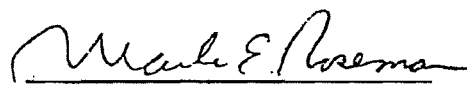
26 RESPONSE NO. 13:

27 1. Moberly Regional Medical Center  
28 1515 Union Avenue, Moberly, Missouri 65270  
(816) 263-8400

- 1 2. Saint Joseph's Hospital  
2 523 North Third Street, Brainerd, Minnesota 56401  
3 (218) 829-2861  
4  
5 3. FHP  
6 9920 Talbert Avenue, Fountain Valley, CA 92708  
7 (714) 962-4677  
8  
9 4. Fountain Valley Hospital  
10 17100 Euclid Avenue, Fountain Valley, CA  
11 (714) 962-7200  
12

13 DATED: May 13, 1994

14 BLUM & ROSEMAN, ESQ.

15   
16 MARK E. ROSEMAN, ESQ.  
17 Attorney for Plaintiff  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

rsrog.pld

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I, MARY CODISPOTI, am employed in the aforesaid County, State  
4 of California; I am over the age of 18 years and not a party to  
5 the within action; my business address is 1851 E. First Street,  
6 Suite 850, Santa Ana, California 92705.

7 On May/3, 1994 I served the foregoing PLAINTIFF'S RESPONSE TO  
8 RESPONSE TO SPECIAL INTERROGATORIES, SET ONE on the interested  
9 parties in this action by mail a true copy thereof, enclosed in a  
10 sealed envelope, addressed as follows:

11 (SEE ATTACHED MAILING LIST)

12 (X) BY MAIL: I placed such envelope for deposit in the U.S. Mail  
13 for service by the United States Postal Service, with postage  
14 thereon fully prepaid.

15 I am "readily familiar" with the firm's practice of  
16 collection and processing correspondence for mailing. Under that  
17 practice it would be deposited with the U.S. Postal Service on  
18 that same day with postage thereon fully prepaid in the ordinary  
19 course of business. I am aware that on motion of that party  
20 served, service is presumed invalid if postal cancellation date or  
21 postage meter date is more than one day after date of deposit for  
22 mailing in affidavit.

23 ( ) BY PERSONAL SERVICE: I caused such envelope to be delivered  
24 by hand to the offices of the addressee.

25 ( ) STATE: I declare under penalty of perjury under the laws of  
26 the State of California that the foregoing is true and correct.

27 (X) FEDERAL: I declare under penalty of perjury that the  
28 foregoing is true and correct, and that I am employed in the  
office of a member of the bar of this Court at whose direction the  
service was made.

Executed on May 13, 1994, at Santa Ana, California.

*Mary Codispoti*  
MARY CODISPOTI

G:\CLIENTS\ [REDACTED] \SROGOL.PCS

ATTACHED MAILING LIST

JEFFREY R. ANDERSON, ESQ.  
REINHARDT AND ANDERSON  
332 Minnesota Street  
St. Paul, Minnesota 55101

Attorneys for: PLAINTIFF

MICHAEL OLSON, ESQ.  
LEWIS, D'AMATO, BRISBOIS & BISGAARD  
650 Town Center Drive, #1400  
Costa Mesa, CA 92626

Attorneys for: FRANCISCAN FRIARS OF CALIFORNIA

JOHN P. McNICHOLAS, ESQ.  
McNICHOLAS & McNICHOLAS  
10866 Wilshire Blvd.. #1400  
Los Angeles, CA 90024

Attorneys for: THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES,  
A CORPORATION SOLE

LYNNE BROWNING GOODWIN, ESQ.  
CALLAHAN, McCUNE & WILLIS  
402 West Broadway #800  
San Diego, CA 92101

Attorneys for: THE ROMAN CATHOLIC ARCHBISHOP OF ORANGE, A  
CORPORATION SOLE

JOHN NELSON, ESQ.  
WEISENBERG & NELSON  
888 N. Main St. Suite 400  
Santa Ana, CA 92701-3518

Attorney for: GARY PACHECO

MICHAEL D. McEVOY, ESQ.  
MURCHISON & CUMMING  
200 W. Santa Ana Blvd. #801  
Santa Ana, CA 92701

Attorney for: AABC

MARK E. ROSEMAN, ESQ., Bar #82723  
LAW OFFICES OF BLUM & ROSEMAN, APC  
1851 East First Street, Suite 850  
Santa Ana, California 92705  
(714) 547-8801

ATTORNEY FOR PLAINTIFF: [REDACTED]

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CASE NO. [REDACTED]

Plaintiff,

vs.

FR. RICHARD T. COUGHLIN,  
BOYS CHOIR SCHOOL OF  
ORANGE COUNTY, a.k.a.  
ALL-AMERICAN BOY'S CHORUS,  
DIOCESE OF ORANGE EDUCATION  
AND WELFARE CORPORATION, aka  
ROMAN CATHOLIC BISHOP OF  
ORANGE aka ROMAN CATHOLIC  
DIOCESE OF ORANGE, ROMAN  
CATHOLIC ARCHBISHOP OF  
LOS ANGELES, FR. GARY PACHECO,  
and FRANCISCAN FRIARS OF  
CALIFORNIA, INC.

PLAINTIFF'S RESPONSES TO  
REQUEST FOR PRODUCTION OF  
DOCUMENTS

SET NO. ONE

Defendants

PROPOUNDING PARTY: Defendants, FRANCISCAN FRIARS OF CALIFORNIA,  
INC.

RESPONDING PARTY: Plaintiff, [REDACTED]

SET NO.: One

Pursuant to the Code of Civil Procedure, Plaintiff, [REDACTED]

[REDACTED] hereby responds to Defendant, FRANCISCAN FRIARS OF  
CALIFORNIA, INC. request for production of documents:

\\

\\

1                   RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

2                   REQUEST FOR PRODUCTION NO. 1:

3                   Any and all documents upon which plaintiff relies in support  
4 of count five (5) of plaintiff's complaint for violation of  
5 statute.

6                   RESPONSE NO. 1:

7                   I have no documents

8                   REQUEST FOR PRODUCTION NO. 2:

9                   Any and all documents upon which plaintiff relies in support  
10 of count eight (8) of its complaint for negligent supervision.

11                   RESPONSE NO. 2:

12                   I have no documents

13                   REQUEST FOR PRODUCTION NO. 3:

14                   If plaintiff responds to defendants' first set of request for  
15 admissions served concurrently herewith, is other than an  
16 unconditional denial, then any and all documents which evidence or  
17 relates to facts upon which plaintiff relies in support of its  
18 answer to the request for admissions.

19                   RESPONSE NO. 3:

20                   I have no documents

21                   REQUEST FOR PRODUCTION NO. 4:

22                   Any and all statements taken from any witnesses with  
23 knowledge or information relevant to the claims alleged in  
24 plaintiff's complaint.

25                   RESPONSE NO. 4:

26                   A copy of [REDACTED] December 21, 1993, taped  
27 interview is enclosed.

28                   REQUEST FOR PRODUCTION NO. 5:

1 Copies of any and all social workers', counselling,  
2 psychiatric, or psychological records regarding the plaintiff.

3 RESPONSE NO. 5:

4 I have no records

5 REQUEST FOR PRODUCTION NO. 6:

6 Copies of any and all correspondence, memos, reports, or  
7 other written documentation prepared by any of the defendants in  
8 this matter which are in plaintiff's possession.

9 RESPONSE NO. 6:

10 Copy of January 29, 1993, letter is attached

11 REQUEST FOR PRODUCTION NO. 7:

12 Copies of any and all letters, memos, reports, or other  
13 written documents prepared by plaintiff and sent to any of the  
14 defendants in this matter.

15 RESPONSE NO. 7:

16 I have no documents

17 REQUEST FOR PRODUCTION NO. 8:

18 Copies of any and all diaries, journals or written logs  
19 prepared by the plaintiff.

20 RESPONSE NO. 8:

21 I have none

22 REQUEST FOR PRODUCTION NO. 9:

23 Copies of any and all newsletters, minutes of meetings,  
24 handouts, brochures, or other written material received from  
25 S.N.A.P. or any other organization of sexually abused persons.

