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7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

11 THOMAS EMENS)

Case No.:

12 Plaintiff,)

COMPLAINT FOR:

13 vs.)

- 14) **1. CIVIL CONSPIRACY**
- 15) **2. PUBLIC NUISANCE**
- 16) **3. PRIVATE NUISANCE**

17 CALIFORNIA CATHOLIC CONFERENCE)
18 A/K/A THE CALIFORNIA CATHOLIC)
19 CONFERENCE, INC. A/K/A CALIFORNIA)
20 CATHOLIC CONFERENCE OF BISHOPS,)
21 ARCHDIOCESE OF LOS ANGELES A/K/A)
22 THE ROMAN CATHOLIC ARCHBISHOP)
23 OF LOS ANGELES, DIOCESE OF)
24 SACRAMENTO A/K/A THE ROMAN)
25 CATHOLIC BISHOP OF SACRAMENTO,)
26 DIOCESE OF SANTA ROSA A/K/A THE)
27 ROMAN CATHOLIC BISHOP OF SANTA)
28 ROSA, ARCHDIOCESE OF SAN FRANCISCO)
A/K/A THE ROMAN CATHOLIC BISHOP OF)
SAN FRANCISCO, DIOCESE OF OAKLAND)
A/K/A THE ROMAN CATHOLIC BISHOP OF)
OAKLAND, DIOCESE OF SAN JOSE A/K/A)
THE ROMAN CATHOLIC BISHOP OF SAN)
JOSE, DIOCESE OF MONTEREY A/K/A THE)
ROMAN CATHOLIC BISHOP OF)
MONTEREY, CALIFORNIA A/K/A THE)
DIOCESE OF MONTEREY IN CALIFORNIA,)
DIOCESE OF ORANGE A/K/A THE ROMAN)
CATHOLIC BISHOP OF ORANGE, DIOCESE)
OF SAN BERNARDINO A/K/A THE ROMAN)
CATHOLIC BISHOP OF SAN BERNARDINO,)
AND THE DIOCESE OF SAN DIEGO A/K/A)
THE ROMAN CATHOLIC BISHOP OF SAN)
DIEGO, DIOCESE OF FRESNO A/K/A THE)
ROMAN CATHOLIC BISHOP OF FRESNO.)

1 AND THE CATHOLIC BISHOP OF CHICAGO,)
A CORPORATION SOLE A/K/A THE)
2 ARCHDIOCESE OF CHICAGO, and DOES 1-)
100.)

3)
4 Defendant(s).)

5) DEMAND FOR JURY TRIAL
6)
7)
8)

9 Based upon information and belief available to Plaintiff at the time of the filing of this
10 Complaint, Plaintiff makes the following allegations:

11 **PARTIES**

12 1. Plaintiff Thomas Emens (hereinafter “Plaintiff”) is an adult male resident of the State
13 of California.

14 2. At all times herein mentioned Plaintiff is and at all times mentioned herein
15 mentioned was an individual residing in the County of Ventura, State of California.

16 3. Plaintiff is informed and believes and thereon alleges that at all times material
17 hereto, Defendant California Catholic Conference a/k/a the California Catholic Conference, Inc.
18 a/k/a California Catholic Conference of Bishops (hereinafter “California Catholic Conference”) was
19 and continues to be an organization or entity which includes, but is not limited to, civil corporations,
20 decision making entities, officials and employees authorized to conduct business and conducting
21 business in the State of California with its principal place of business at 1119 K Street, 2nd Floor,
22 Sacramento, California. The California Catholic Conference was created in approximately 1971.
23 Later, Defendant California Catholic Conference created a corporation called the California
24 Catholic Conference to conduct some of its affairs. The California Catholic Conference represents
25 California bishops and archbishops and their dioceses. The California Catholic Conference
26 functions as a business by engaging in activities promoting, advancing and furthering the policies,
27 practices and interests of Catholic institutions in California. The executive leadership of the
28 California Catholic Conference includes Bishop Jaime Soto, the Bishop of the Diocese of

1 Sacramento, Bishop Robert McElroy, the Bishop of the Diocese of San Diego, and Bishop Kevin
2 Vann, the Bishop of the Diocese of Orange. The California Catholic Conference coordinates its
3 efforts in conjunction with each Diocese in California.

4 4. Plaintiff is informed and believes and thereon alleges that at all times material
5 hereto Defendant Archdiocese of Los Angeles a/k/a the Roman Catholic Archbishop of Los
6 Angeles (hereinafter “LA Archdiocese”) was and continues to be an organization or entity which
7 includes, but is not limited to, civil corporations, decision making entities, officials, and employees,
8 authorized to conduct business and conducting business in the State of California with its principal
9 place of business at 3424 Wilshire Boulevard, Los Angeles, California. The LA Archdiocese was
10 created in approximately 1840. Later the Archdiocese created a corporation called the LA
11 Archdiocese to conduct some of its affairs. The LA Archdiocese operates its affairs as both a
12 corporate entity and as an organization named the Archdiocese of Los Angeles, with the Archbishop
13 as the top official. Both of these entities and all other corporations and entities controlled by the
14 Archbishop are included in this Complaint as being the LA Archdiocese. The Archbishop is the top
15 official of the Archdiocese and is given authority over all matters within the LA Archdiocese as a
16 result of his position. The Archdiocese functions as a business by engaging in numerous revenue
17 producing activities and soliciting money from its members in exchange for its services. The LA
18 Archdiocese has several programs which seek out the participation of children in the Archdiocese’s
19 activities. The LA Archdiocese, through its officials, has control over those activities involving
20 children. The LA Archdiocese has the power to appoint, supervise, monitor and fire each person
21 working with children within the Archdiocese of Los Angeles.

