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FILED
DISTRICT COURT OF GUAM

APR 10 2018

JEANNE G. QUINATA
CLERK OF COURT

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

13 L.J.C.,

14 Plaintiff,

15 v.

16 ROMAN CATHOLIC
17 ARCHBISHOP OF AGANA, a Corporation
18 sole;
19 ADRIAN CRISTOBAL, an individual; DOE
20 ENTITIES 1-5; and DOE-INDIVIDUALS 6-
21 50, inclusive

22 Defendants.

CIVIL ACTION NO:

18-00013

VERIFIED COMPLAINT FOR DAMAGES
FOR

1. **Child Sexual Abuse**
2. **Negligence**
3. **Negligent Supervision**
4. **Negligent Hiring and Retention**
5. **Breach of Fiduciary Duty /
Confidential Relationship**

JURY TRIAL DEMANDED

23 Plaintiff L.J.C. ("L.J.C.") files this Complaint for damages based on prior sexual abuse (the
24 "Complaint") against Defendants Archbishop of Agana, a corporation sole, Adrian Cristobal, an individual,
25 and DOES 1-50 ("Defendants").

26 **I.**
27 **JURISDICTION AND VENUE**

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

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

ORIGINAL

1 gave the boy status of wearing liturgical apparel during church services and working side by side with the
2 priests.

3 11. Further disguising the scheme to have sexual access to young boys was the ritual of requiring
4 altar boys to spend the night at the church rectory, ostensibly to facilitate preparation for the following
5 morning church services. By presenting the overnight requests in this manner, priests routinely gained the
6 approval of parents; and often times the sexual abuses occurred during the night in their beds at the priests'
7 residences. These seemingly routine practices of having altar boys stay overnight served the predatory priests
8 with a steady supply of victims under the auspices and pretense of formal church protocol, which allowed the
9 church to continually operate a veritable harem of young boys who were readily available to pedophiles who
10 utilized the stature of the church into deceiving the community to regard them as high-level officials.

11 12. In addition, Catholic Schools were established by the Catholic Church, taught by priest and
12 laypersons, designed to introduce young Catholic education and the prestige of teaching by allegedly
13 esteemed and respected Catholic priests. These schools served as an additional service of sexual ponds by
14 certain deviant priest, nuns, and agents who took advantage of their esteemed role to "troll" minor students
15 and to indulge and satiate their deviant, sexual predatory hunger and thirst.

16 13. The systematic and ongoing pattern of sexual abuse of young children was characteristic of an
17 internal society within Defendant Agana Archdiocese and whose norms were based on pedophilic conduct
18 disguised by the rituals and pageantry of liturgical services, together with the aura and prestige that was
19 inculcated in the community and which caused the Catholic parishioners to place the highest level of
20 confidence and trust in the church and its clergy. This internal society of sexual corruption sustained itself
21 through a conspiratorial arrangement between priests and higher officials in the Agana Archdiocese whereby
22 they all understood and agreed to remain quiet about each others sexual abuse misconduct, to tolerate such
23 misconduct, and to withhold information about such misconduct from third parties including victims' parents
24 or guardians and law enforcement authorities, in order to protect the offenders and the Agana Archdiocese,
25 thereby placing their loyalty above their duty to protect the minor children and their legal responsibilities.

26 14. These sexually predatory norms were an integral part of the standards and culture generated by
27 the central authority of the Roman Catholic Church based in Vatican City, Italy, which closely controlled the
28 operations of the Agana Archdiocese, and which aided and abetted such sexually predatory and abusive

1 practices by priests by knowingly tolerating such actions, failing to manage the Agana Archdiocese to
2 prevent sexual misconduct, and engaging in actions to protect and shield priests through such policies as
3 transfers to other jurisdictions, maintaining an internal code of silence, and choosing to remain willfully
4 blind to the ongoing sexual misconduct committed by Catholic priests.

