

Law Offices of
THEODORE S. WENTWORTH

THEODORE S. WENTWORTH*
NANCY MORSE KNIGHT
WILLIAM DELLI PAOLI

October 17, 1994

*CERTIFIED SPECIALIST, CIVIL TRIALS
NATIONAL BOARD OF TRIAL ADVOCACY

Reply - Irvine

Franciscan Friars of California, Inc.
1500 34th Street
Oakland, California 94601

RE: [REDACTED] vs. ROMAN CATHOLIC BISHOP OF ORANGE, et al.

Dear Gentlepeople:

Service of Summons and Complaint is being made pursuant to a new method enacted by the State Legislature pursuant to the Constitution. It is, in part, designed to prevent the embarrassment that comes from being served by a process server.

Please sign the "Acknowledgment of Service" and return it to us in the enclosed, self-addressed, return envelope. You should then take the papers and give them to your insurance company, agent or lawyer. He will know what to do with them.

You lose no rights by signing and returning the acknowledgment. You simply avoid the expense of service which you are otherwise obligated to pay. (See copy of the law attached.)

If there are any questions, please feel free to call our office.

Very truly yours,

LAW OFFICES OF
THEODORE S. WENTWORTH

By 
NANCY M. KNIGHT

NMK:skb
Enclosure

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Statesrv.In

2112 BUSINESS CENTER DRIVE
SUITE 220
IRVINE, CALIFORNIA 92715
(714) 752-7711

OFM PACH 1
0219

FAX (714) 752-8339

WELLS FARGO BANK BLDG.
41530 ENTERPRISE CIRCLE SOUTH
SUITE 206
TEMECULA, CALIFORNIA 92590
(909) 695-1888

CALIFORNIA CODE OF CIVIL PROCEDURE

415.30 [Service by mail; Articles mailed; Form of Notice; When service complete; Liability for expense or failure to return acknowledgment; Approved form].

(a) A summons may be served by mail as provided in this section. A copy of the summons and of the complaint shall be mailed (by first class mail or airmail, postage prepaid) to the person to be served, together with two copies of the notice and acknowledgment provided in subdivision (b) and a return envelope, postage prepaid, addressed to the sender.

(b) [This sub-section of the Code simply specified the form of the Standard California Court Summons].

(c) Service of summons pursuant to the section is deemed complete on the date a written acknowledgment of receipt of summons is executed, if such acknowledgment thereafter is returned to sender.

(d) If the person to whom a copy of the summons and of the complaint are mailed pursuant to this section fails to complete and return the acknowledgment form set forth in subdivision (b) within twenty (20) days from the date of such mailing, the party to whom the summons was mailed shall be liable for reasonable expenses thereafter incurred in serving or attempting to serve the party by another method permitted by this chapter, and, except for good cause shown, the court in which the action is pending, upon motion, with or without notice, shall award the party such expenses whether or not he is otherwise entitled to recover his costs in the action.

(e) A notice of acknowledgment of receipt in form approved by the Judicial Counsel is deemed to comply with this section [Added by Stats. 1969, Section 3, operative July 1, 1970].

415.60 [Service outside state; When complete].

A summons may be served on a person outside this state in any manner provided by this article or by sending a copy of the summons and of the complaint to the person to be served by any form of airmail requiring a return receipt. Service of a summons by this form if mail is deemed complete on the 10th day after such mailing. [Added by Stats. 1969, Section 3, operative July 1, 1970].

NAME AND ADDRESS OF SENDER: Nancy M. Knight, Esq. LAW OFFICES OF THEODORE S. WENTWORTH 2112 Business Center Drive, Suite 220 Irvine, California 92715		TELEPHONE NO.: 714-752-7711	For Court Use Only
Insert name of court, judicial district or branch court, if any, and Post Office and Street Address. ORANGE COUNTY SUPERIOR COURT 700 Civic Center Drive West Santa Ana, California 92701			
PLAINTIFF: [REDACTED]			
DEFENDANT: ROMAN CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC DIOCESE OF ORANGE, et al.,			
NOTICE AND ACKNOWLEDGMENT OF RECEIPT			Case Number: [REDACTED]

TO: Agent for Service for: Franciscan Friars of California, Inc. . . .
(Insert name of individual being served)

This summons and other document(s) indicated below are being served pursuant to Section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it to me within 20 days may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. Section 415.30 provides that this summons and other document(s) are deemed served on the date you sign the Acknowledgment of Receipt below, if you return this form to me.

Dated: October 17, 1994


NANCY M. KNIGHT (Signature of sender)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of: (To be completed by sender before mailing)

1. ☐ A copy of the summons and of the complaint.
2. ☐ A copy of the summons and of the Petition (Marriage) and:
 - ☐ Blank Confidential Counseling Statement (Marriage)
 - ☐ Order to Show Cause (Marriage)
 - ☐ Blank Responsive Declaration
 - ☐ Blank Financial Declaration
 - ☒ Other: (Specify) Second Amended Summons and Second Amended Complaint; Notice to Attorneys; Ex Parte Policies & Procedures

(To be completed by recipient)

Date of receipt:

(Signature of person acknowledging receipt, with title if acknowledgment is made on behalf of another person)

Date this form is signed:

(Type or print your name and name of entity, if any, on whose behalf this form is signed)

F 0102-245.2

NOTICE TO ATTORNEYS

Under procedures now in place, your case has been assigned to a judge-for-all-purposes, and will receive special handling from the date of its assignment to the date of its disposition. This assignment will facilitate the court's ability to manage the case and will assure its timely disposition.

The court determines that for the purposes of exercising C.C.P. 170.6 rights there are two sides in this matter unless, by noticed motion filed in Dept. 1 prior to the expiration of time in which to exercise said rights, a party asserts there are more than two sides.

All documents filed subsequent to this assignment must include the name and department of the judge under the case number (OCSCR 435).

Except as otherwise directed by the Orange County Superior Court Rules/Policies, all pleadings, with the exception of Law & Motion, should be filed at the Civil filing counters.

Law & Motion moving papers should be filed at the Civil Calendar Control counter; subsequent documents, including documents for cases assigned to the outer courts, should also be filed at Civil Calendar Control.

TO SCHEDULE A NOTICED MOTION, PLEASE REFER TO THE INFORMATION ON THE BACK SIDE OF THIS MEMO.

To arrange for consideration of an ex-parte matter, you must call the clerk of the department to which your case was assigned at the following number:

SITTING AT CENTRAL COURT (700 CIVIC CENTER DRIVE WEST, SANTA ANA, CA 92701)

Dept 6/Stock	834-4656	Dept 17/Brickner	834-4355	Dept 25/Goldstein	834-4506
Dept 8/Horn	834-3700	Dept 19/Wilkinson	834-3720	Dept 26/Choate	834-5532
Dept 10/Myers	834-4660	Dept 20/McDonald	834-4565	Dept 28/Mandel	834-2273
Dept 11/Jameson	834-4694	Dept 21/Engelbrechtsen/ Franklin	834-4732	Dept 30/Smallwood	834-2126
Dept 13/Thrasher	834-4592	Dept 22/Firmat	834-5005	Dept 31/Rylaarsdam	834-2372
Dept 14/Frazer	834-4526	Dept 23/Bauer	834-5002	Dept 32/Siegel	834-2351
Dept 15/Watson	834-4685	Dept 24/Palk	834-5092	Dept 33/Thomas	834-2314
Dept 16/Poole	834-3886				

Dept 61/Polis* 569-2318 sitting at 909 N. Main Street, Santa Ana

SITTING AT WEST MUNICIPAL COURT (8141 13TH STREET, WESTMINSTER, CA 92685)

Dept 71/Knox 896-7364 Dept 72/Cox 896-7377

SITTING AT NORTH MUNICIPAL COURT (1275 N. BERKELEY, FULLERTON, CA 92635)

Dept 80/Ross 773-4469 Dept 82/Alfano 773-4445

SITTING AT HARBOR MUNICIPAL COURT (4601 JAMBOREE ROAD, NEWPORT BEACH, CA 92660)

Dept 91/Schenk 476-4703 Dept 92/Luesebrink 476-4704 Dept. 93/Weeks 476-4705

srudich/forms/notices/ccm ssignment
ec/7-25-94

OFM PACH 1
0222

ORANGE COUNTY SUPERIOR COURT

NOTICE TO ATTORNEYS

In order to improve service to the legal community the Court will continue to have the parties set motions on any day the assigned court has a law and motion calendar subject to statutory service. After setting the hearing date, submit your moving papers with appropriate filing fees to Civil Calendar Control no later than 15 calendar days prior to the hearing. See Rule 520 B(1) Orange County Superior Court Rules. The matter will be calendared upon receipt of your documents. The Law and Motion schedule for each court is as follows:

Dept.	Judge/ Commissioner	Day	Time
6	Stock	Thursday	1:30 pm
8	Horn	Wednesday	2:00 pm
9	Keough	Tues & Thurs	9:30 am
10	Myers	Wednesday	9:00 am
11	Jameson	Tuesday	1:30 pm
13	Thrasher	Thursday	11:00 am
14	Fraze	Tuesday	1:30 pm
15	Watson	Wednesday	1:30 pm
16	Poole	Wednesday	1:30 pm
17	Brickner	Friday	3:00 pm
19	Wilkinson	Wednesday	1:30 pm
20	McDonald	Friday	1:30 pm
21	Engelbrechtsen/Franklin	Friday	1:30 pm
22	Firmat	Thursday	2:30 pm
23	Bauer	Tuesday	1:30 pm
24	Palk	Wednesday	2:30 pm
25	Goldstein	Friday	1:30 pm
26	Choate	Thursday	1:30 pm
28	Mandel	Wednesday	1:30 pm
30	Smallwood	Tuesday	2:00 pm
31	Rylaarsdam	Even # Tues/Odd # Thurs	2:30 pm
32	Siegel	Tuesday	11:00 am
33	Thomas	Wednesday	1:30 pm
61	Polis	Friday	1:30 pm
71	Knox	Tuesday	1:30 pm
72	Cox	Thursday	1:30 pm
80	Ross	Wednesday	1:30 pm
82	Alfano	Wednesday	1:30 pm
91	Schenk	Monday	1:30 pm
92	Luesebrink	Friday	2:00 pm
93	Weeks	Friday	1:30 pm

For cases which have not been assigned to a Judge or Commissioner for all purposes, please call 834-3766 to schedule a hearing date.

/motionlist
cp/9-20-94

OFM PACH 1

0223

DEPARTMENT 61

HON. ROBERT J. POLIS

EX PARTE
POLICIES AND PROCEDURES

1. Exparte applications will be heard Monday through Thursday at 1:30 P.M. The local rules of court and policies apply except as modified herein.
2. Moving party shall give the Court telephonic reservation of the ex parte application 24 hours prior to the hearing.
3. Ex parte application shall be filed in Department 61 at the time of hearing.
4. The moving party shall submit on the moving papers unless the Court invites oral argument.
5. No court reporter will be present unless invited by the Court.
6. Ex parte matters shall not interfere with or delay the trial in progress in Department 61. Counsel may have to wait.
7. Effective 8/2/93 a \$14.00 fee will be required for all ex parte hearings with an additional \$14.00 fee for all subsequent noticed motions.

Special Note

Judge Polis has a special procedure of FAXING his tentative rulings for his Friday calendars (Law and Motion, Evaluation Conference and Post Arbitration Review Hearings -- No appearances are necessary at these hearings).

In order to expedite this procedure, when your case is assigned to his Court, and you do not object to this assignment, please FAX the Case Name, Case Number, Your Name and who you represent, as well as your office phone number and your FAX number. PLEASE be sure to include your area code.

The FAX number for Department 61 is (714) 569-2199.

**SUMMONS
(CITACION JUDICIAL)**

(ON SECOND AMENDED COMPLAINT)

NOTICE TO DEFENDANT: (Aviso a Acusado)

ROMAN CATHOLIC BISHOP OF ORANGE, A CORPORATION
SOLE; ROMAN CATHOLIC DIOCESE OF ORANGE; PROVINCIAL
FRANCISCAN FRIARS; FRANCISCAN FRIARS OF CALIFORNIA,
INCORPORATED; SAINTS SIMON AND JUDE CATHOLIC
CHURCH; FATHER MICHAEL HARRIS; FATHER GARY PACHECO;
MATER DEI HIGH SCHOOL; and DOES 1 through 200,

Inclusive,
YOU ARE BEING SUED BY PLAINTIFF:
(A Ud. le está demandando)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You have **30 CALENDAR DAYS** after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DIAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.

Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

The name and address of the court is: (El nombre y dirección de la corte es)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
700 Civic Center Drive West
P.O. Box 838
Santa Ana, CA 92702-0838

CASE NUMBER: (Número del Caso)

JUDGE ROBERT J. POLIS
DEPT. 61

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)
LAW OFFICES OF THEODORE S. WENTWORTH
2112 Business Center Drive, Suite 220
Irvine, California 92715
714-752-7711

DATE:
(Fecha)

OCT 12 1994

ALAN SLATER

Clerk, by
(Actuario)

MARILYN DAVIS

, Deputy
(Delegado)

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)
☐ CCP 416.20 (defunct corporation)
☐ CCP 416.40 (association or partnership)
☐ other:

☐ CCP 416.60 (minor)
☐ CCP 416.70 (conservatee)
☐ CCP 416.90 (individual)

4. ☐ by personal delivery on (date):

Law Offices of
THEODORES. WENTWORTH
 2112 BUSINESS CENTER DRIVE, SUITE 220
 IRVINE, CALIFORNIA 92715-1083
 (714) 752-7711

FILED
 ORANGE COUNTY SUPERIOR COURT

OCT 12 1994

ALAN SLATER, Executive Officer/Clerk

M. Davis
 BY M. DAVIS

Plaintiff

Attorney for _____

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE

Plaintiff,

vs.

ROMAN CATHOLIC BISHOP OF
 ORANGE, A CORPORATION SOLE;
 ROMAN CATHOLIC DIOCESE OF
 ORANGE; PROVINCIAL FRANCISCAN
 FRIARS; FRANCISCAN FRIARS OF
 CALIFORNIA, INCORPORATED;
 SAINTS SIMON AND JUDE
 CATHOLIC CHURCH; FATHER
 MICHAEL HARRIS; FATHER GARY
 PACHECO; MATER DEI HIGH
 SCHOOL; and DOES 1 through
 200, Inclusive,

Defendants.

CASE NO.: _____

ASSIGNED FOR ALL PURPOSES:

Judge: Robert J. Polis

Dept.: 61

SECOND AMENDED COMPLAINT FOR
 PERSONAL INJURIES AND DAMAGES

1. NEGLIGENCE
2. NEGLIGENCE PER SE
3. NEGLIGENT INFLICTION OF
EMOTION DISTRESS
4. ASSAULT AND BATTERY
5. FALSE IMPRISONMENT
6. INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS
7. FRAUD
8. NEGLIGENT MISREPRESENTATION
9. STATUTORY VIOLATIONS

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OFM PACH 1

0226

THIS CASE HAS BEEN ASSIGNED TO CIVIL CASE MANAGEMENT. ALL PARTIES MUST
 COMPLY WITH THE RULES SET FORTH IN ORANGE COUNTY RULES OF COURT.
 EACH PLEADING MUST INCLUDE THE ASSIGNED JUDGE DESIGNATION
 AS SHOWN UNDER THE CASE NUMBER OF THIS DOCUMENT, PURSUANT TO ORANGE
 COUNTY RULES.

1 COMES NOW plaintiff, [REDACTED] who hereby alleges
2 against defendants, and each of them, as follows:

3 FOR A FIRST, SEPARATE AND DISTINCT CAUSE OF
4 ACTION FOR NEGLIGENCE AGAINST ALL DEFENDANTS
5 AND EACH OF THEM, PLAINTIFF ALLEGES AS
6 FOLLOWS:

7 1. Plaintiff, [REDACTED] is, and, at all times
8 mentioned herein, was a resident of the County of Orange, State of
9 California.

10 2. Plaintiff is informed and believes, and thereon
11 alleges, that defendants, ROMAN CATHOLIC BISHOP OF ORANGE, A
12 CORPORATION SOLE; ROMAN CATHOLIC DIOCESE OF ORANGE; PROVINCIAL
13 FRANCISCAN FRIARS; FRANCISCAN FRIARS OF CALIFORNIA, INCORPORATED;
14 SAINTS SIMON AND JUDE CATHOLIC CHURCH; MATER DEI HIGH SCHOOL; and
15 DOES 51 through 150, inclusive, and each of them, are, and at all
16 times mentioned herein were, corporations, partnerships, joint
17 venturers or other business entities, non-profit organizations,
18 associations or church organizations, units, divisions, branches,
19 religious organizations, catholic schools or subsidiaries thereof,
20 having their principal place of business in the County of Orange
21 and the County of Alameda, State of California. The majority of
22 the intentional, negligent and careless acts and occurrences, as
23 alleged herein, as against said defendants, giving rise to the
24 causes of action herein, occurred at or about the premises commonly
25 known as MATER DEI HIGH SCHOOL, located as 1202 West Edinger, in
26 the City of Santa Ana, County of Orange, State of California, and
27 the premises commonly known as SAINTS SIMON AND JUDE CATHOLIC
28 CHURCH, located at or about 2044 Magnolia Street, in the City of
Huntington Beach, and the home of FATHER MICHAEL HARRIS, located at

1 or about 210 Batavia Drive, in the City of Orange, and/or some
2 other locations within the County of Orange and elsewhere.

3 3. Plaintiff is ignorant of the true names and
4 capacities of defendants sued herein as DOES 1 through 200,
5 inclusive, and each of them, and, therefore, sues said defendants
6 by said fictitious names. Plaintiff will amend this Complaint to
7 allege their true names and capacities when ascertained. Plaintiff
8 is informed and believes, and thereon alleges, that each said
9 fictitiously named defendant is negligently, carelessly,
10 intentionally, or otherwise, responsible in some manner for his
11 injuries as alleged herein, and that the injuries and damages
12 sustained by plaintiff as more particularly set forth herein were
13 directly and proximately caused by said wrongful conduct.

14 4. All defendants, and each of them, at all times
15 mentioned herein, were the principals, agents, employers,
16 employees, co-employees, supervisors, servants, co-servants,
17 partners, associates, joint venturers, co-participants, co-
18 conspirators, aiders and abettors, principals and/or
19 representatives of each of their co-defendants and, in doing the
20 things herein described, were acting within the course and scope of
21 such relationships and each such act or omission was with the
22 authority, permission, consent, knowledge and/or ratification of
23 each said co-defendant, who are thereby vicariously, and otherwise,
24 responsible for same.

25 5. Plaintiff is informed and believes, and thereon
26 alleges, that at all times mentioned herein, that defendants,
27 FATHER MICHAEL HARRIS, FATHER GARY PACHECO, and DOES 1 through 50,
28 inclusive, and each of them, were Priests, Pastors, Bishops,

1 Archbishops, Principals, Administrators, Teachers and/or other
2 church authorities at MATER DEI HIGH SCHOOL, SAINTS SIMON AND JUDE
3 CATHOLIC CHURCH, and DOES 51 through 100, inclusive, and each of
4 them, which were branches of, or otherwise affiliated with,
5 defendants, ROMAN CATHOLIC BISHOP OF ORANGE, ROMAN CATHOLIC DIOCESE
6 OF ORANGE, PROVINCIAL FRANCISCAN FRIARS, FRANCISCAN FRIARS OF
7 CALIFORNIA, INCORPORATED, and DOES 100 through 200, inclusive, and
8 each of them, and performed sermons; instructed students,
9 disciplined students, oversaw and managed the youth groups, altar
10 boys, and house boys, oversaw students' Christian education, acted
11 as guidance counselors and performed various other duties at said
12 schools and other locations, all within the course and scope of
13 their authority and/or employment with said schools, with the
14 knowledge, and permission, consent, authority and/or ratification
15 of each of their employers, principals and/or superiors.

