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SUPERIOR COURT
OF GUAM

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10 *Walter G. Denton*

11 **IN THE SUPERIOR COURT OF GUAM**

12 **WALTER G. DENTON,**

13 **Plaintiff,**

14 **v.**

15 **ROMAN CATHOLIC**
16 **ARCHBISHOP OF AGANA, a Corporation**
17 **sole;**
18 **ANTHONY SABLAN APURON, an**
19 **individual; DOE ENTITIES 1-5; and DOE-**
20 **INDIVIDUALS 6-50, inclusive**

21 **Defendants.**

CIVIL CASE NO. **CV 0951-16**

**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**

22 Plaintiff Walter G. Denton ("Mr. Denton") files this Complaint for damages based on prior sexual
23 abuse (the "Complaint") against Defendants Archbishop of Agana, a corporation sole, Anthony Sablan
24 Apuron, an individual, and DOES 1-50 ("Defendants").

25 **I.**
26 **JURISDICTION**

- 27 1. This Court has jurisdiction pursuant to 7 GCA § 3105.

28 **II.**
PARTIES

29 2. At all times relevant hereto, Mr. Denton has been and is an individual who resided in Guam and is
30 not a resident in Casa Grande, Arizona.

31 3. At all times relevant hereto, and upon information and belief, Roman Catholic Archbishop of
32 Agana, a corporation sole, in accordance with the discipline and government of the Roman Catholic

ORIGINAL

1 Church, is the legal name for Defendant Archbishop of Agana, also known as Archdiocese of Agana.
2 ("Agana Archdiocese"), which is and has been at all times relevant hereto a non-profit corporation
3 organized and existing under the laws of Guam, authorized to conduct business and conducting business in
4 Guam, with its principal place of business in Guam. Agana Archdiocese is responsible and liable in whole
5 or in part, directly or indirectly, for the wrongful acts complained of herein.
6

7 4. At all times relevant hereto, Defendant Anthony Sablan Apuron ("Apuron"), an individual and an
8 agent of the Agana Archdiocese, was and is a member of the clergy of the Agana Archdiocese and has
9 served both as a priest and as the Archbishop of Agana. At all times relevant hereto, Defendant Apuron
10 was a resident of Guam and is responsible and liable in whole or in part, directly or indirectly, for the
11 wrongful acts complained of herein.
12

13 5. Defendant-entities named herein as DOES 1 - 5, inclusive, are or at all times relevant hereto, were
14 insurance companies that provided general liability coverage and / or excess level liability coverage
15 pursuant to policies issued to the Agana Archdiocese and / or Roman Catholic Church of Guam. Defendant-
16 individuals named here-in as DOES 6-50, inclusive, are at all times relevant hereto, were agents,
17 employees, representatives and / or affiliated entities of the Agana Archdiocese and /or Roman Catholic
18 Church outside of Guam whose true names and capacities are unknown to Mr. Denton who therefore sues
19 such defendants by fictitious names, and will amend the Complaint to show the true names and capacities
20 of each Doe defendant when ascertained. DOES 6 -50 assisted, aided and abetted and/or conspired with
21 Apuron and/or other members of the Agana Archdiocese to conceal, disguise, cover up, and/or promote the
22 wrongful acts complained of herein. As such, each such Doe is legally responsible in some manner for the
23 events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages alleged in
24 this Complaint.
25

26 6. Each defendant is the agent, servant and/or employee of other defendants, and each defendant was
27 acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the
28 other defendants. Defendants, and each of them, are individuals, corporations, alter egos and partnerships of

1 each other and other entities which engaged in, joined in and conspired with the other wrongdoers in
2 carrying out the tortious and unlawful activities described in this Complaint; and defendants, each of them,
3 ratified the acts of the other defendants as described in this Complaint.
4

5 **III.**
6 **INTRODUCTORY ALLEGATIONS**

7 7. Mr. Denton, a 52-year old resident of Casa Grande, Arizona, previously lived in Agat, Guam
8 during his childhood years. Around the age of thirteen (13), Mr. Denton was an altar boy for Our Lady of
9 Mt. Carmel Church ("Agat Parish"). Apuron was a priest at the Agat Parish at that time.

10 8. During the period in which he served as an altar boy, Apuron raped Mr. Denton. On or about June
11 7, 2016, Mr. Denton came forward publicly at a video-taped press conference, revealing that Apuron had
12 sexually abused and raped him when he was 13-years old and serving as an altar boy for the Agat Parish.

13 9. The video-taped press release can be viewed online at the following links:

14 [http://www.guampdn.com/story/news/2016/06/07/new-accuser-says-apuron-raped-](http://www.guampdn.com/story/news/2016/06/07/new-accuser-says-apuron-raped-him/85539162/)
15 [him/85539162/](http://www.guampdn.com/story/news/2016/06/07/new-accuser-says-apuron-raped-him/85539162/)

16 [http://www.kuam.com/story/32159945/2016/06/Tuesday/third-alleged-sexual-](http://www.kuam.com/story/32159945/2016/06/Tuesday/third-alleged-sexual-abuse-victim-comes-forward-against-archbishop)
17 [abuse-victim-comes-forward-against-archbishop](http://www.kuam.com/story/32159945/2016/06/Tuesday/third-alleged-sexual-abuse-victim-comes-forward-against-archbishop)

18 10. On the same day (June 7, 2016), Mr. Denton delivered to the Agana Archdiocese a letter detailing
19 the abuse. A true and accurate copy of Mr. Denton letter is attached hereto as Exhibit "1." The letter states
20 in pertinent part:

21 a. "For 38 years I have carried a heavy burden. This tragic incident that I
22 experienced totally changed the direction of my life and what I wanted to be. I
23 was raped by Archbishop Anthony Sablan Apuron, who at the time was a priest
24 in Agat, and whom I trusted. I worshipped the ground he walked on. He was my
25 mentor, my teacher. He was like a father to me, so I thought. He was the
26 PRIEST I wanted to become but he took that all away from me. "

27 b. "On or about Saturday evening April 16, 1977, I went to the Rectory where
28 Father Anthony was waiting for me. I asked if anyone else was spending the
night and Father Anthony said no. I didn't think anything of it but in a way I felt
kind of weird being there by myself. "

c. "As I was laying on the lazy boy chair Father Anthony came into the living
room and asked me if I was ready to go to sleep. I told yes and that I was going

1 to sleep on the lazy boy chair. He said no and insisted I sleep in the bedroom
2 with him. I said okay Father. At the same time I did not feel comfortable but I
3 did it anyways."

4 d. "Please forgive me for what I am about to say. It hurts so much just thinking
5 about it. Whenever I talk about it, I start to break down and cry. It's like it just
6 happened yesterday."

7 e. "Sometime late that evening or early morning, I woke up feeling something or
8 someone on top of me smothering me and I felt something going in my ass-hole
9 and it was hurting me. I was pinned down. I felt something going into my ass
10 and it hurt so much. I shouted out to Father Anthony to stop. I kept shouting and
11 I tried to move but all I could feel was him on top of me thrusting into my ass."

12 f. "He told me it will be alright. He will take care of me and give me straight A's
13 in Theology. It seemed like forever that Father Anthony stayed on top of me. I
14 was crying out to him asking him to please stop. I kept saying that it hurts and to
15 please stop. I could hear him moaning and thrusting his penis in me. He finally
16 stopped and he laid down on me like he was resting. He got off and I
17 immediately got off the bed. I was crying and breathing hard. I can feel my butt
18 was all wet. I asked him why he did that to me. I kept asking why. He said if I
19 said anything to anyone, no one will believe me."

