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COPY

OCT 06 2016



MICHAEL K. JEANES, CLERK
A. DRIVER
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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

JOHN BM DOE, a married man,

Plaintiff,

v.

THE ROMAN CATHOLIC CHURCH
OF THE DIOCESE OF PHOENIX, a
corporation sole; THE SOCIETY OF
THE DIVINE SAVIOR USA
PROVINCE; a Wisconsin corporation;
ST. MARK ROMAN CATHOLIC
PARISH PHOENIX, an Arizona
corporation; REVEREND DENNIS
PECORE, S.D.S, a Roman Catholic
cleric; JOHN DOE 1-100; JANE DOE 1-
100; and Black & White Corporations 1-
100,

Defendants.

Case No. **2016-015552**

COMPLAINT

Plaintiff, for his complaint, states and alleges the following:

JURISDICTION

1. Plaintiff, John BM Doe, is a resident of Phoenix, Arizona. The acts, events, and or omissions occurred in Maricopa County, Arizona. The cause of action arose in Maricopa County, Arizona.

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2. Defendant The Roman Catholic Church of the Diocese of Phoenix (Diocese of Phoenix) is a corporation sole. The presiding Bishops of the Diocese of Phoenix during the relevant times at issue in this Complaint are Bishop Thomas J. O'Brien (1981-2003), Bishop Thomas J. Olmsted (2003 – present), Auxiliary Bishop Eduardo A. Nevares (2010– present).
3. The Diocese of Phoenix is incorporated in the State of Arizona and has its principle place of business in Phoenix, Arizona. The Diocese of Phoenix was canonically erected on December 2, 1969 by Pope Paul VI. The territory of the Diocese of Phoenix encompasses approximately 43,000 square miles including Maricopa, Mohave, Yavapai, and Coconino Counties. The Diocese of Phoenix owns, operates, and or controls ninety-three (93) parishes, twenty-nine (29) Catholic Elementary Schools, and Six (6) Catholic High Schools.
4. The parishes and schools are part of the ministry of the Diocese of Phoenix.
5. Defendant Diocese of Phoenix, acting through its Bishops, priests, brothers, clerics, provincials, employees, and agents of any kind caused acts, events, or omissions to occur in Maricopa County, Arizona out of which these claims arise.
6. Defendant the Society of the Divine Savior USA Province (Salvatorians), a religious order of clerics of the Roman Catholic Church, at all times alleged was and is, a corporation, organized under the laws of the State of Wisconsin, having its principal place of business in Milwaukee, Wisconsin.
7. Defendant the Society of the Divine Savior USA Province (Salvatorians), acting through its Bishops, priests, brothers, clerics, provincials, employees, and agents of any kind caused acts, events, or omissions to occur in Maricopa County, Arizona out of which these claims arise.

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8. Defendant St. Mark Roman Catholic Parish Phoenix (St. Mark), is incorporated in the State of Arizona and has as its principle place of business in Phoenix, Arizona. St. Mark Roman Catholic Parish Phoenix is under the direction and control of the Diocese of Phoenix.
9. Defendant St. Mark Roman Catholic Parish Phoenix, acting through its Bishops, priests, brothers, clerics, provincials, employees, and agents of any kind caused acts, events, or omissions to occur in Maricopa County, Arizona out of which these claims arise.
10. Defendant Father Dennis Pecore, S.D.S., is a Roman Catholic cleric who caused acts, events, or omissions to occur in Arizona out of which these claims arise. At all times alleged, Defendant Father Pecore was employed by and was the actual or apparent agent of Defendants Diocese of Phoenix, St. Mark Roman Catholic Parish Phoenix and or the Society of the Divine Savior USA Province (Salvatorians).
11. Defendant Father Pecore was and or is under the supervision, employ, or control of Defendants Diocese of Phoenix, St. Mark and or the Salvatorians when he committed the wrongful acts, events, and or omissions.
12. At all times alleged, Defendants Diocese of Phoenix, St. Mark, the Salvatorians and Father Pecore, their Bishops, Archbishops, priests, brothers, clerics, provincials, employees, and or agents were acting within the course and scope of employment or alternatively, acting within their actual or apparent authority. The wrongful acts, events, or omissions committed by Defendants and by those priests, brothers, clerics, Bishops, Archbishops, employees and agents who acted individually and in conspiracy with the other to hide and cover up Pecore's history, pattern, and propensity to sexually abuse Catholic children were done within the course and scope of

1 their authority with their employing entities, or incidental to that authority
2 and were acquiesced in, affirmed, and ratified by those entities.

