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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF GUAM**

12 T.T.T.,

CIVIL ACTION NO.

13 Plaintiff,

COMPLAINT

14 v.

JURY TRIAL DEMANDED

15 SISTERS OF MERCY OF NORTH
16 CAROLINA a.k.a. SISTERS OF MERCY OF
17 THE AMERICAS, REGIONAL
18 COMMUNITY OF NORTH CAROLINA
19 a.k.a. SISTERS OF OUR LADY OF MERCY
20 OF NORTH CAROLINA, INC. a.k.a. THE
21 SISTERS OF OUR LADY OF MERCY OF
22 NORTH CAROLINA, a corporation;
23 SISTERS OF MERCY OF THE AMERICAS
24 SOUTH CENTRAL COMMUNITY, INC., a
25 corporation; SISTERS OF MERCY OF THE
26 AMERICAS, INC., a corporation; SISTERS
27 OF MERCY OF NORTH CAROLINA ON
28 GUAM, a corporation; SISTERS OF
29 MERCY OF THE AMERICAS SOUTH
30 CENTRAL COMMUNITY ON GUAM,
31 INC., a corporation; SISTERS OF MERCY
32 OF THE AMERICAS SOUTH CENTRAL
33 ON GUAM, INC., a corporation;
34 SANTA BARBARA CATHOLIC SCHOOL,
35 a Parochial School in Guam DOE ENTITIES
36 1-5; and DOE-INDIVIDUALS 6-44,
37 inclusive,

38 Defendants.

39 Plaintiff T.T.T. ("T.T.T.") files this Complaint ("the Complaint") for damages based on prior sexual
40 abuse against Defendants; Sisters of Mercy of North Carolina a.k.a. Sisters of Mercy of the Americas,
41 Regional Community of North Carolina a.k.a. Sisters of Our Lady of Mercy of North Carolina, Inc. a.k.a.
42 The Sisters of Our Lady of Mercy of North Carolina, a corporation; Sisters of Mercy of the Americas South
43 Central Community, Inc., a corporation; Sisters of Mercy of the Americas, Inc., a corporation; Sisters of

1 Mercy of North Carolina on Guam, a corporation; Sisters of Mercy of the Americas South Central
2 Community on Guam, Inc., a corporation; Sisters of Mercy of the Americas South Central on Guam, Inc., a
3 corporation, Santa Barbara Catholic School, a Parochial School in Guam and DOES 1-44 (“Defendants”).
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5 **I.**
6 **JURISDICTION AND VENUE**

7 1. This Court has subject matter jurisdiction over this matter under 28 U.S.C. § 1332 because all
8 parties are citizens of diverse states and the amount in controversy exceeds \$75,000.00 exclusive of interest,
9 fees, and costs.

10 2. This Court has personal jurisdiction over this matter because Defendants purposefully availed
11 themselves to the benefit of the laws of this judicial district by regularly transacting and/or conducting
12 business in this state.

13 3. Venue is appropriate under 28 U.S.C. § 1391(b)(2) because this is the judicial district in which
14 a substantial part of the events or omissions giving rise to the claim occurred, and or a substantial part of
15 property that is the subject of the action is situated.

16 **II.**
17 **PARTIES**

18 4. At all times relevant hereto, T.T.T. is an individual who resides in California, but previously
19 lived on Guam during his childhood years. When he was a minor boy and an altar server for Santa Barbara
20 Catholic School (“Santa Barbara”), T.T.T. was sexually molested and abused by Father Raymond Cepeda, an
21 ordained priest of the Roman Catholic of Agana, a Catholic parochial school operated by and under the
22 supervision of Agana Archdiocese. T.T.T. is currently an adult.

23 5. At all times relevant hereto, and upon information and belief, Roman Catholic Archbishop of
24 Agana, a corporation sole, in accordance with the discipline and government of the Roman Catholic Church,
25 is the legal name for the Archbishop of Agana, also known as Archdiocese of Agana (“Agana Archdiocese”),
26 which is and has been at all times relevant hereto a non-profit corporation organized and existing under the
27 laws of Guam, authorized to conduct business and conducting business in Guam, with its principal place of
28 business in Guam and which filed for bankruptcy on January 16, 2019. If it had not filed for bankruptcy, the.