5 **B. Sexual Abuse Inflicted on Plaintiff L.J.C.**

6 15. From about 1995 to about 1997, around the ages of twelve (12) thru fourteen (14) years old,
7 L.J.C. was an altar boy at San Vicente Ferrer / San Roke Catholic Church in Barrigada (“Barrigada Parish”).
8 During this time, Fr. Adrian was a priest at the Barrigada Parish.

9 16. During the period in which he served as an altar boy, L.J.C. was sexually molested and abused
10 by Fr. Adrian on several occasions.

11 17. As a young boy, L.J.C. enjoyed helping out around the church. After school, L.J.C. would go to
12 the Barrigada Parish and would do things around the church until mass started.

13 18. One incident of sexual abuse occurred after mass, when Fr. Adrian summoned L.J.C. into the
14 office. When L.J.C. went into the office Fr. Adrian was waiting for him and began scolding him about his
15 shirt not being tucked in. Fr. Adrian told L.J.C. that his shirt is supposed to be tucked in during mass and
16 instructed L.J.C. to undo his pants so that he could show L.J.C. how to properly tuck in his shirt. As Fr.
17 Adrian explained to L.J.C. how to tuck in his shirt, he grabbed L.J.C.’s penis and asked L.J.C., “Do you like
18 that?” L.J.C. froze with fear and confusion. Fr. Adrian then began to masturbate L.J.C. and again asked
19 L.J.C., “Do you like that?” L.J.C. pushed Fr. Adrian away, and ran out of the office as he pulled up his pants,
20 and ultimately ran home.

21 19. After this incident, every time L.J.C. saw Fr. Adrian, Fr. Adrian would hug and caress L.J.C.’s
22 ear, which made L.J.C. feel very uncomfortable.

23 20. On one occasion, Fr. Adrian invited L.J.C. and other altar servers to a retreat at a private beach
24 in Ipan, Guam. There was one big tent for Fr. Adrian and other priests who were also present, and several
25 small tents for the altar servers. During the retreat, L.J.C. recalls Fr. Adrian summoning the boys one-by-one
26 into the big tent. L.J.C. refused to go when his name was being called, but recalls hearing some of the boys
27 sayings “Stop. You’re hurting me!” After this retreat, L.J.C. noticed that some of the altar boys stopped
28 coming to church and serving mass.

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27. 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

28. 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.

29. Under 9 GCA § 25.10(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.

30. 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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1 31. Under 19 GCA § 13201(b), the following are required to report child abuse:

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

6 **IV.**
7 **FIRST CAUSE OF ACTION**

8 **Child Sexual Abuse**
9 **[Against Defendant Fr. Adrian]**

9 32. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 31 of this Complaint as
10 if fully set forth herein.

11 33. Fr. Adrian committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in
12 9 GCA § 25.20, by engaging in sexual contact with L.J.C. when L.J.C. was under fourteen (14) years of age.

13 34. Fr. Adrian committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in
14 9 GCA § 25.20, by engaging in sexual contact with L.J.C. when L.J.C. was fourteen (14) years old, and Fr.
15 Adrian, in his position as a Catholic Priest, was in a position of authority over L.J.C. and Fr. Adrian used his
16 authority to coerce L.J.C. to submit.

17 35. Fr. Adrian also committed the offense of Child Abuse, as set forth in 9 GCA § 31.30 by
18 subjecting L.J.C. to cruel mistreatment, including but not limited to having L.J.C., who was a child at the
19 time pursuant to 19 GCA § 13101(d), under his care, custody or control, unreasonably caused or permitted
20 the physical or emotional health of the child to be endangered.

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

27 37. As a direct and proximate consequence of Fr. Adrian's misconduct, L.J.C. has suffered, and
28 continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of

1 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;
2 and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy
3 and counseling.

4 38. By engaging in the conduct described herein, Fr. Adrian acted with malice, oppression, and/or
5 fraud, entitling L.J.C. to exemplary and punitive damages.