22 5. Plaintiff is informed and believes and thereon alleges that at all times material hereto
23 Defendant Diocese of Sacramento a/k/a the Roman Catholic Bishop of Sacramento (hereinafter
24 “Sacramento Diocese”) was and continues to be an organization or entity which includes, but is not
25 limited to, civil corporations, decision making entities, officials, and employees, authorized to
26 conduct business and conducting business in the State of California with its principal place of
27 business at 2110 Broadway, Sacramento, California. The Sacramento Diocese was created in
28 approximately 1886. Later the Diocese created a corporation called the Sacramento Diocese to

1 conduct some of its affairs. The Sacramento Diocese operates its affairs as both a corporate entity
2 and as an organization named the Diocese of Sacramento, with the Bishop as the top official. Both
3 of these entities and all other corporations and entities controlled by the Bishop are included in this
4 Complaint as being the Sacramento Diocese. The Bishop is the top official of the Diocese and is
5 given authority over all matters within the Sacramento Diocese as a result of his position. The
6 Diocese functions as a business by engaging in numerous revenue producing activities and
7 soliciting money from its members in exchange for its services. The Sacramento Diocese has
8 several programs which seek out the participation of children in the Diocese’s activities. The
9 Sacramento Diocese, through its officials, has control over those activities involving children. The
10 Sacramento Diocese has the power to appoint, supervise, monitor and fire each person working with
11 children within the Diocese of Sacramento.

12 6. Plaintiff is informed and believes and thereon alleges that at all times material hereto
13 Defendant Diocese of Santa Rosa a/k/a the Roman Catholic Bishop of Santa Rosa (hereinafter
14 “Santa Rosa Diocese”) was and continues to be an organization or entity which includes, but is not
15 limited to, civil corporations, decision making entities, officials, and employees, authorized to
16 conduct business and conducting business in the State of California with its principal place of
17 business at 985 Airway Court, Santa Rosa, California. The Santa Rosa Diocese was created in
18 approximately 1962. Later the Diocese created a corporation called the Santa Rosa Diocese to
19 conduct some of its affairs. The Santa Rosa Diocese operates its affairs as both a corporate entity
20 and as an organization named the Diocese of Santa Rosa, with the Bishop as the top official. Both
21 of these entities and all other corporations and entities controlled by the Bishop are included in this
22 Complaint as being the Santa Rosa Diocese. The Bishop is the top official of the Diocese and is
23 given authority over all matters within the Santa Rosa Diocese as a result of his position. The
24 Diocese functions as a business by engaging in numerous revenue producing activities and
25 soliciting money from its members in exchange for its services. The Santa Rosa Diocese has several
26 programs which seek out the participation of children in the Diocese’s activities. The Santa Rosa
27 Diocese, through its officials, has control over those activities involving children. The Santa Rosa

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1 Diocese has the power to appoint, supervise, monitor and fire each person working with children
2 within the Diocese of Santa Rosa.

3 7. Plaintiff is informed and believes and thereon alleges that at all times material hereto
4 Defendant Archdiocese of San Francisco a/k/a the Roman Catholic Archbishop of San Francisco
5 (hereinafter “San Francisco Archdiocese”) was and continues to be an organization or entity which
6 includes, but is not limited to, civil corporations, decision making entities, officials, and employees,
7 authorized to conduct business and conducting business in the State of California with its principal
8 place of business at One Peter Yorke Way, San Francisco, California. The San Francisco
9 Archdiocese was created in approximately 1853. Later the Archdiocese created a corporation called
10 the San Francisco Archdiocese to conduct some of its affairs. The San Francisco Archdiocese
11 operates its affairs as both a corporate entity and as an organization named the Archdiocese of San
12 Francisco, with the Archbishop as the top official. Both of these entities and all other corporations
13 and entities controlled by the Archbishop are included in this Complaint as being the San Francisco
14 Archdiocese. The Archbishop is the top official of the Archdiocese and is given authority over all
15 matters within the San Francisco Archdiocese as a result of his position. The Archdiocese functions
16 as a business by engaging in numerous revenue producing activities and soliciting money from its
17 members in exchange for its services. The San Francisco Archdiocese has several programs which
18 seek out the participation of children in the Archdiocese’s activities. The San Francisco
19 Archdiocese, through its officials, has control over those activities involving children. The San
20 Francisco Archdiocese has the power to appoint, supervise, monitor and fire each person working
21 with children within the Archdiocese of San Francisco.

22 8. Plaintiff is informed and believes and thereon alleges that at all times material hereto
23 Defendant Diocese of Oakland a/k/a the Roman Catholic Bishop of Oakland (hereinafter “Oakland
24 Diocese”) was and continues to be an organization or entity which includes, but is not limited to,
25 civil corporations, decision making entities, officials, and employees, authorized to conduct
26 business and conducting business in the State of California with its principal place of business at
27 2121 Harrison Street, Suite 100, Oakland, California. The Oakland Diocese was created in
28 approximately 1962. Later the Diocese created a corporation called the Oakland Diocese to conduct

1 some of its affairs. The Oakland Diocese operates its affairs as both a corporate entity and as an
2 organization named the Diocese of Oakland, with the Bishop as the top official. Both of these
3 entities and all other corporations and entities controlled by the Bishop are included in this
4 Complaint as being the Oakland Diocese. The Bishop is the top official of the Diocese and is given
5 authority over all matters within the Oakland Diocese as a result of his position. The Diocese
6 functions as a business by engaging in numerous revenue producing activities and soliciting money
7 from its members in exchange for its services. The Oakland Diocese has several programs which
8 seek out the participation of children in the Diocese’s activities. The Oakland Diocese, through its
9 officials, has control over those activities involving children. The Oakland Diocese has the power to
10 appoint, supervise, monitor and fire each person working with children within the Diocese of
11 Oakland.