1 Agana Archdiocese is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts
2 complained of herein.

3 6. At all times relevant hereto, Defendant Raymond Cepeda (“Cepeda”), now deceased, was an
4 individual and an agent of the Agana Archdiocese, was a member of the clergy of the Agana Archdiocese,
5 and a Catholic priest working for the Agana Archdiocese, who was removed as a priest in 2009 or 2010. At
6 all times relevant hereto, Cepeda was a resident of Guam and is responsible and liable in whole or in part,
7 directly or indirectly, for the wrongful acts complained of herein.

8 7. Defendant-entities named herein as DOES 1-5, inclusive, are or at all times relevant hereto,
9 were insurance companies that provided general liability coverage and/or excess level liability coverage
10 pursuant to policies issued to the Agana Archdiocese, Santa Barbara and Sisters of Mercy, and/or Roman
11 Catholic Church of Guam. Defendant- individuals named herein as DOES 6-44, inclusive, are at all times
12 relevant hereto, agents, employees, representatives and/or affiliated entities of the Agana Archdiocese, Santa
13 Barbara and/or Roman Catholic Church, whose true names and capacities are unknown to T.T.T. who
14 therefore sues such Defendants by such fictitious names and while amend the Complaint to show the true and
15 capacities of each such DOE Defendant when as curtailed. DOES 6-44 assisted, aided and abetted and/or
16 conspired with Cepeda and/or other members of the Agana Archdiocese, Santa Barbara, to conceal disguise,
17 cover up, and/or promote the wrongful acts complained of herein. As such, each such DOE is legally
18 responsible in some manner for the events, happenings, and/or tortious and unlawful conduct that caused the
19 injuries and damages and damages alleged in this Complaint.

20 8. At all times relevant hereto, and upon information and belief, Defendant Sisters of Mercy of the
21 Americas South Central Community, Inc. (“SMASCC”) is a Missouri corporation, incorporated on or about
22 April 2, 2007. Defendant SMASCC was designated to exercise supervision and control over the “South
23 Central” region, which includes Guam. Defendant SMASCC regularly assigned missionaries to Guam and
24 established, operated, managed, administered, controlled, and/or supervised several Catholic Schools on
25 Guam, specifically Santa Barbara Catholic School. Upon information and belief, Defendant SMASCC also
26 operates as Sisters of Mercy of The Americas, Inc. Defendant SMASCC is responsible and liable in whole or
27 in part, directly or indirectly, for the wrongful acts complained of herein.

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1 9. At all times relevant hereto, and upon information and belief, Defendant Sisters of Mercy of the
2 Americas, Inc. (“SMA”) is a Missouri corporation, incorporated on or about November 9, 2009, whose
3 principal place of business is located at 8380 Colesville Road, Suite 300, Silver Spring, Maryland 20910.
4 Defendant SMA regularly assigned missionaries to Guam and established, operated, managed, administered,
5 controlled, and/or supervised several Catholic Schools on Guam, specifically Santa Barbara Catholic School.
6 Defendant SMA is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts
7 complained of herein.

8 10. At all times relevant hereto, and upon information and belief, Defendant Sisters of Mercy of
9 North Carolina on Guam (“SMNCG”) is a North Carolina corporation, incorporated on or about November
10 3, 1995. On or about April 24, 1996, Defendant SMNCG became authorized to transact business on Guam.
11 Defendant SMNCG regularly assigned missionaries to Guam and established, operated, managed,
12 administered, controlled, and/or supervised several Catholic Schools on Guam, specifically Santa Barbara
13 Catholic School. On or about January 1, 2009, Defendant SMNCG merged into Sisters of Mercy of the
14 Americas South Central on Guam, Inc., a Missouri corporation, which is now known as Sisters of Mercy of
15 the Americas South Central Community on Guam, Inc., having changed its name by April 29, 2013.
16 Defendant SMNCG is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts
17 complained of herein.