26 ///

27 ///

28 ///

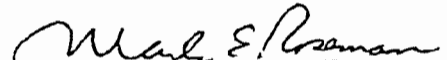
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RESPONSE NO. 9:

I have none

DATED: May 13, 1994

BLUM & ROSEMAN, APC

  
MARK E. ROSEMAN, ESQ.  
Attorney for Plaintiff

rdpd.pld



1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I, MARY CODISPOTI, am employed in the aforesaid County, State  
4 of California; I am over the age of 18 years and not a party to  
5 the within action; my business address is 1851 E. First Street,  
6 Suite 850, Santa Ana, California 92705.

7 On May 13, 1994 I served the foregoing PLAINTIFF'S RESPONSE TO  
8 RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE on the  
9 interested parties in this action by mail a true copy thereof,  
10 enclosed in a sealed envelope, addressed as follows:

11 (SEE ATTACHED MAILING LIST)

12 (X) BY MAIL: I placed such envelope for deposit in the U.S. Mail  
13 for service by the United States Postal Service, with postage  
14 thereon fully prepaid.

15 I am "readily familiar" with the firm's practice of  
16 collection and processing correspondence for mailing. Under that  
17 practice it would be deposited with the U.S. Postal Service on  
18 that same day with postage thereon fully prepaid in the ordinary  
19 course of business. I am aware that on motion of that party  
20 served, service is presumed invalid if postal cancellation date or  
21 postage meter date is more than one day after date of deposit for  
22 mailing in affidavit.

23 ( ) BY PERSONAL SERVICE: I caused such envelope to be delivered  
24 by hand to the offices of the addressee.

25 ( ) STATE: I declare under penalty of perjury under the laws of  
26 the State of California that the foregoing is true and correct.

27 (X) FEDERAL: I declare under penalty of perjury that the  
28 foregoing is true and correct, and that I am employed in the  
office of a member of the bar of this Court at whose direction the  
service was made.

Executed on May 13, 1994, at Santa Ana, California.

Mary Codispoti  
MARY CODISPOTI

G:\CLIENTS\ [REDACTED] \DPDOL.PCS

ATTACHED MAILING LIST

JEFFREY R. ANDERSON, ESQ.  
REINHARDT AND ANDERSON  
332 Minnesota Street  
St. Paul, Minnesota 55101

Attorneys for: PLAINTIFF

MICHAEL OLSON, ESQ.  
LEWIS, D'AMATO, BRISBOIS & BISGAARD  
650 Town Center Drive, #1400  
Costa Mesa, CA 92626

Attorneys for: FRANCISCAN FRIARS OF CALIFORNIA

JOHN P. McNICHOLAS, ESQ.  
McNICHOLAS & McNICHOLAS  
10866 Wilshire Blvd.. #1400  
Los Angeles, CA 90024

Attorneys for: THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES,  
A CORPORATION SOLE

LYNNE BROWNING GOODWIN, ESQ.  
CALLAHAN, McCUNE & WILLIS  
402 West Broadway #800  
San Diego, CA 92101

Attorneys for: THE ROMAN CATHOLIC ARCHBISHOP OF ORANGE, A  
CORPORATION SOLE

JOHN NELSON, ESQ.  
WEISENBERG & NELSON  
888 N. Main St. Suite 400  
Santa Ana, CA 92701-3518

Attorney for: GARY PACHECO

MICHAEL D. McEVOY, ESQ.  
MURCHISON & CUMMING  
200 W. Santa Ana Blvd. #801  
Santa Ana, CA 92701

Attorney for: AABC

# DIocese OF ORANGE



MARYWOOD CENTER  
2811 EAST VILLA REAL DRIVE  
ORANGE, CALIFORNIA 92667-1989  
(714) 974-7120

January 29, 1993

COPY

Board of Directors  
All American Boys Chorus  
Post Office Box 1527  
Costa Mesa, California 92628

Dear Board Members,

As you know, since December 1, 1992, the Diocese of Orange has been investigating certain allegations of sexual impropriety between Father Richard Coughlin and a former member of the All American Boys Chorus. From the beginning of our investigation, Father Coughlin has been on "administrative leave" and the permission given to him by the Diocese to work with the Chorus was suspended.

The Diocese of Orange has now concluded its investigation. I have been in touch with five adult males (ages 23-45) all of whom have made allegations of sexual impropriety by Father Coughlin with them. The most recent incident reported occurred ten years ago; the most distant was thirty years ago.

Father Coughlin has denied these allegations to Bishop McFarland; he states that he has no recollection of any of them and is really crushed by them being reported. Father Coughlin's reactions were after I gave a detailed account of these allegations to him as they were reported to me.

Nevertheless, because of the serious nature and scope of the allegations, the judgement of the Diocese of Orange is that Father Coughlin will no longer be allowed to function publicly as a priest; and the former permission granted him to engage in the non-Church related work of the All American Boys Chorus has been permanently withdrawn.

A good number of letters have been sent by current parents and members of the Chorus to the Diocese; they all have stated their fondest desire that Father Coughlin return to the Chorus. We request that the parents be informed by you of your resolution of their concerns, in light of the decision by the Bishop in whatever manner you deem appropriate.

Further, we hope that you will do what you think proper in contacting past members of the Chorus to see if there are similar concerns that have not been raised with either the Chorus or the Diocese of Orange.

Page Two - Boys Chorist Board of Directors  
January 29, 1993

Finally, please let me hear from you as to any financial consideration or plans you have for Father Coughlin in his retirement. This information will help him to assess his needs and any further planning that must be done.

I am certain you understand the gravity of this entire situation, and that you will respond accordingly.

Thank you for your assistance during the past two months in this difficult matter. I look forward to hearing from you.

Sincerely yours in Christ,

  
Reverend Monsignor John Urell  
Chancellor/Moderator of the Curia

ds

cc: Mr. Daniel W. Holden  
Diocesan Attorney

Sgt. Mike Millington  
Cost Mesa Police Department

MARK E. ROSEMAN, ESQ., Bar #82723  
LAW OFFICES OF BLUM & ROSEMAN, APC  
1851 East First Street, Suite 850  
Santa Ana, California 92705  
(714) 547-8801

ATTORNEY FOR PLAINTIFF:

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CASE NO.

Plaintiff,

vs.

FR. RICHARD T. COUGHLIN,  
BOYS CHOIR SCHOOL OF  
ORANGE COUNTY, a.k.a.  
ALL-AMERICAN BOY'S CHORUS,  
DIOCESE OF ORANGE EDUCATION  
AND WELFARE CORPORATION, aka  
ROMAN CATHOLIC BISHOP OF  
ORANGE aka ROMAN CATHOLIC  
DIOCESE OF ORANGE, ROMAN  
CATHOLIC ARCHBISHOP OF  
LOS ANGELES, FR. GARY PACHECO,  
and FRANCISCAN FRIARS OF  
CALIFORNIA, INC.

PLAINTIFF'S RESPONSES TO  
REQUEST FOR ADMISSIONS

SET NO. ONE

Defendants

PROPOUNDING PARTY: Defendants, FRANCISCAN FRIARS OF CALIFORNIA,  
INC.

RESPONDING PARTY: Plaintiff,

SET NO.: One

Pursuant to the Code of Civil Procedure, Plaintiff

hereby responds to Defendant, FRANCISCAN FRIARS OF  
CALIFORNIA, INC. request for admissions:

\\

\\

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

9  
0  
1  
2  
3  
4  
5  
6  
7  
8

1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8

3  
4  
5  
6  
7  
8

3  
4  
5  
6  
7  
8

4  
5  
6  
7  
8

8

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I, MARY CODISPOTI, am employed in the aforesaid  
4 County, State of California; I am over the age of 18  
5 years and not a party to the within action; my business  
6 address is 1851 E. First Street, Suite 850, Santa Ana,  
7 California 92705.

8 On May 13, 1994 I served the foregoing PLAINTIFF'S  
9 RESPONSE TO REQUEST FOR ADMISSIONS, SET ONE on the  
10 interested parties in this action by mail a true copy  
11 thereof, enclosed in a sealed envelope, addressed as  
12 follows:

13 (SEE ATTACHED MAILING LIST)

14 (X) BY MAIL: I placed such envelope for deposit in the  
15 U.S. Mail for service by the United States Postal  
16 Service, with postage thereon fully prepaid.