12 9. Plaintiff is informed and believes and thereon alleges that at all times material hereto
13 Defendant Diocese of San Jose a/k/a the Roman Catholic Bishop of San Jose (hereinafter “San Jose
14 Diocese”) was and continues to be an organization or entity which includes, but is not limited to,
15 civil corporations, decision making entities, officials, and employees, authorized to conduct
16 business and conducting business in the State of California with its principal place of business at
17 1150 North First Street, Suite 100, San Jose, California. The San Jose Diocese was created in
18 approximately 1981. Later the Diocese created a corporation called the San Jose Diocese to conduct
19 some of its affairs. The San Jose Diocese operates its affairs as both a corporate entity and as an
20 organization named the Diocese of San Jose, with the Bishop as the top official. Both of these
21 entities and all other corporations and entities controlled by the Bishop are included in this
22 Complaint as being the San Jose Diocese. The Bishop is the top official of the Diocese and is given
23 authority over all matters within the San Jose Diocese as a result of his position. The Diocese
24 functions as a business by engaging in numerous revenue producing activities and soliciting money
25 from its members in exchange for its services. The San Jose Diocese has several programs which
26 seek out the participation of children in the Diocese’s activities. The San Jose Diocese, through its
27 officials, has control over those activities involving children. The San Jose Diocese has the power to
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1 appoint, supervise, monitor and fire each person working with children within the Diocese of San
2 Jose.

3 10. Plaintiff is informed and believes and thereon alleges that at all times material hereto
4 Defendant Diocese of Monterey a/k/a the Roman Catholic Bishop of Monterey, California a/k/a the
5 Diocese of Monterey in California (hereinafter “Monterey Diocese”) was and continues to be an
6 organization or entity which includes, but is not limited to, civil corporations, decision making
7 entities, officials, and employees, authorized to conduct business and conducting business in the
8 State of California with its principal place of business at 425 Church Street, Monterey, California.
9 The Monterey Diocese was created in approximately 1967. Later the Diocese created a corporation
10 called the Monterey Diocese to conduct some of its affairs. The Monterey Diocese operates its
11 affairs as both a corporate entity and as an organization named the Diocese of Monterey, with the
12 Bishop as the top official. Both of these entities and all other corporations and entities controlled by
13 the Bishop are included in this Complaint as being the Monterey Diocese. The Bishop is the top
14 official of the Diocese and is given authority over all matters within the Monterey Diocese as a
15 result of his position. The Diocese functions as a business by engaging in numerous revenue
16 producing activities and soliciting money from its members in exchange for its services. The
17 Monterey Diocese has several programs which seek out the participation of children in the
18 Diocese’s activities. The Monterey Diocese, through its officials, has control over those activities
19 involving children. The Monterey Diocese has the power to appoint, supervise, monitor and fire
20 each person working with children within the Diocese of Monterey.

21 11. Plaintiff is informed and believes and thereon alleges that at all times material hereto
22 Defendant Diocese of Orange a/k/a the Roman Catholic Bishop of Orange (hereinafter “Orange
23 Diocese”) was and continues to be an organization or entity which includes, but is not limited to,
24 civil corporations, decision making entities, officials, and employees, authorized to conduct
25 business and conducting business in the State of California with its principal place of business at
26 13280 Chapman Avenue, Garden Grove, California. The Orange Diocese was created in
27 approximately 1976. Later the Diocese created a corporation called the Orange Diocese to conduct
28 some of its affairs. The Orange Diocese operates its affairs as both a corporate entity and as an

1 organization named the Diocese of Orange, with the Bishop as the top official. Both of these entities
2 and all other corporations and entities controlled by the Bishop are included in this Complaint as
3 being the Orange Diocese. The Bishop is the top official of the Diocese and is given authority over
4 all matters within the Orange Diocese as a result of his position. The Diocese functions as a
5 business by engaging in numerous revenue producing activities and soliciting money from its
6 members in exchange for its services. The Orange Diocese has several programs which seek out the
7 participation of children in the Diocese's activities. The Orange Diocese, through its officials, has
8 control over those activities involving children. The Orange Diocese has the power to appoint,
9 supervise, monitor and fire each person working with children within the Diocese of Orange.

10 12. Plaintiff is informed and believes and thereon alleges that at all times material hereto
11 Defendant Diocese of San Bernardino a/k/a the Roman Catholic Bishop of San Bernardino
12 (hereinafter "San Bernardino Diocese") was and continues to be an organization or entity which
13 includes, but is not limited to, civil corporations, decision making entities, officials, and employees,
14 authorized to conduct business and conducting business in the State of California with its principal
15 place of business at 1201 East Highland Avenue, San Bernardino, California. The San Bernardino
16 Diocese was created in approximately 1978. Later the Diocese created a corporation called the San
17 Bernardino Diocese to conduct some of its affairs. The San Bernardino Diocese operates its affairs
18 as both a corporate entity and as an organization named the Diocese of San Bernardino, with the
19 Bishop as the top official. Both of these entities and all other corporations and entities controlled by
20 the Bishop are included in this Complaint as being the San Bernardino Diocese. The Bishop is the
21 top official of the Diocese and is given authority over all matters within the San Bernardino Diocese
22 as a result of his position. The Diocese functions as a business by engaging in numerous revenue
23 producing activities and soliciting money from its members in exchange for its services. The San
24 Bernardino Diocese has several programs which seek out the participation of children in the
25 Diocese's activities. The San Bernardino Diocese, through its officials, has control over those
26 activities involving children. The San Bernardino Diocese has the power to appoint, supervise,
27 monitor and fire each person working with children within the Diocese of San Bernardino.