20 g. "...this whole experience of getting raped by Father Tony Apuron weighed on
21 me. It bothered me all my life. There were many time when I am alone I would
22 just break down and cry. ... I needed to talk to someone about my problem."

23 h. "For many years I carried this experience with me. ... I promised myself that I
24 will meet Father Anthony one day and I will confront him. ... I couldn't wait to
25 meet the Bishop and confront him and tell him how he ruined my life dreams of
26 becoming a priest."

27 i. "... I went up to him and I asked him, do you remember me? ...It's me Walter
28 Denton. ...His eyes got really big. He was in shock."

j. "I told him that he ruined my life and my dreams. I said to him that you raped
me and took something from me. ... I broke down and cried. He started to cry as
well but that didn't matter to me. I was so angry..."

k. "I know that I am not the only one that his happened to. There are other Agat
boys who have experienced the same thing that I have gone through. I only hope
and pray that justice will be served to the man who did this to me and other
young innocent boys."

11. At all times relevant hereto, Apuron sexually abused and raped Mr. Denton when Denton was a
minor and committed such acts while serving as a priest in the Agat Parish, in his capacity as an agent and
employee of the Agana Archdiocese, which is vicariously liable for his actions.

1 12. The Agana Archdiocese and DOES 1-50, inclusive, knew that Apuron had sexually abused and
2 raped Mr. Denton, and rather than reporting the matter to law enforcement and without intervening so as to
3 prevent Apuron from engaging in additional instances of sexual abuse, and without seeking to have Apuron
4 acknowledge and take responsibility for his wrongful actions, they assisted Apuron with the specific
5 purpose or design to keep Apuron's misconduct hidden and secret; to hinder or prevent Apuron's
6 apprehension and prosecution; and to protect the Agana Archdiocese, as well as the Roman Catholic church
7 as an international institution.
8

9 13. To this day, the Agana Archdiocese and DOES 1-50 never contacted the families with children
10 they know Apuron had sexual contact with. The Agana Archdiocese and DOES 1-50 have been content that
11 any other children that were sexually abused by Apuron, while he was serving as a priest and/or as
12 Archbishop of Guam, remain affected by guilt, shame and emotional distress.
13

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

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

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

* * *

19 (B) subjects that child to cruel mistreatment; or

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

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

* * *

23 (b) Abused or neglected child means a child whose physical or mental health or
24 welfare is harmed or threatened with harm by the acts or omissions of the
25 person(s) responsible for the child's welfare;

* * *

26 (d) Child means a person under the age of 18 years;

* * *

27 (t) Harm to a child's physical health or welfare occurs in a case where there exists
28 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

1 (3) Any case where there exists injury to the psychological capacity of a child
2 such as failure to thrive, extreme mental distress, or gross emotional or
3 verbal degradation as is evidenced by an observable and substantial
4 impairment in the child's ability to function within a normal range of
5 performance with due regard to the child's culture(.)

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

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

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

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

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

18 (a) A person is guilty of criminal sexual conduct in the second degree if the person
19 engages in sexual contact with another person and if any of the following
20 circumstances exists:

21 (1) that other person is under fourteen (14) years of age;

22 (2) that other person is at least fourteen (14) but less than sixteen (16) years of
23 age and the actor is a member of the same household as the victim, or is
24 related by blood or affinity to the fourth degree to the victim, or is in a
25 position of authority over the victim and the actor used this authority to
26 coerce the victim to submit.

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

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

IV. FIRST CAUSE OF ACTION

Child Sexual Abuse
[Against Defendant Apuron]

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

3 21. Apuron committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in 9
4 GCA § 25.20, by engaging in sexual contact with Mr. Denton when Denton was under fourteen (14) years
5 of age; and Apuron, in his position as a priest, was in a position of authority over Denton and Apuron used
6 this authority to coerce Denton to submit.

7 22. Apuron also committed the offense of Child Abuse, as set forth in 9 GCA § 31.30 by subjecting
8 Mr. Denton to cruel mistreatment; and, while having Denton, who was a child at the time pursuant to 19
9 GCA § 13101(d), under his care, custody or control, unreasonably caused or permitted the physical or
10 emotional health of the child to be endangered.

11 23. As a direct and proximate consequence of Apuron's misconduct, Mr. Denton was an abused or
12 neglected child within the meaning of 19 GCA § 13101(b) because his physical or mental health or welfare
13 was and continues to be harmed by the acts or omissions of Apuron, who was responsible for the child's
14 welfare. Moreover, as Apuron's misconduct constitutes the commission of one or more criminal offenses,
15 Mr. Denton has suffered harm to a child's physical health or welfare within the meaning of 19 GCA §
16 13101(t)(2) because Denton was the victim of a sexual offense as defined in the Criminal and Correctional
17 Code (9 GCA).

18 24. As a direct and proximate consequence of Apuron's misconduct, Mr. Denton has suffered, and
19 continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of
20 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;
21 and have incurred and/or will continue to incur expenses for medical and psychological treatment, therapy
22 and counseling.

23 25. By engaging in the conduct described herein, Apuron acted with malice, oppression, and/or fraud,
24 entitling Mr. Denton to exemplary and punitive damages.

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[Against Defendants Agana Archdiocese and DOES 6 – 50]

27. Defendants Agana Archdiocese and DOES 6 - 50 (collectively “Defendants” as alleged in this cause of action) are vicariously liable for the sexual abuse committed upon Mr. Denton by Apuron. Public policy dictates that Defendants should be held responsible for Apuron’s wrongful conduct under the theory commonly referred to as *Respondeat Superior*.

29. Defendants ratified and/or approved of Apuron's sexual abuse by failing to adequately investigate, discharge, discipline and / or supervise Apuron and other priests known by Defendants to have sexually abused children, or to have been accused of sexually abusing children; by concealing evidence of Apuron's sexual abuse; failing to intervene to prevent ongoing and/or further sexual abuse; by failing to report the sexual abuse as required under 19 GCA 13201(b); by allowing Apuron to continue in service as a Catholic priest working for the Agana Archdiocese; and by providing Apuron with assistance in fleeing Guam in or around June 2016 immediately after a defamation lawsuit was filed by plaintiffs including Mr. Denton who were victims of Apuron's past sexual abuse.

8

1 31. Despite the pretense of policies and procedures to investigate and address instances of child sexual
2 abuse by priests, Defendants in fact implemented such policies and procedures for no other purpose than to
3 avoid scandal, maintain secrecy and preserve loyalty to fellow clergy, including child molesting clergy,
4 rather than the protection of children. Such hypocritical conduct by Defendants has served to
5 systematically encourage, perpetuate and promote sexually abusive conduct by priests in the Agana
6 Archdiocese.
7

8 32. Defendants either had actual knowledge of Apuron's sexual abuse of Mr. Denton, or could have
9 and should have reasonably foreseen that Apuron would commit sexual abuse to Mr. Denton in the course
10 of his employment as a priest in the Agat Parish, as an agent and employee of the Agana Archdiocese.
11

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

17 34. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
18 fraud, entitling Mr. Denton to exemplary and punitive damages.
19

20 **VI.**
THIRD CAUSE OF ACTION

21 **Negligence**
22 **[Against All Defendants]**

23 35. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 34 of this Complaint as if
24 fully set forth herein.

25 36. Defendants Apuron, Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in
26 this cause of action) had a duty to protect Mr. Denton when he was entrusted to Apuron's care by Denton's
27 parents. Denton's care, welfare, and/or physical custody were temporarily entrusted to Defendants, and
28 Defendants accepted the entrusted care of Denton. As such, Defendants owed Mr. Denton, as a child at the

1 time, a special duty of care, in addition to a duty of ordinary care, and owed Mr. Denton the higher duty of
2 care that adults dealing with children owe to protect them from harm.

