

Ashley M. Pileika  
David Matthew Haynie  
**FORESTER HAYNIE PLLC**  
400 North Saint Paul St., Suite 700  
Dallas, TX 75201  
P: 214-210-2100 | F: 214-346-5909  
matthew@foresterhaynie.com  
apileika@foresterhaynie.com

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

George Brogdon, an individual, Lauro Garcia,  
Diana Almader-Douglas, and Does 1-100,

Plaintiffs,

v.

The Archdiocese of Los Angeles, a corporation  
sole, The Diocese of Tucson, St. John's  
Seminary, and Black & White Corporations 1-  
100,

Defendants.

**Case No.: 4:20-cv-00566-JAS (MSA)**

**FIRST AMENDED COMPLAINT AND  
JURY DEMAND**

COMES NOW George Brogdon, Lauro Garcia, and Diana Almader-Douglas  
("Plaintiffs"), by and through their attorneys of record, and shows unto the Court the following:

**INTRODUCTION**

1. This is a racketeering or "RICO" case, pursuant to A.R.S. § 13-2314.04 and 18 U.S.C. §§ 1961-68, against the Archdiocese of Los Angeles, the Diocese of Tucson, and St. John's Seminary ("the Enterprise") seeking redress for the many survivors of clergy abuse in Tucson, Arizona.
2. The Arizona RICO statute, A.R.S. § 13-2314.04, authorizes a private claim for civil racketeering. Plaintiffs' complaint is grounded on multiple violations of A.R.S. § 13-

2314.04(T)(3), including obstructing and hindering criminal investigations and prosecutions (A.R.S. § 13-2409) involving the sexual abuse of minors (A.R.S. § 13-2312(A)-(C)). Upon a determination of liability, the Arizona RICO statute permits the “[o]rdering dissolution or reorganization of any enterprise.” A.R.S. § 13-2314.04.

3. This is also a federal RICO case brought pursuant to 18 U.S.C. §§ 1961-68. The Complaint and exhibits attached hereto allege ongoing racketeering acts, which include repeated acts of mail and wire fraud, constituting a pattern of racketeering.
4. Pursuant to H.B. 2466, Plaintiffs also bring claims for sexual assault, breach of fiduciary duty, intentional infliction of emotional distress, intentional/negligent misrepresentation, negligent supervision/retention, endangerment, and assault and battery.

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5. Cardinal Roger M. Mahony, retired Archbishop of Los Angeles, is said to have once invited victims to meet with him one-on-one. More than 90 accepted.
6. A man who said he was molested by one of the Archdiocese’s notorious sexual predators refused to shake Mahony’s hand and lambasted him for more than an hour about how the priest’s abuse had led to a lifetime of crime and alcoholism.
7. “How can I help you?” Mahony finally asked. “Give me my childhood back,” the man replied.<sup>1</sup>
8. Unfortunately, this remedy is unavailable to Plaintiffs today; Plaintiffs bring this lawsuit seeking redress for themselves and those similarly situated, in the alternative.

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<sup>1</sup> Harriet Ryan, Ashley Powers & Victoria Kim, *For Roger Mahony, Clergy Abuse Cases Were a Threat to Agenda*, L.A. TIMES (Dec. 01, 2013), <https://graphics.latimes.com/mahony>.

**PATTERN OF RACKETERING BETWEEN THE ARCHDIOCESE OF LOS ANGELES,  
THE DIOCESE OF TUCSON, AND ST. JOHN'S SEMINARY ("THE ENTERPRISE")**

9. St. John's Seminary in Camarillo, CA is the only seminary operated by the Archdiocese of Los Angeles.<sup>2</sup>
10. The only other seminary formerly operated by the Archdiocese of Los Angeles, St. Anthony's, in Santa Barbara, CA, is no longer operational, after rampant charges of sexual abuse involving minors.
11. St. John's Seminary has produced a disproportionate number of sexual predators, many of which were then sent to Tucson, a known "'dumping ground' for abusive priests."<sup>3</sup>
12. By exporting graduates of St. John's Seminary and its problematic priests to Tucson, the Archdiocese of Los Angeles knowingly exported a pervasive culture of sexual abuse and misconduct to the Diocese of Tucson's parishioners.
13. By accepting, failing to report, and moving its own abusive clergy members from parish to parish, the Diocese of Tucson has likewise thwarted criminal investigations and prosecutions leading to the sexual abuse of minors.
14. Decisions to cover up rampant acts of child sex abuse, block criminal proceedings, and move predators from parish to parish evince both dioceses were willing to stop at nothing to increase their financial gains; the diocese exhibited a pattern of behavior with the intent to profit financially off the sexual abuse of children.

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<sup>2</sup> Paul Pringle, *Trail of Abuse Leads to Seminary*, L.A. Times (Nov. 17, 2005), <https://www.latimes.com/archives/la-xpm-2005-nov-17-me-stjohns17-story.html>.

<sup>3</sup> Stephanie Innes, *Tucson a 'Dumping Ground' for Abusive Priests*, Arizona Daily Star (Feb. 24, 2013), [https://tucson.com/news/local/tucson-a-dumping-ground-for-abusive-priests/article\\_99076313-f4df-5602-8a11-f50efd923736.html](https://tucson.com/news/local/tucson-a-dumping-ground-for-abusive-priests/article_99076313-f4df-5602-8a11-f50efd923736.html).

**St. John's Seminary Produced a Disproportionate  
Number of Sexual Predators, Many Sent to Arizona**

15. St. John's Seminary is the alma mater of Cardinal Mahony, the former Archbishop of

Los Angeles, along with many other leaders within the Roman Catholic Church.

16. Records show St John's has produced a disproportionate number of alleged sexual

abusers; a *Los Angeles Times* investigation revealed about 10% of St. John's

graduates reported to have been ordained in the Los Angeles Archdiocese since

1950—65 of roughly 625—have been accused of molesting minors.<sup>4</sup>

17. In St John's 1966 and 1972 seminary classes, a third of the graduates were later

accused of molestation.<sup>5</sup>

18. The St. John's figures are much higher than the nationwide rate of alleged molesters

in the American priesthood, as calculated by a church-commissioned survey; the John

Jay College of Criminal Justice study found that 4% of priests and deacons between

1950 and 2002 were accused of abuse.<sup>6</sup>

19. Lawsuits have alleged St. John's educators and leaders were aware of the abuse but

turned a blind eye.