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1 13. Plaintiff is informed and believes and thereon alleges that at all times material hereto
2 Defendant Diocese of San Diego a/k/a the Roman Catholic Bishop of San Diego (hereinafter “San
3 Diego Diocese”) was and continues to be an organization or entity which includes, but is not limited
4 to, civil corporations, decision making entities, officials, and employees, authorized to conduct
5 business and conducting business in the State of California with its principal place of business at
6 3888 Paducah Drive, San Diego, California. The San Diego Diocese was created in approximately
7 1936. Later the Diocese created a corporation called the San Diego Diocese to conduct some of its
8 affairs. The San Diego Diocese operates its affairs as both a corporate entity and as an organization
9 named the Diocese of San Diego, with the Bishop as the top official. Both of these entities and all
10 other corporations and entities controlled by the Bishop are included in this Complaint as being the
11 San Diego Diocese. The Bishop is the top official of the Diocese and is given authority over all
12 matters within the San Diego Diocese as a result of his position. The Diocese functions as a
13 business by engaging in numerous revenue producing activities and soliciting money from its
14 members in exchange for its services. The San Diego Diocese has several programs which seek out
15 the participation of children in the Diocese’s activities. The San Diego Diocese, through its
16 officials, has control over those activities involving children. The San Diego Diocese has the power
17 to appoint, supervise, monitor and fire each person working with children within the Diocese of San
18 Diego.

19 14. Plaintiff is informed and believes and thereon alleges that at all times material hereto
20 Defendant Diocese of Fresno a/k/a the Roman Catholic Bishop of Fresno (hereinafter “Fresno
21 Diocese”) was and continues to be an organization or entity which includes, but is not limited to,
22 civil corporations, decision making entities, officials, and employees, authorized to conduct
23 business and conducting business in the State of California with its principal place of business at
24 1550 North Fresno Street, Fresno, California. The Fresno Diocese was created in approximately
25 1967. Later the Diocese created a corporation called the Fresno Diocese to conduct some of its
26 affairs. The Fresno Diocese operates its affairs as both a corporate entity and as an organization
27 named the Diocese of Fresno, with the Bishop as the top official. Both of these entities and all other
28 corporations and entities controlled by the Bishop are included in this Complaint as being the

1 Fresno Diocese. The Bishop is the top official of the Diocese and is given authority over all matters
2 within the Fresno Diocese as a result of his position. The Diocese functions as a business by
3 engaging in numerous revenue producing activities and soliciting money from its members in
4 exchange for its services. The Fresno Diocese has several programs which seek out the participation
5 of children in the Diocese's activities. The Fresno Diocese, through its officials, has control over
6 those activities involving children. The Fresno Diocese has the power to appoint, supervise, monitor
7 and fire each person working with children within the Diocese of Fresno.

8 15. Defendants California Catholic Conference, Los Angeles Archdiocese, Sacramento
9 Diocese, Santa Rosa Diocese, San Francisco Archdiocese, Oakland Diocese, San Bernardino
10 Diocese, Monterey Diocese, San Jose Diocese and Fresno Diocese are hereinafter collectively
11 referred to as California Defendants.

12 16. Plaintiff is informed and believes and thereon alleges that at all times material hereto
13 Defendant the Catholic Bishop of Chicago, a corporation sole, a/k/a the Archdiocese of Chicago
14 (hereinafter "Chicago Archdiocese") was and continues to be an organization or entity which
15 includes, but is not limited to, civil corporations, decision making entities, officials, and employees,
16 authorized to conduct business and conducting business in the State of Illinois with its principal
17 place of business in Cook County, Illinois. The Chicago Archdiocese was created in approximately
18 1843. Later the Chicago Archdiocese created a corporation called the Roman Catholic Bishop of
19 Chicago to conduct some of its affairs. The Chicago Archdiocese operates its affairs as both a
20 corporate entity and as an organization named the Archdiocese of Chicago, with the Archbishop as
21 the top official. Both of these entities and all other corporations and entities controlled by the
22 Archbishop are included in this Complaint as being the Archdiocese of Chicago. The Archbishop is
23 the top official of the Archdiocese and is given authority over all matters within the Chicago
24 Archdiocese as a result of his position. The Archdiocese functions as a business by engaging in
25 numerous revenue producing activities and soliciting money from its members in exchange for its
26 services. The Chicago Archdiocese has several programs which seek out the participation of
27 children in the Archdiocese's activities. The Chicago Archdiocese, through its officials, has control

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1 over those activities involving children. The Chicago Archdiocese has the power to appoint,
2 supervise, monitor and fire each person working with children within the Chicago Archdiocese.

3 17. Jurisdiction and venue lie appropriately before this Court because of the geographic
4 location of where the cause of action arose. Specifically Msgr. Mohan was granted faculties by the
5 Archdiocese of Los Angeles when he transferred from the Archdiocese of Chicago. The Diocese of
6 Orange was created thereafter and Msgr. Mohan remained in the Diocese of Orange where his
7 faculties were continued. Decisions made by the Archdiocese of Los Angeles and all Defendants are
8 part of a cohesive and coordinated plan such that this Court is appropriate and proper.

9 18. Plaintiff is informed and believes and thereon alleges that the true names and
10 capacities of Defendants referred to herein as DOES 1 through 100, inclusive and each of them, are
11 currently unknown to Plaintiff. Plaintiff is further informed and believes and thereon alleges that
12 DOES 1 through 100 are in some way responsible for the damages incurred. Plaintiff will amend
13 this Complaint to allege the true names and capacities of DOES 1 through 100 once ascertained by
14 Plaintiff.

15 19. California Defendants, Chicago Archdiocese, and DOES 1 through 100 are
16 collectively referred to hereinafter as Defendants.

17 20. Plaintiff is informed and believes and thereon alleges that at all matters each of the
18 Defendants were the co-conspirators, employees, agents, ostensible agents, managing agents,
19 servants, owners, joint venturers, managers, directors, officers, representatives, alter egos, partners,
20 general partners, trustees, co-trustees, co-venturers, and/or employees of the other defendants, and
21 in doing the things herein alleges were acting within the course and scope of their co-conspiracy,
22 employment, agency, ownership, joint venture, management or their status as an officer, director, or
23 managing agent of Defendants. Each of the Defendants' actions, omissions, and conduct were
24 known to, authorized and ratified by Defendants. Plaintiff is informed and believes and thereon
25 alleges that all the acts, omissions, and/or conduct by the Defendants, which was outside the scope
26 of their authority, was known to, authorized and ratified by the Defendants.