3 37. By virtue of his unique authority and position as a Roman Catholic priest, Apuron was able to
4 identify vulnerable victims and their families upon which he could perform such sexual abuse; to
5 manipulate his authority to procure compliance with his sexual demands from his victims; to induce the
6 victims to continue to allow the abuse; and to coerce them not to report it to any other persons or
7 authorities. As a priest, Apuron had unique access to a position of authority within Roman Catholic families
8 like the family of Mr. Denton. Such access, authority and reverence was known to the Defendants and
9 encouraged by them.
10

11 38. Defendants, by and through their agents, servants and employees, knew or reasonably should have
12 known of Apuron's sexually abusive and exploitative propensities and/ or that Apuron was an unfit agent.
13 It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to
14 children in their care, including but not limited to Mr. Denton, the children entrusted to Defendants' care
15 would be vulnerable to sexual abuse by Apuron.
16

17 39. Defendants breached their duty of care to the minor Denton by allowing Apuron to come into
18 contact with Denton as a child without supervision; by failing to adequately supervise, or negligently
19 retaining Apuron whom they permitted and enabled to have access to Denton; by failing to properly
20 investigate; by failing to inform or concealing from Denton's parents, guardians, or law enforcement
21 officials that Apuron was or may have been sexually abusing minors; by holding out Apuron to Denton's
22 parents or guardians, and to the community of Guam at large, as being in good standing and trustworthy as
23 a person of stature and integrity. Defendants cloaked within the facade of normalcy Apuron's contact with
24 Denton and/or with other minors who were victims of Apuron, and deliberately concealed and disguised the
25 sexual abuse committed by Apuron.
26

27 40. As a direct and proximate result of the Defendants' above - described conduct, Mr. Denton has
28 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical

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

4 41. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
5 fraud, entitling Mr. Denton to exemplary and punitive damages.
6

7 **VII.**
8 **FOURTH CAUSE OF ACTION**

9 **Negligent Supervision**
10 **[Against Defendants Agana Archdiocese and DOES 6 – 50]**

11 42. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 41 of this Complaint as if
12 fully set forth herein.

13 43. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
14 cause of action) had a duty to provide reasonable supervision of both Apuron and minor child Denton; to
15 use reasonable care in investigating Apuron; and to provide adequate warning to Denton's family, and to
16 families of other children who were entrusted to Apuron, of Apuron's sexually abusive and exploitative
17 propensities and unfitness.

18 44. Defendants, by and through their agents, servants and employees, knew or reasonably should have
19 known of Apuron's sexually abusive and exploitative propensities and/or that Apuron was an unfit agent.
20 Despite such knowledge, Defendants negligently failed to supervise Apuron in his position of trust and
21 authority as a parish priest, where he was able to commit the wrongful acts against Mr. Denton alleged
22 herein. Defendants failed to provide reasonable supervision of Apuron, failed to use reasonable care in
23 investigating Apuron, and failed to provide adequate warning to Denton's family regarding Apuron's
24 sexually abusive and exploitative propensities and unfitness. Defendants further failed to take reasonable
25 measures to prevent future sexual abuse.
26

27 45. As a direct and proximate result of the Defendants' above – described conduct, Mr. Denton has
28 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical

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

4 46. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
5 fraud, entitling Mr. Denton to exemplary and punitive damages.
6

7 **VIII.**
8 **FIFTH CAUSE OF ACTION**

9 **Negligent Hiring And Retention**
10 **[Against Defendants Agana Archdiocese and DOES 6 - 50]**

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

13 48. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
14 cause of action) had a duty not to hire and/or retain Apuron in light of his sexually abusive and exploitative
15 propensities.

16 49. Defendants, by and through their agents, servants and employees, knew or reasonably should have
17 known of Apuron's sexually abusive and exploitative propensities and/or that Apuron was an unfit agent.
18 Despite such knowledge and/or an opportunity to learn of Apuron's misconduct, Defendants negligently
19 hired and retained Apuron in the position of trust and authority as a parish priest, where he was able to
20 commit the wrongful acts against Mr. Denton alleged herein. Defendants failed to properly evaluate
21 Apuron's application for employment by failing to conduct necessary screening; failed to properly evaluate
22 Apuron's conduct and performance as an employee of Defendants; and failed to exercise the due diligence
23 incumbent upon employers to investigate employee misconduct, or to take appropriate disciplinary action,
24 including immediate termination and reporting and referral of Apuron's sexual abuse to appropriate
25 authorities. Defendants negligently continued to retain Apuron in service as a Catholic priest working for
26 Defendants, which enabled him to continue engaging in the sexually abusive and predatory behavior
27 described herein.
28

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

51. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Mr. Denton to exemplary and punitive damages.

IX.
SIXTH CAUSE OF ACTION

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

52. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 51 of this Complaint as if fully set forth herein.

53. By holding Apuron out as a qualified priest and a person of stature and integrity within the Catholic Archdiocese, Defendants Agana Archdiocese and DOES 6 - 50 invited, together with Apuron himself, counseled, encouraged and induced the Catholic community of Guam, including parents of children and particularly parents of children serving as altar boys and children eligible to serve as altar boys, to have trust and confidence in the Agana Archdiocese and its priests and to entrust their children to the company of priests and specifically to Apuron, including allowing their children to be alone with Apuron without supervision and to spend nights at Apuron's residence. Through such actions, Defendants collectively created and entered into a fiduciary and/or confidential relationship with its parishioners, including Catholic parents and their children, and in particular, children who provided services to the Agana Archdiocese that included serving as altar boys. Accordingly, Defendants collectively created and entered into a fiduciary and/or confidential relationship specifically with the minor child Denton.

54. Through such fiduciary and/or confidential relationship, Defendants collectively caused parents to entrust their children to priests, and specifically to Apuron, including the parents of Mr. Denton, which

1 resulted in Denton serving as an altar boy and spending one or more nights at Apuron's residence in his
2 service as an altar boy, resulting in the subject acts of sexual abuse described herein.

3 55. Defendants collectively breached their fiduciary and/or confidential relationship with the minor
4 child Denton by violating the trust and confidence placed in them by parishioners and specifically by the
5 minor child Denton, and by engaging in the wrongful acts described in this Complaint.
6

7 56. As a direct and proximate result of the Defendants' above – described conduct, Mr. Denton 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 have incurred and/or will continue to incur expenses for medical and psychological
11 treatment, therapy and counseling.
12

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

15 **X.**
16 **REQUEST FOR RELIEF**

17 WHEREFORE, Plaintiff Denton requests judgment against all Defendants on all counts as follows:

- 18 1. For all general damages, in a sum to be proven at trial;
19 2. For all special damages, in a sum to be proven at trial;
20 3. For exemplary and punitive damages as allowed by law and in a sum to be proven at trial;
21 4. For costs and fees incurred herein;
22 5. Attorneys' fees, as permitted by law; and
23 6. For other such and further relief as the Court may deem just and proper.
24

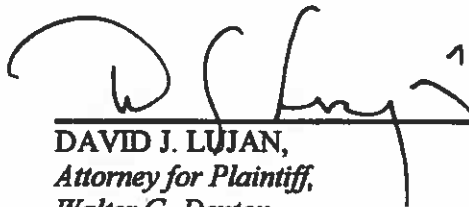
25 **XI.**
26 **DEMAND FOR JURY TRIAL**

27 Plaintiff Denton, through his counsel, David J. Lujan, hereby demands a jury trial of six (6) in the
28 above-entitled action.