20. One former St. John's student, Richard Nason, filed an affidavit in an Orange County

Superior Court case, in which he contended a former St. John's instructor sexually

assaulted at least two of his classmates and made unwelcome sexual advances toward

him.<sup>7</sup>

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<sup>4</sup> Paul Pringle, *Trail of Abuse Leads to Seminary*, L.A. TIMES (Nov. 17, 2005), <https://www.latimes.com/archives/la-xpm-2005-nov-17-me-stjohns17-story.html>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Ron Russell, *Mahony's Cronies*, <https://www.ronrussell.org/mahonys-cronies> (June 13, 2002).

1 21. Nason went to the dean of students at St. John's to tell him about the priest's  
2 misconduct but was informed by the dean it was "impossible" the priest was acting in  
3 this manner and no action could be taken unless Nason himself was involved – which  
4 Nason understood to mean *he* would have to submit to sexual advances by the priest  
5 in order to have any grounds to make a complaint.<sup>8</sup>  
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7 22. A plaintiff in another lawsuit alleged she was molested by a St. John's deacon  
8 seminarian assigned to her parish when she was 16 years-old; when a St. John's  
9 rector saw the deacon seminarian embracing the 16-year-old girl in his dorm room, he  
10 just closed the door and did not inquire why she was there.<sup>9</sup>  
11

12 23. During the 1970s and 1980s, a Tucson priest, Robert Trupia, was renowned for his  
13 "Come and See" weekends, in which he sponsored young prospective seminarians  
14 from Tucson for visits to St. John's.<sup>10</sup>

15 24. Although a housekeeper reportedly caught Trupia in bed with a minor in 1982 and  
16 alerted St. John's leadership, the Archdiocese of Los Angeles continued to allow  
17 Trupia, to bring prospective seminarians to St. John's for another six years, until he  
18 was caught once again having sex with a minor on St. John's campus.<sup>11</sup>  
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20 25. In the late 1980's, the Rev. George Niederauer, now the bishop of Salt Lake City and  
21 a former spiritual director of St. John's, asked for leniency from a judge for the Rev.  
22 Andrew Christian Andersen, an Orange County priest who had been convicted of 26  
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25 <sup>8</sup> *Id.*

26 <sup>9</sup> *Id.*

27 <sup>10</sup> William Lobdell, *Catholic Church to Pay Settlement to Close Abuse Case*, L.A. TIMES (Jan. 30, 2002)  
<https://www.latimes.com/archives/la-xpm-2002-jan-30-me-molest30-story.html>.

<sup>11</sup> Russell, *supra* note 7.

counts of child abuse. Bishop Niederauer wrote in a letter that the boys might have interpreted “horse play” as molesting.<sup>12</sup>

26. On its website, the Diocese of Tucson continues to list St. John’s as the seminary that provides graduate level theological education in preparation for ministry to its ordination candidates.<sup>13</sup>

**Leaders Within the Archdiocese of Los Angeles Purposefully  
Sent Predators to Arizona to Evade Criminal and Civil Liability**

27. Retired Archbishop of Los Angeles, Cardinal Roger M. Mahony, and other high-ranking clergymen in the archdiocese have worked to quietly keep evidence of child molesting away from law enforcement officials and shield abusive priests from criminal prosecution.

28. Rather than defrocking priests and contacting the police, the Archdiocese sent priests who had molested children to out-of-state treatment facilities, in large part because therapists in California were legally obligated to report any evidence of child abuse to the police.

29. In 1986, Cardinal Mahony wrote to a New Mexico treatment center where one abusive priest, Monsignor Peter Garcia, had been sent.

30. “I believe that if Monsignor Garcia were to reappear here within the archdiocese we might very well have some type of legal action filed in both the criminal and civil sectors,” Cardinal Mahony wrote.<sup>14</sup>

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<sup>12</sup> Nick Madigan, *California Diocese’s Documents Show Abuse Cover-Up*, N.Y. TIMES (May 19, 2005), <https://www.nytimes.com/2005/05/19/us/california-dioceses-documents-show-abuse-coverup.html>.

<sup>13</sup> *Meet our Seminaries*, DIOCESE OF TUCSON, <https://diocesetucson.org/meet-our-seminarians> (last visited Dec. 29, 2020).

<sup>14</sup> Ian Lovett, *Los Angeles Cardinal Hid Abuse, Files Show*, N.Y. TIMES (Jan. 21, 2013), <https://www.nytimes.com/2013/01/22/us/files-show-cardinal-roger-mahony-covered-up-sex-abuse.html>.

1 31. Monsignor Garcia admitted to abusing more than a dozen young boys, most of them  
2 from families of illegal immigrants, since he was ordained in 1966, and in at least one  
3 case he threatened to have a boy he had molested deported if he talked about it,  
4 according to documents filed in court.<sup>15</sup>

5 32. Thomas Curry, then the archdiocese's chief advisor on sex abuse cases, wrote in a  
6 letter to Mahony he was worried about bringing Garcia back to work in Los Angeles  
7 because victims in the area might see the priest and call the police.<sup>16</sup>

8 33. "[T]here are numerous — maybe twenty — adolescents or young adults that Peter  
9 [Garcia] was involved with in a first degree felony manner. The possibility of one of  
10 these seeing him is simply too great," Curry wrote in May 1987.<sup>17</sup>

11 34. Two more documented examples of predatory priests sent to Arizona by Cardinal  
12 Mahony, to avoid criminal and civil liability for the Los Angeles Archdiocese,  
13 follow.  
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16 ***Father Michael Baker***

17 35. Father Michael Baker attended St. John's Seminary in Camarillo, CA. Ordained in  
18 1974, he initially served as an associate pastor at St. Joan of Arc parish in West Los  
19 Angeles for two years before transferring to St. Paul of the Cross in La Mirada.  
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26 <sup>15</sup> Victoria Kim, Ashley Powers & Harriet Ryan, *L.A. Church Leaders Sought to Hide Sex Abuse Cases from*  
*Authorities*, L.A. Times (Jan. 21, 2013), <https://www.latimes.com/local/la-me-church-files-20130122-story.html> .

27 <sup>16</sup> *Id.*

<sup>17</sup> *Id.*

1 36. During a spiritual retreat in December 1986, Father Michael Baker informed Mahony,  
2 then Archbishop of Los Angeles, that he had molested two young boys from 1978-  
3 85.<sup>18</sup>

4 37. Instead of inquiring about the victims' identities or notifying police, Mahony sent  
5 Baker to a treatment in New Mexico.

6 38. "We are dealing with an extremely serious and grave situation," Mahony wrote in a  
7 Dec. 24, 1986, memo to Baker, ordering him to undergo therapy at Foundation  
8 House, a now-defunct treatment center for pedophile clergy in New Mexico.<sup>19</sup>

9 39. While in New Mexico, Baker wrote to Mahony and to Curry, then the vicar of clergy,  
10 updating them on his progress in therapy and his hopes, and concerns, for his future.