17 I am "readily familiar" with the firm's practice of  
18 collection and processing correspondence for mailing.  
19 Under that practice it would be deposited with the U.S.  
20 Postal Service on that same day with postage thereon  
21 fully prepaid in the ordinary course of business. I am  
22 aware that on motion of that party served, service is  
23 presumed invalid if postal cancellation date or postage  
24 meter date is more than one day after date of deposit for  
25 mailing in affidavit.

26 ( ) BY PERSONAL SERVICE: I caused such envelope to be  
27 delivered by hand to the offices of the addressee.

28 ( ) STATE: I declare under penalty of perjury under the  
laws of the State of California that the foregoing is  
true and correct.

(X) FEDERAL: I declare under penalty of perjury that the  
foregoing is true and correct, and that I am employed in  
the office of a member of the bar of this Court at whose  
direction the service was made.

Executed on May 13, 1994, at Santa Ana, California.

Mary Codispoti  
MARY CODISPOTI

G:\CLIENTS\ [REDACTED] \REACL.POS

ATTACHED MAILING LIST

JEFFREY R. ANDERSON, ESQ.  
REINHARDT AND ANDERSON  
332 Minnesota Street  
St. Paul, Minnesota 55101

Attorneys for: PLAINTIFF

MICHAEL OLSON, ESQ.  
LEWIS, D'AMATO, BRISBOIS & BISGAARD  
650 Town Center Drive, #1400  
Costa Mesa, CA 92626

Attorneys for: FRANCISCAN FRIARS OF CALIFORNIA

JOHN P. McNICHOLAS, ESQ.  
McNICHOLAS & McNICHOLAS  
10866 Wilshire Blvd.. #1400  
Los Angeles, CA 90024

Attorneys for: THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES,  
A CORPORATION SOLE

LYNNE BROWNING GOODWIN, ESQ.  
CALLAHAN, McCUNE & WILLIS  
402 West Broadway #800  
San Diego, CA 92101

Attorneys for: THE ROMAN CATHOLIC ARCHBISHOP OF ORANGE, A  
CORPORATION SOLE

JOHN NELSON, ESQ.  
WEISENBERG & NELSON  
888 N. Main St. Suite 400  
Santa Ana, CA 92701-3518

Attorney for: GARY PACHECO

MICHAEL D. McEVOY, ESQ.  
MURCHISON & CUMMING  
200 W. Santa Ana Blvd. #801  
Santa Ana, CA 92701

Attorney for: AABC



# DIOCESE OF ORANGE



OFFICE OF THE CHANCELLOR/  
MODERATOR OF THE CURIA  
MARYWOOD CENTER  
2811 E. VILLA REAL DRIVE  
ORANGE, CALIFORNIA 92667-1999  
(714) 974-7120

June 28, 1994

Werner R. Meissner  
Attorney at Law  
831 West Ninth Street  
San Pedro, California 90731

**COPY FOR YOUR  
INFORMATION**

A handwritten signature in cursive script, likely belonging to John Urell.

Dear Mr. Meissner,

Following our meeting in my office yesterday with you and your client [REDACTED] I wanted to give you the name of the person [REDACTED] or you will want to contact with reference to the allegations of sexual molestation by (Rev.) Gary Pacheco, OFM.

As I had told you, Gary Pacheco is no longer serving as a priest. This was as a result of an allegation made to this office, followed by his being placed on administrative leave immediately, and then returned to the Franciscan Community for their decisions in his regard.

The current Provincial of the Franciscan community for this area is:

[REDACTED]  
**Provincial**  
**Franciscan Friars**  
1500 Thirty-Fourth Avenue  
Oakland, California 94601  
(415) 536-3722

Should [REDACTED] wish to pursue his allegations regarding Gary Pacheco with the Franciscans, [REDACTED] would be the appropriate religious superior to contact.

Sincerely yours in Christ,

Rev. Msgr. John Urell  
Chancellor / Moderator of the Curia

**OFM PACH 1**  
**0166**

Bates Numbers 167-185 were removed by the Plaintiffs at the request of the Franciscans.

ENDORSED  
FILED  
ALAMEDA COUNTY

JUL 03 1997

RONALD G. OVERHOLT, Exec. Off. Clerk  
By Ed Cranston

1 SEDGWICK, DETERT, MORAN & ARNOLD  
2 NICHOLAS W. HELDT (Bar No. 083601)  
3 One Embarcadero Center, 16th Floor  
4 San Francisco, California 94111-3765  
5 Telephone: (415) 781-7900

6 Attorneys for Defendant  
7 THE FRANCISCAN FRIARS OF CALIFORNIA, INC.

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF ALAMEDA

10  
11 [REDACTED] ) NO. [REDACTED]  
12 Plaintiff, )  
13 v. ) [PROPOSED] ORDER ON DEMURRER  
14 ) AND MOTION TO STRIKE  
15 ) Date: July 3, 1997  
16 GARY PACHECO, an individual, ) Time: 10:00 a.m.  
17 FRANCISCAN FRIARS OF ) Dept: 81  
18 CALIFORNIA, INCORPORATED, a )  
19 California corporation, and )  
20 DOES 2-100, 102-200, )  
21 inclusive, )  
22 Defendants. )

23 The Demurrer and Motion to Strike of defendant, THE  
24 FRANCISCAN FRIARS OF CALIFORNIA, INC., came on regularly for  
25 hearing on July 3, 1997. The court having considered the  
26 arguments in support of and in opposition to the Demurrer and  
27 Motion to Strike, and good cause appearing therefor,

28 The general Demurrer of defendant Franciscan Friars to  
the entire First Amended Complaint is sustained with leave to  
amend to allege facts taking the case within the one-year statute

SEDGWICK,  
DETERT, MORAN  
& ARNOLD

Embarcadero Center  
Sixteenth Floor  
San Francisco, California  
94111-3765  
Tel. 415-781-7900

SDSF2/258960

OFM PACH 1  
0186

1 of limitations of California Code of Civil Procedure Section  
2 340(3).

3 Defendant's general Demurrer to the Third through Sixth  
4 Causes of Action are sustained with leave to amend to plead facts  
5 showing defendant Pacheco was acting within the course and scope  
6 of his employment for defendant Franciscan Friars when the  
7 alleged acts occurred.

8 Defendant's Demurrer to the Sixth Cause of Action based  
9 on C.C.P. 1714.10 is overruled as no cause of action is asserted  
10 against defendant's attorney.

11 Defendant's Motion to Strike Request for Punitive  
12 Damages is GRANTED pursuant to C.C.P. Section 425.14.

13 Plaintiff shall have ten (10) days leave to amend.  
14 Defendant shall have ten (10) days thereafter to file a  
15 responsive pleading. Notice of this Order is deemed to be given  
16 as of the date of the hearing.

17 Dated: July 3, 1997.

18  
19 By GORDON BARANCO  
20 Honorable Sandra Marguiles-  
21 Judge of the Superior Court  
22  
23  
24  
25  
26  
27

28  
SEDGWICK,  
TERT. MORAN  
& ARNOLD

Embarcadero Center  
Sixteenth Floor  
San Francisco, California  
94111-3765  
Tel. 415.781.7900

SDSP2/258960

2. OFM PACH 1  
0187

1 ABBEY, WEITZENBERG, KELLY,  
2 NADLER, HOFFMAN & EMERY, P.C.  
3 W. BARTON WEITZENBERG, ESQ. - SB#051788  
4 WAYNE R. WOLSKI, ESQ. - SB#118600  
5 1105 North Dutton Avenue  
6 Post Office Box 1566  
7 Santa Rosa, CA 95402  
8 Telephone: (707) 542-5050  
9 Facsimile: (707) 542-2589  
10  
11 Attorneys for Plaintiff

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA

[REDACTED]

Plaintiff,

vs.

GARY PACHECO, an individual,  
FRANCISCAN FRIARS OF  
CALIFORNIA, INCORPORATED, a  
California corporation, and  
DOES 2-100, 102-200,  
inclusive,

Defendants.