1 The amount in controversy between the parties herein exceeds the amount of Twenty-Five
2 Dollars (\$25.00).

3
4
5 DATED: November 01, 2016

Respectfully Submitted,


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8 
9 DAVID J. LUJAN,
10 *Attorney for Plaintiff,*
11 *Walter G. Denton*

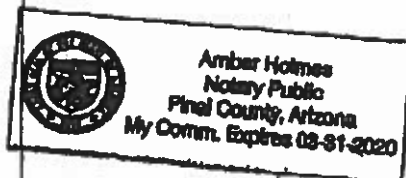
VERIFICATION

WALTER G. DENTON, 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 her information and belief, and as to those matters, he believes them to be true.

I declare, under penalty of perjury, this 31 day of October, 2016, that the foregoing is true and correct to the best of my knowledge.


WALTER G. DENTON

State of Arizona County of Pinal
Subscribed and sworn before me on 10-31-2016

(Notary Signature)



A Statement from Walter G. Denton

For 38 years I have carried a heavy burden. This tragic incident that I experienced totally changed the direction of my life and what I wanted to be. I was raped by Archbishop Anthony Sablan Apuron, who at that time was a priest in Agat, and whom I trusted. I worshiped the ground he walked on. He was my mentor, my teacher. He was like a father to me, so I thought. He was the PRIEST I wanted to become but, he took that all away from me.

My name is Walter G. Denton of Agat, Guam. At the young age of 8 years, I did something I have always wanted to do and that was to be an Altar Boy for my church in Agat, Guam. I always attended church services every Sunday morning with my parents. Watching the Altar Boys perform their duties during church service motivated my desires to serve God and to become a priest. I attended Mount Carmel Catholic School and also attended Confraternity of Christian Doctrine (CCD) Classes on the weekends to learn more about God and his teachings. I may have been young but, I knew that was my calling. Going to Church and attending CCD classes was a priority for me. Fast forward to Friday April 15, 1977 on or about 5:30 pm. Father Anthony Apuron (ARCHBISHOP) was to give the Friday evening service. I was on the schedule to assist Father Anthony Apuron during Mass. After Mass, Father Tony asked me to stay at the Rectory on Saturday evening. I told Father Anthony I had to ask my Dad. My Dad told me I could.

When it came to the Church and my duties as an Altar Boy, my Dad never stood in the way. On or about Saturday evening April 16, 1977, I went to the Rectory where Father Anthony was waiting for me. I asked if anyone else was spending the night and Father Anthony said no. I didn't think anything of it but, in a way I felt kind of weird being there by myself. I have never spent the night there alone in the Rectory with Father Anthony let alone any other priest. It's always been with the other Altar Boys.

We ate dinner and talked a little bit. After dinner I helped Father Anthony wash the dishes. After cleaning up the dirty dishes I went into the living room and sat on the lazy boy chair and watched TV for a little bit. I started to feel tired and sleepy. I pulled the handle of the lazy boy and got it to recline. As I was laying on the lazy boy chair Father Anthony came into the living room and asked me if I was ready to go to sleep. I told yes and that I was going to sleep on the lazy boy chair. He said no and he insisted I sleep in the bedroom with him. I said okay Father. At the same time I did not feel comfortable but, I did anyways. We went into the bedroom and I went straight to bed. I remember feeling so tired and the next thing I was fast asleep.

Please forgive me for what I am about to say. It hurts so much just thinking about it. Whenever I talk about it, I start to break down and cry. It's like it just happened yesterday.

Sometime late that evening or early morning, I woke up feeling something or someone on top of me smothering me and I felt something going in my ass-hole and it was hurting me. I was pinned down to the bed on my stomach with my legs spread apart. I could not move. I could not move my arms or my legs. I was pinned down. I felt something going into my ass and it hurt so much. I shouted out to Father Anthony to stop. I kept shouting and I tried to move but, all I could feel was him on top of me thrusting something into my ass.

He told me it will be alright. He said he will take care of me and give me straight A's in Theology. It seemed like forever that Father Anthony stayed on top of me. I was crying out to him asking

EXHIBIT 1

him to please stop. I kept saying that it hurts and to please stop. I could hear him moaning and him thrusting his penis in me. He finally stopped and he laid down on me like he was resting. He got off me and immediately got off the bed. I was crying and breathing hard. I can feel my butt was all wet. I asked him why he did that to me. I kept asking why. He said if I said anything to anyone, no will believe me.

I got my clothes and I went out to the living room and I stood by the front door. I opened the door but, I had nowhere to go. It was so dark outside and I was so scared. I remember looking at the clock and it was about 1 or 2 in the morning. It was Sunday morning and I remember I couldn't wait for the sun to come up. I wanted to go home so bad but I couldn't. If I went home I know my DAD would figure that something was wrong. I was afraid to go home. If my DAD knew what had happen to me, he would have come down and Kill Father Tony. Nobody messed around with my DAD. So I stayed at the Rectory. I stayed in the living room. I could not go back to sleep. I was so afraid of Father Tony.

I remember he came out to the living room and he tried to talk to me. I don't remember what he was saying to me. All I know is that I wanted to leave. Finally, the sun came up and it was Sunday morning and it was time to go to mass. I did not serve in the mass with Father Tony. I went walking around the school till church ended and then I went home. I remember being distant from my family. I never went back to church as an Altar Boy. I quit serving as an Altar Boy but, I still went to Church. I attended Mass every Sunday so that my DAD wouldn't know that something was wrong. He knew I wanted to be a Priest. I went to Church during the times Father Anthony wasn't giving Mass. If he gave the 7:00 am Mass, then I would attend the 9:00 am Mass. It was hard to go back to school because Father Tony was my Theology teacher. I sat in the back of the room and I never made eye contact with him again. He never called on me for anything during class. He just left me alone. I felt so sick every time I went to class.

On Oct 20, 1982, I joined the U.S. Army and I spent 23 years 11 months serving my country. Over the course of my career, this whole experience of getting raped by Father Tony Apuron weighed on me. It bothered me all my life. There were many times when I am alone I would just break down and cry.

When I was stationed at Walter Reed Army Medical Center in Washington, D.C., I needed to talk to someone about my problem. I went to a Catholic church in Wheaton, MD. It was located on Claridge Road. I remember the name of the Catholic Church but not the Priest I talked to. I sat down and went to confession with Father and told him of what had happen to me. Again I broke down and cried. Father prayed for me and asked me to forgive him and the church for what had happen. It was hard to forgive. I got up and left.

For many years I carried this experience with me. I focused on my military drills and moved on with my life. I promised myself that I will meet Father Anthony one day and I will confront him. Years had passed and so fast forward to the years between 1999-2000. I was stationed at Fort Lewis, Washington. I was assigned to the 47th Combat Support Hospital. I lived in base housing on North Fort Lewis. I had plan to do yard work so I needed a few pieces of equipment so I went to the Self Help Store to pick-up a lawnmower and a rake. I met a Chamorro guy who worked there issuing equipment. I told him I was Guam. We talked for a little bit and he mentioned to me that the Bishop of Guam, Anthony Apuron, was coming to his mother's house. He told me that they are all related. I can't recall the month. I know that it was still a little cold so it was around spring time. I was very surprised when he told that. He invited me to come over to meet the Bishop and I said yes. At that moment I started to feel mad and pissed off. I couldn't wait to meet the Bishop and confront him and tell him how he ruined my life dreams of becoming a priest.