11 40. In one undated letter, Baker suggested he be assigned to serve at a mission in Mexico  
12 to evade the threat of criminal or civil action and stay out of the Archdiocese for at  
13 least five years: "The criminal statute of limitations — is that 5 years? Are there any  
14 statute of limitations civilly? I am very much aware that I am a jeopardy for the  
15 Archdiocese."<sup>20</sup>

16 41. Baker also expressed appreciation for receiving a recent check and wrote he was  
17 "grateful to be on the Archd. payroll. Blessings on your thoughtfulness."<sup>21</sup>

18 42. After Baker's short stint in therapy, he was allowed back into ministry.

19 43. In 2000, two brothers living in Arizona, stepped forward prepared to sue the  
20 Archdiocese of Los Angeles, accusing Baker of molesting them from 1984 to 1999 in  
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25 <sup>18</sup> Barbara Jones, *Father Michael Baker was Accused of Molesting 23 Youngsters*, SAN GABRIEL VALLEY TRIB. (Jan.  
26 26, 2013), <https://www.sgvtribune.com/2013/01/26/father-michael-baker-was-accused-of-molesting-23-youngsters>.

27 <sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*



1 Arizona and California. In response, Mahony signed off on a secret \$1.3 million  
2 settlement.<sup>22</sup>

3 44. The archdiocese’s attorney, John McNicholas, told the cardinal that “for the safety of  
4 the community, the faithful must be alerted.”<sup>23</sup>

5 45. Vaguely worded parish announcements about Baker’s “past inappropriate behavior  
6 with minors” in another state were proposed by the archdiocese’s attorney, but even  
7 that was too much for Mahony.<sup>24</sup>

8 46. “There is no alternative to public announcements at all the Masses in 15  
9 parishes???” Mahony emailed his top aide, Msgr. Richard Loomis. “Wow — that  
10 really scares the daylights out of me!!”<sup>25</sup>

11 47. “We could open up yet another fire storm — and it takes us years to recover from  
12 those,” Cardinal Mahony wrote. No announcement was made.<sup>26</sup>

13 48. Msgr. Loomis told a colleague that how Mahony had handled Baker was “immoral  
14 and unethical” — and shortsighted.<sup>27</sup>

15 49. “Someone else will end up owning the Archdiocese of Los Angeles,” Msgr. Loomis  
16 wrote in a memo. “We’ve stepped back 20 years and are being driven by the need to  
17 cover-up and to keep the presbyterate [priests] & public happily ignorant rather than  
18 the need to protect children.”<sup>28</sup>

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22 *Ex-Priest Arrested on Abuse Charges*, <https://www.washingtonpost.com/archive/politics/2002/09/26/ex-priest-arrested-on-abuse-charges/84f497e4-4721-4f4d-ac84-4fa9212add53/> (last visited Dec. 29, 2020).

23 Kim, Powers & Ryan, *supra* note 1.

24 *Id.*

25 *Id.*

26 *Id.*

27 *Id.*

28 *Id.*

1 50. According to a 2004 archdiocese report, Baker was accused of molesting 23 minors.<sup>29</sup>

2 ***Rev. Kevin Barmasse***

3 51. Rev. Kevin Barmasse was ordained a priest for the Los Angeles Archdiocese in 1982  
4 after graduating from St. John's Seminary.

5 52. After Barmasse was accused of molesting a young boy in Los Angeles in 1983, he  
6 was sent to the Diocese of Tucson.

7 53. Barmasse did not remain in Arizona by chance; the longer Barmasse stayed in  
8 Arizona, the less likely it became a civil or criminal lawsuit could be filed against the  
9 Archdiocese of Los Angeles.

10 54. Church documents have shown the Los Angeles Diocese knew Barmasse was a  
11 sexual predator and would not allow him to return and minister there; yet they did not  
12 stop him from leading parish youth groups in the Diocese of Tucson.

13 55. Letters that are part of Barmasse's 363-page file show that Los Angeles church  
14 officials, including Mahony himself, more than once denied Barmasse's request to  
15 return to Los Angeles.<sup>30</sup>

16 56. "Given the history of your particular case, I would strongly recommend that you not  
17 return to Southern California for any type of priestly ministry." Mahony wrote to  
18 Barmasse on Dec. 1, 1987. "You might be better advised to continue on there in  
19 Arizona where you have found a home and new friends in your pastoral work. I  
20 would not recommend that you begin looking for another diocese unless your  
21 situation should change dramatically, thus requiring such a special step."<sup>31</sup>

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26 <sup>29</sup> Jones, *supra* note 18.

27 <sup>30</sup> Innes, *supra* note 3.

<sup>31</sup> *Id.*

1 57. Barmasse remained in Tucson for eight years, from 1983 to 1991, where he was  
2 moved to three different dioceses, where he led youth groups and had the opportunity  
3 to befriend vulnerable youth.<sup>32</sup>

4 58. By the early 1990s, complaints from youth group members and their parents in the  
5 Diocese of Tucson had begun to surface. Among the accusations was that Barmasse  
6 tried to get a 15-year-old boy to perform oral sex on him and that he provided the boy  
7 and others with beer and pornographic movies. One boy said he'd been fondled on at  
8 least seven occasions between 1986 and 1987.<sup>33</sup>

9 59. In 2003 when lawsuits were filed by men who said they had repressed memories of  
10 the abuse, one said he had had both oral and anal sex with Barmasse when he was 16.

11 60. In 1991, the Los Angeles Archdiocese arranged for Barmasse to begin residential  
12 treatment at a facility in Maryland.<sup>34</sup>

13 61. After he was discharged, Mahony decided Barmasse was not fit for ministry; the Los  
14 Angeles Archdiocese paid for his ongoing therapy.

15 62. Barmasse asked the Archdiocese of Los Angeles for \$50,000 after he became an  
16 inactive priest; the Archdiocese offered him \$10,000.<sup>35</sup>

17 63. Barmasse was defrocked in 2006, 23 years after his first reported sexual abuse of a  
18 12-year-old Los Angeles boy, more than 15 years after the alleged abuse of the five  
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25 <sup>32</sup> Barmasse's assignments in the Diocese of Tucson were at St. Andrew the Apostle in Sierra Vista from 1983 to  
26 1986, at St. Elizabeth Ann Seton on Tucson's Northwest Side between 1986 and 1988, and at Blessed Sacrament in  
Mammoth from 1988 to 1991.