18 11. At all times relevant hereto, and upon information and belief, Defendant Sisters of Mercy of the
19 Americas South Central Community on Guam, Inc. (“SMASCCG”) is a Missouri corporation, incorporated
20 on or about December 8, 2008. On or about July 17, 2009, Defendant SMASCCG was authorized to transact
21 business on Guam. Defendant SMASCCG regularly assigned missionaries to Guam and established,
22 operated, managed, administered, controlled, and/or supervised several Catholic Schools on Guam,
23 specifically Santa Barbara Catholic School. Defendant SMASCCG is responsible and liable in whole or in
24 part, directly or indirectly, for the wrongful acts complained of herein.

25 12. At all times relevant hereto, and upon information and belief, Defendant Sisters of Mercy of the
26 Americas South Central on Guam, Inc. (“SMASCG”) is a corporation, incorporated on or about July 17,
27 2009. SMASCG is authorized to transact business on Guam and regularly assigned missionaries to Guam
28 and established, operated, managed, administered, controlled, and/or supervised several Catholic Schools on

1 Guam, specifically Santa Barbara Catholic School. Defendant SMASCG is responsible and liable in whole
2 or in part, directly or indirectly, for the wrongful acts complained of herein.

3 13. At all times relevant hereto, Defendants SMNC, SMASCC, SMA, SMNCG, SMASCCG, and
4 SMASCG (collectively referred to herein as the “Sisters of Mercy”) are religious orders of Catholic women
5 who commit their lives to God, serving those in need, and devoting themselves to works of mercy, and
6 whose responsibilities, obligations, duties, actions, and liabilities are inextricably intertwined that each is
7 liable for the wrongful conduct of the other. Upon information and belief, Bishop Apollinaris Baumgartner
8 an agent of Defendant Agana Archdiocese began enlisting religious women willing to serve on Guam. As a
9 result, in or about 1946, Defendant SMNC sent several missionaries to Guam. Soon after their arrival, the
10 Sisters of Mercy became the largest community of Chamorro religious women and are currently involved in
11 various ministries throughout Guam such as education, pastoral work, prayer ministry, and social work.
12 Defendants Agana Archdiocese and Sisters of Mercy have founded, established, operated, managed,
13 administered, controlled, and/or supervised many of Guam’s Catholic schools and nurseries, including but
14 not limited to the Academy of Our Lady of Guam, Cathedral Grade School, Santa Barbara Catholic School,
15 Infant of Prague Nursery, St. Anthony School, Mercy Heights Nursery, and Bishop Baumgartner School.
16 The Sisters of Mercy are involved in several offices and they hold various positions at local institutions
17 including the Archdiocese of Agana, University of Guam, the Guam Community College, Guam Memorial
18 Hospital, Catholic Social Services, Alee Shelter, the Guam Public School System, and the Senior Citizens
19 Division of the Department of Public Health and Social Services. Defendants Agana Archdiocese and Sisters
20 of Mercy are responsible and liable in whole or in part, directly or indirectly, for the wrongful acts
21 complained of herein.

22 14. Each defendant is the agent, servant and/or employee of other defendants, and each defendant
23 was acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the
24 other defendants. Defendants, and each of them, are individuals, corporations, alter egos and partnerships of
25 each other and other entities which engaged in, joined in and conspired with the other wrongdoers in carrying
26 out the tortious and unlawful activities described in this Complaint; and defendants, each of them, ratified the
27 acts of the other defendants as described in this Complaint.

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1 penis which Cepeda momentarily succeeded but T.T.T. immediately pulled Cepeda's hand out and T.T.T.
2 fled the Office and has been traumatized ever since to this day. T.T.T. believes Cepeda's action robbed
3 T.T.T. of his innocence.