Case No: [REDACTED]

SECOND AMENDED COMPLAINT  
FOR DAMAGES

1. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as DOES 2 through 100 and 102-200, inclusive and therefore sues these Defendants by such fictitious names. Plaintiff will amend the Complaint to allege their true names and capacities when ascertained. Each of the fictitiously named Defendants is legally responsible in some manner for the occurrences herein alleged and Plaintiff's damages, as herein alleged, are proximately caused by said Defendants.

2. Plaintiff is informed and believes and thereon alleges

1 that at all times herein mentioned defendant Franciscan FRIARS of  
2 California, Inc. (hereinafter "FRIARS"), is, and at all relevant  
3 times was, a California corporation with its principal place of  
4 business in Alameda County, California.

5 3. Plaintiff is informed and believes and thereon alleges  
6 that at all times herein mentioned defendant GARY PACHECO was an  
7 individual and a California resident.

8 4. Plaintiff is informed and believes and thereon alleges  
9 that at all times mentioned herein, Defendants DOES 2 through 50  
10 were and are public benefit or religious corporations operating in  
11 the State of California with their principal places of business in  
12 Alameda County, California. Plaintiff is informed and believes  
13 and thereon alleges that at all times herein mentioned, Defendants  
14 DOES 51 through 55, and each of them, were and are responsible for  
15 all activities conducted on behalf of DOES 2 through 50, and that  
16 Defendants DOES 51 through 55, and each of them, were and are  
17 responsible for all activities conducted on behalf of DOES 2  
18 through 50. Said activities included, but were not limited to,  
19 employing administrators, priests, counselors, and others to  
20 provide care and supervision for the physical, spiritual and  
21 emotional needs of certain persons including the Plaintiff herein.

22 5. At all times herein mentioned DOES 56 to 100, and each of  
23 them, were the agents and employees of Defendants DOES 2 through  
24 55, and each of them, and Defendants DOES 56 through 100, and each  
25 of them, were the agents and employees of defendant FRIARS and  
26 DOES 2 through 55, and each of them, and, at all times mentioned  
27 herein, all of said DOES were acting within the course and scope  
28 of their agency and employment, and with the authorization,

1 permission, consent, and ratification of their co-Defendants.

2 6. Plaintiff is informed and believes and thereon alleges  
3 that at all times herein mentioned, defendant PACHECO was a Roman  
4 Catholic priest employed by and under the supervision and control  
5 of defendant FRIARS and DOES 2 through 100, and each of them.

6 7. At all relevant times mentioned herein, Plaintiff was a  
7 Catholic parishioner or former Catholic and for much of this time  
8 plaintiff was under the supervision and control of defendants  
9 FRIARS, PACHECO and DOES 2 through 100 so that Defendants were in  
10 a special relationship with Plaintiff.

11 8. On or about 1980, Defendant PACHECO, while employed and  
12 conducting himself as a member of the FRIARS, arranged for and  
13 participated in, a trip to Disneyland on which he took Plaintiff,  
14 then a minor, and, during said trip, sexually abused and molested  
15 Plaintiff. Thereafter, defendant PACHECO further molested  
16 Plaintiff in Plaintiff's parent's home and in motels over  
17 approximately a 2 year period.

18 9. During the time of the molests and for many years  
19 afterwards, PACHECO continued to function as a FRIAR in his  
20 interaction with Plaintiff and Plaintiff's family. In, and in  
21 virtue of, his position as a FRIAR, PACHECO gained access to  
22 Plaintiff in Plaintiff's home, even in Plaintiff's bedroom, and on  
23 overnight trips. The alleged sexual abuse was accomplished, in  
24 part, because PACHECO was operating within the course and scope of  
25 his employment as a FRIAR. His access to Plaintiff in Plaintiff's  
26 home and elsewhere depended on PACHECO's identity as a FRIAR and  
27 on his association with the FRIARS, and the opportunity afforded  
28 to PACHECO to accomplish the sexual abuse came about solely

1 because of his position as a FRIAR.

2 10. Further, the position PACHECO held as a FRIAR during all  
3 times herein alleged, served to aggravate the impact of the  
4 molests by imparting an aura of acceptance, authority and approval  
5 to the acts of sexual abuse from the continued and repeated  
6 presence of PACHECO as a FRIAR in Plaintiff's company.

7 11. Thereafter, the FRIARS have failed and refused to  
8 acknowledge to Plaintiff concern for Plaintiff's injuries arising  
9 from the sexual abuse of one of their members and the FRIARS have  
10 instead controlled, confined and internalized the knowledge gained  
11 in approximately 1988 and before, that PACHECO molested Plaintiff  
12 and others in his position as a FRIAR. In so doing, the FRIARS  
13 have continuously, repeatedly and unremittingly, up to the present  
14 time, injured Plaintiff.

15 12. Plaintiff did not discover that psychological injuries  
16 he suffered as a result of said molestations were caused by the  
17 abuse and inaction to assist Plaintiff by defendants until on or  
18 about January 27, 1995, when he began therapy.

19 FIRST CAUSE OF ACTION

20 (NEGLIGENT RETENTION AND RATIFICATION)  
21 (AGAINST FRIARS)

22 13. Plaintiff incorporates the allegations of Paragraphs 1  
23 through 12 herein as though set forth in their entirety herein.

24 14. Following the events referred to herein, FRIARS and DOES  
25 2 through 100, and each of them, knew, or in the exercise of  
26 reasonable care should have known that defendant PACHECO was  
27 incompetent and unfit to be retained as a member of the FRIARS and  
28 that permitting defendant PACHECO to remain in such a position



1 would aggravate injuries caused by PACHECO to Plaintiff.

2 15. Plaintiff is informed and believes that actual and  
3 constructive knowledge was obtained by FRIARS and DOES 2 through  
4 100 from these Defendants' observations of PACHECO's conduct and  
5 from other sources so that defendant FRIARS should have known that  
6 defendant PACHECO had molested Plaintiff and other minors and  
7 otherwise abused his position of authority and trust as a  
8 representative and member of the FRIARS.

9 16. At all times herein mentioned, defendant FRIARS and DOES  
10 2 through 100 negligently and carelessly retained defendant  
11 PACHECO to perform duties as a priest, and negligently and  
12 carelessly failed to take steps to deprive him of his position of  
13 trust and authority and otherwise as a member of the FRIARS so as  
14 to prevent the explicit and tacit ratification of defendant  
15 PACHECO's molestation of Plaintiff.

16 17. As a direct and proximate result of the negligence of  
17 said Defendants, and each of them, Plaintiff's injuries arising  
18 out of the molestations by defendant PACHECO were aggravated.

19 18. As a direct and proximate result of the negligence of  
20 Defendants, and each of them, Plaintiff was thereafter injured in  
21 his health, strength, and activity, sustaining injury to his  
22 nervous system and person, all of which injuries have caused, and  
23 will continue to cause, Plaintiff great physical, mental, and  
24 nervous pain and suffering.

25 19. As a further direct and proximate result of the  
26 negligence of Defendants, and each of them, Plaintiff was required  
27 to and did incur and will in the future incur medical and  
28 incidental expenses for treatment of his injuries.

20. As a further direct and proximate result of the negligence of Defendants, and each of them, Plaintiff has been prevented from attending to his usual occupation and has lost, and will continue to lose, earnings and his future earning capacity has been greatly impaired.

## SECOND CAUSE OF ACTION

(NEGLIGENCE)  
(AGAINST PACHECO)

21. Plaintiff incorporates the allegations of Paragraphs 1 through 10 herein as though set forth in their entirety herein.

22. At all times mentioned herein, defendant PACHECO, by reason of his position of authority and trust over Plaintiff, and by reason of his greater physical ability and knowledge, and by reason of his undertaking to supervise, care for, and protect Plaintiff, had a duty to care for and prevent harm to Plaintiff in his care, which reasonably included a duty not to abuse the minor Plaintiff herein.

23. At all times mentioned herein, defendant PACHECO, so negligently and carelessly supervised Plaintiff and placed himself in a position of authority and trust over Plaintiff, and allowed himself to be in his presence without other adult supervision, so that he was unable to control his abusive conduct, and at said times and places, defendant PACHECO negligently and carelessly, physically and mentally, abused Plaintiff, as alleged herein.

24. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered the injuries and damages as alleged herein.