27 <sup>33</sup> Innes, *supra* note 3.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

Tucson youths and 14 years after Los Angeles church officials suspended him from ministry.

64. Diocese of Tucson Bishop Gerald F. Kicanas has said Barnasse should not have been allowed to minister in Tucson or anywhere else, and that such an arrangement would not be allowed today by the diocese's own policies nor the policies the bishops of the United States have put into place.<sup>36</sup>

**The Enterprise Continues to Use Mail and Wire Fraud to Thwart Criminal Investigations and Prosecutions of Predatory Priests in the Tucson Area**

65. At least 28 clergy members within the Diocese of Tucson have been credibly accused of sexually abusing over 100 minors, many of which are now adults and reside in the greater Tucson area.

66. The Enterprise has publicly stated its procedures for preventing the sexual abuse of minors, which includes alerting law enforcement when accusations are made.

67. But Plaintiffs' correspondences and the factual allegations included in this Complaint and the exhibits attached hereto evidence the Enterprise continues to resort to mail and wire fraud to thwart investigation and prosecution by law enforcement, thereby shielding its liability and financial profitability. *See* Exhibits 1-5.

68. Both the Archdiocese of Los Angeles and the Diocese of Tucson have publicly stated their commitment to help anyone who may be a victim and cooperate with law enforcement authorities as required by the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*

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<sup>36</sup> *Id.*

(Norm 11) and the *Charter for the Protection of Children and Young People* adopted by the United States Conference of Catholic Bishops (USCCB) in 2002.<sup>37</sup>

69. The USCCB adopted a multi-layered approach to reviewing, evaluating, and investigating allegations of sexual abuse of minors by clergy in 2002.<sup>38</sup>

70. But Plaintiffs' correspondences evidence the Enterprise's continued failure to:

- investigate or conduct timely, independent, sufficient, or reasonable internal investigations into Plaintiff's allegations of the sexual abuse of a minor;
- seek or reasonably document the assessments of allegations by an advisory board established to assist the bishop's evaluation of sexual abuse claims;
- refer or timely refer unassignable priests to the Vatican authority with oversight of the adjudication of claims of clergy sexual abuse of minors;
- inquire into violations of the *Charter* and the Essential Norms;
- and prepare accurate business records regarding accused priests.

71. Thus, the Enterprise also continues to violate canon law.

### **JURISDICTION**

72. This Court has subject matter jurisdiction over Plaintiffs' claims under 18 U.S.C. § 1961, et seq., under 18 U.S.C. § 1964(a); (c) ("Federal RICO").

1. Plaintiffs George Brogdon, Lauro Garcia, and Diana Almader-Douglas are residents of Tucson, Arizona.

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<sup>37</sup> 9.8.1 – *Reporting Allegations of Sexual Abuse of Minors to Public Authorities*, ARCHDIOCESE OF L.A., <https://handbook.la-archdiocese.org/chapter-9/section-9-8/topic-9-8-1> (last visited Dec. 29, 2020).

<sup>38</sup> See *Charter for the Protection of Children and Young People*, UNITED STATES CONFERENCE OF BISHOPS, <https://www.usccb.org/offices/child-and-youth-protection/charter-protection-children-and-young-people> (last visited December 29, 2020).

5. Defendant St. John's Seminary is a non-profit religious organization, under the Archdiocese of Los Angeles, with its principal place of business in Camarillo, CA.

6. George Brogdon (“George”) and his family were parishioners of St. Andrews Catholic Church in Sierra Vista, AZ in the late 1970s.

8. Father Bob Gluch was an associate pastor and ran the youth group at St. Andrews Catholic Church from 1976-1981.

9. Beginning in 1978, after mass, Father Bob Gluch would routinely pull George into a back room of the church.

10. Once Father Gluch had secluded George in the room, he would disrobe and expose himself. He would then force George to disrobe and begin to grope and fondle him.

11. When George's mother discovered Father Gluch was sexually assaulting her son, she and George confronted Father Gluch; during this confrontation, Father Gluch physically assaulted George, slapping him in the face in front of George's mother.

12. After Father Gluch physically assaulted George, George and his mother drove to Tucson to report the sexual and physical assault to Bishop Francis Joseph Green.

1 13. Bishop Green assured George's mother that Father Gluch would be removed from  
2 ministry; because of Bishop Green's assurance, George's mother did not report Father  
3 Gluch to law enforcement.

4 14. Within a week of George's visit to Bishop Green, Father Gluch was removed from St.  
5 Andrews Catholic Church.

6 15. Father Gluch was replaced at St. Andrews Catholic Church by Father Kevin  
7 Barmasse, who the Archdiocese of Los Angeles knowingly and purposefully  
8 transferred to the Tucson Diocese after Barmasse was accused of molestation in Los  
9 Angeles.  
10

11 16. George later discovered Father Gluch had been relocated to St Patrick Catholic  
12 Church in Bisbee, AZ, where he served from 1981-1983.

13 17. At least eight other victims have filed lawsuits in Arizona and California for sexual  
14 abuse Father Gluch subjected them to in both states when they were minors.  
15

16 **Lauro Garcia**

17 18. Lauro Garcia ("Lauro") and his family were members of Sacred Heart Parish in  
18 Nogales, AZ.

19 19. In June 1980, Lauro traveled to the Cathedral of Saint Augustine in Tucson, AZ with  
20 Sacred Heart Parish's choir to celebrate the ordainment of Joseph Octavio Tye.

21 20. After the ordainment, Lauro attended a reception for Father Tye at the Cathedral of  
22 Saint Augustine, where he met Father Carlos Cocio.

23 21. At the time, Father Cocio was a seminary student at St. John's in Camarillo, CA.

24 22. Lauro came from a single-parent home, his father left the family when Lauro was  
25 young.  
26  
27

1 23. Father Cocio took an immediate interest in Lauro.

2 24. Lauro told Father Cocio he was interested in becoming a priest himself one day.

3 25. Father Cocio encouraged Lauro to return to Tucson to discuss joining the Church  
4 with him.

5 26. Lauro trusted Father Cocio, so he returned to Tucson by bus to discuss joining the  
6 seminary with Father Cocio.

7 27. Father Cocio picked Lauro up from the bus station in Tucson in a blue Chevrolet  
8 Nova Father Cocio said he borrowed from his sister; Father Cocio promised to drive  
9 Lauro back to Nogales later the same day.

10 28. Once Lauro and Father Cocio were behind closed doors in Tucson, however, the  
11 conversation quickly came to a halt.

12 29. Against Lauro's pleas, Father Cocio began making aggressive sexual advances  
13 towards Lauro; Father Cocio then repeatedly sodomized Lauro.