4 22. As a result of Cepeda's action, T.T.T. became an alcoholic and a drug addict and has undergone
5 several drug and alcohol treatment programs during the mid- 1980s in Kentucky.

6 23. T.T.T. also struggled with sex addiction, attracting many unsuitable partners, and was unable to
7 marry until T.T.T. was in his early forties.

8 24. Cepeda's sexual abuse, and, its lasting effect on T.T.T., forced T.T.T. to leave the Catholic
9 Church and to join the Church of England.

10 25. The Santa Barbara Catholic School, Sisters of Mercy, and DOES 1-44, inclusive, knew or
11 should have known that Cepeda had sexually abused and molested T.T.T., and rather than reporting the
12 matter to law enforcement and without intervening so as to prevent Cepeda from engaging in additional
13 instances of sexual abuse, and without seeking to have Cepeda acknowledge and take responsibility for his
14 wrongful actions, for years they covered up the sexual abuse and assisted Cepeda with the specific purpose
15 or design to keep Cepeda's misconduct hidden and secret; to hinder or prevent Cepeda's apprehension and
16 prosecution; and to protect Santa Barbara School and Sisters of Mercy, as well as the Roman Catholic church
17 as an international institution.

18 26. To this day, Santa Barbara School, Sisters of Mercy, and DOES 1-44 have never contacted
19 T.T.T., T.T.T.'s family, or other children they know Cepeda had sexual contact with. The Agana
20 Archdiocese and Santa Barbara Catholic School, and DOES 1-44 have been content knowing that any other
21 children that were sexually abused by Cepeda while he was serving as a Catholic priest, will remain affected
22 by guilt, shame and emotional distress.

23 27. The criminal offense of Child Abuse is defined in 9 GCA §31.30, which states in pertinent part
24 as follows:

25 (a) A person is guilty of child abuse when:

- 26 (1) he subjects a child to cruel mistreatment; or
27 (2) having a child in his care or custody or under his control, he:
* * *

(B) subjects that child to cruel mistreatment; or

28 (C) unreasonably causes or permits the physical or, emotional
health of that child to be endangered.

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28. Under 19 GCA §13101, the following relevant definitions are provided:

- * * *
- (b) Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child's welfare;
* * *
- (d) Child means a person under the age of 18 years;
* * *
- (t) Harm to a child's physical health or welfare occurs in a case where there exists evidence of injury, including but not limited to:
* * *
 - (2) Any case where the child has been the victim of a sexual offense as defined in the Criminal and Correctional Code; or
 - (3) Any case where there exists injury to the psychological capacity of a child such as failure to thrive, extreme mental distress, or gross emotional or verbal degradation as is evidenced by an observable and substantial impairment in the child's ability to function within a normal range of performance with due regard to the child's culture.

29. Under 9 GCA §25A201, "sexual conduct" with a minor is defined as follows:

- (o) Sexual Conduct means acts of sexual penetration, sexual contact, masturbation, bestiality, sexual penetration, deviate sexual intercourse, sadomasochistic abuse, or lascivious exhibition of the genital or pubic area of a minor.

30. Under 9 GCA §25.10(a)(8), "sexual contact" is defined as follows:

- (8) Sexual Contact includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.

31. Under 9 GCA §25.20, the crime of Second Degree Criminal Sexual Misconduct with regard to a child is set forth in pertinent part as follows:

- (a) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:
 - (1) that other person is under fourteen (14) years of age;
 - (2) that other person is at least fourteen (14) but less than sixteen (16) years of age and the actor is a member of the same household as the victim, or is related by blood or affinity to the fourth degree to the victim, or is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.

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32. Under 19 GCA §13201(b), the following are required to report child abuse:

- (a) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, ... clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship,

IV.
FIRST CAUSE OF ACTION

Child Sexual Abuse
[Against All Defendants]

33. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 32 of this Complaint as if fully set forth herein.

34. Defendants are vicariously liable for the sexual abuse committed upon T.T.T. by Cepeda. Public policy dictates that Defendants should be held responsible for Cepeda's wrongful conduct under the theory commonly referred to as *Respondeat Superior*.