16 6. Plaintiff is informed and believes, and thereon
17 alleges, that defendants, ROMAN CATHOLIC BISHOP OF ORANGE; ROMAN
18 CATHOLIC DIOCESE OF ORANGE; PROVINCIAL FRANCISCAN FRIARS;
19 FRANCISCAN FRIARS OF CALIFORNIA, INCORPORATED; MATER DEI HIGH
20 SCHOOL; SAINTS SIMON AND JUDE CATHOLIC CHURCH, and DOES 1 through
21 200, inclusive, and each of them, were the owners, operators,
22 licensors, licensees, lessors, lessees, principals, employers,
23 employees, overseers, or otherwise in control and supervision of
24 the premises commonly known as MATER DEI HIGH SCHOOL, SAINTS SIMON
25 AND JUDE CATHOLIC CHURCH, and DOES 51 through 100, as well as all
26 church, religious, educational and other activities, events, and
27 occurrences at said locations.

28 /////

1 7. From approximately, but not limited to, 1978 up
2 through and including, but not limited to, approximately 1983,
3 defendants, FATHER MICHAEL HARRIS, FATHER GARY PACHECO, and DOES 1
4 through 50, inclusive, and each of them, negligently, carelessly,
5 willfully, intentionally, maliciously, wantonly, and otherwise
6 under the cloak of their authority, confidence, trust, faith
7 supervisory, hierarchical, and otherwise special relationship with
8 plaintiff, committed acts of sexual abuse, molestation, and other
9 wrongful acts upon plaintiff in violation of California Penal Code,
10 Sections 285, 266(j), 286, 288(a)(b) and (c), and 289(H)(I) and
11 (J), 311.1, 311.3 and 647.6, as well as other laws of the State of
12 California proscribing said conduct, and continued to perform said
13 acts and conduct, causing plaintiff to suffer great physical,
14 mental and emotional injury as more particularly set forth and
15 alleged herein.

16 8. At all times material herein, plaintiff was a
17 student at MATER DEI HIGH SCHOOL and parishioner at SAINTS SIMON
18 AND JUDE CATHOLIC CHURCH, and a member of the Catholic Church, as
19 governed and operated by defendants, ROMAN CATHOLIC BISHOP OF
20 ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC DIOCESE OF ORANGE;
21 PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN FRIARS OF CALIFORNIA,
22 INCORPORATED, and DOES 100 through 150, inclusive, and each of
23 them. Because both his mother and father were dead, plaintiff's
24 stepmother particularly requested defendants, and each of them, to
25 comfort, solace, guide, and direct plaintiff in his adolescence.
26 As a student, parishioner and church member, all defendants, and
27 each of them, had acquired a special relationship to plaintiff as
28 a member of the church, and student at the school, receiving

1 special education, guidance, discipline and training in the
2 Catholic religion. All defendants, and each of them, were in a
3 position to educate, advise, discipline, supervise, protect and
4 control plaintiff. All defendants, and each of them, had a duty to
5 protect, keep safe from harm, care for, supervise, warn, and advise
6 plaintiff in a reasonably prudent manner, as well as a duty not to
7 violate his civil rights and trust by performing, or allowing to be
8 performed, any illegal, immoral or sexual acts against him
9 including, but not limited to, acts of sexual abuse. All
10 defendants, and each of them, had a further duty reasonably to
11 supervise, investigate, monitor, report, warn, ascertain, uncover
12 and terminate any such wrongful and illegal acts and activities
13 involving plaintiff, such as those set forth and alleged herein.

14 9. At all times material herein, defendants, ROMAN
15 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
16 DIOCESE OF ORANGE; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN FRIARS
17 OF CALIFORNIA, INCORPORATED; FATHER MICHAEL HARRIS; FATHER GARY
18 PACHECO; MATER DEI HIGH SCHOOL; SAINTS SIMON AND JUDE CATHOLIC
19 CHURCH; and DOES 50 through 150, inclusive, and each of them, had
20 a duty diligently, reasonably and carefully to hire, engage,
21 retain, associate, supervise, employ, train, investigate,
22 reprimand, treat, refer, counsel, discharge report, warn, and
23 otherwise be responsible for, priests, teachers, principals,
24 administrators and other church authorities as they performed their
25 functions within the church and church school, including their
26 duties as priest, teacher, administrator and principal at MATER DEI
27 HIGH SCHOOL, SAINTS SIMON AND JUDE CATHOLIC CHURCH, and DOES 51
28 through 100, and each of them, particularly as it, pertains to

1 contact with students and members of the parish, congregation and
2 public, such as plaintiff herein.

3 10. At all times material herein, defendants, ROMAN
4 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
5 DIOCESE OF ORANGE; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN FRIARS
6 OF CALIFORNIA, INCORPORATED; FATHER MICHAEL HARRIS; FATHER GARY
7 PACHECO; MATER DEI HIGH SCHOOL; SAINTS SIMON AND JUDE CATHOLIC
8 CHURCH; and DOES 1 through 200, inclusive, and each of them,
9 negligently, carelessly, willfully, intentionally, and otherwise,
10 under the cloak of their authority, disciplinary position,
11 confidence, trust, faith and special relationship with plaintiff,
12 and with the knowledge and notice of said priests, principals,
13 teachers, administrators, adults and church authorities wrongful
14 conduct, propensities and illegal and harmful acts as alleged
15 herein, did so willfully, and intentionally cause, aid and abet ,
16 advise, encourage, allow, assist, arrange, conspire and act in
17 concert, through their activities, inaction, silence and
18 agreements, among other actions, violate California Penal Code,
19 Sections 285 266(j), 286, 288(a)(b) and (c) and 289(H)(I) and (J)m
20 311.1, 311.3 and 647.6, as well as other laws of the State of
21 California.

22 11. At all times material herein, all defendants, and
23 each of them, negligently, carelessly, willfully, intentionally,
24 and otherwise wrongfully, carried out their respective
25 aforementioned duties to plaintiff, their betrayal causing serious
26 injuries and damages to plaintiff as more particularly set forth
27 and alleged herein.

28 /////

1 12. At all times material herein, all defendants, and
2 each of them, negligently, carelessly, willfully, intentionally or
3 otherwise wrongfully, cared for, taught, advised, disciplined,
4 chaperoned, supervised, treated, protected, educated, trained and
5 otherwise controlled plaintiff, so that plaintiff's person was
6 violated as a result of illegal and immoral acts including, but not
7 limited to, sexual abuse being performed on him by defendants,
8 FATHER MICHAEL HARRIS, FATHER GARY PACHECO and DOES 1 through 50,
9 inclusive, and each of them, so as to cause serious and permanent
10 physical, mental and emotional injuries to plaintiff as more
11 particularly set forth and alleged herein.

12 13. At all times material herein, defendants, ROMAN
13 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
14 DIOCESE OF ORANGE; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN FRIARS
15 OF CALIFORNIA, INCORPORATED; MATER DEI HIGH SCHOOL; SAINTS SIMON
16 AND JUDE CATHOLIC CHURCH; and DOES 50 through 200, inclusive, and
17 each of them, negligently, willfully, intentionally, and carelessly
18 hired, engaged, retained, associated, supervised, employed,
19 trained, investigated, reprimanded, treated, referred, counselled,
20 invited to their home, discharged and were otherwise responsible
21 for priests and other church authorities, such as defendants,
22 FATHER MICHAEL HARRIS, FATHER GARY PACHECO, and DOES 1 through 50,
23 inclusive, and each of them, and retained said priests, principals,
24 vice principals, teachers, administrators and other church figures,
25 despite the fact that they and actual and/or constructive notice of
26 said priests', principals', vice principals', teachers',
27 administrators' and church authorities' wrongful conduct,
28 propensities, and the resulting attendant reasonably foreseeable

1 injury to persons lawfully situated such as plaintiff herein by the
2 acts and activities of defendants, FATHER MICHAEL HARRIS, FATHER
3 GARY PACHECO, and DOES 1 through 50, inclusive, and each of their
4 activities and acts as more particularly set forth and alleged
5 herein.

6 14. At all times material herein, defendants, ROMAN
7 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
8 DIOCESE OF ORANGE; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN FRIARS
9 OF CALIFORNIA, INCORPORATED; MATER DEI HIGH SCHOOL; SAINTS SIMON
10 AND JUDE CATHOLIC CHURCH; and DOES 51 through 200, inclusive, and
11 each of them, knew, or should have known, that defendants, FATHER
12 MICHAEL HARRIS; FATHER GARY PACHECO, and DOES 1 through 50,
13 inclusive, and each of them, were suffering from mental, emotional
14 and/or physical injury, disability, or other illness, whereby it
15 was, or should have been, foreseeable that he/they was/were
16 engaging, or would engage in, in immoral, illegal and unprivileged
17 acts and activities, including, but not limited to, acts of sexual
18 abuse, with plaintiff, under the cloak of his/their authorities,
19 confidence and trust, bestowed upon him/them by, and through, the
20 church. Despite such knowledge and duty to investigate, control,
21 counsel, advise, reprimand, discharge, report, warn, and take other
22 appropriate actions with respect to defendants, FATHER MICHAEL
23 HARRIS, FATHER GARY PACHECO, and DOES 1 through 50, inclusive, and
24 each of them, all defendants, and each of them, negligently and
25 carelessly failed to take any appropriate action to protect and
26 insure the safety of persons lawfully situated such as plaintiff
27 herein including, but not limited to, reporting said defendants to
28 the proper authorities, warning plaintiff and other members of the

1 public or persons affiliated or associated with the congregation
2 and student bodies of defendants, FATHER MICHAEL HARRIS, FATHER
3 GARY PACHECO, and DOES 1 through 50, inclusive, and each of their
4 dangerous and illegal propensities, or undertake any other
5 appropriate action such as, but not limited to, removing
6 defendants, FATHER MICHAEL HARRIS, FATHER GARY PACHECO, and DOES 1
7 through 50, inclusive, and each of their dangerous and illegal
8 propensities, or undertake any other appropriate action such as,
9 but not limited to, removing defendants, FATHER MICHAEL HARRIS,
10 FATHER GARY PACHECO, and DOES 1 through 50, and each of them, from
11 their positions of authority and from contact with minors, which
12 would have prevented the acts alleged herein from being committed
13 upon plaintiff, which resulted in serious injury and damages as
14 more particularly set forth and alleged herein.

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

25 16. As a further direct, legal and proximate result of
26 the nature of defendants' and each of their wrongful conduct and
27 activities, and of the illnesses, injuries and damages sustained as
28 alleged herein by plaintiff, said wrongful conduct of said

1 defendants, and each of them, was reasonably psychologically
2 repressed by plaintiff, thereby causing him to forget and suppress
3 from his memory such injuries, illnesses and wrongful conduct
4 including, but not limited to, acts of sexual abuse and molestation
5 and other physical, emotional, mental and related abuse and injury
6 as more specially alleged herein. Plaintiff did not reasonably
7 discover, and reasonably could not have discovered, that his
8 mental, emotional and psychological injuries, illnesses and
9 damages, occurring after the age of majority were caused by said
10 wrongful conduct of defendants, and each of them, including, but
11 not limited to, the aforementioned sexual abuse and molestation.
12 occurring during his minority, as well as any other injuries and
13 illnesses alleged herein, until approximately April 17, 1992, at
14 which time said knowledge first began to surface and continues to
15 present to surface to plaintiff, DAVID PRICE.

16 17. As a direct, legal and proximate result of said
17 conduct of defendants, and their betrayal of plaintiff's trust and
18 confidence, and each of them, plaintiff sustained personal injuries
19 which have caused, and will continue to cause, permanent physical,
20 emotional and mental pain, discomfort, disability and suffering,
21 all to his general damage in an amount believed to be in excess of
22 the minimum jurisdiction of this court, according to proof.

23 18. As a further, direct, legal and proximate result of
24 said wrongful acts of defendants, and each of them, plaintiff was
25 required to, and did, expend money and incur obligations for
26 medical, psychiatric, psychological and other health care services,
27 hospitalization, medicine and medical supplies, therapy,
28 rehabilitation, and other services, and will in the future be

1 compelled to incur additional obligations for same. Plaintiff does
2 not know the reasonable value of said obligations at this time, but
3 prays that same may be inserted herein when ascertained or upon
4 proof thereof.

5 19. As a further direct, legal and proximate result of
6 defendants', and each of their wrongful conduct, plaintiff has been
7 deprived of earnings and earning capacity, and will in the future
8 be so deprived. Plaintiff does not know the reasonable value of
9 same at this time, but prays that same be inserted herein when
10 ascertained or upon proof thereof.

11 20. On or around September 15, 1994, the Court issued an
12 Order in accordance with California Code of Civil Procedure,
13 Section 340.1, that there is reasonable and meritorious cause for
14 the filing of the within Second Amended Complaint naming the
15 defendants herein.

16 FOR A SECOND, SEPARATE AND DISTINCT CAUSE OF
17 ACTION FOR NEGLIGENCE PER SE AGAINST
18 DEFENDANTS, FATHER MICHAEL HARRIS, FATHER GARY
PACHECO, AND DOES 1 THROUGH 50, AND EACH OF
THEM, PLAINTIFF ALLEGES AS FOLLOWS:

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

23 22. As alleged herein defendants, FATHER MICHAEL HARRIS,
24 FATHER GARY PACHECO, and DOES 1 through 50, inclusive, and each of
25 them, committed acts of sexual abuse, molestation, and other
26 wrongful acts in violation of California Penal Code Sections 285,
27 266(f), 286, 288(a)(b) and (c), and 289 (H)(I) and (J), 311.1,
28 311.3, and 647.6, as well as other laws of the State of California

1 prosecuting such conduct, causing plaintiff to suffer great
2 physical, mental and emotional injury as more particularly set
3 forth and alleged herein.

4 23. The violation of statutes of the State of California
5 by defendants, FATHER MICHAEL HARRIS, FATHER GARY PACHECO, and DOES
6 1 through 50, inclusive, and each of them, the fact that said
7 violations of law proximately caused physical and emotional
8 injuries to the plaintiff and the injury resulted from the
9 occurrence of sexual abuse, molestation and other wrongful acts
10 which said statutes were designed to prevent, and the fact that
11 plaintiff was one of the class of persons for whose protection the
12 statutes were adopted, create the presumption of negligence on the
13 part of defendants, FATHER MICHAEL HARRIS, FATHER GARY PACHECO,
14 DOES 1 through 50, inclusive, and each of them.

15 FOR A THIRD, SEPARATE AND DISTINCT CAUSE OF
16 ACTION FOR NEGLIGENT INFLICTION OF EMOTIONAL
17 DISTRESS AGAINST ALL DEFENDANTS, AND EACH OF
18 THEM, PLAINTIFF ALLEGES AS FOLLOWS:

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

24 25. As alleged herein, defendants, FATHER MICHAEL
25 HARRIS, FATHER GARY PACHECO and DOES 1 through 50, inclusive, and
26 each of them, did so unlawfully touch, sexually molest and abuse
27 plaintiff as alleged herein, and otherwise betraying, abusing and
28 causing physical and mental abuse as alleged herein thereby causing

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1 plaintiff to suffer severe and extreme emotional and mental
2 distress.

3 26. At all times relevant herein, as alleged herein,
4 defendants, and each of them, knew, or should have known, of the
5 aforementioned acts of sexual molestation and abuse of plaintiff by
6 defendants, FATHER MICHAEL HARRIS, FATHER GARY PAGHECO and DOS 1
7 through 50, inclusive, and each of them, or otherwise knew, or
8 should have known, that their failure to exercise reasonable
9 conduct and due care in the carrying out of their duties to
10 plaintiff, as aforescribed and alleged herein, and that acting so
11 negligently, carelessly and otherwise wrongfully, would cause
12 severe mental anguish, emotional and physical distress and profound
13 shock to plaintiff's nervous system.

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

20 FOR A FOURTH, SEPARATE AND DISTINCT CAUSE OF
21 ACTION FOR ASSAULT AND BATTERY AGAINST ALL
22 DEFENDANTS AND EACH OF THEM, PLAINTIFF ALLEGES
23 AS FOLLOWS:

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

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1 29. Defendants, FATHER MICHAEL HARRIS, FATHER GARY
2 PACHECO and DOES 1 through 50, inclusive, and each of them,
3 intimidated, betrayed, deceived, or otherwise wrongfully
4 communicated or conveyed to plaintiff that said defendants, and
5 each of them, would touch and perform immoral and illegal acts upon
6 plaintiff including, but not limited to, acts of sexual molestation
7 and sexual abuse, with the intent and ability of carrying out said
8 acts. Because of his youth and inexperience and his trust of
9 defendants, and each of them, plaintiff was incapable of resisting
10 such immoral and illegal acts or acts of recognizing the immoral
11 and illegal character of such acts.

12 30. Defendants, FATHER MICHAEL HARRIS, FATHER GARY
13 PACHECO, and DOES 1 through 50, inclusive, and each of them, then
14 proceeded without legal consent unlawfully to touch, sexually
15 molest and abuse plaintiff, and otherwise physically and mentally
16 abuse and cause serious injury and harm to plaintiff as alleged
17 herein, and thereafter continued to do so, causing plaintiff to
18 suffer great physical and emotional injury, as more particularly
19 set forth herein.

20 31. Plaintiff is informed and believes and thereon
21 alleged, that at all relevant times herein, defendants, ROMAN
22 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
23 DIOCESE OF ORANGE; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN FRIARS
24 OF CALIFORNIA, INCORPORATED; SAINTS SIMON AND JUDE CATHOLIC CHURCH;
25 MATER DEI HIGH SCHOOL; and DOES 51 through 200, inclusive, and each
26 of them, and the defendants' agents herein knew, or should have
27 known, the herein above alleged acts of assault and battery,
28 including, but not limited to, sexual molestation and abuse

1 committed on plaintiff, [REDACTED] and the intent and/or of the
2 propensity of defendants, FATHER MICHAEL HARRIS, FATHER GARY
3 PACHECO and DOES 1 through 50, inclusive, and each of them, to
4 commit the acts of sexual molestation and sexual abuse against
5 plaintiff including, but not limited to, those acts alleged herein,
6 and that they were not qualified, competent nor capable of being a
7 child care custodian, thereby creating an undue risk of harm to
8 children similarly situated as plaintiff herein, which was, or
9 should have been reasonably foreseeable to all defendants, and each
10 of them, particularly since they had, or should have had, specific
11 knowledge that defendants, FATHER MICHAEL HARRIS, FATHER GARY
12 PACHECO, and DOES 1 through 50, inclusive, and each of them, were
13 sexually molesting and abusing other similarly situated children.
14 Yet, with full knowledge of those acts and in a conscious disregard
15 for the rights of plaintiff, said defendants permitted, adopted,
16 ratified and otherwise approved those acts which were committed in
17 the course and scope of defendants, FATHER MICHAEL HARRIS', FATHER
18 GARY PACHECO's and DOES 1 through 50, inclusive, and each of them,
19 and each of their agents herein. In addition, defendants, ROMAN
20 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
21 DIOCESE OF ORANGE; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN FRIARS
22 OF CALIFORNIA, INCORPORATED; SAINTS SIMON AND JUDE CATHOLIC CHURCH;
23 MATER DEI HIGH SCHOOL; and DOES 51 through 200, inclusive, and each
24 of them, and their agents, had no reliable, significant or
25 meaningful policy or practice and otherwise failed and/or refused
26 properly to investigate and report complaints about the conduct of
27 the clergy or take appropriate action to protect the well-being of
28 its members, parishioners, students and others, including

1 plaintiff, [REDACTED] Thereafter, defendants, FATHER MICHAEL
2 HARRIS, FATHER GARY PACHECO, and DOES 1 through 50, inclusive, and
3 each of them, continued to perpetuate and perform the despicable
4 and outrageous acts including, but not limited to, acts of sexual
5 molestation and abuse and other wrongful acts upon plaintiff. As
6 a result thereof, said defendants, and each of them, did cause and
7 continue to cause plaintiff to suffer severe mental, emotional and
8 physical damages and injuries as more particularly set forth and
9 alleged herein.