3
4 13. Plaintiff is informed and believes, and on that basis alleges, that at all times
5 mentioned herein, there existed a unity of interest and ownership among
6 Defendants and each of them, such that any individuality and separateness
7 between Defendants, and each of them, ceased to exist. Defendants, and each
8 of them, were the successors-in-interest and / or alter egos of the other
9 Defendants, and each of them, in that they purchased, controlled, dominated
10 and operated each other without any separate identity, observation of
11 formalities, or other manner of division. To continue maintaining the façade
12 of a separate and individual existence between and among Defendants, and
13 each of them, would serve to perpetuate a fraud and an injustice.

14 14. Defendants JOHN DOE 1-100, JANE DOE 1-100, and BLACK AND
15 WHITE CORPORATIONS 1-100, are fictitious names designating an
16 individual or individuals or legal entities not yet identified who have acted in
17 concert with the named Defendants either as principals, agents, or co-
18 participants whose true names Plaintiffs may insert when identified.

19
20 15. Plaintiff is informed and believes, and on that basis alleges, that at all times
21 alleged herein, Defendants and each of them and JOHN DOES 1-100, JANE
22 DOES 1-100, and BLACK and WHITE CORPORATIONS 1-100, inclusive,
23 were the agents, representatives and or employees of each and every other
24 Defendant. In doing the things hereinafter alleged, Defendants, and each of
25 them, JOHN DOES 1-100, JANE DOES 1-100, and BLACK and WHITE
26 CORPORATIONS 1-100, inclusive, were acting within the course and scope
27 of said alternative personality, capacity, indemnity, agency, representation
28 and or employment and were within their actual or apparent authority.

1 16. Plaintiff is informed and believes, and on that basis alleges, that all times
2 mention herein, Defendants, and each of them, JOHN DOES 1-100, JANE
3 DOES 1-100, and BLACK and WHITE CORPORATIONS 1-100, inclusive,
4 were the trustees, partners, servants, agents, joint venturers, shareholders,
5 contractors, and or employees of each and every other Defendant, and the
6 acts and omissions alleged were done by them, acting individually, through
7 such capacity and with the scope of their authority, and with the permission
8 and consent of each and every other Defendant and that said conduct was
9 thereafter ratified by each and every other Defendant, and that each of them
10 is jointly and severally liable to Plaintiff.
11

12 **GENERAL ALLEGATIONS**

- 13 17. Plaintiff incorporates all other paragraphs.
14 18. Dennis Pecore was ordained a Roman Catholic priest or cleric.
15 19. As a Roman Catholic priest or cleric in the Diocese of Phoenix, Father
16 Dennis Pecore, S.D.S. was required to have the permission of the Bishop of
17 the Diocese of Phoenix before being allowed to serve in the Diocese of
18 Phoenix.
19 20. The Bishop of Phoenix assigned Father Dennis Pecore to Catholic schools
20 and or parishes and or missions in Arizona including but not limited to St.
21 Mark Roman Catholic Church Phoenix and or St. Mark's Catholic
22 Elementary School.
23 21. Defendants Diocese of Phoenix, St. Mark Catholic Parish, the Salvatorians,
24 and Father Dennis Pecore, through its bishop, archbishops, priests, brothers,
25 provincials, employees, and or agents of any kind, knew or should have
26 known that Father Dennis Pecore would have contact with Catholic children
27 while assigned to Catholic Churches, parishes, schools, and missions in the
28 Diocese of Phoenix.