Finally that day came. I know it was an early Saturday morning when I got to the house. I went to the back of the house and there were already a lot of people just standing around waiting. They had a canopy set up with tables of food, drinks and deserts. As I was waiting, I was invited into the house. The living room of the house was all white. It was so beautiful and they had the statue on display and the background was all white with white flowers. It was really nice. The Bishop finally arrives. He comes into the house and he meets everyone. I remember him saying that he needed to wash up and he also mentioned he had a medical condition and needed a clean sterile towel. I went outside with the rest of the people who are there to meet the Bishop. The Bishop came out and said a prayer and started to meet and talk to everyone. I waited and waited till he was free and I went up to him and I asked him "DO YOU REMEMBER ME?" He looked at me and said, MICHAEL? I said NO... it's me Walter Denton. Now do you remember me? His eyes got really big. He was in shock. Right at that moment, I told him that I needed to speak to him now. Bishop Apuron said okay. We can go for a walk. It took only a couple of minutes for the Bishop to make time for me.

Bishop Apuron and I left the house and we started to walk around the block. He started to ask me how I was doing. And what have I been doing all these years? That's when I got mad. I told him that he ruined my life and my dreams. I said to him that you RAPED me and took something from me. I told him that I would never forgive him for what he did to me. I broke down and cried. He started to cry as well but, that didn't matter to me. I was so angry and I asked him how many kids you have done this to. He said that he was sorry for what he did to me. I continued to tell him that I wanted to be a priest like you and that I looked up to him as my Father. He asked me again for forgiveness and I said no. This is something you cannot be forgiven for.

After walking for a while, we started to head back to the house. Once we reached the house we went inside and I told Bishop Apuron I was going to leave and head home to my children. Bishop Apuron told me to hold on because he had something to give me. I saw him reach into his bag and he handed me a picture of himself, a CD of his music, and picture of Mother Mary. I looked him and I said "Are you serious?" I left and that was the last time I have ever saw him again.

In closing, I know that I am not the only one that this has happened to. There are other Agat boys who have experienced the same thing that I have gone through. I only hope and pray that justice will be served to the man who did this to me and other young innocent boys.

Signed,

WALTER G. DENTON

FILED
SUPERIOR COURT
OF GUAM

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CLERK OF COURT

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9 *Attorney for Plaintiff,*
10 *Leo B. Tudela*

11 **IN THE SUPERIOR COURT OF GUAM**

12 **LEO B. TUDELA,**

13 **Plaintiff,**

14 **v.**

15 **ROMAN CATHOLIC**
16 **ARCHBISHOP OF AGANA, a Corporation**
17 **sole;**
18 **LOUIS BROUILLARD, an individual; DOE**
19 **ENTITIES 1-5; and DOE-INDIVIDUALS 6-**
20 **50, inclusive**

21 **Defendants.**

22 **CIVIL CASE NO:**

23 **CV 0952-16**

24 **VERIFIED COMPLAINT FOR DAMAGES**
25 **FOR**

- 26 1. Child Sexual Abuse
- 27 2. Negligence
- 28 3. Negligent Supervision
- 29 4. Negligent Hiring and Retention
- 30 5. Breach of Fiduciary Duty /
31 Confidential Relationship

32 Plaintiff Leo B. Tudela ("Mr. Tudela") files this Complaint for damages based on prior sexual abuse
33 (the "Complaint") against Defendants Archbishop of Agana, a corporation sole, Louis Brouillard, an
34 individual, and DOES 1-50 ("Defendants").

35 **I.**
36 **JURISDICTION**

- 37 1. This Court has jurisdiction pursuant to 7 GCA § 3105.

38 **II.**
39 **PARTIES**

40 2. At all times relevant hereto, Mr. Tudela was an individual who resided in Guam during his
41 childhood years. Mr. Tudela is currently a 73-year old resident of Honolulu, Hawaii.

42 3. At all times relevant hereto, and upon information and belief, Roman Catholic Archbishop of
43 Agana, a corporation sole, in accordance with the discipline and government of the Roman Catholic

ORIGINAL

1 Church, is the legal name for Defendant Archbishop of Agana, also known as Archdiocese of Agana.
2 ("Agana Archdiocese"), which is and has been at all times relevant hereto a non-profit corporation
3 organized and existing under the laws of Guam, authorized to conduct business and conducting business in
4 Guam, with its principal place of business in Guam. Agana Archdiocese is responsible and liable in whole
5 or in part, directly or indirectly, for the wrongful acts complained of herein.
6

7 4. At all times relevant hereto, Defendant Louis Brouillard ("Brouillard"), an individual and an agent
8 of the Agana Archdiocese, was a member of the clergy of the Agana Archdiocese. At all times relevant
9 hereto, Defendant Brouillard was a resident of Guam and is responsible and liable in whole or in part,
10 directly or indirectly, for the wrongful acts complained of herein. Defendant Brouillard currently resides in
11 the Continental United States.
12

13 5. Defendant-entities named herein as DOES 1 - 5, inclusive, are or at all times relevant hereto, were
14 insurance companies that provided general liability coverage and / or excess level liability coverage
15 pursuant to policies issued to the Agana Archdiocese and / or Roman Catholic Church of Guam. Defendant-
16 individuals named here-in as DOES 6-50, inclusive, are at all times relevant hereto, were agents,
17 employees, representatives and / or affiliated entities of the Agana Archdiocese and /or Roman Catholic
18 Church outside of Guam whose true names and capacities are unknown to Mr. Tudela who therefore sues
19 such defendants by such fictitious names, and who will amend the Complaint to show the true names and
20 capacities of each such Doe defendant when ascertained. DOES 6 -50 assisted, aided and abetted and / or
21 conspired with Brouillard and / or other members of the Agana Archdiocese to conceal, disguise, cover up,
22 and / or promote the wrongful acts complained of herein. As such, each such Doe is legally responsible in
23 some manner for the events, happenings, and / or tortious and unlawful conduct that caused the injuries and
24 damages alleged in this Complaint.
25

26 6. Each defendant is the agent, servant and/or employee of other defendants, and each defendant was
27 acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the
28 other defendants. Defendants, and each of them, are individuals, corporations, alter egos and partnerships of

1 each other and other entities which engaged in, joined in and conspired with the other wrongdoers in
2 carrying out the tortious and unlawful activities described in this Complaint; and defendants, each of them,
3 ratified the acts of the other defendants as described in this Complaint.
4

5 **III.**
6 **INTRODUCTORY ALLEGATIONS**

7 7. During the summer of 1956, in or around the age of thirteen (13), Mr. Tudela was selected by the
8 church along with other young boys to leave his native Saipan and stay at the Saint Fidelis Capuchins
9 Friary Monastery ("Monastery") in Agana Heights, Guam while attending Catholic school, during which
10 time he also served as an altar boy and assisted in various church activities, such as cleaning the kitchen and
11 rectory. At that time, Mariano Repeki Laniyo ("Brother Mariano") was a Capuchin Brother living at the
12 Monastery. At all times relevant hereto, the Monastery was part of the Roman Catholic Church on Guam.

13 8. At all times relevant hereto, Brother Mariano who is now deceased, was a resident of Guam and an
14 agent of the Agana Archdiocese, serving as Capuchin Brother and living at the Monastery.

15 9. During the period in which Mr. Tudela was living at the Monastery, Mr. Tudela was sexually
16 abused by Brother Mariano. Mr. Tudela reported this to a now-deceased Brother at the Monastery, who
17 made arrangements for Mr. Tudela to be transferred to the Saint Jude Thaddeus Church Rectory ("St. Jude
18 Rectory") in Sinajana, wherein Mr. Tudela subsequently met Father Brouillard. After residing for a period
19 of time at St. Jude, Brouillard invited Mr. Tudela to live with him at the Santa Teresita Church Rectory in
20 Mangilao ("Mangilao Rectory"), Guam to serve as an altar boy for Santa Teresita Church ("Mangilao
21 Parish") and help clean the rectory. At all times relevant hereto, Brouillard was a priest at the Mangilao
22 Parish and also served as a Scout Master in the local chapter of the Boy Scouts.
23

24 10. During the period in which Mr. Tudela was living at the Mangilao Rectory, he served as an altar
25 boy and at the direction of Brouillard, Mr. Tudela was also required to participate in the local chapter of the
26 Boy Scouts. During this period, Mr. Tudela was sexually abused by Brouillard both at the Mangilao
27 Rectory and during Boy Scouts activities.
28

1 11. On or about August 01, 2016, Mr. Tudela came forward publicly at a video-taped public hearing,
2 revealing that he was molested by Brouillard and Brother Mariano. The sexual abuse began when Mr.
3 Tudela was 13-years old.