10 32. The aforementioned acts and conduct of said
11 defendants, and each of them, constituted unprovoked conduct which
12 was willful, wanton, malicious, oppressive and beyond all
13 reasonable bounds of decency and conscious disregard for the
14 physical and emotional health, safety and well-being of plaintiff.

15 33. By reason of said wrongful acts of defendants, and
16 each them, plaintiff has suffered extreme and severe mental
17 anguish, emotional distress, physical pain, and has been injured
18 and damaged as more particularly set forth herein.

19 34. Said wrongful conduct of defendants, and each of
20 them, was intended to cause injury and damages to plaintiff, or
21 alternatively, was despicable and unconscionable conduct carried
22 out with a willful, wanton, and conscious disregard for the rights,
23 health, safety and well-being of plaintiff, subjecting plaintiff to
24 cruel and unjust hardship, humiliation, severe mental anguish,
25 severe emotional distress and suffering and was so vile, base,
26 contemptible, miserable, wretched and loathsome that it would be
27 looked down upon and despised so as to cause injuries and damages
28 of the kind justifying an award of exemplary and punitive damages.

1 Pursuant to the provisions of California Code of Civil Procedure,
2 Section 425.14, plaintiff will seek leave of Court in the future in
3 order to amend this Complaint to include a prayer for punitive
4 damages against the religious corporations, religious corporations
5 sole, their units, divisions, branches, employees or subsidiaries
6 thereof, named herein.

7
8 FOR A FIFTH, SEPARATE AND DISTINCT CAUSE OF
9 ACTION FOR FALSE IMPRISONMENT AGAINST ALL
10 DEFENDANTS, AND EACH OF THEM, PLAINTIFF
11 ALLEGES AS FOLLOWS:

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

17 36. In carrying out the wrongful conduct alleged herein
18 of said defendants, and each of them, said defendants forcibly,
19 against plaintiff's will, and without legal consent, kept plaintiff
20 in said defendants' presence and caused plaintiff to remain in
21 defendants' presence until said defendants has completed their
22 unlawful acts including, but not limited to, acts of sexual
23 molestation and sexual abuse upon plaintiff.

24 37. Immediately prior to said wrongful acts of said
25 defendants, and each of them, plaintiff had been peacefully
26 attending school or church, performing church duties, and otherwise
27 acting lawfully at MATER DEI HIGH SCHOOL, SAINTS SIMON AND JUDE
28 CATHOLIC CHURCH and DOES 51 through 200, inclusive, and each of
them, and at all other locations wherein said wrongful acts and
conduct of defendants, FATHER MICHAEL HARRIS, FATHER GARY PACHECO,

1 and DOES 1 through 50, and each of them, occurred throughout the
2 time period referred to herein.

3 38. The aforementioned acts of said defendants, and each
4 of them, constituted unprovoked conduct which was willful, wanton,
5 malicious, oppressive, beyond all reasonable bounds of decency and
6 conscious disregard for the physical and emotional health, safety
7 and well-being of plaintiff.

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

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1 FOR A SIXTH, SEPARATE AND DISTINCT CAUSE OF
2 ACTION FOR INTENTIONAL INFLICTION OF EMOTIONAL
3 DISTRESS AGAINST ALL DEFENDANTS, AND EACH OF
4 THEM, PLAINTIFF ALLEGES AS FOLLOWS:

5 40. Plaintiff hereby refers to, repeats, and realleges
6 each and every paragraph contained in the First, Second, Third,
7 Fourth and Fifth Causes of Action, and each and every allegation
8 contained therein, and incorporates same by this reference, as
9 though fully set forth at this point.

10 41. The betrayal of plaintiff's trust and confidence and
11 the wrongful acts and conduct of defendants, and each of them, as
12 alleged herein, was willful, intentional, malicious, wanton,
13 reckless and in conscious disregard for the well-being of
14 plaintiff's physical, emotional and mental state, and done for the
15 purposes of causing him to suffer humiliation, mental anguish,
16 emotional distress and suffering, and other physical injuries as
17 more particularly set forth herein.

18 42. Immediately prior to said wrongful acts of said
19 defendants, and each of them, plaintiff was peacefully visiting,
20 staying, attending and performing church duties, and otherwise,
21 acting lawfully at the MATER DEI HIGH SCHOOL, SAINTS SIMON AND JUDE
22 CATHOLIC CHURCH, and DOES 52 through 200, inclusive, and each of
23 them, and at all other locations wherein said wrongful acts and
24 conducts of defendants, and each of them, occurred at all times
25 material herein.

26 43. As a further result of the aforementioned wrongful
27 acts of said defendants, and each of them, plaintiff, [REDACTED]
28 suffered, and continues to suffer, severe humiliation, mental
anguish, emotional distress and suffering, profound shock to his

1 nervous system, and was otherwise injured in his mind and body as
2 more particularly stated and alleged herein.

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

20 FOR A SEVENTH, SEPARATE AND DISTINCT CAUSE OF
21 ACTION FOR FRAUD AGAINST DEFENDANTS, AND EACH
OF THEM, PLAINTIFF ALLEGES AS FOLLOWS:

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

27 46. At all times relevant herein, defendants, ROMAN
28 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC

1 DIOCESE OF ORANGE; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN FRIARS
2 OF CALIFORNIA, INCORPORATED, MATER DEI HIGH SCHOOL, SAINTS SIMON
3 AND JUDE CATHOLIC CHURCH; FATHER MICHAEL HARRIS; FATHER GARY
4 PACHECO; and DOES 1 through 200, inclusive, and each of them,
5 represented to plaintiff and his stepmother they were religious
6 persons or religious establishments, where the plaintiff would be
7 held safe from harm, protected against wrongful acts, and were
8 further priests, pastors, bishops, archbishops, teachers and
9 administrators and such other church authorities at MATER DEI HIGH
10 SCHOOL and/or SAINTS SIMON AND JUDE CATHOLIC CHURCH, and DOES 51
11 through 100, inclusive, and each of them, which were branches of,
12 or otherwise affiliated with defendants, ROMAN CATHOLIC BISHOP OF
13 ORANGE, ROMAN CATHOLIC OF ORANGE, PROVINCIAL FRANCISCAN FRIARS,
14 FRANCISCAN FRIARS OF CALIFORNIA, INCORPORATED, and DOES 100 through
15 200, inclusive, and that FATHER HARRIS and FATHER PACHECO, and DOES
16 1 through 50, would protect plaintiff from any harm and provide him
17 with education, emotional support, religious training, and support
18 and protection while plaintiff was under their custody and control.

19 47. At all times relevant herein, defendants, and each
20 of them, knew, or should have known, that said representations were
21 false and that said defendants, and each of them, knowingly,
22 intentionally and willfully made said representations in order to
23 fraudulently induce plaintiff to rely upon said representations for
24 the purposes of inducing plaintiff to accept defendants'
25 educational, supervisory and hierarchal positions, and in
26 confidence, faith and trust, either into a special relationship
27 with defendants, and each of them, so that defendants, FATHER
28 MICHAEL HARRIS, FATHER GARY PACHECO, and DOES 1 through 200, could

1 commit the acts of sexual abuse, molestation and other wrongful
2 acts upon plaintiff as alleged herein.

3 48. At all times relevant herein, plaintiff was unaware
4 of the falsity of these representations and relied upon the truth
5 of said false representations by defendants, and each of them; that
6 plaintiff would be free from harm and wrongful acts while a church
7 member and/or a student, at defendants MATER DEI HIGH SCHOOL,
8 SAINTS SIMON AND JUDE CATHOLIC CHURCH, and DOES 51 through 150, and
9 each of them, and while engaged in any other conduct or activity
10 sanctioned, authorized and/or administered by defendants, and each
11 of them, in the company of the defendants, FATHER MICHAEL HARRIS
12 and FATHER GARY PACHECO.

13 49. As a direct, proximate and legal result of
14 plaintiff's justifiable reliance upon the truth of these
15 representations made by defendants, and each of them, as more
16 specifically alleged herein, and the betrayal of his trust and
17 confidence in defendants, and each of them, plaintiff has suffered,
18 and continues to suffer, the economic, physical, mental and
19 emotional illnesses, injuries and damages as alleged herein.

20 50. Said wrongful conduct of defendants, and each of
21 them, was intended to cause injury and damages to plaintiff, or
22 alternatively, was despicable and unconscionable conduct carried
23 out with a willful, wanton, and conscious disregard for the rights,
24 health, safety and well-being of plaintiff, subjecting plaintiff to
25 cruel and unjust hardship, humiliation, severe mental anguish,
26 severe emotional distress and suffering and was so vile, base,
27 contemptible, miserable, wretched and loathsome that it would be
28 looked down upon and despised so as to cause injuries and damages

1 of the kind justifying an award of exemplary and punitive damages.
2 Pursuant to the provisions of California Code of Civil Procedure,
3 Section 425.14, plaintiff will seek leave of Court in the future in
4 order to amend this Complaint to include a prayer for punitive
5 damages against the religious corporations, religious corporations
6 sole, their units, divisions, branches, employees or subsidiaries
7 thereof, named herein.

8 FOR AN EIGHTH, SEPARATE AND DISTINCT CAUSE OF
9 ACTION, FOR NEGLIGENT MISREPRESENTATIONS
10 AGAINST ALL DEFENDANTS AND EACH OF THEM,
11 PLAINTIFF ALLEGES AS FOLLOWS:

12 51. Plaintiff hereby refers to, repeats, and realleges
13 each and every paragraph contained in the First, Second, Third,
14 Fourth, Fifth, Sixth and Seventh Causes of Action, and each and
15 every allegation contained therein, and incorporates same by this
16 reference, as though fully set forth at this point.

17 52. At all times relevant herein, defendants, ROMAN
18 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
19 DIOCESE OF ORANGE; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN FRIARS
20 OF CALIFORNIA, INCORPORATED, MATER DEI HIGH SCHOOL, SAINTS SIMON
21 AND JUDE CATHOLIC CHURCH; FATHER MICHAEL HARRIS; FATHER GARY
22 PACHECO; and DOES 1 through 200, inclusive, and each of them, made
23 continuing and repeated oral and written representations that they
24 were a Catholic church, Catholic school, or otherwise religious
25 establishment where plaintiff would be held safe from harm,
26 protected against wrongful acts, by said school and church, as well
27 as the priests, pastors, bishops, archbishops, teachers and such
28 other church authorities at defendants MATER DEI HIGH SCHOOL and/or
SAINTS SIMON AND JUDE CATHOLIC CHURCH, and DOES 51 through 100,

1 inclusive, and each of them, which were branches of, or otherwise
2 affiliated with the defendants, ROMAN CATHOLIC BISHOP OF ORANGE,
3 ROMAN CATHOLIC DIOCESE OF ORANGE, PROVINCIAL FRANCISCAN FRIARS,
4 FRANCISCAN FRIARS OF CALIFORNIA, INCORPORATED, and DOES 100 through
5 200, inclusive, and that FATHER MICHAEL HARRIS and FATHER GARY
6 PACHECO, and DOES 1 through 200, inclusive, would protect plaintiff
7 from any harm and/or wrongful conduct as alleged herein, and
8 otherwise, and would provide plaintiff with education, guidance,
9 emotional support, religious education and training.

10 53. At all times relevant herein, defendants, and each
11 of them, made said representations without any reasonable ground
12 for believing them to be true and with the purpose and intent of
13 inducing plaintiff to rely upon said representation in order to
14 coerce plaintiff to come under their hierarchal control and special
15 relationship so that defendants, FATHER MICHAEL HARRIS, FATHER GARY
16 PACHECO, and DOES 1 through 200, inclusive, could commit the acts
17 of sexual abuse, molestation, and other wrongful acts upon
18 plaintiff as alleged herein.

19 54. At all times relevant herein, plaintiff was unaware
20 of the falsity of these representations and justifiably relied upon
21 the truth of the representations made by defendants and each of
22 them.

23 55. As a direct, proximate and legal result of
24 plaintiff's justifiable reliance upon the truth of these false
25 representations made by defendants, and each of them, as more
26 specifically alleged herein, plaintiff has suffered, and continues
27 to suffer, the mental, physical, economic and emotional injuries
28 and damages as set forth and alleged herein.

1 FOR A NINTH, SEPARATE AND DISTINCT CAUSE OF
2 ACTION FOR STATUTORY VIOLATIONS AGAINST ALL
3 DEFENDANTS, AND EACH OF THEM, PLAINTIFF
4 ALLEGES AS FOLLOWS:

5 56. Plaintiff hereby refers to, repeats, and realleges
6 each and every paragraph contained in the First, Second, Third,
7 Fourth, Fifth, Sixth, Seventh and Eighth Causes of Action, and each
8 and every allegation contained therein, and incorporates same by
9 this reference, as though fully set forth at this point.

10 57. After the Child Abuse and Neglect Reporting Act took
11 effect in 1980, defendants, ROMAN CATHOLIC BISHOP OF ORANGE, ROMAN
12 CATHOLIC DIOCESE OF ORANGE, PROVINCIAL FRANCISCAN FRIARS,
13 FRANCISCAN FRIARS OF CALIFORNIA, INCORPORATED, MATER DEI HIGH
14 SCHOOL, SAINTS SIMON AND JUDE CATHOLIC CHURCH, and DOES 1 through
15 200, inclusive, and each of them, by and through their employees
16 and agents, were "child care custodians" and were under a statutory
17 duty to report known or suspected incidences of sexual molestation
18 of minors to a Child Protective Agency, pursuant to the Child Abuse
19 and Neglect Reporting Act, enunciated to California Penal Code,
20 Section 1164, et seq.

21 58. At all times relevant herein, defendants, ROMAN
22 CATHOLIC BISHOP OF ORANGE, ROMAN CATHOLIC DIOCESE OF ORANGE,
23 PROVINCIAL FRANCISCAN FRIARS, FRANCISCAN FRIARS OF CALIFORNIA,
24 INCORPORATED, and DOES 100 through 200, inclusive, and each of
25 them, knew, or in the exercise of reasonable diligence, should have
26 known that defendants, FATHER MICHAEL HARRIS and FATHER GARY
27 PACHECO, and DOES 1 through 50, inclusive, and each of them, had
28 sexually molested, abused, or otherwise caused non-accidental
touching, battery, harm and other injuries to a minor giving rise

1 to a duty to report such conduct under Section 11166 of the
2 California Penal Code, and that an undue risk to children, such as
3 plaintiff, [REDACTED] existed because defendants ROMAN CATHOLIC
4 BISHOP OF ORANGE, ROMAN CATHOLIC DIOCESE OF ORANGE, PROVINCIAL
5 FRANCISCAN FRIARS, FRANCISCAN FRIARS OF CALIFORNIA, INCORPORATED,
6 and DOES 100 through 200, inclusive, and each of them, even though
7 they had been advised or otherwise knew or should have known of the
8 wrongful acts of defendants, FATHER MICHAEL HARRIS, FATHER GARY
9 PACHECO and DOES 1 through 50, inclusive, and each of them, yet
10 defendants, and each of them, did not comply with these mandatory
11 reporting requirements.

12 59. At all times relevant herein, by failing to report
13 the continuing molestation known by defendants, and each of them,
14 at all times material herein, and ignoring the fulfillment of the
15 mandated compliance with reporting requirements provided under
16 California Penal Code, Section 11166, defendants, ROMAN CATHOLIC
17 BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC DIOCESE OF
18 CALIFORNIA, INCORPORATED; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN
19 FRIARS OF CALIFORNIA, INCORPORATED; MATER DEI HIGH SCHOOL; SAINTS
20 SIMON AND JUDE CATHOLIC CHURCH; and DOES 1 through 200, inclusive,
21 and each of them, created the risk and dangers contemplated by the
22 Child Abuse and Neglect Reporting Act and as a result unreasonably
23 and wrongfully exposed plaintiff, [REDACTED] to the molestation
24 as alleged herein, thereby breaching defendants' duty of care to
25 him.

26 60. At all times relevant herein, plaintiff, [REDACTED]
27 [REDACTED] was one of the class of persons for whose protection

28 /////

1 California Penal Code, Section 11166, was specifically adopted to
2 protect.

3 61. At all times relevant herein, had defendants, ROMAN
4 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
5 DIOCESE OF CALIFORNIA, INCORPORATED; PROVINCIAL FRANCISCAN FRIARS;
6 FRANCISCAN FRIARS OF CALIFORNIA, INCORPORATED; MATER DEI HIGH
7 SCHOOL; SAINTS SIMON AND JUDE CATHOLIC CHURCH; and DOES 1 through
8 200, inclusive, and each of them, adequately performed their duties
9 under Section 11166 of the California Penal Code, and reported the
10 molestation of at all times material herein, plaintiff, [REDACTED]
11 [REDACTED] to a child protective agency at all times material herein,
12 it would have resulted in the involvement of trained child sexual
13 abuse case workers for the purposes of preventing harm and further
14 harm to plaintiff, and preventing and/or treating the injuries and
15 damages suffered by plaintiff as alleged herein.

16 62. As a direct, legal and proximate result of the
17 failure of defendants, ROMAN CATHOLIC BISHOP OF ORANGE, A
18 CORPORATION SOLE; ROMAN CATHOLIC DIOCESE OF CALIFORNIA,
19 INCORPORATED; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN FRIARS OF
20 CALIFORNIA, INCORPORATED; MATER DEI HIGH SCHOOL; SAINTS SIMON AND
21 JUDE CATHOLIC CHURCH; and DOES 1 through 200, inclusive, and each
22 of them, to follow the mandatory reporting requirements of
23 California Penal Code, Section 11166, and report the aforesaid acts
24 of defendants, FATHER MICHAEL HARRIS, FATHER GARY PACHECO, and DOES
25 1 through 50, inclusive, and each of them, at all times material
26 herein, to a child protective agency, defendants, ROMAN CATHOLIC
27 BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC DIOCESE OF
28 CALIFORNIA, INCORPORATED; PROVINCIAL FRANCISCAN FRIARS; FRANCISCAN

1 FRIARS OF CALIFORNIA, INCORPORATED; MATER DEI HIGH SCHOOL; SAINTS
2 SIMON AND JUDE CATHOLIC CHURCH; and DOES 1 through 200, inclusive,
3 and each of them, wrongfully denied to plaintiff, [REDACTED] and
4 other similarly situated minors from the protection of child
5 protection agencies which would have changed the then existing
6 arrangements and conditions, which theretofore provided the basis
7 for access and opportunities for the molestation of plaintiff,
8 [REDACTED] as alleged herein.

9 63. The physical, mental and emotional injuries and
10 damages as alleged herein resulting from the continued sexual
11 molestation of plaintiff, [REDACTED], by defendants, FATHER
12 MICHAEL HARRIS, FATHER GARY PACHECO, and DOES 1 through 50,
13 inclusive, and each of them, as alleged herein, were the types of
14 occurrences and injuries and damages the Child Abuse and Neglect
15 Reporting Act was designed to prevent.

16 64. As a direct and proximate result of the intentional
17 negligent, careless and other wrongful acts of defendants, ROMAN
18 CATHOLIC BISHOP OF ORANGE, A CORPORATION SOLE; ROMAN CATHOLIC
19 DIOCESE OF CALIFORNIA, INCORPORATED; PROVINCIAL FRANCISCAN FRIARS;
20 FRANCISCAN FRIARS OF CALIFORNIA, INCORPORATED; MATER DEI HIGH
21 SCHOOL; SAINTS SIMON AND JUDE CATHOLIC CHURCH; and DOES 1 through
22 200, inclusive, and each of them, the lack of appropriate referral
23 for child sexual abuse treatment, and the foreseeable resultant
24 molestation, plaintiff was injured in his health, strength and
25 activity, and thereby suffered, and continues to suffer, permanent
26 and several mental anguish, emotional and physical distress and
27 profound shock to his nervous system and other injuries resulting
28 in the trauma and damages set forth and alleged herein.