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22. Defendants Diocese of Phoenix, St. Mark Catholic Parish Phoenix, and the Salvatorians engaged in a pattern and practice of transferring pedophile priests throughout the Diocese of Phoenix, State of Arizona, and United States in an attempt to cover up clergy sexual misconduct. Defendants Diocese of Phoenix, St. Mark Catholic Parish Phoenix and the Salvatorians allowed other pedophile priests to work at St. Mark including but not limited to Father Joseph Henn, S.D.S. Father Henn was also a Salvatorian cleric. Father Henn was allowed to work at St. Mark Catholic Parish from approximately 1976 through 1983. Upon information and belief, Father Henn was criminally indicted in Maricopa County, Arizona for molesting children at St. Mark Catholic Parish. Defendants, in keeping with the official and unofficial policies of the Roman Catholic Church allowed Father Henn to escape the jurisdiction of Arizona courts in an attempt to keep the clergy sexual misconduct secret. Upon information and belief, the Roman Catholic Church has given Father Henn refuge in Rome, Italy.

**Pecore sexually abused John BM Doe
At St. Mark Catholic Church / St. Mark Catholic Elementary School**

- 23. Plaintiff incorporates all other paragraphs.
- 24. To cope with the trauma of sexual abuse John BM Doe involuntarily and unconsciously blocked the memories of sexual abuse from his mind.
- 25. In the fall of 2014, John BM Doe began to recover some of the memories of sexual abuse by Father Dennis Pecore.
- 26. John BM Doe received education, counseling and instruction in the Catholic faith from Defendants, including Father Dennis Pecore.
- 27. Father Dennis Pecore groomed John BM Doe over time. Defendants Phoenix, St. Mark, and or the Salvatorians, acting through the agents and or

1 employees of any kind, instructed Plaintiff to meet with Father Pecore
2 privately for spiritual and emotional counseling. Father Pecore used his time
3 alone with Plaintiff to groom him, giving Plaintiff special treatment; allowing
4 him to see the living quarters and other parts of the church that were off
5 limits to most parishioners. On campus and around the parish Father Pecore
6 acknowledge Plaintiff by calling him out by name from the other children.
7 Pecore took Plaintiff to restaurants that plaintiff's family could not afford.
8 During their meetings Father Pecore asked John Doe about pornography
9 magazines and erections. Pecore assured Plaintiff, however, that his sin
10 would be kept secret.
11

12 28. Father Pecore used his position of trust and authority given to him by
13 Defendants Diocese of Phoenix, St. Mark, and the Salvatorians, to break
14 down physical and psychological boundaries..

15 29. Father Pecore used his position of trust and authority given to him by
16 Defendants Dioces of Phoenix, St. Mark, and the Salvatorians to sexually
17 abuse Plaintiff. Pecore escorted Plaintiff to his private living area and
18 sleeping quarters where he messaged plaintiff. Over time Father Pecore
19 messaged plaintiff's back, butt, and groin. Pecore invoked the name of God
20 to justify the abuse explaining that the sexual abuse is something that God
21 wanted and therefore it was not a sin.
22

23 30. Father Pecore advanced the sexual abuse. Father Pecore instructed Plaintiff
24 to message, stroke and masturbate Pecore's erect penis. On some occasions,
25 Pecore forced Plaintiff to masturbate him to the point of ejaculation. Pecore
26 justified the sexual abuse explaining that he was a priest who served God.

27 31. Father Pecore's sexual appetite continued to grow. Pecore offered to take
28 Plaintiff fishing. Pecore suggested to Plaintiff and his parents to allow Pecor

1 to take Plaintiff fishing. While camping Pecore penetrated and sodomized
2 Plaintiff to the point of ejaculation.

3 32. Father Dennis Pecore sexually abused John BM Doe when he was a young
4 boy at St. Mark Roman Catholic Church and school. St. Mark Roman
5 Catholic Church is under the direction and control of the Diocese of Phoenix
6 Phoenix. The sexual abuse included, but was not limited to, touching,
7 fondling, masturbation, penetration and sodomy. Plaintiff cannot remember
8 the specific numbers of times Father Pecore sexually abused him, however,
9 the sexual abuse became a routine part of their weekly meetings.
10

11
12 **Defendants Diocese of Phoenix, the Salvatorians, St. Mark Catholic Church and**
13 **Pecore covered up and fraudulently concealed**
14 **Pecore's history and propensity of sexual abuse.**

15 33. Plaintiff incorporates all other paragraphs.