4 12. The video-taped public hearing can be viewed online at the following link:

5 [http://www.guampdn.com/story/news/2016/08/01/another-priest-2-other-church-](http://www.guampdn.com/story/news/2016/08/01/another-priest-2-other-church-members-accused-sex-abuse/87903738/)
6 [members-accused-sex-abuse/87903738/](http://www.guampdn.com/story/news/2016/08/01/another-priest-2-other-church-members-accused-sex-abuse/87903738/)

7 13. A true and accurate copy of Mr. Tudela's Testimony is attached hereto as Exhibit "I". The
8 testimony states in pertinent part:
9

- 10 a. "While I was staying at the Capuchin Fathers Monastery in Agana Heights, one
11 night in the early morning hours, I was awakened by someone touching my
12 private area (penis) and massaging it. I was shocked, very frightened, scared and
13 shaking to have a big shadow of a man sitting next to me. I started to cry as I
14 could not believe what was going on. This was in the monastery of God and how
15 could this be happening to me. He told me 'it is okay, I am Brother Mariano'. I
16 told him to please leave me alone but he continued to do what he was doing.
17 Finally, he got up and left the room. I took my blanket and covered my face and
18 my whole body. I was crying and shaking. It was a night I would never forget."
- 19 b. "The next day, I told Brother Ferdinand Pangelinan what happened to me and
20 soon after that, we were moved to Sinanaja Catholic Church Rectory to stay
21 there."
- 22 c. "While I was at the Sinajana Rectory, I met Father Louis Brouillard. Father
23 Louis invited me to come to Santa Teresita Church in Mangilao and help him as
24 an altar boy and to clean the rectory."
- 25 d. "While I was staying at the rectory (Santa Teresita Church), late one night I was
26 sleeping on my army bed and suddenly I felt someone touching my penis and
27 massaging it. I looked up and saw Father Louis sitting to my left and told me 'it
28 is okay, you will feel good and don't worry about anything'. I was shocked and
felt very uncomfortable. I was shaking, scared and started to cry. I was totally
embarrassed and ashamed of what Father Louis was doing to me. He was
supposed to be a man of God. This was wrong and not right. "
- e. "All these evil incidents have stuck in my mind for some 60 years and to this
day, I still have nightmares and continues to relive those events as if they
happened only yesterday. Terrible things come to my mind and I really hate
Father Louis and Brother Mariano for what they did to me. I have cried on many
occasions since then and continue to have memory flashbacks of horrible things
that happened to me. I feel cheated and molested by people who were suppose to
be my protector, comforter, and God's guardian angel. They were suppose to be
the representatives of God."

- 1
2 f. "I have some major medical issues and I believe these incidents have
3 contributed to my poor health."

4 14. On or about October 03, 2016, Brouillard wrote a statement admitting to sexually abusing boys. A
5 true and accurate copy of Brouillard's statement is attached hereto as Exhibit "2". The statement states in
6 pertinent part:

- 7 a. "My name is Father Louis Brouillard. I am a retired Roman Catholic priest. ... I
8 served the diocese of Guam in the 1940s through 1970s and held many positions
9 in the church."
10 b. "Looking back now, I realize that I crossed the line with some of my actions and
11 relationship with the boys."
12 c. "During some of the sex education talks, while at Santa Teresita, I did touch the
13 penises of some of the boys and some of the boys did perform oral sex on me.
14 Some of the incidents took place in Mangilao at the rectory of the Santa Teresita
15 Church. Because of the many years that have passed, I do not remember the exact
16 dates and times or the names of the boys involved. There may have been 20 or
17 more boys involved. Other locations where the sexual contact may have happened
18 would be at San Vicente and Father Duenas Memorial Schools."
19 d. "At that time, I did believe that the boys enjoyed the sexual contact and I also had
20 self gratification as well."
21 e. "I have come to learn the name of one of the boys I had sexual contact with at the
22 Santa Teresita rectory. His name is Leo Tudela. ... I apologize to you Leo and the
23 rest of the boys that I may have harmed. I regret with all my heart any wrong I did
24 to them. I pray for all the boys I may have harmed and ask for their forgiveness
25 from God."
26 f. "While in Guam my actions were discussed and confessed to area priests as well
27 as Bishop Apollinaris Baumgartner who had approached me to talk about the
28 situation. I was told to try to do better and say prayers as a penance."
g. "I believe the Catholic Church should be honest and truthful regarding what
happened on Guam during my time there."

15. At all times relevant hereto, Brouillard sexually abused and molested Mr. Tudela when Tudela was
a minor and committed such acts while serving as a priest in the Mangilao Parish, in his capacity as an
agent and employee of the Agana Archdiocese, which is vicariously liable for his actions. At all time
relevant hereto, Brother Mariano sexually abused and molested Mr. Tudela when Tudela was a minor and

1 committed such acts while he was a Capuchin Brother at the Monastery, in his capacity as an agent and
2 employee of the Agana Archdiocese, which is vicariously liable for his actions.

3 16. The Agana Archdiocese and DOES 1-50, inclusive, knew that both Brouillard and Brother Mariano
4 had sexually abused and molested Mr. Tudela, and rather than reporting the matter to law enforcement and
5 without intervening so as to prevent Brouillard and / or Brother Mariano from engaging in additional
6 instances of sexual abuse, and without seeking to have Brouillard and / or Brother Mariano acknowledge
7 and take responsibility for his wrongful actions, they assisted Brouillard and / or Brother Mariano with the
8 specific purpose or design to keep Brouillard's and / or Brother Mariano's misconduct hidden and secret; to
9 hinder or prevent Brouillard's and / or Brother Mariano's apprehension and prosecution; and to protect the
10 Agana Archdiocese, as well as the Roman Catholic church as an international institution.

11 17. To this day, the Agana Archdiocese and DOES 1-50 never contacted the families with children
12 they know Brouillard and / or Brother Mariano had sexual contact with. The Agana Archdiocese and DOES
13 1-50 have been content that any other children that were sexually abused by Brouillard while he was
14 serving as a priest, and any other children that were sexually abused by Brother Mariano while he was a
15 Capuchin Brother, who remain affected by guilt, shame and emotional distress.

16 18. The criminal offense of Child Abuse is defined in 9 GCA § 31.30, which states in pertinent part as
17 follows:

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

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

21 * * *

22 (B) subjects that child to cruel mistreatment; or

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

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

26 * * *

27 (b) Abused or neglected child means a child whose physical or mental health or
28 welfare is harmed or threatened with harm by the acts or omissions of the
person(s) responsible for the child's welfare;

* * *

1 (d) Child means a person under the age of 18 years;
2 * * *

3 (t) Harm to a child's physical health or welfare occurs in a case where there exists
4 evidence of injury, including but not limited to:
5 * * *

6 (2) Any case where the child has been the victim of a sexual offense as defined
7 in the Criminal and Correctional Code; or

8 (3) Any case where there exists injury to the psychological capacity of a child
9 such as failure to thrive, extreme mental distress, or gross emotional or
10 verbal degradation as is evidenced by an observable and substantial
11 impairment in the child's ability to function within a normal range of
12 performance with due regard to the child's culture.(.)