35. Cepeda, prior to his death, committed by his sexual abuse the tort of battery, by intending to cause a harmful or offensive contact with T.T.T.'s person. As a direct result of Cepeda's acts, a harmful or offensive contact occurred with T.T.T.'s person. T.T.T. did not consent to the harmful or offensive contact by Cepeda. The harmful or offensive contact caused injury, damage, loss, and harm to T.T.T., including but not limited to great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of his Catholic faith and enjoyment of life; and T.T.T. has incurred and/or will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a direct and proximate result of the harmful or offensive contact, T.T.T. suffered general and special damages. By engaging in the conduct described herein, Cepeda acted with malice, oppression, and/or fraud, entitling T.T.T. to exemplary and punitive damages.

36. Cepeda, prior to his death, committed by his sexual abuse the tort of assault, by demonstrating an unlawful intent to inflict an immediate injury on the person of T.T.T. then present, causing T.T.T. to be in fear of personal harm including sexual abuse, and as a direct and proximate result causing T.T.T. to suffer

1 general and special damages. By engaging in this conduct, Cepeda acted with malice, oppression, and/or
2 fraud, entitling T.T.T. to exemplary and punitive damages.

3 37. Cepeda, prior to his death, committed by his sexual abuse the tort of intentional infliction of
4 emotional distress. Cepeda's acts and conduct in sexually abusing T.T.T. were extreme and outrageous. By
5 engaging in such acts and conduct, Cepeda intended to cause, or had reckless disregard of the probability of
6 causing, T.T.T. to suffer severe emotional distress, including but not limited to great pain of mind and body,
7 shock, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
8 humiliation, and loss of enjoyment of life. As an actual and proximate result of Cepeda's extreme and
9 outrageous acts and conduct, T.T.T. suffered and continues to suffer severe emotional distress. As a direct
10 and proximate result of Cepeda's acts and conduct, T.T.T. suffered general and special damages. By
11 engaging in this conduct, Cepeda acted with malice, oppression, and/or fraud, entitling T.T.T. to exemplary
12 and punitive damages.

13 38. Cepeda, prior to his death, committed the offense of Second Degree Criminal Sexual
14 Misconduct, as set forth in 9 GCA §25.20, by engaging in sexual contact with T.T.T. when T.T.T. was under
15 sixteen (16) years of age.

16 39. Cepeda, prior to his death, also committed the offense of Child Abuse, as set forth in 9 GCA §
17 31.30 by subjecting T.T.T., who was a child at the time pursuant to 19 GCA §13101(d) and was under the
18 care, custody or control of Cepeda, to cruel mistreatment and unreasonably causing or permitting the
19 physical or emotional health of T.T.T. to be endangered.

20 40. As a direct and proximate consequence of Cepeda's misconduct, T.T.T. was an abused or
21 neglected child within the meaning of 19 GCA §3101(b) because her physical or mental health or welfare
22 was and continues to be harmed by the acts or omissions of Cepeda, who was responsible for the child's
23 welfare. Moreover, as Cepeda's misconduct constitutes the commission of one or more criminal offense,
24 T.T.T. has suffered harm to a child's physical health or welfare within the meaning of 19 GCA §13101(t)(2)
25 because T.T.T. was the victim of a sexual offense as defined in the Criminal and Correctional Code (9
26 GCA).

27 41. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual abuse of
28 T.T.T. arose from and was incidental to Cepeda's agency and employment with and service on behalf of the

1 Agana Archdiocese, Sisters of Mercy, and Santa Barbara Catholic School, and while Cepeda was acting
2 within the scope of his agency and employment and service on behalf of the Agana Archdiocese, and Santa
3 Barbara Catholic School, at the time he committed the acts of sexual abuse, which were foreseeable to
4 Defendants.