1 WHEREFORE, plaintiff prays as follows:

2 AS FOR ALL CAUSES OF ACTION

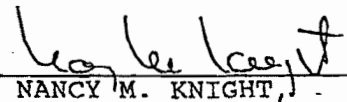
- 3 1. General damages according to proof;
4 2. Medical and related expenses, past, present and
5 future, according to proof;
6 3. Loss of earnings, past, present and future, and loss
7 of earning capacity, in a sum according to proof;
8 4. Other items of special damage according to proof;
9 5. Costs of suit incurred herein;
10 6. Prejudgment interests as provided by law; and
11 7. Such other and further relief as may be deemed just
12 and proper.

13 FOR THE FOURTH, FIFTH, SIXTH AND SEVENTH
14 CAUSES OF ACTION AS AGAINST DEFENDANTS, FATHER
15 MICHAEL HARRIS, FATHER GARY PACHECO, AND DOES
16 1 THROUGH 50, INCLUSIVE, AND EACH OF THEM, AND
OTHER DEFENDANTS SUBJECT TO LEAVE OF COURT IN
ACCORDANCE WITH CODE OF CIVIL PROCEDURE,
SECTION 425.14

- 17 8. For punitive and exemplary damages in an amount just
18 and proper.

19 DATED: October 7, 1994

LAW OFFICES OF
THEODORE S. WENTWORTH

21 By 
22 NANCY M. KNIGHT,
23 Attorneys for Plaintiff

Bates Numbers 256-264 were removed by the Plaintiffs at the request of the Franciscans.

Case Name:



VS

ROMAN CATHOLIC BISHOP ORAN

Records Of:



Record Loc.: ORANGE POLICE DEPARTMENT

Case No.:



Claim No.:

Work Order: 63188

Ordered By:

MCNICHOLAS & MCNICHOLAS
10866 WILSHIRE BLVD., #1400
LOS ANGELES, CA 90024
DAVID M. RING



LEGAL REPRODUCTIVE SERVICES
2222 W. Garvey Ave. South, Suite 100, West Covina, CA 91790-2516
(818) 962-2124 * Fax (818) 960-0373

OFM PACH 1
0265

LRS

LEGAL REPRODUCTIVE SERVICES

P.O. Box 1738, West Covina, CA 91793
2222 W. Garvey Ave. South, Suite 100
West Covina, CA 91790-2516

Phone: (818) 962-2124

Fax: (818) 960-0373

FEB 20 1995

CD

REQUESTED BY:

FIRM McNicholas & McNicholas
ADDRESS 10866 Wilshire Blvd #1400
Los Angeles, CA 90024-4338
ADJUSTER/ATTY David M. Ring
PHONE # (310) 474-1582
FILE # / CLAIM # 1115
REPRESENTING: ☒ DEFENDANT ☐ PLAINTIFF

BILLING INSTRUCTIONS:

BILL TO: ☒ FIRM ☐ CARRIER ☐ LIEN - WCAB ONLY

CARRIER _____

ATTN: _____

FILE # _____

DATE ORDERED 2-17-95 DATE NEEDED _____
☐ RUSH ☐ REGULAR ASAP

63188

CASE INFORMATION:

CASE TITLE _____
VS. Roman Catholic Bishop of Orange Corp.
CASE # _____ COURT Orange County Sup.
INSURED _____
OPPOSING COUNSEL & PARTIES TO BE NOTIFIED
See attached Service list.

PATIENT INFORMATION:

NAME _____
AKA _____
D/BIRTH _____ D/ACCIDENT _____
SS# _____

☒ AUTHORIZATION ATTACHED

☒ HAVE ENCLOSED SDT

☒ PREP. & SERVE SDT

☐ PREP. & SERVE _____

INSTRUCTIONS:

☐ PERSONNEL RECORDS

☐ COMPLETE CHART

☐ OBTAIN BILLING RECORDS

☐ OBTAIN X-RAY FILMS

☐ OMIT PRESCRIPTIONS

☐ OMIT NURSES NOTES

☐ OMIT LAB NOTES

☐ OMIT OTHER (EXPLAIN BELOW)

NO. OF COPIES 1

ORIG. COPIES TO McNicholas & McNicholas

2nd COPIES _____

PLEASE SEND ME:

☐ ENVELOPES

☐ ORDER FORMS

SPECIAL INSTRUCTIONS

LOCATIONS OF SERVICE: (Please include phone, street address & any special notations)

1. please see attached list.
⑨
2. ORANGE Police Dept.
1107 N - BATAVIA
ORANGE CA
3. (71) 744-7390, 7444

4. _____
5. _____
6. _____

OFM PACH 1

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FOR ADDITIONAL LOCATIONS PLEASE ATTACH SEPARATE SHEET

Recd. 2/27/95
COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): MCNICHOLAS AND MCNICHOLAS (310) 474-1582 10866 WILSHIRE BLVD., #1400 LOS ANGELES, CA 90024-4338 DAVID M. RING		TELEPHONE NO.:
ATTORNEY FOR (Name): ROMAN CATHOLIC BISHOP OF ORANGE, ET AL.		
NAME OF COURT:	ORANGE COUNTY SUPERIOR COURT	
STREET ADDRESS:	700 CIVIC CENTER DR., WEST	
MAILING ADDRESS:		
CITY AND ZIP CODE:	SANTA ANA, CA 92701	
BRANCH NAME:		
PLAINTIFF/PETITIONER: [REDACTED]		
DEFENDANT/RESPONDENT: ROMAN CATHOLIC BISHOP OF ORANGE, ET AL.		
DEPOSITION SUBPENA For Production of Business Records		CASE NUMBER: [REDACTED]

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): ORANGE POLICE DEPT.
1107 N. BATAVIA
ORANGE, CA 92667

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3 as follows:

Deposition Officer (name): LEGAL REPRODUCTIVE SERVICES (818) 962-2124
Date: March 9, 1995 Time: 09:00 A.M.
Address: 2222 W. GARVEY AVE., SOUTH, STE #100, WEST COVINA, CA 91790

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. ☐ by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. ☐ by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. ☒ by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows:
ANY AND ALL POLICE REPORTS THAT WERE FILED IN JULY 1994 IN YOUR POSSESSION OR UNDER YOUR CONTROL PERTAINING TO [REDACTED]

☐ Continued on attachment 3.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: 2/21/95

JAMES H. DEMPSEY

(PRINT OR TYPE NAME)


(SIGNATURE OF PERSON ISSUING SUBPENA)

EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT

(See reverse for proof of service)

(TITLE)



CITY OF ORANGE

POLICE DEPARTMENT • 1107 N. BATAVIA STREET • ORANGE, CALIFORNIA 92667 • (714) 744-7290
FAX (714) 744-7320

AFFIDAVIT OF CERTIFICATION

I affirm that I have the authority, as the Police Records Manager of the City of Orange Police Department, to certify the attached records.

These reproductions are true copies of all of the records described in the subpoena which are in my possession.

The records were prepared by personnel of the City of Orange Police Department in the ordinary course of business at, or near, the time of the incident described within the certified records.

This certification complies with the request from a CIVIL Subpoena Duces Tecum served on
(type)

022795 by MCNICHOLAS AND MCNICHOLAS
(date) (attorney)

representing ROMAN CATHOLIC BISHOP OF ORANGE ET AL
(person/place represented by attorney)

case number [REDACTED] for use in the
deposition West Covina on March 9, 1995
7222 W Garvey Ave South St#100 (date)
(court)

at 09:00
(time)

Attested this: 1st day of March 1995

BY: [Signature]
ROBERTA FELIX, CUSTODIAN OF RECORDS

ORANGE POLICE DEPARTMENT INCIDENT REPORT

PAGE: 1 of 4

<input type="checkbox"/> Domestic Violence <input type="checkbox"/> Child Neglect <input type="checkbox"/> Hate Crime <input type="checkbox"/> Elder Abuse		Translator needed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Language:	EVENT# 96891045	DR# R94-07-491
CATEGORY 8	CLASS 888	LOCATION OF OCCURRENCE [REDACTED]	ED 22 E	DATE REPORTED 7-11-94
TYPE OF CRIME Info Report		DATE OF OCCURRENCE Beginning: 11-79 Ending: 6-83	DAY OF WEEK: Beginning: UNK CODE: 09 Ending: UNK	TIME OF OCCURRENCE Beginning: UNK CODE: 44 Ending: UNK

VICTIM INFORMATION NAME: Last, First, Middle		DOB / AGE	DJ #	SEX	RACE
RESIDENCE ADDRESS		CITY	STATE	ZIP CODE	PHONE () Day () Night
BUSINESS / SCHOOL NAME & ADDRESS None		CITY	STATE	ZIP CODE	PHONE () Day () Night

VICTIM VEHICLE YEAR	MAKE	MODEL	BODY STYLE	COLOR	LICENSE	STATE	IMPOUNDED? () YES () NO LOCATION
------------------------	------	-------	------------	-------	---------	-------	---------------------------------------

CODE: V-VICTIM R-REPORTING PARTY W-WITNESS P-PARENTS X-OTHER				
NAME: Last, First, Middle	DOB / AGE	DJ#	SEX	RACE
RESIDENCE ADDRESS	CITY	STATE	ZIP CODE	PHONE () Day () Night
BUSINESS / SCHOOL NAME & ADDRESS	CITY	STATE	ZIP CODE	PHONE () Day () Night

SUSPECT INFORMATION () NONE SEEN									
S-1 NAME: Last, First, Middle Harris, Michael	AKA								
ADDRESS / KNOWN HANGOUT 210 S. Batavia Orange CA 92666									
BUSINESS / SCHOOL NAME & ADDRESS CITY STATE ZIP CODE PHONE () Day () Night									
SEX M	RACE W	HGT 6-03	WGT 230	HAIR Black	EYES Blue	DOB / AGE 49	BUILD Stocky	DJ#	STATE
CLOTHING DESCRIPTION									

S-2 NAME: Last, First, Middle	AKA								
ADDRESS / KNOWN HANGOUT CITY STATE ZIP CODE PHONE () Day () Night									
BUSINESS / SCHOOL NAME & ADDRESS CITY STATE ZIP CODE PHONE () Day () Night									
SEX	RACE	HGT	WGT	HAIR	EYES	DOB / AGE	BUILD	DJ#	STATE
CLOTHING DESCRIPTION									

SUSPECT VEHICLE () NONE SEEN							
YEAR	MAKE	MODEL	BODY STYLE	COLOR	LICENSE	STATE	IMPOUNDED? () YES () NO LOCATION

Has CSI been performed? () Yes (X) No	Evidence Banked: () Fingerprint (X) Other: None	Security Inspection? () Yes (X) No
---	---	--

TOTAL PROPERTY LOSS:												
TOTAL 'A'	TOTAL 'B'	TOTAL 'C'	TOTAL 'D'	TOTAL 'E'	TOTAL 'F'	TOTAL 'G'	TOTAL 'H'	TOTAL 'I'	TOTAL 'J'	TOTAL 'K'	TOTAL 'L'	GRAND TOTAL
N/A												

TOTAL PROPERTY RECOVERED:												
TOTAL 'A'	TOTAL 'B'	TOTAL 'C'	TOTAL 'D'	TOTAL 'E'	TOTAL 'F'	TOTAL 'G'	TOTAL 'H'	TOTAL 'I'	TOTAL 'J'	TOTAL 'K'	TOTAL 'L'	GRAND TOTAL

REPORTING OFFICER NAME/TM BEYER 956	DATE/TIME 7-12-94/1530	SUPERVISOR'S SIGNATURE [Signature]	DATE/TIME 7-12-94
--	---------------------------	---------------------------------------	----------------------

FOR RECORDS BUREAU ONLY:

() COURT () DA () DEF (X) DETECTIVE () NARC () GANG () STATISTIC () C.I.

() VICE () CRIME PREV. () OTHER PROCESSED BY: [Signature] PROOFREAD BY: [Signature]

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REDACTED

ORANGE POLICE DEPARTMENT INCIDENT REPORT

PAGE: 1 of 4

<input type="checkbox"/> Domestic Violence <input type="checkbox"/> Gang Related <input type="checkbox"/> Hate Crime <input type="checkbox"/> Elder Abuse		Transfer needed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Language:		EVENT# 96891045		DR# R94-07-491	
CATEGORY 8	CLASS 888	LOCATION OF OCCURRENCE 210 S. Batavia		RD 22 E	DATE REPORTED 7-11-94	TIME REPORTED 1045	
TYPE OF CRIME Info Report		DATE OF OCCURRENCE Beginning 11-79 Ending 6-83		DAY OF WEEK: Beginning UNK CODE: 09 Ending UNK		TIME OF OCCURRENCE Beginning UNK CODE: 44 Ending UNK	

VICTIM INFORMATION

NAME: Last, First, Middle			DOB / AGE		DJ #		SEX	RACE
RESIDENCE ADDRESS			CITY		STATE	ZIP CODE	PHONE () Day () Night	
BUSINESS / SCHOOL NAME & ADDRESS None			CITY		STATE	ZIP CODE	PHONE () Day () Night	

VICTIM VEHICLE

YEAR	MAKE	MODEL	BODY STYLE	COLOR	LICENSE	STATE	IMPOUNDED? () YES () NO	LOCATION
------	------	-------	------------	-------	---------	-------	---------------------------	----------

CODE: V-VICTIM R-REPORTING PARTY W-WITNESS P-PARENTS X-OTHER

CODE	NAME: Last, First, Middle	DOB / AGE		DJ #		SEX	RACE
RESIDENCE ADDRESS		CITY		STATE	ZIP CODE	PHONE () Day () Night	
BUSINESS / SCHOOL NAME & ADDRESS		CITY		STATE	ZIP CODE	PHONE () Day () Night	

SUSPECT INFORMATION

() NONE SEEN

S-1	NAME: Last, First, Middle Harris, Michael		AKA						
ADDRESS / KNOWN HANGOUT 210 S. Batavia		CITY Orange	STATE CA	ZIP CODE 92666	PHONE () Day () Night N/A				
BUSINESS / SCHOOL NAME & ADDRESS		CITY	STATE	ZIP CODE	PHONE () Day () Night				
SEX M	RACE W	HGT 6'03"	WGT 230	HAIR Blond	EYES Blue	DOB / AGE 49	BUILD Stocky	DJ #	STATE
CLOTHING DESCRIPTION									
S-2	NAME: Last, First, Middle		AKA						
ADDRESS / KNOWN HANGOUT		CITY	STATE	ZIP CODE	PHONE () Day () Night				
BUSINESS / SCHOOL NAME & ADDRESS		CITY	STATE	ZIP CODE	PHONE () Day () Night				
SEX	RACE	HGT	WGT	HAIR	EYES	DOB / AGE	BUILD	DJ #	STATE
CLOTHING DESCRIPTION									

SUSPECT VEHICLE

() NONE SEEN

YEAR	MAKE	MODEL	BODY STYLE	COLOR	LICENSE	STATE	IMPOUNDED? () YES () NO	LOCATION
------	------	-------	------------	-------	---------	-------	---------------------------	----------

Has CSI been performed? () Yes <input checked="" type="checkbox"/> No	Evidence Banked: () Fingerprint <input checked="" type="checkbox"/> Other: None	Security Inspection? () Yes <input checked="" type="checkbox"/> No
---	---	--

TOTAL PROPERTY LOSS:

TOTAL 'A'	TOTAL 'B'	TOTAL 'C'	TOTAL 'E'	TOTAL 'F'	TOTAL 'G'	TOTAL 'H'	TOTAL 'I'	TOTAL 'J'	TOTAL 'K'	TOTAL 'L'	GRAND TOTAL
N/A											

TOTAL PROPERTY RECOVERED:

TOTAL 'A'	TOTAL 'B'	TOTAL 'C'	TOTAL 'E'	TOTAL 'F'	TOTAL 'G'	TOTAL 'H'	TOTAL 'I'	TOTAL 'J'	TOTAL 'K'	TOTAL 'L'	GRAND TOTAL

REPORTING OFFICER NAME/TN BEYER 956	DATE/TIME 7-12-94/1530	SUPERVISOR'S SIGNATURE [Signature]	DATE/TIME 7-12-94
--	---------------------------	---------------------------------------	----------------------

FOR RECORDS BUREAU ONLY:

() COURT () DA () DEF ☒ DETECTIVE () NARC () GANG () STATISTIC () C.I.
() VICE () CRIME PREV. () OTHER PROCESSED BY: [Signature] PROOFREAD BY:

OFM PACH 1

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ORANGE POLICE DEPARTMENT
CONTINUATION REPORT

PAGE# 3 of 4

DR# R94-07-0491

EVIDENCE: None

STATEMENTS: HARRIS- "come over and suck my dick"

DISPOSITION: Refer to Investigations.

REPORTING OFFICER NAME /ID# BEYER 956	DATE /TIME 7-12-94/1100	SUPERVISOR'S SIGNATURE <i>[Signature]</i>	DATE /TIME 7-12-94
FOR RECORDS BUREAU ONLY:			
<input type="checkbox"/> COURT	<input type="checkbox"/> DA	<input type="checkbox"/> DEF	<input type="checkbox"/> DETECTIVE
<input type="checkbox"/> VICE	<input type="checkbox"/> Y.S.B.	<input type="checkbox"/> OTHER:	<input type="checkbox"/> NARC
		PROCESSED BY:	<input type="checkbox"/> GANG
			<input type="checkbox"/> STATISTIC
			<input type="checkbox"/> C.I.
			PROOFREAD BY:

OFM PACH 1

0270

ORANGE POLICE DEPARTMENT
CONTINUATION REPORT

PAGE# 3 of 4

DR# R94-07-0491

EVIDENCE: None

STATEMENTS: **HARRIS** "come over and suck my dick"

DISPOSITION: Refer to Investigations.

REPORTING OFFICER NAME /ID# BEYER 956	DATE /TIME 7-12-94/1100	SUPERVISOR'S SIGNATURE <i>[Signature]</i>	DATE /TIME 7-12-94
FOR RECORDS BUREAU ONLY:			
<input type="checkbox"/> COURT	<input type="checkbox"/> DA	<input type="checkbox"/> DEF	<input type="checkbox"/> DETECTIVE
<input type="checkbox"/> VICE	<input type="checkbox"/> Y.S.B.	<input type="checkbox"/> OTHER:	<input type="checkbox"/> HARC
		PROCESSED BY:	<input type="checkbox"/> GANG
			<input type="checkbox"/> STATISTIC
			<input type="checkbox"/> C.I.
			PROOFREAD BY:

OFM PACH 1

0270

ORANGE POLICE DEPARTMENT

TYPE OF CRIME 288 PC/ISS Report	EVENT # 96891045	DR# R94-07-0491
------------------------------------	---------------------	--------------------

**VICTIMS OF SEX CRIMES
REQUEST FOR CONFIDENTIALITY OF INFORMATION**

Pursuant to California Penal Code Section 293(a), you are informed that your name will be a matter of public record unless you request that it not become a public record; pursuant to Section 6254 of the Government Code.

I have been informed of the above rights to privacy section. Initial _____

By not signing this, your name may become available for publication.

I, _____ hereby elect to exercise my right to privacy, pursuant to Section 6254 of the Government Code.