11111

1 THIRD CAUSE OF ACTION

2 (NEGLIGENT FAILURE TO ACT)  
3 (AGAINST FRIARS)

4 25. Plaintiff incorporates the allegations of Paragraphs 1  
5 through 12 herein as though set forth in their entirety herein.

6 26. Defendant FRIARS and DOES 2 through 100 in their role as  
7 religious institutions and under their stated and implicit  
8 authoritarian role as spiritual leaders, moral authorities and  
9 educators had a duty toward Plaintiff following the molestations  
10 by PACHECO and FRIARS' knowledge of these molestations to provide  
11 Plaintiff with assistance by way of formal apology, counseling,  
12 therapy and other supportive services to enable Plaintiff to cope  
13 with his various injuries arising out of the molestations.

14 27. Defendant FRIARS and DOES 2 through 100, breached their  
15 above described duties by failing and refusing to provide  
16 Plaintiff with any of the above-described support and to otherwise  
17 make amends to Plaintiff for the wrongdoing of defendant PACHECO.

18 28. As a direct and proximate result of the breach of this  
19 duty, Plaintiff has suffered damages as described herein and  
20 further according to proof at time of trial.

21 FOURTH CAUSE OF ACTION

22 (NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)  
23 (AGAINST ALL DEFENDANTS)

24 29. Plaintiff incorporates the allegations of Paragraphs 1  
25 through 28 herein as though set forth in their entirety herein.

26 30. As alleged herein, Defendants and each of them, did so  
27 unlawfully touch, sexually molest and abuse Plaintiff as alleged  
28 herein or by their inaction and, ratification of the abuse caused  
Plaintiff to suffer severe and extreme emotional and mental

1 distress.

2 31. At all times herein mentioned, Defendants, and each of  
3 them, knew, or should have known, of the acts of sexual  
4 molestation by defendant PACHECO and knew, or should have known,  
5 that their failure to exercise reasonable conduct and due care in  
6 their carrying out of their duties to Plaintiff following the  
7 abuse would cause severe mental anguish, emotional and physical  
8 distress and profound shock to Plaintiff's nervous system.

9 32. As a further and direct legal and proximate cause of  
10 said wrongful acts of Defendants, and each of them, Plaintiff has  
11 suffered and continues to suffer severe mental anguish, emotional  
12 and physical stress, resulting in the injuries and damages set  
13 forth herein.

14 FIFTH CAUSE OF ACTION

15 (INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)  
16 (AGAINST FRIARS)

17 33. Plaintiff incorporates the allegations of Paragraphs 1  
18 through 32 herein as though set forth in their entirety herein.

19 34. Defendant FRIARS knew or should have been aware at some  
20 time following the abuse by defendant PACHECO that such abuse had  
21 taken place. Despite this knowledge, defendant FRIARS  
22 intentionally, recklessly and with wanton disregard for the well-  
23 being of Plaintiff failed and refused to apologize to Plaintiff  
24 and to offer him any therapy or counseling or to take any other  
25 actions to assist him in rebuilding his damaged emotional and  
26 psychological state which they knew, or should have known, had  
27 been devastated by the abuse perpetrated by defendant PACHECO.

28 35. The conduct of Defendants was done with a wanton and

1 reckless disregard of the consequences to Plaintiff and was done  
2 with knowledge that it was highly probable that Plaintiff would  
3 suffer severe mental anguish, emotional and physical distress,  
4 humiliation and embarrassment.

5 36. As a direct and proximate result of the aforementioned  
6 acts, Plaintiff suffered, and will continue to suffer, severe  
7 humiliation, embarrassment, mental anguish and emotional and  
8 physical distress and further he has been injured in mind and body  
9 and has suffered the injuries and damages as alleged herein.

10 37. The conduct of defendant FRIARS constituted malice and  
11 oppression in that defendant FRIARS knew that Plaintiff was  
12 vulnerable following the abuse and knew that it was highly likely  
13 that serious harm would result to Plaintiff, but nonetheless acted  
14 in a despicable, wilful, deliberate and conscious disregard of the  
15 rights and well-being of Plaintiff.

16 SIXTH CAUSE OF ACTION

17 (CIVIL CONSPIRACY)  
18 (AGAINST FRIARS)

19 38. Plaintiff incorporates the allegations of Paragraphs 1  
20 through 12 herein as though set forth in their entirety herein.

21 39. Beginning in the 1980's and up to the present, defendant  
22 FRIARS and DOES 2-100, and each of them, knowingly and wilfully  
23 conspired and agreed among themselves to avoid public disclosure  
24 of and to take responsibility for the sexual molestations  
25 committed by their fellow member, defendant PACHECO, and FRIARS  
26 avoided and continue to avoid extending apologies and assistance  
27 to Plaintiff or Plaintiff's family when they knew Plaintiff and  
28 his family had asserted defendant PACHECO's sexual abuse of

1 Plaintiff while PACHECO was a member of the FRIARS.

2 40. Defendant FRIARS conspired to avoid any affirmative  
3 actions to mitigate the damages caused by defendant PACHECO even  
4 though defendant FRIARS had received multiple accusations from  
5 various parents about defendant PACHECO's abuse of young men and  
6 despite the fact that defendant FRIARS were themselves conducting  
7 an on-going investigation of defendant PACHECO's sexual  
8 transgressions and despite the fact that in or about 1988,  
9 defendant FRIARS rejected PACHECO from their Order.

10 41. In so doing, defendant FRIARS aggravated and continue to  
11 the present time to aggravate Plaintiff's injuries and aided and  
12 abetted and ratified the sexual abuse perpetrated on Plaintiff.

13 42. Defendant FRIARS did the acts and things herein alleged  
14 pursuant to and in furtherance of their conspiracy.

15 43. Defendant FRIARS furthered the conspiracy by cooperating  
16 to avoid the above-described affirmative actions and in this and  
17 other ways ratified and adopted the acts of defendant PACHECO  
18 to the present time.

19 44. Plaintiff is informed and believes and thereon alleges  
20 that the last overt act and pursuant to the above-described  
21 conspiracy occurred on or about August 1996, on which date  
22 Plaintiff met with the attorney for the FRIARS, in an attempt to  
23 gain a response to this claim against the FRIARS. Said attorney  
24 informed Plaintiff that he would contact Plaintiff with the FRIARS  
25 response. Attorney has never made contact with plaintiff's  
26 attorney, nor has he responded to Plaintiff's several calls in an  
27 attempt to get a response back from the FRIARS. By this specific  
28 failure to respond, and by the FRIARS consistent failure to

1 affirmatively respond over many years up to the present, the  
2 FRIARS continue to act in furtherance of the conspiracy of silence  
3 and aggravation of the tortious sexual abuse of Plaintiff.

4 45. As a proximate result of the wrongful acts as herein  
5 alleged, Plaintiff has incurred general damages according to proof  
6 at time of trial.

7 46. Further, Plaintiff has incurred special damages for  
8 psychological counseling in an amount according to proof at time  
9 of trial.

10 47. In doing the things as herein alleged, defendant FRIARS  
11 acted wilfully and with the intent to cause injury to Plaintiff.  
12 Defendant FRIARS are therefore guilty of malice and oppression in  
13 conscious disregard of Plaintiff's rights

14 (SEVENTH CAUSE OF ACTION)

15 (ASSAULT AND BATTERY)  
16 (AGAINST PACHECO)

17 48. Plaintiff incorporates the allegations of Paragraphs 1  
18 through 47 herein as though set forth in their entirety herein.

19 49. Defendant PACHECO unlawfully assaulted and battered  
20 Plaintiff by engaging in sexual related conduct with Plaintiff as  
21 alleged herein.

22 50. By reason of the aforementioned wrongful acts, Plaintiff  
23 was placed in great fear of his life and physical well-being.

24 51. As a direct and proximate result of the aforementioned  
25 acts and the fright caused thereby, Plaintiff suffered the  
26 injuries and damages as alleged herein.

27 52. The conduct of defendant PACHECO constituted malice and  
28 oppression in that Defendant knew that Plaintiff was vulnerable

1 and unable to protect himself and knew that it was highly likely  
2 that serious harm would result, but in a despicable, wilful and  
3 conscious disregard of the rights and safety of Plaintiff and his  
4 family, Defendant deliberately engaged in the conduct alleged  
5 herein. Plaintiff therefore seeks exemplary and punitive damages  
6 from defendant PACHECO.