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

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

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

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

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

25 (a) A person is guilty of criminal sexual conduct in the second degree if the person
26 engages in sexual contact with another person and if any of the following
27 circumstances exists:

28 (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.

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

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

1
2 **IV.**
3 **FIRST CAUSE OF ACTION**

4 **Child Sexual Abuse**
5 **[Against Defendant Brouillard]**

6 24. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 25 of this Complaint as if
7 fully set forth herein.

8 25. Brouillard committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in 9
9 GCA § 25.20, by engaging in sexual contact with Mr. Tudela when Tudela was between the ages of 14 and
10 16; and Brouillard, in his position as a priest, was in a position of authority over Tudela and Brouillard used
11 this authority to coerce Tudela to submit.

12 26. Brouillard also committed the offense of Child Abuse, as set forth in 9 GCA § 31.30 by subjecting
13 Mr. Tudela to cruel mistreatment; and, while having Tudela, who was a child at the time pursuant to 19
14 GCA § 13101(d), under his care, custody or control, unreasonably caused or permitted the physical or
15 emotional health of the child to be endangered.

16 27. As a direct and proximate consequence of Brouillard's misconduct, Mr. Tudela was an abused or
17 neglected child within the meaning of 19 GCA § 13101(b) because his physical or mental health or welfare
18 was and continues to be harmed by the acts or omissions of Brouillard, who was responsible for the child's
19 welfare. Moreover, as Brouillard's misconduct constitutes the commission of one or more criminal
20 offenses, Mr. Tudela has suffered harm to a child's physical health or welfare within the meaning of 19
21 GCA § 13101(t)(2) because Tudela was the victim of a sexual offense as defined in the Criminal and
22 Correctional Code (9 GCA).

23 28. As a direct and proximate consequence of Brouillard's misconduct, Mr. Tudela has suffered, and
24 continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of
25 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;
26
27
28

1 and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy
2 and counseling.

3 29. By engaging in the conduct described herein, Brouillard acted with malice, oppression, and/or
4 fraud, entitling Mr. Tudela to exemplary and punitive damages.
5

6 V.
7 SECOND CAUSE OF ACTION

8 **Child Sexual Abuse**
9 **[Against Defendants Agana Archdiocese and DOES 6 – 50]**

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

12 31. Brother Mariano committed the offense of Second Degree Criminal Sexual Misconduct, as set forth
13 in 9 GCA § 25.20, by engaging in sexual contact with Mr. Tudela when Tudela was under fourteen (14)
14 years of age; and Brother Mariano, in his position as a Capuchin Brother, was in a position of authority
15 over Tudela and Brother Mariano used this authority to coerce Tudela to submit.

16 32. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
17 cause of action) are vicariously liable for the sexual abuse committed upon Mr. Tudela by both Brouillard
18 and Brother Mariano. Public policy dictates that Defendants should be held responsible for both
19 Brouillard's and Brother Mariano's wrongful conduct under the theory commonly referred to as
20 *Respondeat Superior*.
21

22 33. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual abuse of Mr.
23 Tudela arose from and was incidental to Brouillard's and Brother Mariano's employment with the Agana
24 Archdiocese, and Brouillard and Brother Mariano, were acting within the scope of his employment with the
25 Agana Archdiocese at the time he committed the acts of sexual abuse, which were foreseeable to
26 Defendants.
27

28 34. Defendants ratified and / or approved of Brouillard's and Brother Mariano's sexual abuse by failing
to adequately investigate, discharge, discipline and / or supervise Brouillard and Brother Mariano and other

1 priests known by Defendants to have sexually abused children, or to have been accused of sexually abusing
2 children; by concealing evidence of Brouillard's and Brother Mariano's sexual abuse; failing to intervene
3 to prevent ongoing and / or further sexual abuse; by failing to report the sexual abuse as required under 19
4 GCA 13201(b); by allowing Brouillard to continue in service as a Catholic priest working for the Agana
5 Archdiocese.
6

7 35. Despite the pretense of policies and procedures to investigate and address instances of child sexual
8 abuse by priests, Defendants in fact implemented such policies and procedures for no other purpose than to
9 avoid scandal, maintain secrecy and preserve loyalty to fellow clergy, including child molesting clergy,
10 rather than the protection of children. Such hypocritical conduct by Defendants has served to
11 systematically encourage, perpetuate and promote sexually abusive conduct by priests in the Agana
12 Archdiocese.
13

14 36. Defendants either had actual knowledge of Brouillard's sexual abuse of Mr. Tudela, or could have
15 and should have reasonably foreseen that Brouillard would commit sexual abuse to Mr. Tudela in the
16 course of his employment as a priest in the Mangilao Parish, as an agent and employee of the Agana
17 Archdiocese. Defendants either had actual knowledge of Brother Mariano's sexual abuse of Mr. Tudela, or
18 could have and should have reasonably foreseen that Brother Mariano would commit sexual abuse of Mr.
19 Tudela in the course of his employment as a Capuchin Brother at the Monetary, as an agent and employee
20 of the Agana Archdiocese.
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22 37. As a direct and proximate result of the Defendants' above - described conduct, Mr. Tudela has
23 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
24 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
25 enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological
26 treatment, therapy and counseling.
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28 38. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
fraud, entitling Mr. Tudela to exemplary and punitive damages.

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VI.
THIRD CAUSE OF ACTION

Negligence
[Against All Defendants]

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

40. Defendants Brouillard, Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this cause of action) had a duty to protect Mr. Tudela when he was entrusted to Brouillard's and / or Brother Mariano's care by Tudela's parents. Tudela's care, welfare, and / or physical custody were temporarily entrusted to Defendants, and Defendants accepted the entrusted care of Tudela. As such, Defendants owed Mr. Tudela, as a child at the time, a special duty of care, in addition to a duty of ordinary care, and owed Mr. Tudela the higher duty of care that adults dealing with children owe to protect them from harm.

41. By virtue of his unique authority and position as a Roman Catholic priest, Brouillard was able to identify vulnerable victims and their families upon which he could perform such sexual abuse; to 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. As a priest, Brouillard had unique access to a position of authority within Roman Catholic families like the family of Mr. Tudela. Such access, authority and reverence was known to the Defendants and encouraged by them.

42. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Brouillard's and / or Brother Mariano's sexually abusive and exploitative propensities and / or that Brouillard and / or Brother Mariano was an unfit agent. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Mr. Tudela, the children entrusted to Defendants' care would be vulnerable to sexual abuse by Brouillard and Brother Mariano.

43. Defendants breached their duty of care to the minor Tudela by allowing Brouillard and Brother Mariano to come into contact with Tudela as a child without supervision; by failing to adequately supervise, or negligently retaining Brouillard and Brother Mariano whom they permitted and enabled to have access to Tudela; by failing to properly investigate; by failing to inform or concealing from Tudela's parents, guardians, or law enforcement officials that Brouillard and Brother Mariano was or may have been sexually abusing minors; by holding out Brouillard and Brother Mariano's to Tudela's parents or guardians, and to the community of Guam at large, as being in good standing and trustworthy as a person of stature and integrity. Defendants cloaked within the facade of normalcy Brouillard's and Brother Mariano's contact with Tudela and / or with other minors who were victims of Brouillard and Brother Mariano, and deliberately concealed and disguised the sexual abuse committed by Brouillard and Brother Mariano.

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

45. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Mr. Tudela to exemplary and punitive damages.