Signature _____

Date _____

7/11/94

REPORTING OFFICER NAME ID# BEYER 956	DATE 7-11-94	SUPERVISOR'S SIGNATURE	DATE
---	-----------------	------------------------	------

FOR RECORDS BUREAU ONLY:

() COURT () DA () DEF () DETECTIVE () STATISTIC () OTHER _____

PROCESSED BY: _____ PROOFREAD BY: _____

OPD V-14 (Rev. 2/93)

OFM PACH 1

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ORANGE POLICE DEPARTMENT

TYPE OF CRIME 288 PC/Info Report	EVENT # 96891045	DR# R94-07-0491
-------------------------------------	---------------------	--------------------

**VICTIMS OF SEX CRIMES
REQUEST FOR CONFIDENTIALITY OF INFORMATION**

Pursuant to California Penal Code Section 293(a), you are informed that your name will be a matter of public record unless you request that it not become a public record; pursuant to Section 6254 of the Government Code.

I have been informed of the above rights to privacy section. Initial _____

By not signing this, your name may become available for publication.

I, _____ hereby elect to exercise my right to privacy, pursuant to Section 6254 of the Government Code.

Signature

7/11/94

Date

REPORTING OFFICER NAME ID# BEYER 956	DATE 7-11-94	SUPERVISOR'S SIGNATURE	DATE
---	-----------------	------------------------	------

FOR RECORDS BUREAU ONLY:

() COURT () DA () DET () DETECTIVE () STATISTIC () OTHER _____

PROCESSED BY: _____ PROOFREAD BY: _____

OPD V-14 (Rev. 2/93)

NARRATIVE

SYNOPSIS:

Victim is sexually abused from the ages of 14-18 years old by his high school principal who was a priest in the Catholic Church. The incidents occurred between the dates 11-1979, 06-1983 and according to the victim surfaced through therapy.

FACTS:

V-1 came into the Orange Police Department on 7-11-94 to make a report about incidents that occurred between 1979 and 1983. V-1 said at [REDACTED] a residence owned by the Catholic Church he was sexually abused by a priest who was also his high school principal. The events that occurred were discovered in therapy a short time ago and this information report will facilitate a lawsuit against the priest and Catholic Church.

V-1 said HARRIS was the principal at Mater Dei High School and a friend of [REDACTED]. V-1 entered Mater Dei in September of 1979 and stated in November of the same year HARRIS began taking V-1 out of class to go over to the residence [REDACTED]. V-1 said the abuse occurred in a rear quarters off the main residence. The incidents lasted approximately one to two hours and occurred sometimes in the evening hours. The abuse occurred approximately three times a year during a four year period and would be initiated by HARRIS who would tell V-1 "come over and suck my dick". The abuse included kissing, touching, licking the anal area, masturbation, and oral copulation with the result always orgasm. V-1 and HARRIS did the above activities to each other with V-1 feeling threatened by HARRIS.

V-1 said the abuse ended 6-1983 when V-1 graduated from Mater Dei. V-1 said he knows of one other victim of the same abuse by HARRIS but the person is deceased. HARRIS left Mater Dei soon after 1983 and directed a new Catholic High School in the Mission Viejo area for approximately seven years. V-1 said after he made the allegations to the Catholic Church HARRIS has been transferred to an unknown location.

V-1 signed an OPD form V-14 (request for confidentiality) in my presence which is attached to the report.

Michael HARRIS is described as a male White, 49 years old, 6-03, 230 lbs., blue eyes and blond hair.

Case Name:

[REDACTED]

VS

ROMAN CATHOLIC BISHOP ORAN

Records Of:

[REDACTED]

Record Loc.: SANTA ANA POLICE DEPARTMEN

Case No.:

[REDACTED]

Claim No.:

Work Order: 63188

Ordered By:

MCNICHOLAS & MCNICHOLAS
10866 WILSHIRE BLVD., #1400
LOS ANGELES, CA 90024
DAVID M. RING



LEGAL REPRODUCTIVE SERVICES
2222 W. Garvey Ave. South, Suite 100, West Covina, CA 91790-2516
(818) 962-2124 * Fax (818) 960-0373

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LRS
LEGAL REPRODUCTIVE SERVICES

P.O. Box 1738, West Covina, CA 91793
2222 W. Garvey Ave. South, Suite 100
West Covina, CA 91790-2515

Phone: (818) 962-2124

Fax: (818) 960-0373

FEB 20 1995

CD

REQUESTED BY:

FIRM: McNicholas & McNicholas
ADDRESS: 10866 Wilshire Blvd #1400
Los Angeles, CA 90024-4338
ADJUSTER/ATTY: David M. Ring
PHONE #: (310) 474-1582
FILE # / CLAIM #: 1115
REPRESENTING: ☒ DEFENDANT ☐ PLAINTIFF

BILLING INSTRUCTIONS:

BILL TO: ☒ FIRM ☐ CARRIER ☐ LIEN - WCAB ONLY
CARRIER: _____
ATTN: _____
FILE #: _____

DATE ORDERED 2-17-95 DATE NEEDED ASAP
☐ RUSH ☐ REGULAR

CASE INFORMATION:

CASE TITLE: [REDACTED]
VS. Roman Catholic Bishop of Orange for
CASE # [REDACTED] COURT Orange City Sup.
INSURED: _____
OPPOSING COUNSEL & PARTIES TO BE NOTIFIED:
See attached Service List

PATIENT INFORMATION:

NAME: [REDACTED]
AKA: _____
D/BIRTH 2/1/65 D/ACCIDENT: _____
SS#: _____

☐ AUTHORIZATION ATTACHED
☒ SERVICE ENCLOSED SDT
☐ PREP. & SERVE SDT
☐ PREP. & SERVE

NO. OF COPIES 1

ORIG. COPIES TO

McNicholas & McNicholas

2nd COPIES _____

INSTRUCTIONS:

☐ PERSONNEL RECORDS
☐ COMPLETE CHART
☐ OBTAIN BILLING RECORDS
☐ OBTAIN X-RAY FILMS

☐ OMIT PRESCRIPTIONS
☐ OMIT NURSES NOTES
☐ OMIT LAB NOTES
☐ OMIT OTHER (EXPLAIN BELOW)

PLEASE SEND ME:

☐ ENVELOPES

☐ ORDER FORMS

SPECIAL INSTRUCTIONS

LOCATIONS OF SERVICE: (Please include phone, street address & any special notations)

1. please see attached list.
2. SANTA ANA police Dept.
24 CIVIC CTR PLAZA
SANTA ANA, 92701
3. (714) 834-4211

4. _____
5. _____
6. _____

FOR ADDITIONAL LOCATIONS PLEASE ATTACH SEPARATE SHEET

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received 3/1/95

COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): MCNICHOLAS AND MCNICHOLAS (310) 474-1582 10866 WILSHIRE BLVD., #1400 LOS ANGELES, CA 90024-4338 DAVID M. RING		TELEPHONE NO.: FOR COURT USE ONLY
ATTORNEY FOR (Name): ROMAN CATHOLIC BISHOP OF ORANGE, ET AL.		Records 94-40185
NAME OF COURT: ORANGE COUNTY SUPERIOR COURT		
STREET ADDRESS: 700 CIVIC CENTER DR., WEST		
MAILING ADDRESS:		
CITY AND ZIP CODE: SANTA ANA, CA 92701		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT: ROMAN CATHOLIC BISHOP OF ORANGE, ET AL.		
DEPOSITION SUBPENA For Production of Business Records		CASE NUMBER: [REDACTED]

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): SANTA ANA POLICE DEPT.
24 CIVIC CENTER PLAZA
SANTA ANA, CA 92701

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3 as follows:

Deposition Officer (name): LEGAL REPRODUCTIVE SERVICES (818) 962-2124
Date: March 9, 1995 Time: 09:00 A.M.
Address: 2222 W. GARVEY AVE., SOUTH, STE #100, WEST COVINA, CA 91790

Do not release the requested records to the deposition officer prior to the date and time stated above.

- ☐ by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - ☐ by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - ☒ by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows:

ANY AND ALL POLICE REPORTS THAT WERE FILED IN JULY 1994 IN YOUR POSSESSION OR UNDER YOUR CONTROL PERTAINING TO [REDACTED]

☐ Continued on attachment 3.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: 2/21/95

JAMES H. DEMPSEY

(PRINT OR TYPE NAME)


(SIGNATURE OF PERSON ISSUING SUBPENA)

EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT

(See reverse for proof of service)

(TITLE)



POLICE DEPARTMENT

TYPE REPORT

- ☐ Crime-Only
☐ Crime-Arrest
☐ Crime-Suspect
☐ Information Only
☒ Warrant/Parole Arrest
- ☐ W&I 300-600 Involved
☐ Domestic Violence Involved
☐ Gang Related
☐ CPC 293 Advisement
Release Info? ☐ Yes ☒ No

Case # [REDACTED]

PAGE 1 OF 4

CRIME SUMMARY

PRIMARY CRIME TYPE INFO- POSSIBLE CHILD MOLEST						SECONDARY CRIME TYPE					
OTHER CRIME TYPE						OTHER CRIME TYPE					
WHEN OCCURRED	DAY	DATE	TIME	TO	DAY	DATE	TIME	WHEN REPORTED	DAY	DATE	TIME
	UNK	92						THURS	8-4-94	0842	
WHERE OCCURRED - NUMBER, SECTION, STREET, APT., ZIP CODE										DISTRICT	GRID #
[REDACTED]										4	148
SUSPECT VEHICLE DESCRIPTION, LIC #, STATE, YR, MK, MODEL, STYLE, COLORS											
VICTIM VEHICLE (IF TARGET) LIC#, YR, MAKE, MODEL											
[REDACTED]											
PROPERTY	LOSS	VALUE OF LOSS/RECOVERY	CSI BY	ID #	WHERE LATENT	PRINTS	TAKEN?				

LIST PERSONS IN FOLLOWING ORDER

VB Victim Business V Victim W Witness C Connected R Reporting Person P Parent M Mentions

GROUP ALL PERSONS OF THE SAME CODE TOGETHER AND NUMBER EACH PERSON IN THE GROUP
EXAMPLE: V#1, V#2, V#3, W #1, W#2, P#1, P#2, ETC.

CODE #	NAME	LAST, FIRST, MIDDLE	SEX	RACE	AGE	DOB	ADULT	JUV.	INTERPRETER NEEDED
A 1	[REDACTED]	[REDACTED]							
HOME ADDRESS INCLUDE ZIP CODE			BUSINESS ADDRESS INCLUDE ZIP CODE						
[REDACTED]			[REDACTED]						
HOME PHONE			HOURS	BUSINESS PHONE		HOURS	OTHER PHONE/PAGER #		COL NUMBER
[REDACTED]				[REDACTED]			[REDACTED]		[REDACTED]
CODE #	NAME	LAST, FIRST, MIDDLE	SEX	RACE	AGE	DOB	ADULT	JUV.	INTERPRETER NEEDED
M 1	HARRIS	MICHAEL	M	B	49				
HOME ADDRESS INCLUDE ZIP CODE			BUSINESS ADDRESS INCLUDE ZIP CODE						
UNK			SANTA MARGARITA HIGH SCHOOL						
HOME PHONE			HOURS	BUSINESS PHONE		HOURS	OTHER PHONE/PAGER #		COL NUMBER
UNK				858-3250			[REDACTED]		[REDACTED]
CODE #	NAME	LAST, FIRST, MIDDLE	SEX	RACE	AGE	DOB	ADULT	JUV.	INTERPRETER NEEDED
HOME ADDRESS INCLUDE ZIP CODE			BUSINESS ADDRESS INCLUDE ZIP CODE						
HOME PHONE			HOURS	BUSINESS PHONE		HOURS	OTHER PHONE/PAGER #		COL NUMBER

REPORTING OFFICER	DATE	TIME	DISTRICT	WATCH
BORJA	124	8-4-94	4	1
REPORT REVIEWED BY	DATE	TIME	SOT. APPROVING ARREST	
	106	8-5-94	0830	

RECORDS REVIEW DISTRIBUTION	TOTAL COPIES	DISTRIBUTION BY DATE
189	1	2022 AUG 5 1994
<input type="checkbox"/> ACCIDENT BOX <input type="checkbox"/> ANIMAL CONTROL <input type="checkbox"/> DISTRICT INV. <input type="checkbox"/> CP <input type="checkbox"/> JUVENILE HALL		
<input type="checkbox"/> COURT LIAISON <input type="checkbox"/> CRIMES AGAINST PERSON <input type="checkbox"/> CRIME PREVENTION <input type="checkbox"/> INTELLIGENCE <input type="checkbox"/> STATE		
<input type="checkbox"/> ORANGEWOOD <input type="checkbox"/> EVIDENCE <input type="checkbox"/> BAPD JAIL <input type="checkbox"/> NARCOTICS <input type="checkbox"/> RAP		
<input type="checkbox"/> TEAM POLICING <input type="checkbox"/> TRAFFIC <input type="checkbox"/> VICE <input type="checkbox"/> ARSON <input type="checkbox"/> BOT.		
<input type="checkbox"/> OPCR <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER <input type="checkbox"/> FAX # <input type="checkbox"/> BANGS		

C.S. 144 987
SAPD P.06 REV. 11/00

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TYPE REPORT	
<input type="checkbox"/> Crime-Only	<input type="checkbox"/> 911 300-800 Involved
<input type="checkbox"/> Crime-Arrest	<input type="checkbox"/> Domestic Violence Involved
<input type="checkbox"/> Crime-Suspect	<input type="checkbox"/> Gang Related
<input type="checkbox"/> Information Only	<input type="checkbox"/> CPC 223 Advisement
<input type="checkbox"/> Warrant/Parole Arrest	Release Info? <input type="checkbox"/> Yes <input type="checkbox"/> No

Case #
PAGE 1 OF 4

CRIME SUMMARY

PRIMARY CRIME TYPE INFO - POSSIBLE CHILD MOLEST						SECONDARY CRIME TYPE						
OTHER CRIME TYPE						OTHER CRIME TYPE						
WHEN OCCURRED	DAY	DATE	TIME	TO	DAY	DATE	TIME	WHEN REPORTED	DAY	DATE	TIME	
	UNK	92						THURS	8-4-94	0842		
WHERE OCCURRED NUMBER, DIRECTION, STREET, APT. & ZIP CODE									DISTRICT			GRID #
									4			148
PROPERTY			VALUE OF LOSS/RECOVERY			CSI BY			ID #			WHERE LATENT PRINTS TAKEN?
<input checked="" type="checkbox"/> LOSS			1500									<input type="checkbox"/> Y <input type="checkbox"/> N

LIST PERSONS IN FOLLOWING ORDER											
VB Victim Business V Victim W Witness C Co-Offender R Reporting Person P Perpetrator M Molester											

GROUP ALL PERSONS OF THE SAME CODE TOGETHER AND NUMBER EACH PERSON IN THE GROUP
EXAMPLE: V01, V02, V03, W01, W02, P01, P02, ETC.

CODE #	NAME	LAST, FIRST, MIDDLE	SEX	RACE	AGE	DOB	ADULT	INTERPRETER NEEDED
R 1			M	C	22	02/21/72	X	Y
HOME ADDRESS			BUSINESS ADDRESS INCLUDE ZIP CODE					
HOME PHONE			BUSINESS PHONE			OTHER PHONE/PAGER #		
						COL NUMBER		
						SS NUMBER		
CODE #	NAME	LAST, FIRST, MIDDLE	SEX	RACE	AGE	DOB	ADULT	INTERPRETER NEEDED
M 1	HOMERIS, MICHAEL		M	C	49	01/01/45	X	Y
HOME ADDRESS INCLUDE ZIP CODE			BUSINESS ADDRESS INCLUDE ZIP CODE					
UNK			RANCHO STA MARIAS					
HOME PHONE			BUSINESS PHONE			OTHER PHONE/PAGER #		
UNK			858-3250					
						COL NUMBER		
						SS NUMBER		
CODE #	NAME	LAST, FIRST, MIDDLE	SEX	RACE	AGE	DOB	ADULT	INTERPRETER NEEDED
HOME ADDRESS INCLUDE ZIP CODE			BUSINESS ADDRESS INCLUDE ZIP CODE					
HOME PHONE			BUSINESS PHONE			OTHER PHONE/PAGER #		
						COL NUMBER		
						SS NUMBER		

REPORTING OFFICER	De	DATE	TIME	DISTRICT	WATCH
BORJA	124	8-4-94		4	1
REPORT REVIEWED BY	De	DATE	TIME	SOT, APPROVING ARREST	
	166	8-5-94	0650		

RECORDS REVIEW	DISTRIBUTION	TOTAL COPIES	DISTRIBUTION BY DATE
	185	1	2022 AUG 5 1994
<input type="checkbox"/> ACCIDENT BOX	<input type="checkbox"/> COURT LIAISON	<input type="checkbox"/> ORANGEWOOD	<input type="checkbox"/> TEAM POLICING
<input type="checkbox"/> ANIMAL CONTROL	<input type="checkbox"/> CRIMES AGAINST PERSON	<input type="checkbox"/> EVIDENCE	<input type="checkbox"/> TRAFFIC
<input type="checkbox"/> DISTRICT INV.	<input type="checkbox"/> CRIME PREVENTION	<input type="checkbox"/> RAPD JAIL	<input type="checkbox"/> VICE
<input type="checkbox"/> CH	<input type="checkbox"/> INTELLIGENCE	<input type="checkbox"/> NARCOTICS	<input type="checkbox"/> ARSON
<input type="checkbox"/> JUVENILE HALL	<input type="checkbox"/> STAFF	<input type="checkbox"/> RAP	<input type="checkbox"/> SOT
			<input type="checkbox"/> OFFER
			<input type="checkbox"/> OTHER
			<input type="checkbox"/> OTHER
			<input type="checkbox"/> FAX #
			<input type="checkbox"/> DANCING

G.S. 144 987 JAPD P. 86 REV. 11/03

SAN ANTONIO POLICE DEPARTMENT
CONTINUED

PAGE 2 OF 4

Case # [REDACTED]

A Arrestee

S Suspect

JD Juvenile Detention

CODE	#	NAME LAST, FIRST, MIDDLE											CHARGE				
RACE	SEX	<input type="checkbox"/> ADULT <input type="checkbox"/> JUV.	AGE	DOB	HEIGHT	WEIGHT	HAIR	EYES	BUILD	SAPD BOOKING # / CITE #	BOOKING DATE	BOOKING TIME					
HOME ADDRESS NUMBERS, DIRECTION, STREET, CITY, STATE, ZIP CODE										HOME PHONE							
OCCUPATION & BUSINESS ADDRESS										BUSINESS PHONE							
LOCATION ARRESTED										<input type="checkbox"/> SAME AS LOCATION OF CRIME				DT ARRESTED	TIME ARRESTED		
DRIVERS LIC. #STATE		SOCIAL SECURITY #			CG #		SAPD MUG #		DCJ BOOKING #		<input type="checkbox"/> UNDOCUMENTED PERSON						
AKA'S					TATTOOS, MARKS, SCARS, DOOITTES & LOCATIONS					CLOTHING AT TIME OF ARREST							
BAIL AMOUNT					TIME RELEASED LOCATION HELD					OUTSTANDING WARRANTS/PAROLE OR PROBATION HOLDS							

CODE	#	NAME LAST, FIRST, MIDDLE											CHARGE				
RACE	SEX	<input type="checkbox"/> ADULT <input type="checkbox"/> JUV.	AGE	DOB	HEIGHT	WEIGHT	HAIR	EYES	BUILD	SAPD BOOKING # / CITE #	BOOKING DATE	BOOKING TIME					
HOME ADDRESS NUMBERS, DIRECTION, STREET, CITY, STATE, ZIP CODE										HOME PHONE							
OCCUPATION & BUSINESS ADDRESS										BUSINESS PHONE							
LOCATION ARRESTED										<input type="checkbox"/> SAME AS LOCATION OF CRIME				DT ARRESTED	TIME ARRESTED		
DRIVERS LIC. #STATE		SOCIAL SECURITY #			CG #		SAPD MUG #		DCJ BOOKING #		<input type="checkbox"/> UNDOCUMENTED PERSON						
AKA'S					TATTOOS, MARKS, SCARS, DOOITTES & LOCATIONS					CLOTHING AT TIME OF ARREST							
BAIL AMOUNT					TIME RELEASED LOCATION HELD					OUTSTANDING WARRANTS/PAROLE OR PROBATION HOLDS							