7 WHEREFORE, Plaintiff prays for damages as follows:

8 1. For general damages in an amount within the jurisdiction  
9 of the Superior Court;

10 2. For special damages for medical, incidental, and loss of  
11 earnings, according to proof;

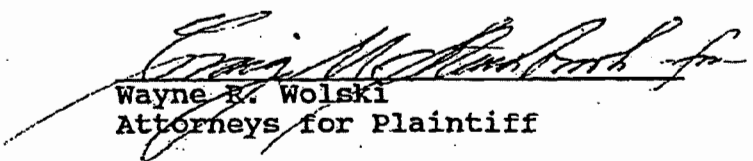
12 3. For punitive damages ~~as against defendant PACHECO only;~~

13 4. For costs of suit herein; and

14 5. For such other and further relief as the Court may deem  
15 proper.

16 DATED: July 9, 1997

17 ABBEY, WEITZENBERG, KELLY,  
18 NADLER, HOFFMAN & EMERY

19   
20 Wayne R. Wolski  
21 Attorneys for Plaintiff  
22  
23  
24  
25

26 C:\WP51\WRW\ [REDACTED] 2.CP  
27  
28



PROOF OF SERVICE

I declare that:

I am employed in the County of Sonoma, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1105 North Dutton Avenue, P. O. Box 1566, Santa Rosa, CA 95402.

On July 9, 1997, I served the attached: SECOND AMENDED COMPLAINT FOR DAMAGES on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Nicholas W. Heldt, Esq.  
Sedgwick, Detert, Moran & Arnold  
One Embarcadero Center, Sixteenth Floor  
San Francisco, CA 94111-3765

/X/ (BY MAIL) I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Santa Rosa, CA, following ordinary business practices. I am readily familiar with the practice of Abbey, Weitzenberg, Kelly, Nadler, Hoffman & Emery for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

/ (BY PERSONAL SERVICE) I caused each such envelope to be delivered by hand to the addressee(s) noted above.

/ (BY FACSIMILE) I caused the said document to be transmitted by Facsimile machine to the number indicated after the address(es) noted above.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 9, 1997, at Santa Rosa, California.

  
MARtha WALDNER

Bates Numbers 201-209 were removed by the Plaintiffs at the request of the Franciscans.

LEWIS, D'AMATO, BRISBOIS & BISGAARD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

LAWYERS

LOS ANGELES OFFICE  
SUITE 1200  
221 NORTH FIGUEROA STREET  
LOS ANGELES, CALIFORNIA 90012  
TELEPHONE (213) 250-1800

SAN FRANCISCO OFFICE  
SUITE 1900  
601 CALIFORNIA STREET  
SAN FRANCISCO, CALIFORNIA 94108  
TELEPHONE (415) 382-2580

SAN DIEGO OFFICE  
SUITE 800  
550 WEST "C" STREET  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE (619) 233-1006

SUITE 1400  
650 TOWN CENTER DRIVE  
CENTER TOWER BUILDING  
COSTA MESA, CALIFORNIA 92626  
TELEPHONE (714) 545-9200

INLAND EMPIRE OFFICE  
TRI-CITY CORPORATE CENTRE  
SUITE 600  
650 EAST HOSPITALITY LANE  
SAN BERNARDINO, CALIFORNIA 92408  
TELEPHONE (909) 387-1130

SACRAMENTO OFFICE  
METRO CENTER  
8720 GATEWAY OAKS DRIVE, SUITE 250  
SACRAMENTO, CALIFORNIA 95833-3501  
TELEPHONE (916) 564-3400

FACSIMILES:  
COSTA MESA: (714) 850-1030  
LOS ANGELES: (213) 250-7900  
SAN DIEGO: (619) 233-8627  
SAN FRANCISCO: (415) 434-0882  
SAN BERNARDINO: (909) 387-1138  
SACRAMENTO: (916) 564-5444

MICHAEL C. OLSON

November 15, 1994

Lynne Browning Goodwin, Esq.  
CALLAHAN, McCUNE & WILLIS  
402 W. Broadway, #800  
San Diego, CA 92101

Re: [REDACTED] vs. Coughlin  
Our File No: 21155-026

Dear Ms. Goodwin:

Enclosed herewith please find a settlement draft in the amount of [REDACTED] and MARK ROSEMAN. You are not authorized to deliver this draft to Mr. Roseman until after we have received a signed Release Agreement and a Stipulation and Order for Dismissal

If you have any questions regarding our position, please do not hesitate to contact me.

Very truly yours,

LEWIS, D'AMATO, BRISBOIS & BISGAARD

  
Michael C. Olson

Enclosure  
MCO:ct  
cc: Mark Roseman, Esq.

DATA94CN:44335\_1

OFM PACH 1  
0210

Lynne Browning Goodwin,  
November 15, 1994  
Page 2

-bcc: Sheryl Bandy  
[REDACTED]