27 **FACTS**

1 21. From approximately 1978 to 1980, when Plaintiff (hereinafter “Emens”) was
2 approximately 10 to 12 years old, Monsignor Thomas Joseph Mohan (hereinafter “Msgr. Mohan”)
3 engaged in unpermitted sexual contact with Plaintiff.

4 22. Msgr. Mohan was ordained a priest of Defendant Archdiocese of Chicago in
5 approximately 1935.

6 23. Msgr. Mohan was employed at various parishes in the Archdiocese of Chicago from
7 approximately 1938 to 1972.

8 24. In approximately 1972, Msgr. Mohan was transferred to St. Anthony Claret Parish in
9 Anaheim in Defendant Los Angeles Archdiocese.

10 25. St. Anthony Claret Parish later became part of Defendant Orange Diocese.

11 26. Msgr. Mohan remained in residence at St. Anthony Claret from approximately 1973
12 to 1989 during which time Msgr. Mohan sexually assaulted Plaintiff.

13 27. Plaintiff was raised to trust, revere and respect the Roman Catholic Church,
14 including Defendants and their agents, including Msgr. Mohan. Plaintiff and his family came in
15 contact with Msgr. Mohan as an agent and representative of Defendants.

16 28. The true nature of Msgr. Mohan as a sexually abusive priest has not been disclosed
17 publically by Defendants.

18 29. Defendants have failed and continue to fail to report known and/or suspected sexual
19 abuse of children by their agents to the police and law enforcement.

20 30. Defendants have maintained and continue to maintain sexually abusive priests in
21 employment despite knowledge or suspicions of child sex abuse.

22 31. Defendants hold their leaders and agents out as people of high morals, as possessing
23 immense power, teaching families and children to obey these leaders and agents, teaching families
24 and children to respect and revere these leaders and agents, soliciting youth and families to their
25 programs, marketing to youth and families, recruiting youth and families, and holding out the
26 people that work in their programs as safe.

27 32. As a result, Defendants’ leaders and agents have occupied positions of great trust,
28 respect and allegiance among members of the general public, including Plaintiff.

1 33. Since 1971, Defendant California Catholic Conference has assembled the Bishops of
2 the Dioceses in California in coordinating, creating, deciding and disseminating the policies,
3 practices and agendas to be implemented in each Diocese in California.

4 34. Defendant California Catholic Conference functions as a convener for the bishops of
5 each Diocese in California to discuss and respond collectively as a governing body over Catholic
6 institutions and issues in California.

7 35. Defendant California Catholic Conference, on behalf of each California Diocese, has
8 made representations about the safety of programs in Catholic institutions in California.

9 36. Defendant California Catholic Conference has repeatedly pledged to restore trust for
10 victims of sexual abuse through accountability and justice. These pledges are inconsistent with
11 California Defendants' policies, practices and actions demonstrating secrecy and concealment of
12 information about priests who have sexually assaulted children in California.

13 37. Defendants have fraudulently represented and continue to fraudulently represent to
14 the public, including Plaintiff, that 1) there is no danger of child sex abuse at its facilities and in its
15 programs; 2) they respond to allegations of sexual abuse promptly and effectively; 3) they cooperate
16 with civil authorities; 4) they discipline offenders and/or 5) they provide a means of accountability
17 to ensure the problem of clerical sex abuse is effectively dealt with.

18 38. Defendants have also fraudulently represented and continue to fraudulently represent
19 to the public that any sexual misconduct by its agents is a problem of the past and that its programs
20 and schools do not currently pose any risk to children.

21 39. Each Defendant has repeatedly and fraudulently represented that it will take action to
22 prevent sexual abuse while simultaneously concealing information about its knowledge of sexual
23 abuse of minors from law enforcement and the general public.

24 40. Defendants have a duty to refrain from taking actions that it knows or should know
25 interrupt or interfere with the health, safety, and welfare of the general public.

26 41. Despite this duty, Defendants have, for decades, and continue to adopt, policies and
27 practices of covering up criminal activity committed by its agents. These practices continues to the
28 present day.

1 42. Defendants' practices have endangered numerous children in the past and these
2 practices will continue to put children at risk in the future.

3 43. Defendants owe a duty to warn all children and their parents that come into contact
4 with its agents or former agents of allegations of sexual misconduct by the agents and former agents
5 because these children and their parents hold many of these agents and former agents in esteemed
6 positions, believe in the infallibility of Defendants' agents, and the trustworthiness of Defendants,
7 all of which gives them virtually unlimited access to children.

8 44. In 2004, Defendant Los Angeles Archdiocese publicly admitted that it knew of 244
9 priests who worked in the Archdiocese who were accused of sexually molesting minors. At that
10 time, the Archdiocese released a list of 211 named clerics accused in the Los Angeles Archdiocese.
11 Defendant Archdiocese of Los Angeles later removed the list on its website, replacing it with a list
12 and documents regarding 122 clerics who were named as abusers in a prior lawsuit. Defendant Los
13 Angeles Archdiocese continues to conceal important information about the priests on the lists and
14 the names and information about accused priests not on the lists. Additional information has also
15 not been disclosed about the credibly accused priests' pattern of grooming and sexual abuse. As a
16 result, children are at risk of being sexually assaulted.

17 45. In 2004, Defendant Sacramento Diocese publicly admitted that it knew of 21 priests
18 who worked in the Diocese since 1950 who were accused of child sex abuse. Defendant Sacramento
19 Diocese has never publicly released those names. Defendant Sacramento Diocese continues to
20 conceal the identities, names and information about priests accused of sexual abuse of minors. As a
21 result, children are at risk of being sexually assaulted.

22 46. In 2003, Defendant Santa Rosa Diocese publicly admitted that it knew of 16 priests
23 who worked in the Diocese since 1962 who had been involved in sexual misconduct with minors.
24 Defendant Santa Rosa Diocese has never publicly released those names. Defendant Santa Rosa
25 Diocese continues to conceal the identities, names and information about priests accused of sexual
26 abuse of minors. As a result, children are at risk of being sexually assaulted.