CODE	#	NAME LAST, FIRST, MIDDLE											CHARGE				
RACE	SEX	<input type="checkbox"/> ADULT <input type="checkbox"/> JUV.	AGE	DOB	HEIGHT	WEIGHT	HAIR	EYES	BUILD	SAPD BOOKING # / CITE #	BOOKING DATE	BOOKING TIME					
HOME ADDRESS NUMBERS, DIRECTION, STREET, CITY, STATE, ZIP CODE										HOME PHONE							
OCCUPATION & BUSINESS ADDRESS										BUSINESS PHONE							
LOCATION ARRESTED										<input type="checkbox"/> SAME AS LOCATION OF CRIME				DT ARRESTED	TIME ARRESTED		
DRIVERS LIC. #STATE		SOCIAL SECURITY #			CG #		SAPD MUG #		DCJ BOOKING #		<input type="checkbox"/> UNDOCUMENTED PERSON						
AKA'S					TATTOOS, MARKS, SCARS, DOOITTES & LOCATIONS					CLOTHING AT TIME OF ARREST							
BAIL AMOUNT					TIME RELEASED LOCATION HELD					OUTSTANDING WARRANTS/PAROLE OR PROBATION HOLDS							

CODE	#	NAME LAST, FIRST, MIDDLE											CHARGE				
RACE	SEX	<input type="checkbox"/> ADULT <input type="checkbox"/> JUV.	AGE	DOB	HEIGHT	WEIGHT	HAIR	EYES	BUILD	SAPD BOOKING # / CITE #	BOOKING DATE	BOOKING TIME					
HOME ADDRESS NUMBERS, DIRECTION, STREET, CITY, STATE, ZIP CODE										HOME PHONE							
OCCUPATION & BUSINESS ADDRESS										BUSINESS PHONE							
LOCATION ARRESTED										<input type="checkbox"/> SAME AS LOCATION OF CRIME				DT ARRESTED	TIME ARRESTED		
DRIVERS LIC. #STATE		SOCIAL SECURITY #			CG #		SAPD MUG #		DCJ BOOKING #		<input type="checkbox"/> UNDOCUMENTED PERSON						
AKA'S					TATTOOS, MARKS, SCARS, DOOITTES & LOCATIONS					CLOTHING AT TIME OF ARREST							
BAIL AMOUNT					TIME RELEASED LOCATION HELD					OUTSTANDING WARRANTS/PAROLE OR PROBATION HOLDS							

☐ MORE NAMES LISTED ON CONTINUATION SHEETS

FACTUAL CIRCUMSTANCES SUMMARY (NO NARRATIVE)	<p><i>VICTIM ALLEGES TO HAVE BEEN MOLESTED DURING HIS</i></p> <p><i>TEEN YEARS</i></p>
--	--

PER CPC 293, the victim was advised and they do/do not want the report to be public information.

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SANTA ANA POLICE DEPARTMENT
NARRATIVE CONTINUATION

PAGE 3 OF 4

CASE #

LIST PROPERTY FIRST/EVIDENCE SECOND/SUSPECT INFORMATION/THIRD.
LIST SUSPECT SEX, RACE, AGE, HEIGHT, WEIGHT, HAIR, EYES, BUILD, OCCASIONS, CLOTHING DESCRIPTION

INCLUDE WHERE EVIDENCE/PROPERTY BOOKED

ITEM # QTY ARTICLE BRAND MODEL # (COLOR, SIZE, DESCRIPTIONS, CALIBER, MARKS) SERIAL # FAIR MARKET \$ VALUE

CONTACT WAS MADE WITH [REDACTED] AT THE S.A.P.D. THIS MORNING.
AT ABOUT 0910 [REDACTED] REQUESTED TO DOCUMENT THAT HE HAD
BEEN A VICTIM OF CHILD MOLEST.

MY INTERVIEW OF [REDACTED] REVEALED THAT THE INCIDENTS OCCURRED
IN SANTA ANA AND IN ORANGE.

[REDACTED] HAS ALREADY FILED A REPORT WITH ORANGE POLICE, CI #
R-94-07-491.

THE INCIDENTS IN SANTA ANA OCCURRED AT MATTHEW DEL HIGH
SCHOOL WITH THE PERPETRATOR BEING A PRIEST, FATHER HARRIS.

THE MOLEST TOOK PLACE ABOUT TWICE A MONTH, FROM 11/79 TO 4/80.

[REDACTED] ADVISED THAT THE LAST TIME AN INCIDENT OCCURRED, IT WAS
IN '92, WHEN [REDACTED] WENT TO HARRIS' HOME FOR A LETTER OF RE-
FERENCE.

THE MOLESTATION CONSISTED OF HARRIS CORROSIVE [REDACTED] ON THE
HEAD, EVENTUALLY WORKING DOWN TO [REDACTED] GENITALS. IT PROGRESS
TO ORAL COPULATION BY EACH OTHER TO EACH OTHER, MASTERBATION BY
EACH OTHER TO EACH OTHER, TO HARRIS LICKING [REDACTED] ANAL CAVITY.

[REDACTED] RELATED THAT NO ANAL SEX WAS PERFORMED BY EITHER.

WHEN I ASKED [REDACTED] WHY HE HAD NOT REPORTED THE INCIDENTS
EARLIER, [REDACTED] STATED THAT HE WAS YOUNG AND DIDN'T KNOW WHAT
TO DO. BESIDES, [REDACTED] CAME FROM A FAMILY OF 7 BOYS AND HE
LIKED THE ATTENTION THAT HARRIS GAVE HIM.

THE INCIDENTS ARE BEING RECALLED AND ARE CAUSING EMOTION
AL PROBLEMS FOR [REDACTED]

[REDACTED] HAS INSTITUTED CIVIL PROCEEDINGS AGAINST THE CATHOLIC
CHURCH FOR A PRESTIDIGEE CLAIM. THUS, THE MOLESTATION INCIDENTS
BEGIN BEING RECALLED.

X NARRATIVE CONTINUED

C.S. 814 9/87 SAPO P-101 9/87

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REDACTED

SANTA ANA POLICE DEPARTMENT NARRATIVE - CONTINUING PAGE				PAGE 3 OF 4		CASE # [REDACTED]	
LIST PROPERTY FIRST/EVIDENCE SECOND; SUSPECT INFORMATION THIRD. LIST SUSPECT SEX, RACE, AGE, HEIGHT, WEIGHT, HAIR, EYES, BUILD, CLOTHES, CLOTHING DESCRIPTION							
INCLUDE WHERE EVIDENCE/PROPERTY BOOKED							
ITEM #	QTY	ARTICLE	BRAND	MODEL #	(COLOR, SIZE, INSCRIPTIONS, CALIBER, MARKS)	SERIAL #	FAIR MARKET \$ VALUE
<p>CONTACT WAS MADE WITH [REDACTED] AT THE S.A.P.D. THIS MORNING. AT ABOUT 0900 HRS. [REDACTED] REQUESTED TO DOCUMENT THAT HE HAD BEEN A VICTIM OF CHILD MOLEST. MY INTERVIEW OF [REDACTED] REVEALED THAT THE INCIDENTS OCCURRED IN SANTA ANA AND IN ORANGE. [REDACTED] HAS ALREADY FILED A REPORT WITH ORANGE POLICE, CI # R-94-07-491. THE INCIDENTS IN SANTA ANA OCCURRED AT MATEA DEL HIGH SCHOOL WITH THE PERPETRATOR BEING A PRIEST, FATHER HARRIS. THE MOLEST TOOK PLACE ABOUT TWICE A MONTH, FROM 11/79 TO 4/83. [REDACTED] WAS 14 WHEN IT STARTED AND ENDED WHEN HE [REDACTED] GRADUATED AT 18. [REDACTED] ADVISED THAT THE LAST TIME AN INCIDENT OCCURRED, IT WAS IN '92, WHEN [REDACTED] WENT TO HARRIS'S HOME FOR A LETTER OF RE- FERENCE. THE MOLESTATION CONSISTED OF HARRIS' FINGERING [REDACTED] ON THE REAR, EVENTUALLY WORKING DOWN TO [REDACTED] GENITALS. IT PROGRESSIVE TO ORAL COPULATION BY EACH OTHER TO EACH OTHER, MASTEBRATION BY EACH OTHER TO EACH OTHER, TO HARRIS' LICKING [REDACTED] ANAL CAVITY. [REDACTED] RELATED THAT NO ANAL SEX WAS PERFORMED BY EITHER WHEN I ASKED [REDACTED] WHY HE HAD NOT REPORTED THE INCIDENTS EARLIER, [REDACTED] STATED THAT HE WAS YOUNG AND DIDN'T KNOW WHAT TO DO. BESIDES, [REDACTED] CAME FROM A FAMILY OF 7 BOTS AND HE LIKED THE ATTENTION THAT HARRIS GAVE HIM. THE INCIDENTS ARE BEING RECALLED AND ARE CAUSING EMOTIONAL PROBLEMS FOR [REDACTED]. [REDACTED] HAS INSTITUTED CIVIL PROCEEDINGS AGAINST THE CATHOLIC CHURCH FOR A CREDSUED CASE. THIS, THE MOLESTATION INCIDENTS BEGAN BEING RECALLED.</p>							

CS 814 9/87 SAPO R-1079/87

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X NARRATIVE CONTINUED

SANTANA POLICE DEPARTMENT
NARRATIVE CONTINUATION

PAGE 4 OF 4

CASE # [REDACTED]

LIST PROPERTY FIRST EVIDENCE SECOND SUSPECT INFORMATION THIRD.
LIST SUSPECT SEX, RACE, AGE, HEIGHT, WEIGHT, HAIR, EYES, BUILD, OCCASIES, CLOTHING DESCRIPTION

INCLUDE WHERE EVIDENCE/PROPERTY BOOKED

ITEM #	QTY	ARTICLE	BRAND	MODEL #	(COLOR, SIZE, INSCRIPT, MS, CALIBER, MARKS)	SERIAL #	FAIR MARKET \$ VALUE
--------	-----	---------	-------	---------	---	----------	-------------------------

HIS ATTORNEY HAS PLACED HIM INTO THERAPY.

[REDACTED] BELIEVES THAT [REDACTED] HAS BEEN TRANSFERRED TO AN UNKNOWN SCHOOL. HE ALSO WAS MOVED RESIDENCES AND [REDACTED] DOESN'T KNOW [REDACTED]'S CURRENT HOME ADDRESS.

[REDACTED] WAS LAST KNOWN TO HAVE BEEN ASSIGNED TO SANTA ANA - EARLTH HIGH SCHOOL.

COMPLETING MY INTERVIEW OF [REDACTED] I MADE CONTACT AT [REDACTED] 261 HIGH SCHOOL. NO ONE "COULD" PROVIDE INFORMATION OF FATHER [REDACTED]. I WAS REFERRED TO THE DIOCESE OF ORANGE, FATHER LAWRENCE BAIRD, 282-3000.

CALLING THE DIOCESE, IT WAS FOUND THAT FATHER BAIRD WAS NOT IN AND NO ONE COULD GIVE ME INFORMATION ON [REDACTED].

A RECORD CHECK OF [REDACTED] AND [REDACTED] REVEALED NO RECORD OR WANTS.

CONTACT WAS MADE WITH SEX CELER INVESTIGATOR R. RODRIGUEZ. HE CONCLUDED WITH ONLY DOCUMENTING [REDACTED] ALLEGATIONS AND NOT PURSUING THE ISSUE.

CS 814 987 SAPD P.101 5-87

1 NARRATIVE CONTINUED

OEM PACH 1

0279

REDACTED

SANTA ANA POLICE DEPARTMENT NARRATIVE CONTINUATION	PAGE <u>4</u> OF <u>4</u>	CASE # [REDACTED]
--	---------------------------	---

LIST PROPERTY FIRST EVIDENCE SECOND SUSPECT INFORMATION THIRD.
 LIST SUSPECT SEX, RACE, AGE, HEIGHT, WEIGHT, HAIR, EYES, BUILD, OCCASIES, CLOTHING DESCRIPTION

INCLUDE WHERE EVIDENCE/PROPERTY BOOKED

ITEM #	QTY	ARTICLE	BRAND	MODEL #	COLOR, SIZE, DESCRIPTION, NO. CALIBER, MARKS	SERIAL #	FAIR MARKET VALUE
--------	-----	---------	-------	---------	--	----------	-------------------

HIS ATTORNEY HAS PLACED HIM INTO THERAPY.

*BELIEVES THAT HARRIS HAS BEEN TRANSFERRED TO AN EN-
 KRONEN SCHOOL. HE ALSO HAS MANY RESIDENCES AND DOESN'T
 KNOW HARRIS'S CURRENT HOME ADDRESS.*

*HARRIS WAS LAST KNOWN TO HAVE BEEN ASSIGNED TO SANTA ANA
 SENIOR HIGH SCHOOL.*

*COMPLETING MY INTERVIEW OF [REDACTED] I MADE CONTACT AT [REDACTED]
 SENIOR HIGH SCHOOL. NO ONE COULD PROVIDE INFORMATION RE FATHER
 HARRIS. I WAS REFERRED TO THE DIOCESE OF ORANGE, FATHER
 LAWRENCE BAIRD, 282-3000.*

*CALLING THE DIOCESE, IT WAS FOUND THAT FATHER BAIRD WAS
 NOT IN AND NO ONE COULD GIVE ME INFORMATION RE HARRIS.*

*A RECORD CHECK OF [REDACTED] AND [REDACTED] REVEALED NO RECORD
 OR WANTS.*

*CONTACT WAS MADE WITH SEN CELEST INVESTIGATOR R. RODRIGUEZ.
 HE CONCURRED WITH ONLY DOCUMENTING [REDACTED] ALLEGATIONS AND
 NOT PURSUING THE ISSUE.*

CS 514 9/87 SPDP P.101 2/87

(NARRATIVE CONTINUED)

OFM PACH 1
0280

OFM PACH 1
0281

LAW OFFICES OF

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KIM J. RUMBALGH
NANCY E. POWER
RICHARD J. RITCHIE
JOSEPH H. HUNTER
RICHARD B. CARTER
KELLIE S. CHRISTIANSON
EDWARD L. SCHUMANN
JOHN A. NOJIMA
ALLISON L. JONES
JANET DOOGIE ALLEN
DEBRA HOFFMAN SCHROFF
NORMA S. MARSHALL

JOSEPH T. KUTYLA
MICHAEL G. DIBB
COLLEEN K. JOHNSON
PAMELA S. COOKE
STEPHEN L. CULP
LEE A. SHERMAN
JEREMY L. TISSOT

ADMINISTRATOR
KENNETH D. BERG

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(1948-1989)

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(310) 312-1860
FAX (310) 477-3481

April 18, 1995

TO ALL COUNSEL
(See Attached Service List)

Re; [REDACTED] v. Roman Catholic Bishop of Orange, et al.

Dear Counsel:

Enclosed please find a copy of the records received from Dr. Lewis Lane in the above captioned matter. These records were sent by Dr. Lane directly to this office. Should you have any questions, please feel free to call.

Sincerely,

CALLAHAN, McCUNE & WILLIS


Lynne Goodwin

LG/sab

Enclosure: Dr. Lewis Lane's Records

W:\AET\4001\CO4185.ALL

OFM PACH 1

0282

LAW OFFICES OF

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NANCY E. POWER
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NORMA S. MARSHALL

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(310) 312-1880
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April 18, 1995

TO ALL COUNSEL

REDACTED (See Attached Service List)

Re: Roman Catholic Bishop of Orange, et al.

Dear Counsel:

Enclosed please find a copy of the records received from Dr. Lewis Lane in the above captioned matter. These records were sent by Dr. Lane directly to this office. Should you have any questions, please feel free to call.

Sincerely,

CALLAHAN, McCUNE & WILLIS

Lynne Goodwin FOR
Lynne Goodwin

LG/sab

Enclosure: Dr. Lewis Lane's Records

V:\AET\4001\CO4185.ALL

OFM PACH 1

0282

MAILING LIST/PROOF OF SERVICE

Case Name: [REDACTED] ROMAN CATHOLIC BISHOP OF ORANGE, ET AL.
Case No. : [REDACTED]

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FRANCISCAN FRIARS OF CALIFORNIA, INC.

REDACTED

MAILING LIST/PROOF OF SERVICE

Case Name: v. ROMAN CATHOLIC BISHOP OF ORANGE, ET AL

Case No. : 73 46 26

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FRANCISCAN FRIARS OF CALIFORNIA, INC.



Psychotherapist/Patient Privilege

OFM PACH 1
0284

3-29-94 29y/o w/m Relates sexual abuse during 4 yrs of HS by Priest. Pt involved in singing catholic church. Pt involved in choir & activities in Catholic Church. Pt in an 8yr relationship & Pt parents died when pt was 5yrs old. Pt always turned to the church for support & help. Pt has been suspended from singing at church 2060 being accused of homosexual behavior by unk church members. An. Began having nightmares & having anxiety. Began seeing Dr. Walters in Nov 93 for help. Pt prescribed Xanax by MD pt didn't like idea that he had to take meds for this. Xanax 0.25mg TID. Recently has become depressed, anergic, has S/I anhedonia, hopeless ness. ↓ motivation, apathy, ambivalence crying spells. Pt dissociated from molestation.