6 **V.**
7 **SECOND CAUSE OF ACTION**

8 **Child Sexual Abuse**
9 **[Against Defendants Agana Archdiocese and DOES 1 – 50]**

10 39. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 38 of this Complaint as
11 if fully set forth herein.

12 40. Defendants Agana Archdiocese and DOES 1 - 50 (collectively “Defendants” as alleged in this
13 cause of action) are vicariously liable for the sexual abuse committed upon L.J.C. by Fr. Adrian. Public
14 policy dictates that Defendants should be held responsible for Fr. Adrian’s wrongful conduct under the
15 theory commonly referred to as *Respondeat Superior*.

16 41. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual abuse of
17 L.J.C. arose from and was incidental to Fr. Adrian’s employment with the Agana Archdiocese, and while Fr.
18 Adrian, was acting within the scope of his employment with the Agana Archdiocese at the time he
19 committed the acts of sexual abuse, which were foreseeable to Defendants.

20 42. Defendants ratified and / or approved of Fr. Adrian’s sexual abuse by failing to adequately
21 investigate, discharge, discipline and / or supervise Fr. Adrian and other priests known by Defendants to
22 have sexually abused children, or to have been accused of sexually abusing children; by concealing evidence
23 of Fr. Adrian’s sexual abuse; failing to intervene to prevent ongoing and / or further sexual abuse; by failing
24 to report the sexual abuse as required under 19 GCA 13201(b); by allowing Fr. Adrian to continue in service
25 as a Catholic priest working for the Agana Archdiocese.

26 43. Despite the pretense of policies and procedures to investigate and address instances of child
27 sexual abuse by priests, Defendants in fact implemented such policies and procedures for no other purpose
28 than to avoid scandal, maintain secrecy and preserve loyalty to fellow clergy, including child molesting
clergy, rather than the protection of children. Such hypocritical conduct by Defendants has served to

1 systematically encourage, perpetuate and promote sexually abusive conduct by priests in the Agana
2 Archdiocese.

3 44. Defendants either had actual knowledge of Fr. Adrian's sexual abuse of L.J.C., or could have
4 and should have reasonably foreseen that Fr. Adrian would commit sexual misconduct to L.J.C., or others in
5 the course of his employment as a priest in the Barrigada Parish, as an agent and employee of the Agana
6 Archdiocese.

7 45. As a direct and proximate result of the Defendants' above – described conduct, L.J.C. 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 46. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
13 fraud, entitling L.J.C. to exemplary and punitive damages.

14 **VI.**
15 **THIRD CAUSE OF ACTION**

16 **Negligence**
17 **[Against All Defendants]**

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

20 48. Defendants Fr. Adrian, Agana Archdiocese and DOES 1 - 50 (collectively "Defendants" as
21 alleged in this cause of action) had a duty to protect L.J.C. when he was entrusted to Fr. Adrian's care by
22 L.J.C.'s parents. L.J.C.'s care, welfare, and / or physical custody were temporarily entrusted to Defendants,
23 and Defendants accepted the entrusted care of L.J.C. As such, Defendants owed L.J.C., as a child at the
24 time, a special duty of care, in addition to a duty of ordinary care, and owed L.J.C. the higher duty of care
25 that adults dealing with children owe to protect them from harm.

26 49. By virtue of his unique authority and position as a Roman Catholic priest, Fr. Adrian was able
27 to identify vulnerable victims and their families upon which he could perform such sexual abuse; to
28 manipulate his authority to procure compliance with his sexual demands from his victims; to induce the
victims to continue to allow the abuse; and to coerce them not to report it to any other persons or authorities.

1 As a priest, Fr. Adrian had unique access to a position of authority within Roman Catholic families like the
2 family of L.J.C. Such access, authority and reverence was known to the Defendants and encouraged by them.

3 50. Defendants, by and through their agents, servants and employees, knew or reasonably should
4 have known of Fr. Adrian's sexually abusive and exploitative propensities and / or that Fr. Adrian was an
5 unfit agent. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care
6 owed to children in their care, including but not limited to L.J.C., the children entrusted to Defendants' care
7 would be vulnerable to sexual abuse by Fr. Adrian.