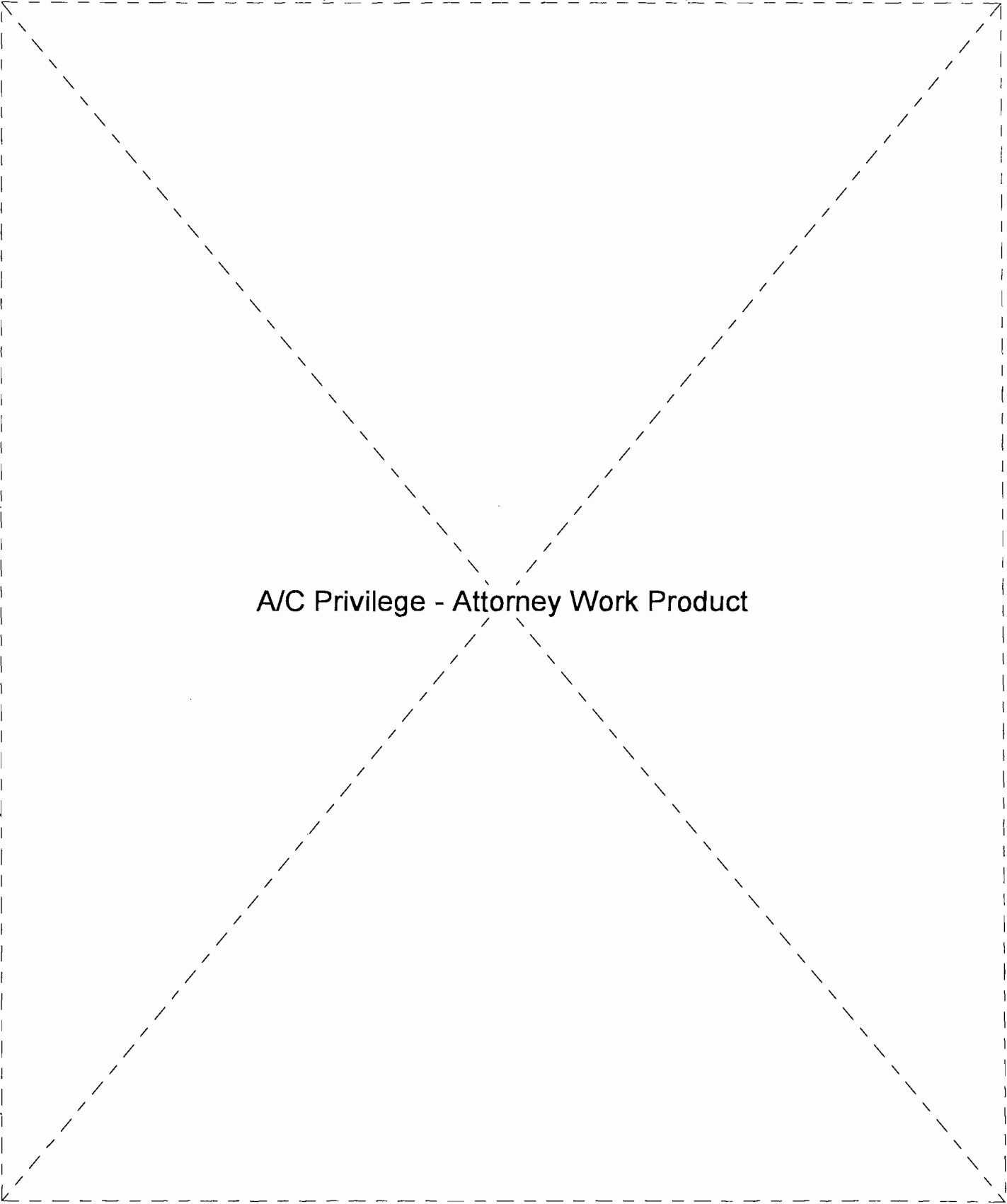
DATA94CM:44335\_1

OFM PACH 1  
0211

**A/C Privilege - Attorney Work Product**

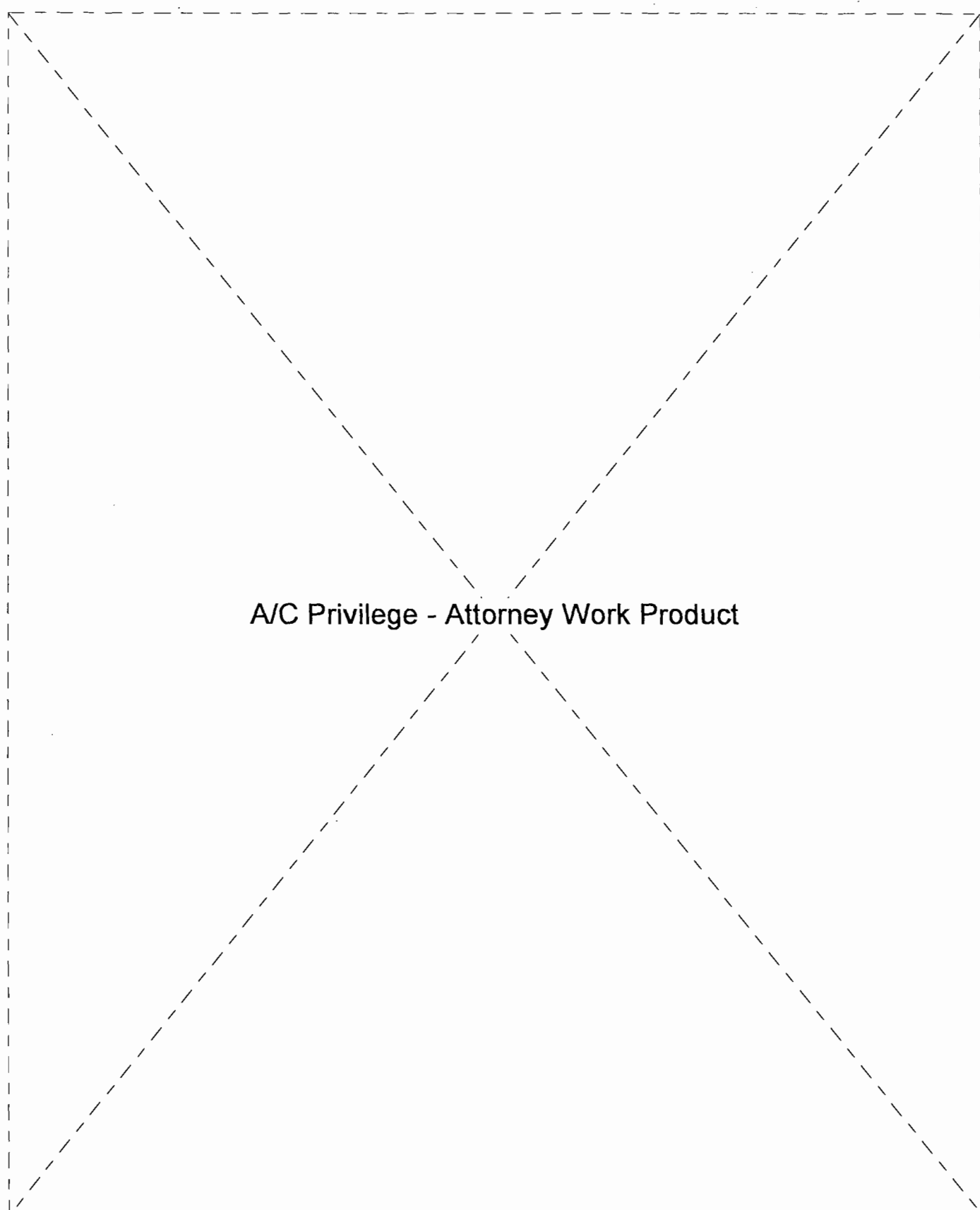
**OFM PACH 1**

**0212**



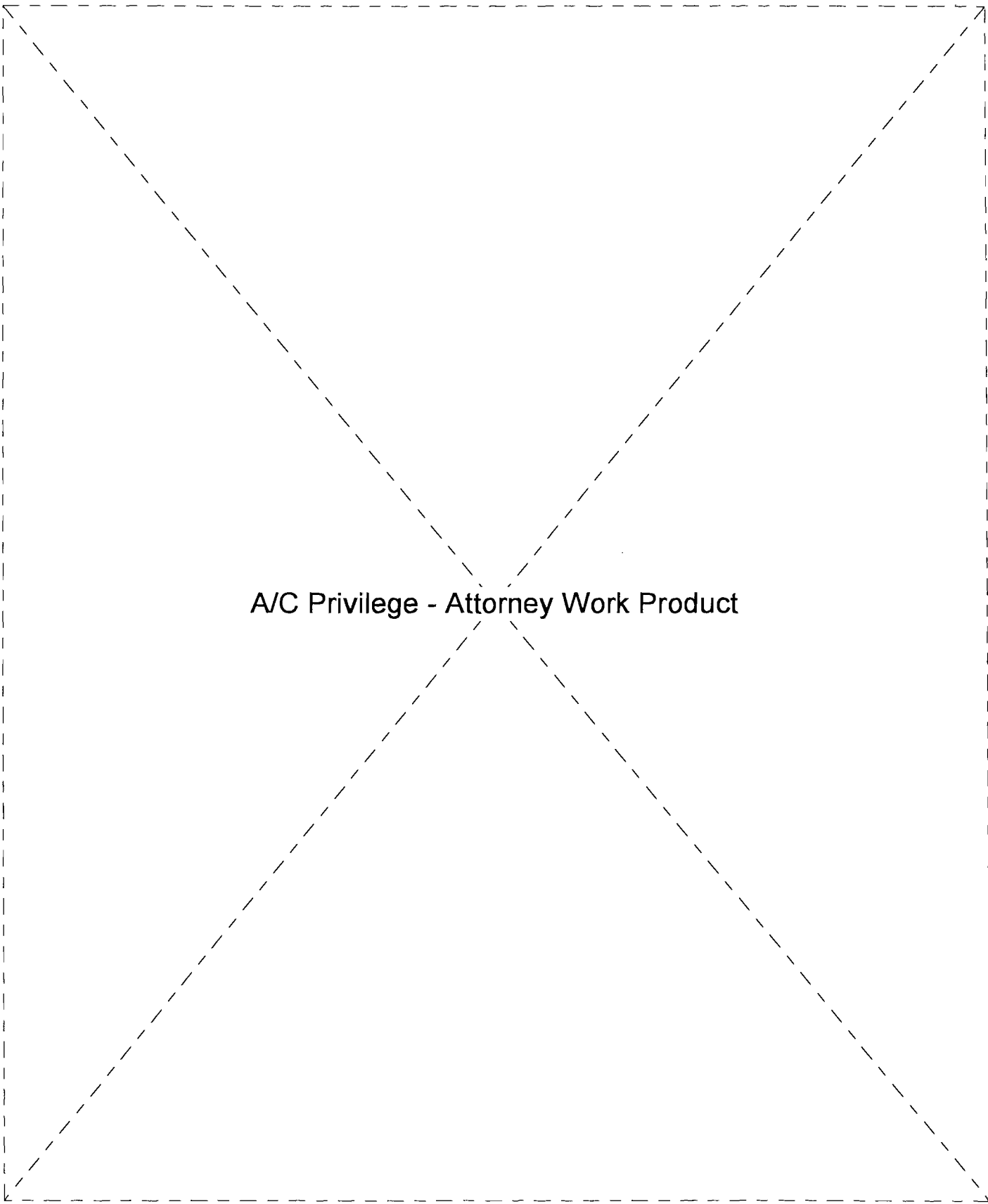
**A/C Privilege - Attorney Work Product**