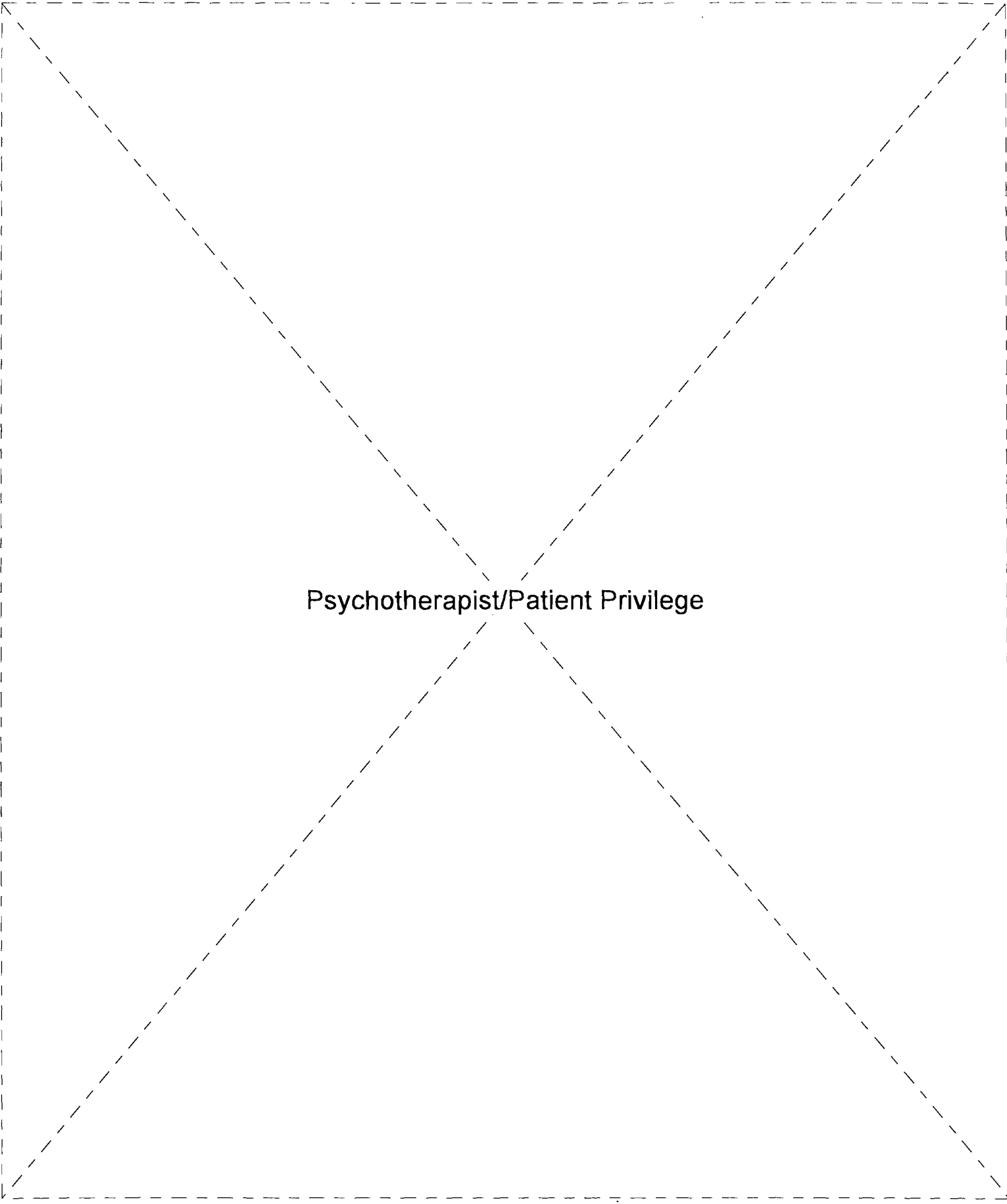
Fam Hx: (E) dep
sis-dep
bro-ETOH
many sibs molested, incested

Med Hx: NKA
Xanax 0.25mg
666 IPPD cannabis use occas

Imp: Major depressive episode prob sub-syndromal
Anxious features
Trvel. Sertral
Continue Alp 0.25mg BID

4-5- T/C Medical leave 4-4 start

4-18 Pt returned to work & found out pt returned prematurely. Mood labile. Anxiety. will ↑ Sertral to 100mg.
5-2 Pt placed back on disability. Pt terminated at work. Mood improved at 100mg Sertral & Alp 0.5mg. Continue current regimen



Psychotherapist/Patient Privilege

OFM PACH 1
0285

- 5-31-94 At 10am atel Alp 0.5. Mood & hygiene
- 6-29 Pt feeling more empowered. Had mtg @ church hierarchy re molestation. Meds stable. Will continue current regimen. Pt c/o ongoing diarrhea. Will try switch Purox 20mg
- 7-27 Pt making progress @ depression. Diarrhea resolved. At Purox 20mg.
- 8-29 Pt denied disability by examiner. Pt angry & feeling powerless. Continues to have PTSD symptomatology. Continue current regimen. Remains disabled
- 9-26 Sxs of PTSD @ disengaged thinking & behavior. Pt distressed & needing structure. Pt stressed over poor performance of attorney & fired him. Having 1d anxiety over changes. Wants to stop smoking. Abitrol 2mg patch
- 10-24 Dealing @ 1d media involvement. Has been dealing @ discussions. Pt had some thoughts about harm. Noting greater fear variability. Boundaries stronger. Meds stable
- 11-28 Pt went thru disability hearing @ probs. Having conflict @ life partner. Meds stable
- 1-4-95 Pt beginning to look at poss of returning to employment. mood labile. At Purox 20mg Alp 0.5mg
- 2-2 Setting up new business. mood euthymic. Meds stable
- 3-2 Meds stable. some mood variability. Affect full. At Purox 20mg & Alp 0.5mg. Pt involved in pursuit of establishing career.
- 3-9 will be taking over more psychotherapeutic responsibility from Dr Walters. Pt had triggered memories of additional memories of molestation in 1982 (around (m) death) that took in LA. This occurred in car & in a seminar. Memory is distinct. Purox 20mg Alp 0.5mg

Bates Numbers 286-308 were removed by the Plaintiffs at the request of the Franciscans.

BELDEN, ABBEY, WEITZENBERG & KELLY P.C.

THOMAS P. KELLY, JR.
RICHARD W. ABBEY
W. BARTON WEITZENBERG
CANDACE H. SHIRLEY
TIMOTHY W. HOFFMAN
WAYNE R. WOLSKI
LEWIS R. WARREN
PETER J. WALLS
CRAIG M. STAINEROOK

Attorneys and Counselors at Law

CLARENDON W. ANDERSON (1895-1987)
ESTER M. BELDEN (1927-1993)

June 12, 1996

[REDACTED]
Franciscan Order
Provence of Santa Barbara
1500 34th Avenue
Oakland, CA 94601

Re: [REDACTED] v. Does 1 through 200
Our File No. 06-610/7238 C7239

Dear [REDACTED]

By way of introduction, I am the attorney for [REDACTED] in the above-referenced case. I spoke with your secretary on Wednesday, June 12, 1996, and apprised her of my representation of Mr. [REDACTED] and generally the details that involve the Franciscan Order. I am sending along for your information the Complaint which is on file in the Alameda County Superior Court. I am suggesting a conference between us to see if the matter can be resolved short of the litigation which I am now prepared to move forward with.

In summary, the facts are these: Mr. [REDACTED] was an adolescent boy living in Huntington Beach within the Franciscan Diocese of Orange in the late 1970's and early 1980's. He was befriended by a Franciscan priest named Father Gary Pacheco during that time. At Father Pacheco's insistence and urging, [REDACTED] accompanied him to Disneyland on an overnight excursion. While there, Father Pacheco sexually molested Mr. [REDACTED]. Other instances of sexual assault while Father Pacheco was a member of the Order have also been corroborated. Further, corroboration resulted from the opinion of an independent psychotherapist who has determined that Mr. [REDACTED] had been the subject of childhood sexual abuse. This psychotherapist's sworn declaration in support of the Complaint is also enclosed.

My intent, at this point, is to amend the Complaint to name specific defendants. I am allowed to do that given the corroborative information which I have obtained. I intend to name the Franciscan Order as well as Father Pacheco, whom I understand is now no longer with the Order. The claim against the Order will be for multiple counts, including negligent supervision/hiring Pacheco and negligently ratifying his actions as well as conspiring to hush up his behavior ever since his sexual assaults while a Franciscan. Further, I shall amend the Complaint to add claims for negligent failure to warn Mr.

[REDACTED]
Franciscan Order
June 12, 1996
Page 2

[REDACTED] parents and law enforcement authorities of the sexual assaults both at the time they occurred and up to the present. I intend to amend the Complaint in this fashion within the next few weeks.

Before taking these next steps in the litigation, it seemed to me prudent to contact the Franciscan Order to discuss the case further and see if there was a possibility of settlement before I amend the Complaint and begin prosecution of the claim.

I encourage you or your representative to call me within the next week in this regard. Should I not hear from you, I intend to proceed as I have outlined above.

Very truly yours,

BELDEN, ABBEY, WEITZENBERG & KELLY

WB Wolski

Wayne B. Wolski

WBW:mw
Encl.
cc: Mr. [REDACTED]

ENDORSED
FILED
ALAMEDA COUNTY

ALAMEDA COUNTY SUPERIOR COURT

JAN 26 1996

PLAINTIFF'S INITIAL FILING FORM

RONALD G. OVERHOLT, Exec. Off./Clerk
By Dorothy Duckett

TITLE: DOES 1-200 v. [REDACTED] CASE NO. [REDACTED] FILING DATE 01/26/96

VENUE: ☒ 446 OAKLAND ☐ 447 HAYWARD ☐ 448 Livermore-Pleasanton-Dublin

☒ CIVIL

☐ FAMILY LAW

☐ PROBATE

BY FAX

AB3300 DESIGNATION (check one)

- ☒ A GENERAL ☐ 052 SUMMONS ISSUED
☐ C ASBESTOS ☒ 051 NO SUMMONS ISSUED
☐ A UNLAWFUL DETAINER - Defendant(s) In Possession of Real Property
☐ B UNLAWFUL DETAINER - Defendant(s) NOT In Possession of Real Property
☐ U UNINSURED MOTORIST (CAL. INS. CODE 11580.2) - Declaration pursuant to Local Rule 4.1(3) required

CASE TYPE (check one)

- ☐ 34 PERSONAL INJURY: AUTO ☐ 69 ALL OTHER PETITIONS
☒ 33 PERSONAL INJURY: OTHER ☐ 18 EMINENT DOMAIN
☐ 10 DAMAGES ☐ 68 ALL OTHER COMPLAINTS
☐ 60 WRONGFUL DEATH ☐ 47 UNLAWFUL DETAINER
☐ 70 PERSONAL INJURY - ASBESTOS ☐ 11 DECLARATORY RELIEF
☐ 71 WRONGFUL DEATH - ASBESTOS

STATISTICAL DESIGNATION (check one)

- ☐ 01 PRODUCT LIABILITY: ASBESTOS ☐ 06 BUSINESS CONTRACT
☐ 02 PRODUCT LIABILITY: OTHER ☐ 07 REAL PROPERTY
☐ 03 NEGLIGENCE ☐ 08 MALPRACTICE
☐ 04 WRONGFUL TERMINATION ☐ 09 CONSTRUCTION
☐ 05 INSURANCE BAD FAITH ☒ 10 ALL OTHER MOLESTATION

Fax & File, Inc.
Filed By

25271

TITLE: DOES 1-200 CASE NO. FILING DATE 01/26/96
VENUE: ☒ 446 OAKLAND ☐ 447 HAYWARD ☐ 448 Livermore-Pleasanton-Dublin

<input checked="" type="checkbox"/>	G	GENERAL	<input type="checkbox"/>	052	SUMMONS ISSUED
<input type="checkbox"/>	C	ASBESTOS	<input checked="" type="checkbox"/>	051	NO SUMMONS ISSUED
<input type="checkbox"/>	A	UNLAWFUL DETAINER - Defendant(s) In Possession of Real Property			
<input type="checkbox"/>	B	UNLAWFUL DETAINER - Defendant(s) <u>NOT</u> In Possession of Real Property			
<input type="checkbox"/>	U	UNINSURED MOTORIST (CAL. INS. CODE 11580.2) - Declaration pursuant to Local Rule 4.1(3) required			

<input type="checkbox"/>	34	PERSONAL INJURY: AUTO	<input type="checkbox"/>	69	ALL OTHER PETITIONS
<input checked="" type="checkbox"/>	33	PERSONAL INJURY: OTHER	<input type="checkbox"/>	18	EMINENT DOMAIN
<input type="checkbox"/>	10	DAMAGES	<input type="checkbox"/>	68	ALL OTHER COMPLAINTS
<input type="checkbox"/>	50	WRONGFUL DEATH	<input type="checkbox"/>	47	UNLAWFUL DETAINER
<input type="checkbox"/>	70	PERSONAL INJURY - ASBESTOS	<input type="checkbox"/>	11	DECLARATORY RELIEF
<input type="checkbox"/>	71	WRONGFUL DEATH - ASBESTOS			

<input type="checkbox"/> 01	PRODUCT LIABILITY: ASBESTOS	<input type="checkbox"/> 06	BUSINESS CONTRACT
<input type="checkbox"/> 02	PRDDUCT LIABILITY: OTHER	<input type="checkbox"/> 07	REAL PROPERTY
<input type="checkbox"/> 03	NEGLIGENCE	<input type="checkbox"/> 08	MALPRACTICE
<input type="checkbox"/> 04	WRONGFUL TERMINATION	<input type="checkbox"/> 09	CONSTRUCTION
<input type="checkbox"/> 05	INSURANCE BAD FAITH	<input type="checkbox"/> 10	ALL OTHER <u>MOLESTATION</u>

FILED ON BEHALF OF:
(List Plaintiffs)

P001: 

P002: _____

P003: _____

P004: _____

☐ Additional Sheet Attached

ATTORNEY OF RECORD:

Firm/

Atty. Name: BELDEN, ABBEY, WEITZENBERG & KELLY
W. BARTON WEITZENBERG

I.D. No: 51788

Lead Atty: WAYNE R. WOLSKI

Bar No: 118600

Address: 1105 NO. DUTTON AVENUE
POB 1566
SANTA ROSA, CA 95402-1566

Phone: (707) 542-5050

☐ Additional Sheet Attached

COMPLAINT FILED AGAINST: (List Named Defendants)

D001: DOES 1-200

D002: _____

D003: _____

D004: _____

D005: _____

D006: _____

D007: _____

D008: _____

D009: _____

D010: _____

**ENDORSED
FILED
ALAMEDA COUNTY**

JAN 26 1996

**RONALD G. OVERHOLT, Exec. Off./Clerk
By Dorothy Duckett**

1 BELDEN, ABBEY, WEITZENBERG & KELLY
2 W. BARTON WEITZENBERG, ESQ.
3 WAYNE R. WOLSKI, ESQ.
4 1105 North Dutton Avenue, P.O. Box 1566
5 Santa Rosa, California 95402
6 Telephone: (707) 542-5050
7 Attorneys for Plaintiff

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF ALAMEDA

10 Case No

11 Plaintiff,

12 v.

13 COMPLAINT FOR DAMAGES
14 (PERSONAL INJURY)

15 DOES 1 through 200,

16 Defendants.

BY FAX

17 COMMON ALLEGATIONS

18 1. Plaintiff is ignorant of the true names and capacities of
19 Defendants sued herein as DOES 1 through 200, inclusive, and there-
20 fore sues these Defendants by such fictitious names. Plaintiff will
21 amend the Complaint to allege their true names and capacities when
22 ascertained. Each of the fictitiously named Defendants is legally
23 responsible in some manner for the occurrences herein alleged and
24 Plaintiff's damages, as herein alleged, are proximately caused by
25 said Defendants.

26 2. Plaintiff is informed and believes and thereon alleges
27 that at all times herein mentioned Defendant DOES 1 through 50, were
28 and are corporations operating in the State of California with their
principal places of business in Alameda County, California.

3. Plaintiff is informed and believes and thereon alleges
that at all times mentioned herein, Defendants DOES 1 through 50

Filed By
Fax & File, Inc.

25221

BELDEN, ABBEY,
WEITZENBERG & KELLY
105 N. DUTTON AVENUE
SANTA ROSA, CA 95401

OFM PACH 1
0314

1 BELDEN, ABBEY, WEITZENBERG & KELLY
2 W. BARTON WEITZENBERG, ESQ.
3 WAYNE R. WOLSKI, ESQ.
1105 North Dutton Avenue, P.O. Box 1566
Santa Rosa, California 95402

4 Telephone: (707) 542-5050

5 Attorneys for Plaintiff

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 FOR THE COUNTY OF ALAMEDA

8 [REDACTED] Case No.

9 Plaintiff,

10 v.

COMPLAINT FOR DAMAGES
(PERSONAL INJURY)

11 DOES 1 through 200,

12 Defendants.

13 _____/
14 COMMON ALLEGATIONS

15 1. Plaintiff is ignorant of the true names and capacities of
16 Defendants sued herein as DOES 1 through 200, inclusive, and there-
17 fore sues these Defendants by such fictitious names. Plaintiff will
18 amend the Complaint to allege their true names and capacities when
19 ascertained. Each of the fictitiously named Defendants is legally
20 responsible in some manner for the occurrences herein alleged and
21 Plaintiff's damages, as herein alleged, are proximately caused by
22 said Defendants.

23 2. Plaintiff is informed and believes and thereon alleges
24 that at all times herein mentioned Defendant DOES 1 through 50, were
25 and are corporations operating in the State of California with their
26 principal places of business in Alameda County, California.

27 3. Plaintiff is informed and believes and thereon alleges
28 that at all times mentioned herein, Defendants DOES 1 through 50

1 were and are public benefit or religious corporations operating in
2 the State of California with their principal places of business in
3 Alameda County, California.

4 4. Plaintiff is informed and believes and thereon alleges
5 that at all times herein mentioned, Defendants DOES 51 through 55,
6 and each of them, were and are responsible for all activities
7 conducted on behalf of DOES 1 through 50, and that Defendants DOES
8 51 through 55, and each of them, were and are responsible for all
9 activities conducted on behalf of DOES 1 through 50. Said
10 activities included, but were not limited to, employing
11 administrators, priests, counsellors, and others to provide care and
12 supervision for the physical and spiritual needs of certain minors
13 including the Plaintiff herein.

14 5. At all times herein mentioned, DOES 56 to 100, and each of
15 them, were the agents and employees of Defendants DOES 1 through 55,
16 and each of them, and Defendants DOES 56 through 100, and each of
17 them, were the agents and employees of Defendants DOES 1 through 55,
18 and each of them, and, at all times mentioned herein, all of said
19 DOES were acting within the course and scope of their agency and
20 employment, and with the authorization, permission, consent, and
21 ratification of their co-Defendants.

22 6. Plaintiff is informed and believes and thereon alleges
23 that at all times herein mentioned, Defendant DOE 101 was a Roman
24 Catholic priest employed by and under the supervision and control of
25 Defendant DOES 1 through 100, and each of them.

26 7. At all times mentioned herein, Plaintiff was a minor
27 parishioner and under the supervision and control of Defendants DOES
28 1 through 100.

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FIRST CAUSE OF ACTION

(NEGLIGENT HIRING, ENTRUSTMENT, ASSIGNMENT,
RETENTION, TRAINING AND SUPERVISION)

8. Plaintiff incorporates the allegations of Paragraphs 1 through 7 herein as though set forth in their entirety herein.

9. At all times mentioned herein, and for several years prior to the events referred to herein, Defendants DOES 1 through 100, and each of them, knew, or in the exercise of reasonable care should have known, that DOE 101 was incompetent and unfit to be hired, entrusted, assigned, and retained to perform duties involving contact with minors or to be placed in a position of authority and trust over minors and that placing and permitting DOE 101 to remain in such a position without adequate supervision and training, would create strong, irresistible, and continuing temptations and opportunities for abuse.

10. Plaintiff is informed and believes that actual and constructive knowledge was obtained by Defendants DOES 1 through 100 from these Defendants observations of DOE 101's conduct, and from other sources so that said Defendants should have known that DOE 101 was engaging in sexually related conduct toward minors and otherwise abusing his position of authority and trust.

11. At all times herein mentioned, Defendants DOES 1 through 101 negligently and carelessly hired, entrusted, assigned, and retained DOE 101 to perform duties as a priest, with authority over minors, and negligently and carelessly trained and supervised him regarding his duties, and negligently and carelessly failed to take other adequate precautions to control the conduct of DOE 101 or prevent the abuse.

1 12. As a direct and proximate result of the negligence of said
2 Defendants, and each of them, Plaintiff was physically and mentally
3 abused by DOE 101 on a trip to Disneyland on at least one occasion
4 in or about 1980 when DOE 101 engaged in sexually related conduct
5 with Plaintiff.

6 13. As a direct and proximate result of the negligence of
7 Defendants, and each of them, Plaintiff was thereafter injured in
8 his health, strength, and activity, sustaining injury to his nervous
9 system and person, all of which injuries have caused, and will
10 continue to cause, Plaintiff great physical, mental, and nervous
11 pain and suffering.

12 14. As a further direct and proximate result of the negligence
13 of Defendants, and each of them, Plaintiff was required to and did
14 incur and will in the future incur medical and incidental expenses
15 for treatment of his injuries.

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

21 16. Plaintiff did not discover that the psychological injuries
22 that he suffered were caused by the abuse until on or about January
23 27, 1995, when he began therapy.

24 SECOND CAUSE OF ACTION

25 (NEGLIGENCE)

26 17. Plaintiff incorporates the allegations of Paragraphs 1
27 through 7 herein as though set forth in their entirety herein.