5 42. Defendants ratified and/or approved of Cepeda's sexual abuse by failing to adequately
6 investigate, discharge, discipline and/or supervise Cepeda and other priests, teachers, employees, servants,
7 officers, volunteers, and/or agents known by Defendants to have sexually abused children, or to have been
8 accused of sexually abusing children; by concealing evidence of Cepeda's sexual abuse while serving as a
9 Catholic priest; failing to intervene to prevent ongoing and/or further sexual abuse; by failing to report the
10 sexual abuse as required under 19 GCA §13201(b); by allowing Cepeda to continue in service as a Catholic
11 priest.

12 43. Despite the pretense of policies and procedures to investigate and address instances of child
13 sexual abuse by priests, teachers, and employees working for or at the Agana Archdiocese, Sisters of Mercy,
14 and Santa Barbara Catholic School, Defendants in fact implemented such policies and procedures for no
15 other purpose than to avoid scandal, maintain secrecy and preserve loyalty to the priests, teachers, and
16 employees at Santa Barbara Catholic School, to the clergy of the Agana Archdiocese, including child
17 molesting priests, teachers, and employees working at Santa Barbara Catholic School, rather than the
18 protection of children. Such hypocritical conduct by Defendants has served to systematically encourage,
19 perpetuate and promote sexually abusive conduct by priests, teachers, and/or employees working at said
20 schools, which was operated by the Agana Archdiocese, Sisters of Mercy and Santa Barbara Catholic
21 School.

22 44. Defendants either had actual knowledge of Cepeda's sexual abuse of T.T.T., or could have and
23 should have reasonably foreseen that Cepeda would commit sexual abuse to T.T.T. in the course of his
24 service as a Catholic priest, and as an agent and employee of the Agana Archdiocese, Sisters of Mercy and
25 Santa Barbara Catholic School.

26 45. As a direct and proximate result of the Defendants' above-described conduct, T.T.T. has
27 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
28 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of

1 enjoyment of life; and has incurred and/or will continue to incur expenses for medical and psychological
2 treatment, therapy and counseling.

3 46. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
4 fraud, entitling T.T.T. to exemplary and punitive damages.

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6 **V.**
SECOND CAUSE OF ACTION

7 **Negligence**
8 **[Against All Defendants]**

9 47. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 46 of this Complaint as
10 if fully set forth herein.

11 48. Defendants had a duty to protect T.T.T. when he was entrusted to Cepeda's care by T.T.T.'s
12 parents and/or guardians. T.T.T.'s care, welfare, and/or physical custody were temporarily entrusted to
13 Defendants, and Defendants accepted the entrusted care of T.T.T. As such, Defendants owed T.T.T., as a
14 child at the time, a special duty of care, in addition to a duty of ordinary care, and owed T.T.T. the higher
15 duty of care that adults dealing with children owe to protect them from harm.

16 49. By virtue of his authority and position as a Catholic priest, Cepeda was able to identify
17 vulnerable victims and their families upon which he could perform such sexual abuse; to manipulate his
18 authority to procure compliance with his sexual demands from his victims; to induce the victims to continue
19 to allow the abuse; and to coerce them not to report it to any other persons or authorities. As a Catholic
20 priest, Cepeda had unique access to Roman Catholic families and/or families that had children attending
21 Santa Barbara Catholic School, like the family of T.T.T. Such access, authority, and reverence were known
22 to the Defendants and encouraged by them.

23 50. Defendants, by and through their agents, servants and employees, knew or reasonably should
24 have known of Cepeda's sexually abusive and exploitative propensities and/or that Cepeda was an unfit
25 agent. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to
26 children in their care, including but not limited to T.T.T., the children entrusted to Defendants' care would be
27 vulnerable to sexual abuse by Cepeda.