14 30. Father Cocio sodomized and sexually assaulted Lauro repeatedly over the course of  
15 the next two days.

16 31. Father Cocio then dropped Lauro off at a bus station.

17 32. To this day, Lauro remembers the bus ride from Tucson to Nogales as one of the most  
18 painful experiences of his life.

19 33. When Lauro returned to Sacred Heart Parish in Nogales, AZ, he told several clergy  
20 members, including Monsignor Walter Rosensweig that he had been raped by Father  
21 Cocio; Lauro recalls Monsignor Rosensweig laughed when Lauro told him this and  
22 said no one would believe Lauro was raped by a priest.  
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1 34. Lauro was subsequently sexually assaulted by Monsignor Rosensweig while working  
2 alone as an evening receptionist at Sacred Heart Parish in Nogales, AZ.

3 35. Lauro specifically remembers running out of the church's office on numerous  
4 occasions to avoid Monsignor Rosensweig.

5 36. Upon information and belief, Carlos Cocio was alive and resided in Tucson, AZ when  
6 Plaintiff's Counsel alerted the Diocese of Tucson in July 2020; despite many credible  
7 allegations made against Cocio, no criminal charges were ever filed against him, and  
8 Cocio was not listed on the Arizona Department of Public Safety's sex offender  
9 registry, or any other law enforcement- or government-run database available to the  
10 public.  
11

12 **Diana Almader-Douglas**

13 37. Diana Almader-Douglas and her family were parishioners of St. Bernard's Parish in  
14 Pirtleville, AZ.

15 38. When Diana was a young girl, she was molested in her home by Father Charles  
16 Knapp, a graduate of St. John's Seminary and priest under the Diocese of Tucson.

17 39. When Diana was growing up in Pirtleville, families of St. Bernard's Parish took turns  
18 hosting Father Knapp at their homes for dinner.  
19

20 40. The evening Diana's family hosted Father Knapp, Father Knapp isolated Diana in her  
21 bedroom under the pretense of play and sexually molested her.

22 41. Father Knapp threw a blanket over Diana's head and then proceeded to touch and  
23 fondle her vaginal area.  
24

25 42. Diana was "rescued" when dinner was ready to be served and Father Knapp and  
26 Diana were called to join Diana's family at the dinner table.  
27

1 43. After Diana was sexually molested by Father Knapp, she was threatened with the  
2 killing of her parents, should she tell anyone about the incident; a catechism teacher  
3 also repeatedly threatened Diana would be “taken by the devil,” if she continued to  
4 “sin.”

5 44. Diana’s childhood best friend, who chooses to remain anonymous at this time, was  
6 also sexually assault by Father Knapp under nearly identical circumstances; this  
7 friend was also sexually assaulted a second time by Father Knapp during  
8 confessional.  
9

10 45. After many years of silence and repressing the sexual assault, Diana was triggered to  
11 step forward and report the abuse to the Diocese of Tucson in June 2019. The letter  
12 Diana sent to the Diocese of Tucson is attached hereto as Exhibit 1.  
13

14 46. One of the driving factors behind Diana’s decision to report the sexual abuse Father  
15 Knapp subjected her to as a young girl is the fact Father Knapp is still in active  
16 ministry—even today.

17 47. When Diana spoke with Bishop Weisenburger in October 2019, she was informed  
18 Father Knapp was working with vulnerable populations within Davis–Monthan Air  
19 Force Base and the prison system. *See* Diana’s contemporaneously recorded notes,  
20 attached hereto as Exhibit 3.  
21

22 48. After many correspondences –including letters, phone calls, texts, and emails – with  
23 the Diocese of Tucson and Bishop Weisenburger, Diana was informed “the Police”  
24 declined to investigate her allegations. *See* Exhibits 2-4.

25 49. Not once was Diana—the victim—contacted by “the Police” after reporting the  
26 incident to Bishop Weisenburger in June 2019. *Id.*  
27

1 50. Plaintiffs’ counsel is aghast to conceive of a legitimate law enforcement investigation  
2 that does not include an interview of the victim herself.

3 51. Bishop Weisenburger also informed Diana the Diocese’s “independent investigator,  
4 Mr. Richard Serrano—who self-identified as the Diocese’s “Human Resources  
5 Consultant,” casting doubt on his ability to act as an “independent investigator”—was  
6 not able to substantiate her claims. *Id.*

7  
8 52. Yet Diana’s contemporaneously recorded notes indicate Bishop Weisenburger, Mr.  
9 Serrano, and other Diocese officials apologized to Diana for the sexual abuse she was  
10 subjected to by Father Knapp, but—after thwarting a legitimate criminal investigation  
11 or prosecution—the Enterprise made the decision to keep a credibly accused child  
12 molester in active ministry because he was “needed.” *Id.*

13  
14 53. Thus, Bishop Weisenburger continued to allow Father Knapp, a known sexual  
15 predator, to continue in active ministry, granting him unrestricted access to minors  
16 and vulnerable populations, both as an authoritative figure and agent of the Church.

17 54. Bishop Weisenburger unquestionably obstructed and thwarted a legitimate criminal  
18 investigation and prosecution of Father Knapp.

19 55. The correspondences between Diana, Bishop Weisenburger, and other Diocese  
20 officials evidence multiple examples of Diocese of Tucson officials resorting to mail  
21 and wire fraud to thwart investigation and prosecution by law enforcement, thereby  
22 shielding their liability and financial profitability. *See Exhibits 1-5.*

23  
24 56. In January 2021, Plaintiffs’ counsel called Davis–Monthan Air Force Base to inquire  
25 whether Father Knapp continued to serve as an active chaplain priest on the base.  
26  
27

1 57. Plaintiffs' counsel spoke with the Base's Deputy Chaplain who stated Father Knapp  
2 was an active chaplain on the base until approximately June 2020, "when a  
3 determination was made," and they were made "aware" of abuse allegation, and "that  
4 is why [Father Knapp] is no longer on base."

5  
6 58. Upon information and belief, Father Knapp is alive, remains in ministry, and resides  
7 in Tucson, AZ. Despite credible allegations made against Father Knapp, no criminal  
8 charges were ever filed against him, and Father Knapp is not listed on the Arizona  
9 Department of Public Safety's sex offender registry, or any other law enforcement- or  
10 government-run database available to the public.

11 **COUNT I**  
12 **Violation of A.R.S. § 13-2314 ("Arizona RICO")**  
13 **(All Defendants)**

14 59. Pursuant to A.R.S. § 13-2314.04 ("Arizona RICO"), a person who sustains  
15 reasonably foreseeable injury to his person, business or property by a pattern of  
16 racketeering activity, or by a violation of § 13-2312 involving a pattern of  
17 racketeering activity, may file an action in superior court for the recovery of treble  
18 damages and the costs of the suit, including reasonable attorney fees for trial and  
19 appellate representation.