**OFM PACH 1**  
**0213**



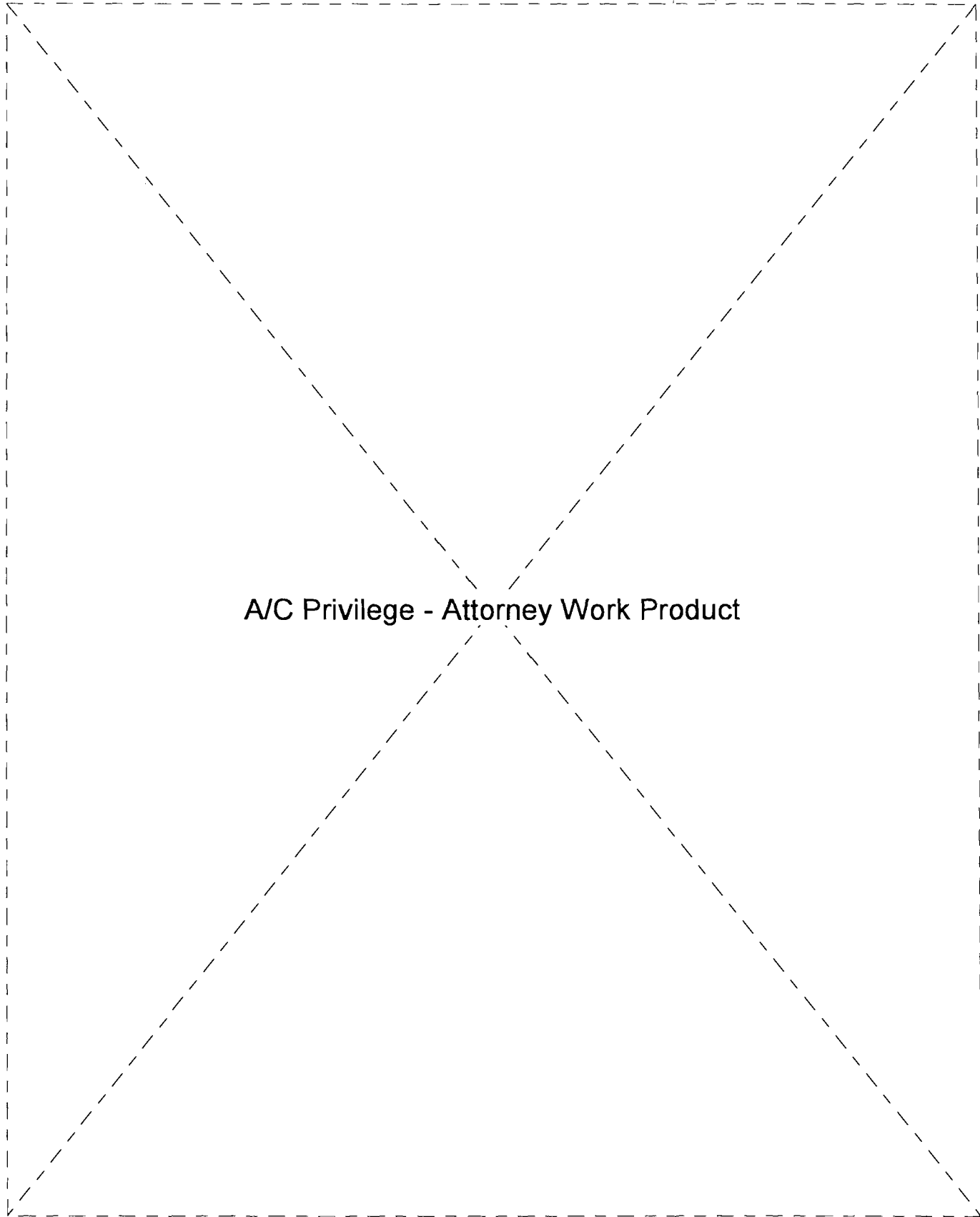
**A/C Privilege - Attorney Work Product**

**OFM PACH 1  
0214**



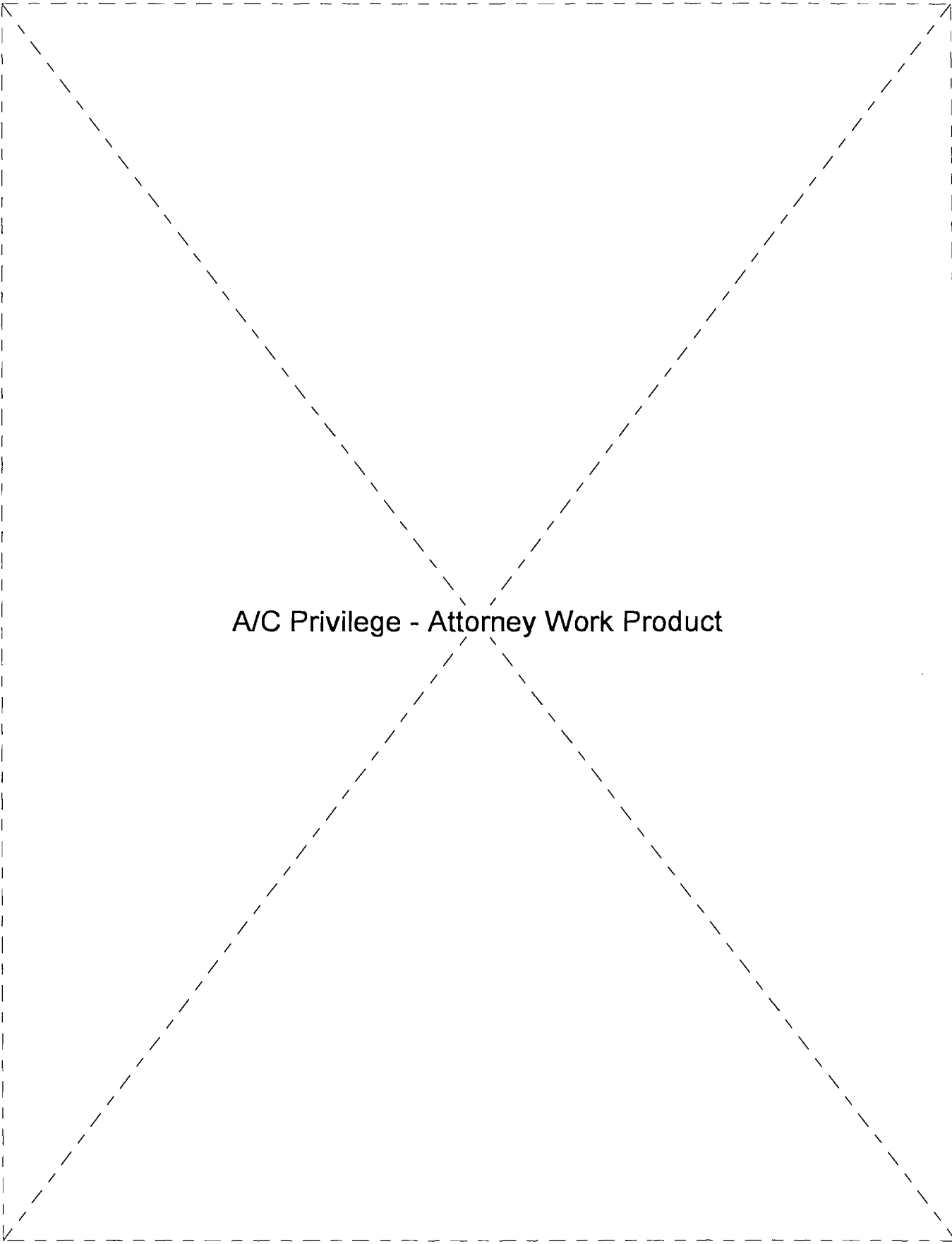
**A/C Privilege - Attorney Work Product**





A/C Privilege - Attorney Work Product

**OFM PACH 1**  
**0216**



A/C Privilege - Attorney Work Product



**A/C Privilege - Attorney Work Product**