28 18. At all times mentioned herein, Defendant DOE 101, by

1 reason of his position of authority and trust over Plaintiff, and by
2 reason of his greater physical ability and knowledge, and by reason
3 of his undertaking to supervise, care for, and protect Plaintiff,
4 had a duty to care for and prevent harm to Plaintiff in his care,
5 which reasonably included a duty not to abuse the minor Plaintiff
6 herein.

7 19. At all times mentioned herein, Defendant DOE 101, so
8 negligently and carelessly supervised Plaintiff and placed himself
9 in a position of authority and trust over Plaintiff, and allowed
10 himself to be in his presence without other adult supervision, so
11 that he was unable to control his abusive conduct, and at said times
12 and places, Defendant DOE 101 negligently and carelessly, physically
13 and mentally, abused Plaintiff, as alleged herein.

14 20. As a direct and proximate result of the negligence of
15 Defendant, Plaintiff suffered the injuries and damages as alleged
16 herein.

17 WHEREFORE, Plaintiff prays for damages as follows:

18 1. For general damages in an amount within the jurisdiction
19 of the Superior Court;

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

22 3. For costs of suit herein; and

23 4. For such other and further relief as the Court may deem
24 proper.

25 Dated: January 25, 1996.

26 BELDEN, ABBEY, WEITZENBERG & KELLY

27 By Wayne R. Wolski
28 Wayne R. Wolski,
Attorney for Plaintiff

**ENDORSED
FILED
ALAMEDA COUNTY**

JAN 26 1996

**RONALD G. OVERHOLT, Exec. Off. Clerk
By Dorothy Duckett**

1 BELDEN, ABBEY, WEITZENBERG & KELLY
2 W. BARTON WEITZENBERG, ESQ.
3 WAYNE R. WOLSKI, ESQ.
4 1105 North Dutton Avenue, P.O. Box 1566
5 Santa Rosa, California 95402
6
7 Telephone: (707) 542-5050
8
9 Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

Case No. [REDACTED]

Plaintiff,

**CERTIFICATE OF MERIT
[CCP §340.1]**

v.

BY FAX

DOES 1 through 200,

Defendants.

I, WAYNE R. WOLSKI, declare as follows:

1. I am an attorney licensed to practice before all of the Courts of the State of California and am one of the attorneys for the Plaintiff herein.

2. I have personal knowledge of the matters attested herein and could competently testify to them if called as a witness herein.

3. I have reviewed the facts of this case and have consulted with at least one mental health practitioner who is licensed to practice and practices in California and who is not a party to this action. I believe that mental health practitioner to be knowledgeable of the relevant facts and issues involved in this particular action.

4. Based on the above information and analysis, I have concluded that there is a reasonable and meritorious cause for the

BELDEN, ABBEY,
WEITZENBERG & KELLY
105 N. DUTTON AVENUE
SANTA ROSA, CA 95401

OFM PACH 1

0320

**** TOTAL PAGE.005 ****

Filed By
Farr & Wile, Inc.

122520

1 BELDEN, ABBEY, WEITZENBERG & KELLY
2 W. BARTON WEITZENBERG, ESQ.
3 WAYNE R. WOLSKI, ESQ.
1105 North Dutton Avenue, P.O. Box 1566
Santa Rosa, California 95402

4 Telephone: (707) 542-5050

5 Attorneys for Plaintiff

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 FOR THE COUNTY OF ALAMEDA

8 [REDACTED] Case No.

9 Plaintiff,

CERTIFICATE OF MERIT
[CCP §340.1]

10 v.

11 DOES 1 through 200,

12 Defendants.

13 _____/
14 I, WAYNE R. WOLSKI, declare as follows:

15 1. I am an attorney licensed to practice before all of
16 the Courts of the State of California and am one of the attorneys
17 for the Plaintiff herein.

18 2. I have personal knowledge of the matters attested
19 herein and could competently testify to them if called as a witness
20 herein.

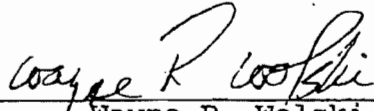
21 3. I have reviewed the facts of this case and have
22 consulted with at least one mental health practitioner who is
23 licensed to practice and practices in California and who is not a
24 party to this action. I believe that mental health practitioner to
25 be knowledgeable of the relevant facts and issues involved in this
26 particular action.

27 4. Based on the above information and analysis, I have
28 concluded that there is a reasonable and meritorious cause for the

1 filing of the within action.

2 5. I have consulted with at least one mental health
3 practitioner licensed to practice and practicing in the State and
4 who is not a party to this action.

5 I declare under penalty of perjury that the foregoing is
6 true and correct. Executed at Santa Rosa, California, this 18 day
7 of January, 1996.

8 
9 Wayne R. Wolski
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P.12/13

**ENDORSED
FILED
ALAMEDA COUNTY****JAN 26 1996****RONALD G. OVERHOLT, Exec. Off./Clerk
By Dorothy Duckett**

1 BELDEN, ABBEY, WEITZENBERG & KELLY
2 W. BARTON WEITZENBERG, ESQ.
3 WAYNE R. WOLSKI, ESQ.
1105 North Dutton Avenue, P.O. Box 1566
Santa Rosa, California 95402

4 Telephone: (707) 542-5050

5 Attorneys for Plaintiff

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 FOR THE COUNTY OF ALAMEDA

8 [REDACTED] Case [REDACTED]

9 Plaintiff,

DECLARATION OF DR. ANTHONY
SABATASSO
[CCP §340.1]

10 v.

11 DOES 1 through 200,

BY FAX

12 Defendants.

13
14 I, ANTHONY SABATASSO, declare as follows:

15 1. I have personal knowledge of the matters attested
16 herein and could competently testify to them if called as a witness
17 herein.

18 2. I am a psychologist licensed to practice in
19 California and practicing in California.

20 3. On January 9, 1996, I met with [REDACTED] the
21 Plaintiff herein, and examined him in my professional capacity. I
22 have previously never treated [REDACTED] nor am I treating him
23 presently.

24 4. I interviewed [REDACTED] and I am knowledgeable of
25 the relevant facts and issues involved in this particular action.

26 5. Based on my interview with [REDACTED] and my
27 knowledge of the facts and issues of this claim, it is my
28 professional opinion that there is a reasonable basis to believe

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3 WAYNE R. WOLSKI, ESQ.
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5 Santa Rosa, California 95402

6 Telephone: (707) 542-5050

7 Attorneys for Plaintiff

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF ALAMEDA

10 Case No.

11 Plaintiff,

DECLARATION OF DR. ANTHONY
SABATASSO

12 v.

[CCP §340.1]

13 DOES 1 through 200,

14 Defendants.

15 I, ANTHONY SABATASSO, declare as follows:

16 1. I have personal knowledge of the matters attested
17 herein and could competently testify to them if called as a witness
18 herein.

19 2. I am a psychologist licensed to practice in
20 California and practicing in California.

21 3. On January 9, 1996, I met with [REDACTED] the
22 Plaintiff herein, and examined him in my professional capacity. I
23 have previously never treated [REDACTED] nor am I treating him
24 presently.

25 4. I interviewed [REDACTED] and I am knowledgeable of
26 the relevant facts and issues involved in this particular action.

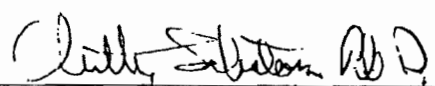
27 5. Based on my interview with [REDACTED] and my
28 knowledge of the facts and issues of this claim, it is my
professional opinion that there is a reasonable basis to believe

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that [REDACTED] has been subject to childhood sexual abuse.

6. I am not a party to this action.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California, this 19 day of January, 1996.


Anthony Sabatasso

Bates Numbers 326-345 were removed by the Plaintiffs at the request of the Franciscans.

1 BELDEN, ABBEY, WEITZENBERG & KELLY
2 W. BARTON WEITZENBERG, ESQ., SB #51788
3 WAYNE R. WOLSKI, ESQ., SB #118600
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4 Telephone: (707) 542-5050

5 Attorneys for Plaintiff

6

7

SUPERIOR COURT OF THE STATE OF CALIFORNIA

8

FOR THE COUNTY OF ALAMEDA

9

10

Case No. [REDACTED]

11

Plaintiff,

FIRST AMENDED COMPLAINT
FOR DAMAGES (PROPOSED)

12

v.

13

GARY PACHECO, an individual,
FRANCISCAN FRIARS OF CALIFORNIA,
14 INCORPORATED, a California
corporation, and DOES 2-100,
15 102-200, inclusive,

16

Defendants.

17

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

25

26

27

28

2. Plaintiff is informed and believes and thereon alleges
that at all times herein mentioned defendant Franciscan FRIARS of
California, Inc. (hereinafter "FRIARS"), is, and at all relevant

1 times was, a California corporation with its principal place of
2 business in Alameda County, California.

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

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

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

28 6. Plaintiff is informed and believes and thereon alleges

1 that at all times herein mentioned, defendant PACHECO was a Roman
2 Catholic priest employed by and under the supervision and control
3 of defendant FRIARS and DOES 2 through 100, and each of them.

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

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

17 9. Plaintiff did not discover that psychological injuries
18 he suffered as a result of said molestations were caused by the
19 abuse by defendants until on or about January 27, 1995, when he
20 began therapy.

21 FIRST CAUSE OF ACTION

22 (NEGLIGENT RETENTION AND RATIFICATION)
23 (AGAINST FRIARS)

24 10. Plaintiff incorporates the allegations of Paragraphs 1
25 through 9 herein as though set forth in their entirety herein.

26 11. Following the events referred to herein, FRIARS and DOES
27 2 through 100, and each of them, knew, or in the exercise of
28 reasonable care should have known that defendant PACHECO was

1 incompetent and unfit to be retained as a member of the FRIARS and
2 that permitting defendant PACHECO to remain in such a position
3 would aggravate injuries caused by PACHECO to Plaintiff.

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

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

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

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

27 16. As a further direct and proximate result of the
28 negligence of Defendants, and each of them, Plaintiff was required

1 to and did incur and will in the future incur medical and
2 incidental expenses for treatment of his injuries.

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

8 SECOND CAUSE OF ACTION

9 (NEGLIGENCE)
10 (AGAINST PACHECO)

11 18. Plaintiff incorporates the allegations of Paragraphs 1
12 through 9 herein as though set forth in their entirety herein.

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

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

27 21. As a direct and proximate result of the negligence of
28

1 Defendant, Plaintiff suffered the injuries and damages as alleged
2 herein.

3 THIRD CAUSE OF ACTION

4 (NEGLIGENT FAILURE TO ACT)
5 (AGAINST FRIARS)

6 22. Plaintiff incorporates the allegations of Paragraphs 1
7 through 9 herein as though set forth in their entirety herein.

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

17 24. Defendant FRIARS and DOES 2 through 100, breached, and
18 continue to breach, their above described duties by failing and
19 refusing to provide Plaintiff with any of the above-described
20 support and to otherwise make amends to Plaintiff for the
21 wrongdoing of defendant PACHECO.

22 25. As a direct and proximate result of the breach of this
23 duty, Plaintiff has suffered damages as described herein and
24 further according to proof at time of trial.

25 FOURTH CAUSE OF ACTION

26 (NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)
27 (AGAINST ALL DEFENDANTS)

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

1 27. As alleged herein, Defendants and each of them, did so
2 unlawfully touch, sexually molest and abuse Plaintiff as alleged
3 herein or by their continuing inaction and ratification of the
4 abuse up to the present time caused Plaintiff to suffer severe and
5 extreme emotional and mental distress.

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

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

FIFTH CAUSE OF ACTION

(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)
(AGAINST FRIARS)

30. Plaintiff incorporates the allegations of Paragraphs 1 through 9 herein as though set forth in their entirety herein.

31. Defendant FRIARS knew or should have been aware at some time following the abuse by defendant PACHECO that such abuse had taken place. Despite this knowledge, defendant FRIARS intentionally, recklessly and with wanton disregard for the well-being of Plaintiff has failed and refused to apologize to Plaintiff and to offer him any therapy or counseling or to take

1 any other actions to assist him in rebuilding his damaged
2 emotional and psychological state which they knew, or should have
3 known, had been devastated by the abuse perpetrated by defendant
4 PACHECO.

5 32. The conduct of Defendants was done with a wanton and
6 reckless disregard of the consequences to Plaintiff and was done
7 with knowledge that it was highly probable that Plaintiff would
8 suffer severe mental anguish, emotional and physical distress,
9 humiliation and embarrassment.

10 33. As a direct and proximate result of the aforementioned
11 acts, Plaintiff suffered, and will continue to suffer, severe
12 humiliation, embarrassment, mental anguish and emotional and
13 physical distress and further he has been injured in mind and body
14 and has suffered the injuries and damages as alleged herein.

15 34. The conduct of defendant FRIARS constituted malice and
16 oppression in that defendant FRIARS knew that Plaintiff was
17 vulnerable following the abuse and knew that it was highly
18 unlikely that serious harm would result to Plaintiff, but
19 nonetheless acted in a despicable, wilful, deliberate and
20 conscious disregard of the rights and well-being of Plaintiff.
21 Plaintiff therefore seeks exemplary and punitive damages from
22 defendant FRIARS.

23 SIXTH CAUSE OF ACTION

24 (CIVIL CONSPIRACY)
25 (AGAINST FRIARS)

26 35. Plaintiff incorporates the allegations of Paragraphs 1
27 through 9 herein as though set forth in their entirety herein.
28

1 36. Beginning in the 1980's and up to the present, defendant
2 FRIARS and DOES 2-100, and each of them, knowingly and wilfully
3 conspired and agreed among themselves to avoid public disclosure
4 of and to take responsibility for the sexual molestations
5 committed by their fellow member, defendant PACHECO, and FRIARS
6 avoided extending apologies, counselling, therapy, and other
7 supportive services to Plaintiff or Plaintiff's family when they
8 knew Plaintiff and his family had asserted defendant PACHECO's
9 sexual abuse of Plaintiff while PACHECO was a member of the
10 FRIARS.

11 37. Defendant FRIARS conspired up to the present to avoid
12 any affirmative actions to mitigate the damages caused by
13 defendant PACHECO even though defendant FRIARS had received
14 multiple accusations from various parents about defendant
15 PACHECO's abuse of young men and despite the fact that defendant
16 FRIARS were themselves conducting an on-going investigation of
17 defendant PACHECO's sexual transgressions and despite the fact
18 that in or about 1988, defendant FRIARS disciplined PACHECO based
19 on such accusations.

20 38. In so doing, defendant FRIARS aggravated the injuries
21 and aided and abetted and ratified the sexual abuse perpetrated on
22 Plaintiff.

23 39. Defendant FRIARS did the acts and things herein alleged
24 pursuant to and in furtherance of their conspiracy.

25 40. Defendant FRIARS furthered the conspiracy by cooperating
26 to avoid the above-described affirmative actions and in this and
27 other ways ratified and adopted the acts of defendant PACHECO.

28 41. Plaintiff is informed and believes and thereon alleges

1 that the last overt act and pursuant to the above-described
2 conspiracy occurred on or about August 1996, on which date
3 Plaintiff met with the attorney for the FRIARS, in an attempt to
4 gain a response to this claim against the FRIARS. Said attorney
5 informed Plaintiff that he would contact Plaintiff with the FRIARS
6 response. Attorney has never made contact with plaintiff's
7 attorney, nor has he responded to Plaintiff's several calls in an
8 attempt to get a response back from the FRIARS. By this specific
9 failure to respond, and by the FRIARS consistent failure to
10 affirmatively respond over many years up to the present, the
11 FRIARS continue to act in furtherance of the conspiracy of silence
12 and thereby aggravate the injuries caused by the tortious sexual
13 abuse of Plaintiff.

14 42. As a proximate result of the wrongful acts as herein
15 alleged, Plaintiff has incurred general damages according to proof
16 at time of trial.

17 43. Further, Plaintiff has incurred special damages for
18 psychological counseling in an amount according to proof at time
19 of trial.

20 44. In doing the things as herein alleged, defendant FRIARS
21 acted wilfully and with the intent to cause injury to Plaintiff.
22 Defendant FRIARS are therefore guilty of malice and oppression in
23 conscious disregard of Plaintiff's rights, thereby warranting an
24 assessment of punitive damages in an amount appropriate to punish
25 Defendants and to deter others from engaging in similar
26 misconduct.

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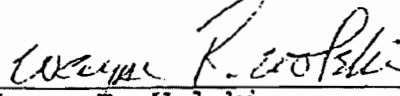
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4. For costs of suit herein; and

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

Dated: March 7, 1997.

BELDEN, ABBEY, WEITZENBERG & KELLY


Wayne R. Wolski
Attorney for Plaintiff

C:\WP51\WRW\ [REDACTED] .1CP

Bates Numbers 358-359 were removed by the Plaintiffs at the request of the Franciscans.

SEDGWICK,
DETERT, MORAN
& ARNOLD

COPY

October 31, 1997

Wayne R. Wolski, Esq.
Abbey, Weitzenberg, Kelly
Nadler, Hoffman & Emery
1105 North Dutton Avenue
P.O. Box 1566
Santa Rosa, CA 95402-1566

Re: [REDACTED] v. Pacheco, et al.

Dear Mr. Wolski:

Confidential Settlement Terms

I will now file with the court the request for
dismissal and will provide you with a file, endorsed copy when it
is returned to me.

Very truly yours,

SEDGWICK, DETERT, MORAN & ARNOLD

By 
Nicholas W. Heldt

NWH/ljp
SDSF3/26492

Enclosures

One Embarcadero Center Sixteenth Floor San Francisco, California 94111-3765
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SEDGWICK.
DETERT, MORAN
& ARNOLD

COPY

October 31, 1997

Wayne R. Wolski, Esq.
Abbey, Weitzenberg, Kelly
Nadler, Hoffman & Emery
1105 North Dutton Avenue
P.O. Box 1566
Santa Rosa, CA 95402-1566

REDACTED

Re: v. Pacheco, et al.

Dear Mr. Wolski:

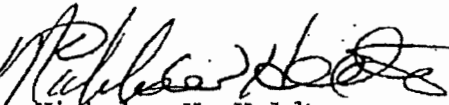
I received the settlement agreement signed by you and your client. I also received the request for dismissal which you signed. I now enclose the settlement check in the amount of

I also enclose an original letter from the Provincial Minister of the Franciscans to REDACTED in care of your firm.

I will now file with the court the request for dismissal and will provide you with a file, endorsed copy when it is returned to me.

Very truly yours,

SEDGWICK, DETERT, MORAN & ARNOLD

By 
Nicholas W. Heldt

NWH/ljp
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Enclosures

REDACTED

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Wayne R. Wolski, Esq.

Re: [REDACTED] v. Pacheco, et al.

October 31, 1997

Page 2

cc: Fr. Mel Jurisich
Franciscan Friars of Northern California
1500 34th Avenue
Oakland, CA 94601

Brian Brosnahan
Heller, Ehrman
333 Bush Street
San Francisco, CA 94104-2878

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Province of St. Barbara

FRANCISCAN FRIARS

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

October 23, 1997

Mr. [REDACTED]
c/o Belden, Abbey, Weitzenberg, & Kelly
1105 North Dutton Avenue, PO Box 1566
Santa Rosa, California 95402

Dear Mr. [REDACTED]

May the Lord give you peace!

The Franciscans of the St. Barbara Province have heard your pain caused by the actions of Gary Pacheco while he was a Franciscan priest. Please accept our sorrow and apology for the pain and hurt that Gary brought to you and your family. Be assured that we do not condone his actions nor do we hide from the knowledge of them.

We know the difficulty and hurt that can come with revealing Gary's actions to your family and to the Church, and we thank you for bringing this to us. Although we cannot change the past, your disclosure helped make provisions for the future.

The Franciscans will hold you and your family in our prayers in the hope that your healing will continue.

Sincerely,

[REDACTED]

Provincial Minister

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