16 34. Defendants Diocese of Phoenix, the Salvatorians, St. Mark, and Pecore,
17 individually and in concert with each other, acting through its priests,
18 Bishops, Archbishops, provincials, employees, or agents of any kind knew or
19 should have known that Pecore sexually abused young Catholic children.
20 Defendants the Diocese of Phoenix, the Salvatorians, St. Mark, and Pecore
21 also knew or should have known of Pecore's propensity to sexually abuse
22 children.

23 35. Father Dennis Pecore was assigned to Holy Trinity parish in Baltimore,
24 Maryland from 1975 to 1976. Pecore sexually abused a child when he was
25 assigned to Holy Trinity. At the time of the abuse, Pecore was a Salvatorian
26 brother. Pecore returned to the Salvatorians where he completed his training
27 and final vows to become a Roman Catholic priest.
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- 36. Father Dennis Pecore was transferred to the Diocese of Phoenix. Bishop Thomas J. O'Brien assigned Father Pecore to St. Mark Catholic Church and Parish including various ministries operated out of St. Mark. At the time, the parish had a school with approximately 205 elementary school students, including Plaintiff.
- 37. Father Dennis Pecore sexually abused John BM Doe when he was a young boy at St. Mark Roman Catholic Church and school in Phoenix, Arizona.
- 38. Father Dennis Pecore returned to the Archdiocese of Milwaukee after serving under the Bishop of the Diocese of Phoenix. When he returned Pecore was assigned to Mother of Good Counsel parish and grade school. In July of 1984 a teacher wrote the Archbishop of Milwaukee that she was concerned that Father Pecore was taking boys to his bedroom. Instead of investigating, warning, or comforting the concerned teacher the Archbishop threatened legal action if anything in her letter was libelous. Two more teachers wrote letters warning the Archbishop that Pecore was a danger to children. All three teachers were fired.
- 39. In 1987, Father Dennis Pecore sexually abused a fifteen-year old boy at Mother of Good Counsel Church in 1985.
- 40. After a short jail sentence and criminal probation term, Pecore returned to public ministry. In 1994 Father Pecore was convicted of sexually abusing another young boy from 1989 through 1992. In March 1994 Father Pecore was sentenced to twelve (12) years in prison and ten (10) years probation.
- 41. Father Dennis Pecore was laicized and or defrocked in 1995.
- 42. Defendants Phoenix, the Salvatorians, St. Mark and Pecore did not disclose, warn, or report the sexual abuse or Pecore propensity to sexual abuse Catholic children. Instead, acting individually and in concert with each other

1 and other priests, bishops, dioceses, and archdioceses, and co-conspirators,
2 Defendants kept the news of Pecore's sexual abuse and propensity to engage
3 in sexual abuse from church members, including Plaintiff and his family.

4
5 43. Defendants Phoenix, the Salvatorians, St. Mark and Pecore, their priests,
6 Bishops, Archbishops, and agents of any kind followed the orders,
7 commandments, directives, policies, or procedures of the Roman Catholic
8 Church mandated by the priests, Bishops, Archbishops, Cardinals, Vatican,
9 the Holy See, the Holy Office, and the Holy Father requiring that all matters
10 and details regarding clergy sexual abuse be kept absolutely secret. The
11 secrets of priest sexual abuse were commonly regarded as a secret of the
12 Holy Office.

13 44. Defendants Phoenix, the Salvatorians, St. Mark and Pecore, their priests,
14 Bishops, Archbishops, and agents of any kind also followed the orders,
15 commandments, directives, policies, or procedures of the Roman Catholic
16 Church mandated by the Vatican, the Holy See, the Holy Office, Bishops,
17 Archbishops, Cardinals and the Holy Father allowing a priest accused of
18 sexual abuse to be transferred to a new assignment without ever disclosing
19 the priest's history of sexual abuse.