8 51. Defendants breached their duty of care to the minor L.J.C. by allowing Fr. Adrian to be in the
9 company of minor children, including L.J.C., without supervision; by failing to adequately supervise, or
10 negligently retaining Fr. Adrian whom they permitted and enabled to have access to L.J.C.; by failing to
11 properly investigate; by failing to inform or concealing from L.J.C.'s parents, guardians, or law enforcement
12 officials that Fr. Adrian was or may have been sexually abusing minors; by holding out Fr. Adrian to L.J.C.'s
13 parents or guardians, and to the community of Guam at large, as being in good standing and trustworthy as a
14 person of stature and integrity. Defendants cloaked within the facade of normalcy Fr. Adrian's contact with
15 L.J.C. and / or with other minors who were victims of Fr. Adrian, and deliberately concealed and disguised
16 the sexual abuse committed by Fr. Adrian.

17 52. As a direct and proximate result of the Defendants' above – described conduct, L.J.C. has
18 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
19 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
20 enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological
21 treatment, therapy and counseling.

22 53. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
23 fraud, entitling L.J.C. to exemplary and punitive damages.

24 **VII.**
25 **FOURTH CAUSE OF ACTION**

26 **Negligent Supervision**
27 **[Against Defendants Agana Archdiocese and DOES 1 – 50]**

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

1 its priests, teachers, and agents, and to entrust their children to the company of priests, teachers, and agents,
2 specifically to Fr. Adrian, including allowing their children to be alone with Fr. Adrian without supervision.
3 Through such actions, Defendants collectively created and entered into a fiduciary and / or confidential
4 relationship with its parishioners, including Catholic parents or guardians and their children, and in
5 particular, children who provided services to the Agana Archdiocese. Accordingly, Defendants collectively
6 created and entered into a fiduciary and / or confidential relationship specifically with the minor child L.J.C.

7 66. Through such fiduciary and / or confidential relationship, Defendants collectively caused
8 parents or guardians to entrust their children to priests, and specifically to Fr. Adrian, including the parents
9 of L.J.C., which resulted in L.J.C. volunteering his services at a church facility where Fr. Adrian worked,
10 which resulted in L.J.C. being subjected to the acts of sexual abuse described herein.

11 67. Defendants collectively breached their fiduciary and / or confidential relationship with the
12 minor child L.J.C. by violating the trust and confidence placed in them by parishioners and specifically by
13 the minor child L.J.C., and his parents, and by engaging in the wrongful acts described in this Complaint.

14 68. As a direct and proximate result of the Defendants' above – described conduct, L.J.C. has
15 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
16 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
17 enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological
18 treatment, therapy and counseling.

19 69. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
20 fraud, entitling L.J.C. to exemplary and punitive damages.

21 **X.**
22 **REQUEST FOR RELIEF**

23 WHEREFORE, Plaintiff L.J.C. requests judgment against all Defendants on all counts as follows:

- 24 1. For all general, special, exemplary and punitive damages, as allowed by law in a sum to be
25 proven at trial and in an amount not less than \$5,000,000;
26 2. For costs and fees incurred herein;
27 3. Attorneys' fees, as permitted by law; and
28 4. For other such and further relief as the Court may deem just and proper.

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XI.
DEMAND FOR JURY TRIAL

Plaintiff L.J.C., through his counsel, David J. Lujan, hereby demands a jury trial of six (6) in the above-entitled action, pursuant to Fed. R. Civ. Proc. 48(a).

Respectfully submitted this 9th day of April, 2018.



DAVID J. LUJAN,
Attorney for Plaintiff,
L.J.C.

VERIFICATION

L.J.C., declares and states that he is the PLAINTIFF in the foregoing COMPLAINT; that he has read said VERIFIED COMPLAINT FOR DAMAGES 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, this 9th day of April, 2018, that the foregoing is true and correct to the best of my knowledge.



L.J.C.

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