28 51. Defendants breached their duty of care to T.T.T. by allowing Cepeda to come into contact with
T.T.T. as a child without supervision; by failing to adequately supervise, or negligently retaining Cepeda

1 whom they permitted and enabled to have access to T.T.T.; by failing to properly investigate; by failing to
2 inform or concealing from T.T.T. 's parents, guardians, or law enforcement officials that Cepeda was or may
3 have been sexually abusing minors; by holding out Cepeda to T.T.T., T.T.T. 's parents or guardians, and to
4 the community of Guam at large, as being in good standing and trustworthy as a person of stature and
5 integrity. Defendants cloaked within the facade of normalcy Cepeda's contact with T.T.T. and/or with other
6 minors who were victims of Cepeda, and deliberately concealed and disguised the sexual abuse committed
7 by Cepeda.

8 52. As a direct and proximate result of the Defendants' above-described conduct, T.T.T. has
9 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
10 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
11 enjoyment of life; and have incurred and/or will continue to incur expenses for medical and psychological
12 treatment, therapy and counseling.

13 53. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
14 fraud, entitling T.T.T. to exemplary and punitive damages.

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16 **VI.**
THIRD CAUSE OF ACTION

17 **Negligent Supervision**
18 **[Against All Defendants]**

19 54. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 53 of this Complaint as
20 if fully set forth herein.

21 55. Defendants had a duty to provide reasonable supervision of both Cepeda and minor child
22 T.T.T.; to use reasonable care in investigating Cepeda; and to provide adequate warning to T.T.T., T.T.T. 's
23 family, and to families of other children who were entrusted to Cepeda, of Cepeda's sexually abusive and
24 exploitative propensities and unfitness.

25 56. Defendants, by and through their agents, servants and employees, knew or reasonably should
26 have known of Cepeda's sexually abusive and exploitative propensities and/or that Cepeda was an unfit
27 agent. Despite such knowledge, Defendants negligently failed to supervise Cepeda in his position of trust and
28 authority as a Catholic priest, where he was able to commit the wrongful acts against T.T.T. alleged herein.

1 Defendants failed to provide reasonable supervision of Cepeda, failed to use reasonable care in investigating
2 Cepeda, and failed to provide adequate warning to T.T.T. and T.T.T. 's family regarding Cepeda's sexually
3 abusive and exploitative propensities and unfitness. Defendants further failed to take reasonable measures to
4 prevent future sexual abuse.

5 57. As a direct and proximate result of the Defendants' above-described conduct, T.T.T. has
6 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
7 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
8 her religious and enjoyment of life; and has incurred and/or will continue to incur expenses for medical and
9 psychological treatment, therapy and counseling.

10 58. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
11 fraud, entitling T.T.T. to exemplary and punitive damages.

12 **VII.**
13 **FOURTH CAUSE OF ACTION**

14 **Negligent Hiring And Retention**
15 **[Against All Defendants]**

16 59. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 58 of this Complaint as
17 if fully set forth herein.

18 60. Defendants had a duty not to hire and/or retain Cepeda in light of his sexually abusive and
19 exploitative propensities.

20 61. Defendants, by and through their agents, servants and employees, knew or reasonably should
21 have known of Cepeda's sexually abusive and exploitative propensities and/or that Cepeda was an unfit
22 agent. Despite such knowledge and/or an opportunity to learn of Cepeda's misconduct, Defendants
23 negligently hired and retained Cepeda in his position of trust and authority as a Catholic priest and agent at
24 Santa Barbara Catholic School, where he was able to commit the wrongful acts against T.T.T. alleged herein.
25 Defendants failed to properly evaluate Cepeda's application for employment by failing to conduct necessary
26 screening; failed to properly evaluate Cepeda's conduct and performance as an agent and employee of
27 Defendants; and failed to exercise the due diligence incumbent upon principals and employers to investigate
28 agent and employee misconduct, or to take appropriate disciplinary action, including immediate termination
and reporting and referral of Cepeda's sexual abuse to appropriate authorities. Defendants negligently

1 continued to retain Cepeda in his service as a Catholic priest, working for Defendants, which enabled him to
2 continue engaging in the sexually abusive and predatory behavior described herein.

3 62. As a direct and proximate result of Defendants' above-described conduct, T.T.T. has suffered,
4 and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of
5 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of her religious and
6 enjoyment of life; and has incurred and/or will continue to incur expenses for medical and psychological
7 treatment, therapy, and counseling.