27 47. In 2004, Defendant San Francisco Archdiocese publicly admitted that it knew of 51
28 priests who worked in the Diocese since 1950 who were credibly accused of sexually molesting

1 minors. Defendant San Francisco Archdiocese also publicly admitted that it knew of an additional 5
2 priests who had been accused of sexually molesting minors. Defendant San Francisco Archdiocese
3 continues to conceal the identities, names and information about priests accused of sexual abuse of
4 minors. As a result, children are at risk of being sexually assaulted.

5 48. In 2004, Defendant Oakland Diocese publicly admitted that it knew of 29 priests
6 who worked in the Diocese since 1950 who were accused of sexual misconduct with minors.
7 Defendant Oakland Diocese has never publicly released those names. Defendant Oakland Diocese
8 continues to conceal the identities, names and information about priests accused of sexual abuse of
9 minors. As a result, children are at risk of being sexually assaulted.

10 49. In 2004, Defendant San Jose Diocese publicly admitted that it knew of 6 priests who
11 worked in the Diocese since 1981 who were accused of sexual abuse of minors. Defendant San Jose
12 Diocese has never publicly released those names. Defendant San Jose Diocese continues to conceal
13 the identities, names and information about priests accused of sexual abuse of minors. As a result,
14 children are at risk of being sexually assaulted.

15 50. In 2018, Defendant San Jose Diocese publicly stated that it would release names of
16 priests accused of abusing minors and self-investigate its response to reports of abuse.

17 51. In 2004, Defendant Monterey Diocese publicly admitted that it knew of 17 clerics
18 who worked in the Diocese who were accused of sexual abuse of minors. Defendant Monterey
19 Diocese released a partial list of its clerics accused of sexual abuse of minors which is no longer
20 available on its website. Defendant Monterey Diocese continues to conceal important information
21 about the priests on its list and the names and information about accused priests not on its list.
22 Additional information has also not been disclosed about the credibly accused priests' pattern of
23 grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

24 52. In 2004, Defendant Orange Diocese publicly admitted that it knew of 16 priests with
25 were accused of sexual abuse of minors. Since then, the identities of 15 of the 16 priests were
26 revealed during litigation. Defendant Orange Diocese continues to conceal important information
27 about priests on its list and the names and information about accused priests not on its list.

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1 Additional information has also not been disclosed about the credibly accused priests' pattern of
2 grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

3 53. In 2004, Defendant San Bernardino Diocese publicly admitted that it knew of 13
4 priests since 1978 who were accused of sexual abuse of minors. Defendant San Bernardino Diocese
5 has never publicly released those names. Defendant San Bernardino Diocese continues to conceal
6 the identities and information about priests accused of sexual abuse of minors. As a result, children
7 are at risk of being sexually assaulted.

8 54. In 2018, Defendant San Diego Diocese publicly admitted that it knew of 51 priests
9 who worked in the San Diego Diocese since 1950 who had been credibly accused of sexually
10 molesting minors. Defendant San Diego Diocese continues to conceal important information about
11 the priests on that list and the names and information about accused priests not on the list.
12 Information has not been disclosed about the credibly accused priests' pattern of grooming and
13 sexual abuse. As a result, children are at risk of being sexually molested.

14 55. In 2004, Defendant Fresno Diocese publicly admitted that it knew of 8 reports of
15 priest sexual abuse between 1950 and 2002. Defendant Fresno Diocese has never publicly released
16 those names. Defendant Fresno Diocese continues to conceal the identities and information about
17 priests accused of sexual abuse of minors. As a result, children are at risk of being sexually abused.

18 56. In 2004, Defendant Chicago Archdiocese publicly admitted that there were 55 clerics
19 of the Archdiocese who had allegations of sexually molesting minors substantiated against them
20 since 1950. In 2014, Defendant Chicago Archdiocese added 10 more clerics to its list. Defendant
21 Chicago Archdiocese has released some of the documents pertaining to 30 of the 65 listed clerics
22 that expose the histories, patterns and practices used to molest minors, and the Archdiocese's
23 knowledge of the clerics' dangerous tendencies. Defendant Chicago Archdiocese continues to
24 conceal important information about the priests on its list and the names and information about
25 accused priests not on its list. Additional information has also not been disclosed about the credibly
26 accused priests' pattern of grooming and sexual abuse. As a result, children are at risk of being
27 sexually assaulted.

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1 57. On approximately November 30, 2017, Plaintiff wrote to Cardinal Blaise Cupich, the
2 Archbishop of Defendant Chicago Archdiocese requesting that Defendant Chicago Archdiocese
3 identify and investigate Msgr. Mohan’s sexual abuse of children. Plaintiff did not receive timely a
4 response to his letter.

5 58. On approximately August 27, 2018, Cardinal Cupich made public statements that
6 were dismissive of the sexual abuse of children by priests, demonstrating indifference to the current
7 peril of sexual abuse of children.

8 59. On approximately September 26, 2018, Cardinal Cupich published an op-ed in the
9 Chicago Tribune newspaper about Defendant Chicago Archdiocese’s response to sexual abuse in
10 the Catholic Church. Archbishop Cupich publicly apologized for his earlier comments minimizing
11 the prevalence of sexual abuse by priests. Archbishop Cupich represented that it would continue the
12 practices it has in the past. Defendant Chicago Archdiocese’s practices continue to put children at
13 risk of being sexually assaulted.

14 60. Upon information and belief, prior to and since Defendants’ disclosures, Defendants
15 failed to report multiple allegations of sexual abuse of children by its agents to the proper civil
16 authorities. As a result, children are at risk of being sexually assaulted.

17 61. Further, the public is under the mistaken belief that Defendants do not have
18 undisclosed knowledge of clerics who present a danger to children.