20
21 45. Defendants Phoenix, the Salvatorians, St. Mark and Pecore acted individually
22 and in concert with one another and others including but not limited to other
23 priests, bishops, archbishops, diocese, and archdiocese to engage in a pattern
24 and practice of protecting priests and clerics who sexually abused
25 parishioners and children by ratifying, concealing, failing to report, or failing
26 to investigate clergy sexual abuse, molestation, and or sexual misconduct.

27 46. The Bishop of the Diocese of Phoenix allowed priests under his supervision
28 to have contact with minors after becoming aware of allegations of criminal
sexual misconduct.

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47. The Bishop of the Diocese of Phoenix transferred pedophile priests to situations where children could be further victimized.

Defendants are estopped from alleging the statute of limitations as a defense because they fraudulently concealed Father Dennis Pecore's abuse of Catholic children and his propensity to sexually abuse Catholic Children.

48. Plaintiff incorporates all other paragraphs.

49. Defendants Diocese of Phoenix, the Salvatorians, St. Mark and Pecore, through its priests, Bishops, Archbishops, and agents of any kind assigned Pecore to parishes throughout the United States, including the Catholic churches located in the Diocese of Phoenix.

50. Defendants, and each of them, did not reveal to the congregation of faithful Catholics, including Plaintiff and her family, that Father Pecore sexually abused Catholic children.

51. Defendants, and each of them, knew or should have known that Father Pecore continued to sexual abuse Catholic children.

52. Defendants, and each of them, individually and in conspiracy with the other priests, bishops, archbishops, and agents of any kind, led the congregation of faithful Catholics to believe that Father Dennis Pecore was fit to serve as a Roman Catholic priest ministering to Catholic children. In keeping with the orders, commandments, directives, policies, or procedures of the Roman Catholic Church mandated by the priests, Bishops, Archbishops, Cardinals, Vatican, the Holy See, the Holy Office, and the Holy Father requiring that all matters and details regarding clergy sexual abuse be kept absolutely secret, Defendants individual and in conspiracy with each other and other priest, bishops, archbishops, diocese, and agents of any kind, did not reveal to the

1 congregation of faithful Catholics in the Diocese of Phoenix and its parishes,
2 including Plaintiff and his family, that Father Dennis Pecore sexually abused
3 Catholic children.

4
5 53. Defendants are equitably estopped from alleging the statute of limitations as
6 a defense in this case because of the inequitable conduct of Defendants,
7 because of their attempts to fraudulently conceal the abuse and breaches of
8 fiduciary duties.

9
10 54. All Defendants, with their pattern and practice of ignoring, covering up, and
11 or fraudulently concealing Father Dennis Pecore's sexual abuse of John BM
12 Doe and other Catholic children, demonstrated deliberate indifference,
13 conscious disregard, and reckless disregard to John BM Doe's mental and
14 physical well-being.

15
16 55. All Defendants' pattern and practice of ignoring, covering up, and
17 fraudulently concealing repeated and frequent sexual abuse perpetrated by
18 Father Dennis Pecore and other clergy was done pursuant to the Catholic
19 Church's official and unofficial policies and practices.

20 **COUNT I**
21 **SEXUAL ASSAULT / SEXUAL ABUSE / MOLESTATION**
22 **(A.R.S. § 13-1406 and the common law)**
23 **(Father Dennis Pecore)**

24 56. Plaintiff incorporates all other paragraphs.

25 57. Defendant Father Dennis Pecore intentionally, knowingly, recklessly, or
26 negligently engaged in sexual conduct with John BM Doe.

27 58. Defendant Father Dennis Pecore intentionally, knowingly, recklessly, or
28 negligently engaged in sexual conduct with John BM Doe without her
consent and when she was a minor incapable of consenting to such sexual
conduct.

59. As a direct and proximate cause of Defendants' wrongful acts Plaintiff
suffered and will continue to suffer in the future great pain of mind and body,

1 shock, emotional distress, embarrassment, loss of self-esteem, disgrace,
2 humiliation, anger, rage, frustration, loss of enjoyment of life, loss of
3 consortium, loss of love and affection, sexual dysfunction, past and future
4 medical expenses for psychological treatment, therapy, and counseling.