20  
21 60. Among others, a single act of obstructing or hindering criminal investigations or  
22 prosecutions committed for financial gain constitutes a pattern of racketeering activity  
23 under A.R.S. § 13-2301 (D)(4)(b) – the stakes are raised when minors are the victims  
24 of such racketeering (A.R.S. § 13-2312(A)-(C)).  
25  
26  
27

1 61. Plaintiffs incorporate all other paragraphs to evidence Defendants have demonstrated  
2 a clear pattern of the aforementioned racketeering activity, in furtherance of both  
3 dioceses' financial gain that continues to this day.

4 62. The Archdiocese of Los Angeles has funneled predatory priests from St. John's  
5 Seminary to Arizona for the purpose of financial gain, where they have been accepted  
6 into ministry by the Diocese of Tucson. The pattern of racketeering between these  
7 two dioceses created a pervasive culture where the sexual abuse of minors was not  
8 only accepted but embraced by many active clergy in Tucson.

9 63. Instead of removing abusive priests from ministry and reporting them to law  
10 enforcement, leaders within the Archdiocese of Los Angeles and the Diocese of  
11 Tucson have routinely shielded predatory priests from criminal investigations and  
12 prosecutions, discouraging victims and their families from alerting authorities—and  
13 going so far as compensating abusive clergy to travel and reside outside of a state  
14 where civil and criminal prosecutions could be pursued.

15 64. The Archdiocese of Los Angeles and the Diocese of Tucson have both financially  
16 benefited from, and continue to benefit from, the Enterprise they have created which  
17 prioritizes funds to both dioceses and obstructs civil and criminal prosecutions and  
18 the associated costs.

19 65. By declaring bankruptcy in 2004, the Diocese of Tucson took further steps to protect  
20 its financial interests and renounce "any tort claims arising out of actions that  
21 occurred prior to the date the Diocese filed bankruptcy . . ." *See* Exhibit 5.

1 66. The Diocese of Tucson's 2004 bankruptcy, however, does not absolve it from tort  
2 claims that were ongoing at the time it filed for bankruptcy—and those that have  
3 continued to accrue thereafter.

4 67. In recent years, the Archdiocese of Los Angeles and the Diocese of Tucson have  
5 publicly assured their communities and law enforcement that abusive clergy will be  
6 removed from ministry and reported to the authorities.

7 68. In 2003, a spokesman for the Diocese of Tucson, issued a statement "urg[ing] anyone  
8 who has experienced abuse by anyone working for the church to come forward at this  
9 time so that a report can be made immediately to law enforcement."<sup>39</sup>

10 69. As evidenced by Plaintiffs' correspondences with the Diocese of Tucson, Defendants  
11 continue to commit mail and wire fraud to evade investigation and prosecution by law  
12 enforcement; Defendants have created an ongoing Enterprise to shield its sexual  
13 predators, and consequential liability, to protect its assets and financial gain.

14 70. The Diocese of Tucson continues to receive priests from St. John's Seminary,  
15 operated by the Archdiocese of Los Angeles. This action continues the racketeering  
16 acts through present day; therefore, this is not a time-barred claim and rather a  
17 continued, ongoing pattern of acts intended to profit from clergy members' sexual  
18 contact with children.

19 71. Thus, the continued threat of racketeering acts pervades because the Diocese of  
20 Tucson continues to send its seminarians to St. John's Seminary, which is operated by  
21 the Archdiocese of Los Angeles and is notorious for producing predatory priests;

---

22  
23  
24  
25  
26  
27 <sup>39</sup> Eric Sagara, *4 New Sex-Abuse Lawsuits Filed in Calif. Against Tucson Diocese*, [http://www.bishop-accountability.org/news3/2003\\_10\\_06\\_Sagara\\_4New\\_Robert\\_Gluch\\_7.htm](http://www.bishop-accountability.org/news3/2003_10_06_Sagara_4New_Robert_Gluch_7.htm) (Oct. 6, 2003).

1 Plaintiffs' recent communications indicate the Enterprise continues to illegally police  
2 itself on issues of child abuse, thwarting criminal investigations and prosecutions,  
3 with little to no external accountability. *See* Exhibits 1-5.

4 72. This scheme, to file for bankruptcy while concealing past and present fraudulent  
5 actions, was implemented and conducted by defendants as a common course of  
6 conduct designed to ensure the continued financial benefits gained through  
7 concealment and misrepresentation of prior and active clergy members.

8 73. There was regular communication between Defendants, in which information was  
9 shared, misrepresentations were coordinated, and payments were exchanged.

10 74. At all relevant times, all Defendants were aware of this nefarious conduct, were  
11 knowing and willing participants in and beneficiaries of that conduct, and at no time  
12 did any of the Defendants disclose, despite prior knowledge, that Defendants were  
13 engaged in the same scheme.

14 75. Defendants conduct, in furtherance of the common purpose alleged herein, involved:  
15 (1) failing to report sexual abuse allegations to the police or third-party authorities;  
16 (2) failing to remove abusive clergy members from their positions; (3) failure to  
17 communicate openly with the victims of the abuse and investigate the claims  
18 zealously; and (4) continued distribution and collection of funds received in  
19 correspondence with Defendants' fraudulent behavior.

20 76. As a result, it is clear that Defendants were each willing participants in the fraudulent  
21 actions alleged in this amended complaint, had a common purpose in the object of the  
22 scheme, and functioned within a structure designed to effectuate the Defendant's  
23 purpose.

**COUNT II**  
**DEFENDANTS' PATTERN OF UNLAWFUL ACTIVITY UNDER**  
**18 U.S.C. § 1961: INTERSTATE AND INTERNATIONAL MAIL AND WIRE FRAUD**  
**(All Defendants)**

77. Plaintiffs incorporate by reference all other paragraphs of this Amended Complaint as if fully set forth herein, and further allege as follows:

78. At all relevant times, the Defendants were and are “persons” under 18 U.S.C. § 1961(3) because they are entities and individuals capable of holding, and do hold, “a legal or beneficial interest in property.”

79. The Defendants together formed an association-in-fact Enterprise for the purpose of increasing profits and financial gains despite a pattern and history of sexual contact and sexual conduct between clergy members and children.

80. As the spiritual leaders of Plaintiffs in positions of authority and power, Defendants knew that Plaintiffs put their faith, trust, and confidence in them (and the clergy of the Archdiocese of Los Angeles and Diocese of Tucson generally).