19 62. As a direct result of Defendants’ conduct described herein, Plaintiff has suffered and
20 will continue to suffer, great pain of mind and body, severe and permanent emotional distress,
21 physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation,
22 physical, personal and psychological injuries. Plaintiff was prevented and will continue to be
23 prevented from performing normal daily activities and obtaining the full enjoyment of life; and/or
24 has incurred and will continue to incur expenses for psychological treatment, therapy and
25 counseling and, on information and belief, has and/or will incur loss of income and/or loss of
26 earning capacity.

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FIRST CAUSE OF ACTION
CIVIL CONSPIRACY
(As Against All Named-Defendants and All Doe Defendants)

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this Count.

63. Each and every Defendant named in this action participated in the acts and omissions complained of and then entered into a civil conspiracy to conceal the true nature of sexual abuse of minors in the Dioceses across California.

64. Each and every Defendant took part in or helped conceal the improper and illegal activities taking place within the Dioceses in California.

65. Each and every Defendant entered into a civil conspiracy and concerted action to pursue the common purpose of 1) concealing the sexual assaults of, the identities and patterns of its agents; 2) concealing sexual assaults and abuse committed by its agents from proper civil authorities; 3) attacking credibility of victims of Defendants' agents; 4) protecting Defendants' agents from criminal prosecution for sexual assaults and abuse against children; 5) allowing known child molesters to live freely in the community without informing the public; 6) after receiving reports or notice of misconduct by clerics transferring them to new locations without warning parishioners or the public of the threat posed by such sexual abusers; 7) making affirmative representations regarding Defendants' agents' fitness for employment in positions that include working with children, while failing to disclose negative information regarding sexual misconduct by clerics; and 8) concealing Defendants' actions and their agents' actions from survivors of past abuse causing separate current harm.

66. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

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1 **SECOND CAUSE OF ACTION**
2 **PUBLIC NUISANCE**
3 **(COMMON LAW, CAL. PENAL CODE § 370, AND**
4 **CAL. CIV. CODE §§ 3479 and 3480)**
5 **(As Against All Named-Defendants and All Doe Defendants)**

6 Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under
7 this Court.

8 67. Each Defendant's actions and omissions, as described above, have interrupted or
9 interfered with the health, safety, and welfare of the general public.

10 68. Each Defendant has created and exposed the public to these unsafe conditions
11 continuously and on an ongoing basis before and since the time that Plaintiff was sexually abused
12 and has continued to expose the public to that unabated threat until the present day.

13 69. Defendants continue to conspire and engage and/or have conspired and engaged in
14 efforts to: 1) conceal from the general public the sexual assaults committed by, the identities of,
15 and the pedophilic/ephebophilic tendencies of its accused priests; and/or 2) conceal from proper
16 civil authorities sexual assaults and abuse committed its agents against minor children; and/or 3)
17 attack the credibility of victims of Defendants' agents; and/or 4) protect Defendants' agents from
18 criminal prosecution for their sexual assaults and abuse against children; and/or 5) allow known
19 child molesters to live freely in the community without informing the public; and/or 6) after
20 receiving reports or notice of misconduct by clerics, transfer them to new parishes without any
21 warning to parishioners of the threat posed by such clerics, in violation of law; 7) make affirmative
22 representations regarding Defendants' pedophilic and/or ephebophilic agents' fitness for
23 employment, in positions that include working with children, while failing to disclose negative
24 information regarding sexual misconduct by such clerics; and/or 8) concealing Defendants' actions
25 and their agents' actions from survivors of past abuse causing separate current harm.

26 70. The negligence and/or deception and concealment by each Defendant was and is
27 injurious to the health of and/or indecent or offensive to the senses of and/or an obstruction to the
28 free use of property by entire communities, neighborhoods, and/or a considerable number of
persons including, but not limited to, children and residents in California and Illinois and other
members of the general public who live in communities where each Defendant's agents who

1 molested children live, so as to substantially and unreasonably interfere with the comfortable
2 enjoyment of life. Each Defendant's failure to report multiple allegations of sexual assault and
3 abuse of children to proper authorities, as well as its failure to inform the public about sexual abuse,
4 or priests accused of sexual abuse of minors has prevented the public from knowing of a real
5 danger, and has thereby substantially and unreasonably interfered with the comfortable enjoyment
6 of life by a considerable number of persons by allowing child molesters to avoid prosecution and
7 remain living freely in unsuspecting communities and working with and around children and also
8 caused harm to abuse survivors. These child molesters, known to each Defendant but not to the
9 public, pose a threat of additional abuse to a considerable number of members of the public.

10 71. The negligence and/or deception and concealment by each Defendant was and is
11 injurious to the health of and/or indecent or offenses to the senses of and/or an obstruction to the
12 free use of property by entire communities, neighborhoods, and/or the general public including but
13 not limited to residents who live in communities where each Defendant's accused molesters live in
14 that many in the general public cannot trust Defendants to warn parents of the presence of the
15 current and/or former accused molesters, nor to identify their current and/or former accused
16 molesters, nor to disclose said credibly accused molesters' and other accused molesters' assignment
17 histories, nor to disclose their patterns of conduct in grooming and sexually assaulting children, nor
18 to disclose Defendants own actions and roles in the cover up and sexual abuse of children, all of
19 which create an impairment of the safety of children in the neighborhoods in California and Illinois
20 where each Defendant conducted, and continues to conduct, its business.

21 72. The negligence and/or deception and concealment by Defendants was specially
22 injurious to Plaintiff's health and/or Plaintiff's personal enjoyment of life.

23 73. The negligence and/or deception and concealment by Defendants also was specially
24 injurious to Plaintiff's health and/or Plaintiff's personal enjoyment of life in that when Plaintiff
25 discovered the negligence and/or deception and concealment of Defendants, Plaintiff experienced
26 mental, emotional and/or physical distress that Plaintiff had been the victim of Defendants'
27 negligence and/or deception and concealment.