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6 60. The allegations set forth in this Count constitute traditional negligence and
7 negligence per se for violation of A.R.S. § 13-3623 and other relevant
8 statutes and laws, including the common law, enacted for the protection of a
9 specific class of persons of which John C.V. Doe is a member.

10 **COUNT II**
11 **BREACH OF FIDUCIARY DUTY**
12 **(All Defendants)**

13 61. Plaintiff incorporates all other paragraphs.

14 62. Defendants' relationship with Plaintiff John BM Doe was one of spiritual
15 guide, counselor, and shepherd. As a fiduciary to Plaintiff, Defendants owed
16 a duty to investigate, obtain, and disclose sexual misconduct, sexual assault,
17 sexual abuse, molestation, sexual propensities, and other inappropriate acts of
18 its priests, including Defendant Father Dennis Pecore. As fiduciary,
19 counselor and spiritual guide, Defendants owed Plaintiff a duty to work
20 solely for his benefit.

21 63. Defendants breached their fiduciary duties owed to Plaintiff.

22 64. As a direct and proximate cause of Defendants' breach Plaintiff suffered and
23 will continue to suffer in the future great pain of mind and body, shock,
24 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
25 anger, rage, frustration, loss of enjoyment of life, loss of consortium, loss of
26 love and affection, sexual dysfunction, past and future medical expenses for
27 psychological treatment, therapy, and counseling.
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COUNT III
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)

65. Plaintiff incorporates all other paragraphs.
66. Defendants' wrongful conduct, including sexual abuse, conspiracy to conceal sexual abuse, failure to report Father Pecore's sexual abuse of children, acquiescence, affirmance, and ratification of Father Pecore's sexual abuse exceeded the bounds of decency and were extreme and outrageous causing Plaintiff to suffer severe emotional and psychological distress.
67. As a direct and proximate cause of Defendants' wrongful conduct 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 IV
INTENTIONAL / NEGLIGENT MISREPRESENTATION
(All Defendants)

68. Plaintiff incorporates all other paragraphs.
69. Defendants have a duty to provide true, accurate, and or complete information to prevent a substantial and foreseeable risk of injury to young Catholic children, including Plaintiff.
70. Instead of reporting and disclosing the incidents of sexual abuse, Pecore's history of sexual abuse, or Pecore's propensity to sexually abuse young boys, Defendants breached their duties to Plaintiff by providing vague, incomplete, and inconsistent information regarding Pecore's ability to serve as a Roman Catholic priest.

1 71. As a direct and proximate cause of Defendants' breach Plaintiff suffered and
2 will continue to suffer in the future great pain of mind and body, shock,
3 emotional distress, embarrassment, loss of self-esteem, disgrace,
4 humiliation, anger, rage, frustration, loss of enjoyment of life, loss of
5 consortium, loss of love and affection, sexual dysfunction, past and future
6 medical expenses for psychological treatment, therapy, and counseling.
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9 **COUNT V**
10 **NEGLIGENT HIRING / SUPERVISION / RETENTION**
11 **(Defendants Phoenix, Salvatorians & St. Mark)**

12 72. Plaintiff incorporates all other paragraphs.

13 73. Defendants Phoenix, Salvatorians, and St. Mark had a duty to hire, fire, train,
14 retain, supervise, and or counsel employees or priests who had the
15 knowledge, education, training, physical, psychological, and spiritual ability
16 to serve as Roman Catholic Priests.

17 74. Defendants, individually and in concert with the others, breached their duties
18 to Plaintiff.

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

25 **COUNT VI**
26 **ENDANGERMENT**
27 **(All Defendants)**

28 76. Plaintiff incorporates all other paragraphs.