81. Nevertheless, Defendants intentionally devised, engaged in, condoned and/or ratified the above-referenced open-ended and unlawful schemes to defraud and cheat Plaintiffs.

82. Defendants have utilized the Enterprise forged by the Archdiocese of Los Angeles and the Diocese of Tucson to engage in unlawful and intentional schemes to (i) defraud Plaintiffs via misrepresentations and omissions (on which Plaintiffs, Defendants, clergy members, and/or other third parties justifiably relied), and (ii)



1 defraud Plaintiffs by cheating them via means of false or fraudulent pretenses—first  
2 subjecting Plaintiffs to sexual abuse, then covering up and concealing the sexual  
3 abuse so as to maintain Defendants’ reputations and maintain and expand their  
4 commercial operations whereby Defendants and the Enterprise obtained (and  
5 continue to obtain) money, funds, credits, assets, and/or other property, and, in the  
6 process, cheating and defrauding Plaintiffs out of their childhood, youth, innocence,  
7 virginity, families, jobs, finances, and assets.  
8

9 83. Defendants carried out these schemes to defraud through their forged Enterprise using  
10 the United States and international mail in violation of 18 U.S.C. § 1341. Defendants  
11 also carried out these schemes to defraud using interstate and international telephone  
12 calls and electronic communications in violation of 18 U.S.C. § 1343. *See* Exhibits 1-  
13 5.  
14

15 84. Defendants’ schemes to defraud involved (and continue to involve) means of false or  
16 fraudulent pretenses and/or fraudulent and intentionally misleading representations  
17 and omissions.  
18

19 85. Defendants’ above-described multiple, repeated, and continuous acts of interstate

20 86. and international mail and wire fraud constitute a pattern of unlawful activity under  
21 18 U.S.C. § 1961(1); (5).  
22

23 87. Nothing in Defendants’ actions demonstrates that their open-ended, ongoing,  
24 unlawful, and intentional schemes to defraud and cheat, wrongful actions, inaction,  
25 omissions, cover-up, deception, and concealment, obstructive behavior regarding  
26 investigations, and conspiracy will ever terminate, but for this Court’s intervention.  
27

1 88. Moreover, and independent of the duration of the schemes, Defendants' above-  
 2 described unlawful and intentional schemes, wrongful actions, inaction, omissions,  
 3 cover-up, deception, and concealment, obstructive behavior regarding investigations,  
 4 and conspiracy of silence were (and continue to be) a consistent, regular and  
 5 dominant part of the manner in which they participate in, and conduct their day-to-  
 6 day dealings with, Plaintiffs, third parties, and clergy operating within the Enterprise  
 7 they have forged to shelter from any legal or financial repercussions.  
 8

9 **COUNT III**  
 10 **SEXUAL ASSAULT/SEXUAL ABUSE/MOLESTATION**  
 11 **(Defendants Carlos Cocio and Charles Knapp)**

12 89. Plaintiffs incorporate all other paragraphs.

13 90. Defendants Carlos Cocio and Charles Knapp intentionally, knowingly, recklessly, or  
 14 negligently engaged in sexual contact with Plaintiffs Lauro Garcia and Diana  
 15 Almader-Douglas.

16 91. Defendants Cocio and Knapp intentionally, knowingly, recklessly, or negligently  
 17 engaged in sexual contact, without Plaintiffs' consent and when they were minors  
 18 incapable of consenting to such sexual contact.

19 92. As a direct and proximate cause of Defendants' wrongful acts, Plaintiffs suffered and  
 20 will continue to suffer in the future physical and emotional injury including, but not  
 21 limited to, great pain of mind and body, shock, mental anguish, emotional distress,  
 22 embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage, frustration,  
 23 loss of enjoyment of life, loss of consortium, loss of love and affection, sexual  
 24 dysfunction, past and future medical expenses for psychological treatment, therapy,  
 25 and counseling, and past and future loss of earnings.  
 26  
 27

1 93. The allegations set forth in this Count constitute traditional negligence and negligence  
2 per se for laws enacted for the protection of a specific class of persons of which  
3 Plaintiff Garcia is a member.  
4

5  
6 **COUNT IV**  
7 **BREACH OF FIDUCIARY DUTY**  
8 **(All Defendants)**

9 94. Plaintiffs incorporate all other paragraphs

10 95. Defendants' clergy were spiritual guides, counselors, and shepherds to Plaintiffs.

11 Given these relationships, and as fiduciaries to Plaintiffs, Defendants owed a duty to  
12 investigate, obtain, and disclose misconduct, sexual assault, sexual abuse,  
13 molestation, sexual propensities, and other inappropriate acts of its priests, including  
14 Father Gluch, Father Cocio, and Father Knapp. As fiduciaries, counselors and  
15 spiritual guides, Defendants owed Plaintiffs a duty to work solely for their benefit.

16 96. Defendants breached their fiduciary duties owed to Plaintiffs.

17 97. As a direct and proximate cause of Defendants' breach, Plaintiffs suffered and will  
18 continue to suffer in the future great pain of mind and body, shock, emotional  
19 distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage,  
20 frustration, loss of enjoyment of life, loss of consortium, loss of love and affections,  
21 sexual dysfunction, past and future medical expenses for psychological treatment,  
22 therapy, and counseling.  
23

24 **COUNT V**  
25 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
26 **(All Defendants)**

27 98. Plaintiffs incorporate all other paragraphs.

1 99. Defendants' wrongful conduct, including sexual abuse, conspiracy to conceal sexual  
2 abuse, failure to report the sexual abuse of children by known sexual predators in  
3 their dioceses, affirmance, and ratification of clergy's sexual abuse exceeded the  
4 bounds of decency and were extreme and outrageous causing Plaintiffs to suffer  
5 severe emotional and psychological distress.  
6

7 100. As a direct and proximate cause of Defendants' wrongful conduct Plaintiffs  
8 suffered and will continue to suffer the future physical and emotional injury  
9 including, but not limited to, great pain of mind and body, shock, mental anguish,  
10 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger,  
11 rage, frustration, loss of enjoyment of life, loss of consortium, loss of love and  
12 affection, sexual dysfunction, past and future medical expenses for psychological  
13 treatment, therapy, and counseling, and past and future loss of earnings.  
14

15 **COUNT VI**  
16 **INTENTIONAL/NEGLIGENT MISREPRESENTATION**  
17 **(All Defendants)**

18 101. Plaintiffs incorporate all other paragraphs.

19 102. Defendants have a duty to provide true, accurate, and complete information to  
20 prevent a substantial and foreseeable risk of injury to young Catholic parishioners and  
21 students.