28 74. Plaintiff has suffered and/or continues to suffer special, particular, and peculiar

1 psychological and emotional harm and/or peculiar pecuniary harm, different in kind from the
2 general public, after learning of Defendants' concealment of names and information about priests
3 accused of sexually molesting minors and as a result of the dangerous condition maintained and/or
4 permitted by Defendants, which continues as long as decisions are made and actions are taken to
5 keep the information about the abuse and/or the accused priests concealed. As a result of the
6 negligence and/or deception and concealment, Plaintiff has suffered and continues to suffer lessened
7 enjoyment of life, and/or impaired health, and/or emotional distress, and/or physical symptoms of
8 emotional distress and/or pecuniary loss including medical expenses and/or wage loss.

9 75. Plaintiff's injuries are also particular to Plaintiff and different from certain members
10 of the public who have not been harmed by the nuisance. People who have not been harmed by the
11 nuisance include those who have not suffered any injury at all, those who are unaware of the
12 nuisance, those who do not believe that Defendants ever concealed anything about child sex abuse,
13 and those who think that any concealment only occurred decades ago.

14 76. The continuing public nuisance created by Defendants was, and continues to be, the
15 proximate cause of Plaintiff's special injuries and damages as alleged.

16 77. The harm suffered by Plaintiff is the exact type of harm that one would expect from
17 Defendants' acts and omissions.

18 78. In committing the aforementioned acts and omissions, Defendants acted negligently
19 and recklessly and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

20 79. As a result of the above-described conduct, Plaintiff has suffered the injuries and
21 damages described herein.

22 **THIRD CAUSE OF ACTION**
23 **PRIVATE NUISANCE (CAL. CIV. CODE §§ 3479 AND 3481)**
24 **(As Against All Named-Defendants and All Doe Defendants)**

25 Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under
26 this Count.

27 80. Defendants continue to conspire and engage and/or have conspired and engaged in
28 efforts to: 1) conceal from the general public the sexual assaults committed by, the identities of, and
the pedophilic/ephebophilic tendencies of accused priests; and/or 2) conceal from proper civil

1 authorities sexual assaults and abuse committed by Defendants' agents against minor children;
2 and/or 3) attack the credibility of victims of Defendants' agents; and/or 4) protect Defendants'
3 agents from criminal prosecution for their sexual assaults and abuse against children; and/or 5)
4 allow known child molesters to live freely in the community without informing the public; and/or 6)
5 after receiving reports or notice of misconduct by clerics, transfer them to new parishes without any
6 warning to parishioners of the threat posed by such clerics, in violation of law; 8) make affirmative
7 representations regarding Defendants' pedophilic and/or ephebophilic agents' fitness for
8 employment, in positions that include working with children, while failing to disclose negative
9 information regarding sexual misconduct by such clerics; and/or 9) concealing Defendants' actions
10 and their agents' actions from survivors of past abuse causing separate current harm.

11 81. The negligence and/or deception and concealment by Defendants was and is
12 injurious to the health and/or indecent or offensive to the senses of and/or an obstruction to the free
13 use of property of residents and other members of the general public who live in communities
14 where Defendants' accused molesters live. It was and is indecent and offensive to the senses, so as
15 to interfere with the general public's comfortable enjoyment of life in that many in the general
16 public cannot trust Defendants to warn parents of the presence of the current and/or former accused
17 molesters, nor to identify their current and/or former accused molesters, nor to disclose said
18 credibly accused molesters' and other accused molesters' assignment histories, nor to disclose their
19 patterns of conduct in grooming and sexually assaulting children, all of which create an impairment
20 of the safety of children in the neighborhoods in California and Illinois where Defendants
21 conducted, and continues to conduct, its business.

22 82. The negligence and/or deception and concealment by Defendants was injurious to
23 Plaintiff's health and/or Plaintiff's personal enjoyment of life.

24 83. The negligence and/or deception and concealment by Defendants also was injurious
25 to Plaintiff's health and/or personal enjoyment of life in that when Plaintiff discovered the
26 negligence and/or deception and concealment of Defendants, Plaintiff experienced mental,
27 emotional, and/or physical distress that Plaintiff had been the victim of the Defendants' negligence
28 and/or deception and concealment.

1 84. The continuing nuisance created by Defendants was, and continues to be, a
2 proximate cause of Plaintiff's injuries and damages as alleged.

3 85. In doing the aforementioned acts, Defendants acted negligently and recklessly and/or
4 intentionally, maliciously and with conscious disregard for Plaintiff's rights.

5 86. As a result of the above-described conduct, Plaintiff has suffered the injuries and
6 damages described herein.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff requests an injunction restraining and enjoining the Defendants
9 from continuing the acts of unlawful, unfair and/or fraudulent practices set forth above by
10 discontinuing its current practice and policy of dealing with allegations of child sexual abuse by its
11 agents, and that it work with civil authorities to create, implement and follow a policy for dealing
12 with such molesters that will better protect children and the general public from further harm.

13 To abate the continuing nuisance, Plaintiff further requests an order requiring that each
14 Diocese Defendant publicly release the names of all agents, including priests, accused of child
15 molestation, each agent's history of abuse, each such agent's pattern of grooming and sexual
16 behavior, and his or her last known address. This includes the release of each Defendants'
17 documents on the agents.

18 Plaintiff demands judgment in an amount to exceed the minimum required jurisdiction of
19 this Court against Defendants in an amount to be determined at trial, plus costs, disbursements,
20 reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

21 DATED: October 1, 2018

JEFF ANDERSON & ASSOCIATES

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23 _____
24 MICHAEL G. FINNIGAN
25 MICHAEL RECK
26 Attorneys for Plaintiff, THOMAS
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DEMAND FOR TRIAL

Plaintiff hereby demands a trial by jury in this matter.

DATED: October 1, 2018

JEFF ANDERSON & ASSOCIATES



MICHAEL G. FINNEGAN
MICHAEL RECK
Attorneys for Plaintiff, THOMAS
EMENS