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

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- 78. Defendants knew or should have known Father Dennis Pecore posed a significant risk of injury to Catholic children, including plaintiff.
- 79. Defendants, individually and or in agreement with each other, assigned Father Dennis Pecore to the missions, Catholic schools, and or parish in the Diocese of Phoenix.
- 80. Father Dennis Pecore posed a substantial risk of significant physical and psychological injury to Catholic children, including Plaintiff.
- 81. Defendants, individually and in concert with the each other, recklessly endangered the health and well being of Catholic children, including Plaintiff by exposing them to Father Dennis Pecore who was a substantial risk of significant physical and mental injury to young Catholic children including Plaintiff.
- 82. Defendants, individually and in concert with each other, recklessly endangered the health and well being of Catholic children, including Plaintiff, by employing and engaging in pattern and practice, customs and traditions, of ignoring, covering up, and or fraudulently concealing clergy sexual abuse.
- 83. As a direct and proximate cause of Defendants' reckless endangerment, 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
CHILD ABUSE
(A.R.S. § 13-3623 and the common law)
(All Defendants)

- 84. Plaintiff incorporates all other paragraphs.

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- 85. Father Dennis Pecore had the care and custody of John BM Doe both because she was a parishioner under the control and authority of Father Dennis Pecore, given to him by Defendants Gallup and the Franciscan Friars and because she attended religious education and training from Father Dennis Pecore and other Catholic priests.
- 86. Defendants had the care and custody of John BM Doe both because they assigned and/or permitted Father Dennis Pecore to serve at missions, parishes, and or schools in the Diocese of Phoenix and because of their pattern, practice, custom, and tradition of training and educating children in the Catholic faith.
- 87. Defendants had the care and custody of John BM Doe through traditional agency law.
- 88. Under circumstances likely to produce serious and significant physical and psychological injury and while John BM Doe was under the care and custody of all Defendants, Defendants and each of them caused, permitted, allowed, and/or established patterns, practices, customs, and traditions that placed John BM Doe in a situation in which his person, physical health, and mental/emotional health were endangered.
- 89. Defendants, and each of them, intentionally, recklessly and or negligently endangered and sexually abused Plaintiff.
- 90. As a direct and proximate cause of Defendants' sexual abuse of Plaintiff, 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.

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COUNT VIII
ASSAULT AND BATTERY
(A.R.S. §§ 13-1204, 13-1203, and the common law)
(All Defendants)

91. Plaintiff incorporates all other paragraphs.
92. At all times relevant to this complaint, Father Dennis Pecore was over the age of 18 and John BM Doe was under the age of 15.
93. Father Dennis Pecore intentionally, knowingly and/or recklessly caused serious physical and mental/emotional injury to Plaintiff.
94. Father Dennis Pecore intentionally, knowingly, recklessly and/or negligently placed Plaintiff in reasonable apprehension of imminent physical injury.
95. Father Dennis Pecore intentionally, knowingly, recklessly and/or negligently touched Plaintiff with the intent to injure, insult or provoke.
96. The allegations set forth in this Count constitute negligence and negligence per se for violation of A.R.S. §§ 13-1204, 13-1203 and other relevant statutes and laws, including the common law, enacted for the protection of a specific class of persons of which Plaintiff is a member.
97. As a direct and proximate cause of Defendants' abuse of Plaintiff, 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.

PRAYER FOR RELIEF

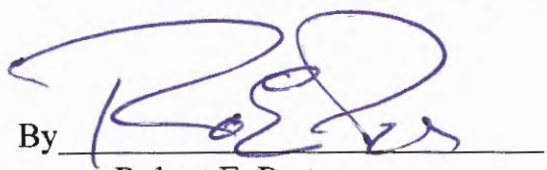
98. Plaintiff requests judgment in favor of Plaintiff and against Defendants as follows to:
- a. For Plaintiff's general and special damages in an amount to be proven at trial by jury;

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- b. For Plaintiff's incurred costs together with interest at the highest lawful rate on the total amount of all sums awarded from the date of judgment until paid;
- c. For the fair and reasonable monetary value of Plaintiff's past, present, and future pain and suffering in an amount to be proven at trial by jury;
- d. For the medical expenses incurred up to the date of trial and any additional expenses necessary for future medical care and treatment;
- e. For punitive damages or exemplary damages to be set by a jury in an amount sufficient to punish Defendants for their outrageous conduct and to make an example out of them so that others do not engage in similar conduct in the future;
- f. For such other and further relief as this Court may deem just and proper.

DATED this 6th day of October, 2016.

MONTOYA, LUCERO & PASTOR, P.A.

By 

Robert E. Pastor
Attorneys for Plaintiff