22 103. Instead of reporting and disclosing incidents of sexual abuse, predatory priests'  
23 history of sexual abuse and propensity to sexually abuse young boys, Defendants  
24 breached their duties to Plaintiffs by providing vague, incomplete, and inconsistent  
25 information regarding their ability to serve as Roman Catholic priests.  
26  
27

104. As a direct and proximate cause of Defendants' breach, Plaintiff suffered and will continue to suffer in the future great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of love and affection, sexual dysfunction, past and future medical expenses for psychological treatment, therapy, and counseling.

**COUNT VII**  
**NEGLIGENT SUPERVISION/RETENTION**  
**(All Defendants)**

105. Plaintiffs incorporate all other paragraphs.

106. Defendants had a duty to hire, fire, train, retain, supervise, and counsel employees or priests who had the knowledge, education, training, physical, psychological, and spiritual ability to serve as Roman Catholic priests.

107. The Dioceses of Los Angeles and Tucson knew or should have known that priests with histories of sexual abuse were likely to victimize more children, if adequate measures were not taken.

108. Defendants, individually and in concert with the others, breached their duties to Plaintiffs.

109. As a direct and proximate cause of Defendants' breach, Plaintiffs suffered and will continue to suffer in the future enjoyment of life, loss of consortium, loss of love and affection, sexual dysfunction, past and future medical expenses for psychological treatment, therapy, and counseling.

**COUNT VIII**  
**ENDANGERMENT**  
**(All Defendants)**

110. Plaintiffs incorporate all other paragraphs.

111. Defendants have a duty to protect children from foreseeable and unjustifiable risks of harm.

112. Defendants knew or should have known Father Gluch and Father Cocio sexually abused Catholic children.

113. Defendants, individually and or in agreement with each other, emboldened Father Gluch and Father Cocio to travel freely between parishes in the Los Angeles and Tucson Dioceses, having unrestricted access to minors, despite indications of their propensity to prey on young boys.

114. Father Gluch and Father Cocio posed a substantial risk of significant physical and psychological injury to Catholic children, including Plaintiffs.

115. Defendants, individually and in concert with each other, recklessly endangered the health and well-being of Catholic children, including Plaintiffs, by exposing them to abusive clergy members, who remained active members of the dioceses' ministry.

116. Defendants, individually and in concert with each other, recklessly endangered the health and well-being of Catholic children, including Plaintiffs by exposing them to abusive clergy members. Defendants caused, established, and/or allowed patterns, practices, customs, and traditions that places Plaintiffs in situations where their person, physical health, and mental/emotional wellbeing was endangered.

117. Defendants intentionally, recklessly, and/or negligently endangered and sexually abused Plaintiffs.

1 118. As a direct and proximate cause of Defendants' sexual abuse of Plaintiffs,  
2 Plaintiffs suffered and will continue to suffer in the future great pain of mind and  
3 body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace,  
4 humiliation, anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss  
5 of love and affection, sexual dysfunction, past and future medical expenses for  
6 psychological treatment, therapy, and counseling.  
7

8 **COUNT IX**  
9 **ASSAULT AND BATTERY**  
10 **(All Defendants)**

11 119. Plaintiffs incorporate all other paragraphs.

12 120. At all times relevant to this complaint, Father Gluch and Father Cocio were over  
13 the age of 18, and Plaintiffs were under the age of 18.

14 121. Father Gluch and Father Cocio intentionally, knowingly, and/or recklessly caused  
15 serious physical and mental/emotional injuries to Plaintiffs.

16 122. Father Gluch and Father Cocio intentionally, knowingly, recklessly, and/or  
17 negligently placed Plaintiffs in reasonable apprehension of imminent physical injury.

18 123. Father Gluch and Father Cocio intentionally, knowingly, recklessly, and/or  
19 negligently touched Plaintiffs with the intent to injure, insult, or provoke.  
20

21 124. The allegations set forth in this Count constitute negligence and negligence per se  
22 enacted for the protection of a specific class of persons of which Plaintiffs are  
23 members.

24 125. As a direct and proximate cause of Defendants' abuse of Plaintiffs, Plaintiffs  
25 suffered and will continue to suffer in the future great pain of mind and body, shock,  
26 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, anger,  
27

1 rage, frustration, loss of enjoyment of life, loss of consortium, loss of love and  
2 affection, sexual dysfunction, past and future medical expenses for psychological  
3 treatment, therapy, and counseling.

4  
5 **JURY TRIAL DEMAND**

6 126. Plaintiff demands a trial by jury on all of the triable issues within this pleading.

7 **PRAYER FOR RELIEF**

8 127. WHEREFORE, Plaintiff prays for the following relief against Defendants:

- 9 a) For Plaintiff's general and special damages in an amount to be proven at trial by  
10 jury.
- 11 b) For Plaintiffs' treble damages, as prescribed by A.R.S. § 13-2314 and 18 U.S.C. §  
12 1961-68.
- 13 c) For Plaintiffs' incurred costs together with interest at the highest lawful rate on the  
14 total amount of all sums awarded from the date of judgment until paid.
- 15 d) For the fair and reasonable monetary value of Plaintiff's past, present, and future  
16 pain and suffering in an amount to be proven at trial by jury.
- 17 e) For the medical expenses incurred up to the date of trial and any additional expenses  
18 necessary for future medical care and treatment.
- 19 f) Economic damages in the form of out-of-pocket expenses, lost earnings and other  
20 economic damages in an amount to be determine at trial of this action.
- 21 g) For punitive damages or exemplary damages to be set by a jury in an amount  
22 sufficient to punish Defendants for their outrageous conduct and to discourage  
23 others from engaging in similar conduct in the future.
- 24  
25  
26  
27



1 h) Costs including reasonable attorneys' fees and costs, court costs, and other  
2 litigation expenses; and

3 i) For such other and further relief as this Court may deem just and proper.

4 Dated this 16<sup>th</sup> day of February, 2021.

5 Respectfully Submitted,

6 /s/ Ashley M. Pileika  
7 Ashley M. Pileika  
8 New York Bar No. 974605  
9 David Matthew Haynie  
10 Texas Bar No. 24087692  
11 **FORESTER HAYNIE PLLC**

12  
13  
14  
15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on February 16, 2021, I electronically transmitted the attached  
17 document to the Clerk's Office using the ECF System for e-filing and transmittal of a  
18 Notice of Electronic Filing to the ECF registrants on record in this matter.

19 /s/ Ashley M. Pileika  
20 Ashley M. Pileika  
21  
22  
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27