8 63. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
9 fraud, entitling T.T.T. to exemplary and punitive damages.

10 **VIII.**
11 **FIFTH CAUSE OF ACTION**

12 **Breach of Fiduciary Duty And/Or Confidential Relationship**
13 **[Against All Defendants]**

14 64. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 63 of this Complaint as
15 if fully set forth herein.

16 65. By holding Cepeda out as an agent and employee, specifically as a Catholic priest within the
17 Catholic School, Defendants, together with Cepeda himself, invited, counseled, encouraged and induced the
18 Catholic community of Guam, including children and parents or guardians of children, and particularly
19 parents or guardians of children and children attending Santa Barbara Catholic School, to have trust and
20 confidence in the Schools, the Agana Archdiocese, Sisters of Mercy, and Santa Barbara Catholic School and
21 their agents, employees, representatives, and/or affiliated entities, and to entrust their children to the
22 company of agents and employees and specifically to Cepeda, including allowing their children to be alone
23 with Cepeda without supervision. Through such actions, Defendants collectively created and entered into a
24 fiduciary and/or confidential relationship with its parishioners and students, including Catholic parents or
25 guardians and their children, and in particular, children who attended Santa Barbara Catholic School.
26 Accordingly, Defendants collectively created and entered into a fiduciary and/or confidential relationship
27 specifically with the minor child T.T.T.

28 66. Through such fiduciary and/or confidential relationship, Defendants collectively caused
children including T.T.T. to trust and parents or guardians including T.T.T.'s parents or guardians to entrust

1 their children to agents and employees of Defendants, specifically, Sisters of Mercy and SSND nuns and
2 Cepeda, which resulted in T.T.T. being subjected to the acts of sexual abuse described herein.

3 67. Defendants collectively breached their fiduciary and/or confidential relationship with the minor
4 child T.T.T. by violating the trust and confidence placed in them by parishioners, parents or guardians,
5 and/or members or students, specifically the minor child T.T.T., and her parents or guardians, and by
6 engaging in the wrongful acts described in this Complaint.

7 68. As a direct and proximate result of the Defendants' above-described conduct, T.T.T. has
8 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
9 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
10 enjoyment of life; and has incurred and/or will continue to incur expenses for medical and psychological
11 treatment, therapy, and counseling.

12 69. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
13 fraud, entitling T.T.T. to exemplary and punitive damages.

14 **IX.**
15 **SIXTH CAUSE OF ACTION**

16 **Intentional Infliction of Emotional Distress**
17 **[Against All Defendants]**

18 70. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 69 of this Complaint as
19 if fully set forth herein.

20 71. The acts and conduct of Defendants in providing Cepeda, a sexual predator to children, with
21 direct access to children including T.T.T., and refusing to report or stop his sexual abuses, were extreme and
22 outrageous.

23 72. By engaging in such acts and conduct, Defendants intended to cause, or had reckless disregard
24 of the probability of causing, T.T.T. to suffer severe emotional distress, including but not limited to great
25 pain of mind and body, shock, physical manifestations of emotional distress, embarrassment, loss of self-
26 esteem, disgrace, humiliation, and loss of enjoyment of life.

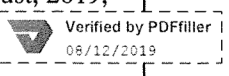
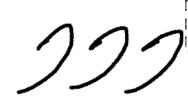
27 73. As an actual and proximate result of this extreme and outrageous acts and conduct, T.T.T. was
28 sexually abused and suffered and continues to suffer severe emotional distress.

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VERIFICATION

T.T.T., declares and states that he is the PLAINTIFF in the foregoing COMPLAINT; that he has read said COMPLAINT and knows the contents thereof to be true and correct, except as to the matters which may have been stated upon his information and belief; and as to those matters, he believes them to be true.

I declare under penalty of perjury under the laws of the United States, this 13st day of August, 2019, that the foregoing is true and correct to the best of my knowledge.



T.T.T.