VII. FOURTH CAUSE OF ACTION

Negligent Supervision
[Against Defendants Agana Archdiocese and DOES 6 – 50]

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

47. Defendants Agana Archdiocese and DOES 6 - 50 (collectively “Defendants” as alleged in this cause of action) had a duty to provide reasonable supervision of both Brouillard and Brother Mariano and minor child Tudela; to use reasonable care in investigating Brouillard and Brother Mariano; and to provide

1 adequate warning to Tudela's family, and to families of other children who were entrusted to Brouillard
2 Brother Mariano, of Brouillard's and Brother Mariano's sexually abusive and exploitative propensities and
3 unfitness.

4 48. Defendants, by and through their agents, servants and employees, knew or reasonably should have
5 known of Brouillard's and Brother Mariano's sexually abusive and exploitative propensities and/or that
6 Brouillard and Brother Mariano was an unfit agent. Despite such knowledge, Defendants negligently failed
7 to supervise Brouillard and Brother Mariano in their respective positions of trust and authority as a parish
8 priest and Capuchin brother, respectively, where he was able to commit the wrongful acts against Mr.
9 Tudela alleged herein. Defendants failed to provide reasonable supervision of Brouillard and Brother
10 Mariano, failed to use reasonable care in investigating Brouillard and Brother Mariano, and failed to
11 provide adequate warning to Tudela's family regarding Brouillard's and Brother Mariano's sexually abusive
12 and exploitative propensities and unfitness. Defendants further failed to take reasonable measures to
13 prevent future sexual abuse.

14 49. As a direct and proximate result of the Defendants' above - described conduct, Mr. Tudela 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 50. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
20 fraud, entitling Mr. Tudela to exemplary and punitive damages.

21
22 **VIII.**
23 **FIFTH CAUSE OF ACTION**

24 **Negligent Hiring And Retention**
25 **[Against Defendants Agana Archdiocese and DOES 6 - 50]**
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1 51. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 51 of this Complaint as if
2 fully set forth herein.

3 52. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
4 cause of action) had a duty not to hire and / or retain Brouillard and Brother Mariano in light of their
5 sexually abusive and exploitative propensities.
6

7 53. Defendants, by and through their agents, servants and employees, knew or reasonably should have
8 known of Brouillard's and Brother Mariano's sexually abusive and exploitative propensities and / or that
9 Brouillard and Brother Mariano was an unfit agent. Despite such knowledge and / or an opportunity to
10 learn of Brouillard's and Brother Mariano's misconduct, Defendants negligently hired and retained
11 Brouillard and Brother Mariano in their respective positions of trust and authority as a priest and Capuchin
12 brother, respectively, where he was able to commit the wrongful acts against Mr. Tudela alleged herein.
13 Defendants failed to properly evaluate Brouillard's and Brother Mariano's application for employment by
14 failing to conduct necessary screening; failed to properly evaluate Brouillard's and Brother Mariano's
15 conduct and performance as an employee of Defendants; and failed to exercise the due diligence incumbent
16 upon employers to investigate employee misconduct, or to take appropriate disciplinary action, including
17 immediate termination and reporting and referral of Brouillard's and Brother Mariano's sexual abuse to
18 appropriate authorities. Defendants negligently continued to retain Brouillard in service as a Catholic
19 priest, and Brother Mariano as a Capuchin Brother, working for Defendants, which enabled him to continue
20 engaging in the sexually abusive and predatory behavior described herein.
21

22 54. As a direct and proximate result of the Defendants' above - described conduct, Mr. Tudela has
23 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
24 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
25 enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological
26 treatment, therapy and counseling.
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28

1 55. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
2 fraud, entitling Mr. Tudela to exemplary and punitive damages.

3
4 **IX.**
SIXTH CAUSE OF ACTION

5 **Breach of Fiduciary Duty And / Or Confidential Relationship**
6 **[Against All Defendants]**

7 56. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 56 of this Complaint as if
8 fully set forth herein.

9 57. By holding Brouillard out as a qualified priest and a person of stature and integrity within the
10 Catholic Archdiocese, Defendants Agana Archdiocese and DOES 6 - 50 invited, together with Brouillard
11 himself, counseled, encouraged and induced the Catholic community of Guam, including parents of
12 children and particularly parents of children serving as altar boys and children eligible to serve as altar
13 boys, to have trust and confidence in the Agana Archdiocese and its priests and to entrust their children to
14 the company of priests and specifically to Brouillard, including allowing their children to be alone with
15 Brouillard without supervision and to travel to live on a full-time basis at a church facility where Brouillard
16 resided. Through such actions, Defendants collectively created and entered into a fiduciary and / or
17 confidential relationship with its parishioners, including Catholic parents and their children, and in
18 particular, children who provided services to the Agana Archdiocese that included serving as altar boys.
19 Accordingly, Defendants collectively created and entered into a fiduciary and / or confidential relationship
20 specifically with the minor child Tudela.
21

22
23 58. Through such fiduciary and / or confidential relationship, Defendants collectively caused parents to
24 entrust their children to priests, and specifically to Brouillard, including the parents of Mr. Tudela, which
25 resulted in Tudela serving as an altar boy and traveling from Saipan to Guam to live on a full-time basis at a
26 church facility where Brouillard resided, resulting in the subject acts of sexual abuse described herein.
27
28

59. Defendants collectively breached their fiduciary and / or confidential relationship with the minor child Tudela by violating the trust and confidence placed in them by parishioners and specifically by the minor child Tudela, and by engaging in the wrongful acts described in this Complaint.

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

61. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Mr. Tudela to exemplary and punitive damages.

X.
REQUEST FOR RELIEF

WHEREFORE, Plaintiff Tudela requests judgment against all Defendants on all counts as follows:

1. For all general damages, in a sum to be proven at trial;
2. For all special damages, in a sum to be proven at trial;
3. For exemplary and punitive damages as allowed by law and in a sum to be proven at trial;
4. For costs and fees incurred herein;
5. Attorneys' fees, as permitted by law; and
6. For other such and further relief as the Court may deem just and proper.

XI. DEMAND FOR JURY TRIAL

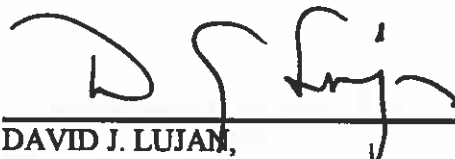
Plaintiff Tudela, through his counsel, David J. Lujan, hereby demands a jury trial of six (6) in the above-entitled action.

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The amount in controversy between the parties herein exceeds the amount of Twenty-Five Dollars (\$25.00).

DATED: November 01, 2016

Respectfully Submitted,

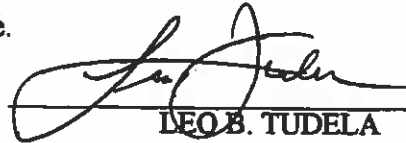


DAVID J. LUJAN,
Attorney for Plaintiff,
Leo B. Tudela

VERIFICATION

LEO B. TUDELA, 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 1st day of November, 2016, that the foregoing is true and correct to the best of my knowledge.


LEO B. TUDELA

Buenas Dias

Ná'án-hu si Leo Tudela

Mafangon Saipan ho

Taotao Hawali yo patgo;

Sesenta tres annos yo;

Si Yuus Maase put este na

oppotunidad para bai

testigo gi maenan mijo

I know being a member of the legislature is not an easy job as you are often called upon to pass laws that affect many individuals during their lifetime. This is most pronounced when it comes to serious issues that involve institutions that have a profound effect on individual lives, especially when they involve religious institutions. A person's religion becomes the foundation of one's faith, and is imbedded in our daily lives. It could be any denomination.

I was born on July 17, 1943. I came from a very strict Catholic family. Almost daily, my grandparents installed in me that the Lord Jesus Christ is the Supreme Almighty and can't be questioned. I grew up in that environment and for this reason, my grandparents asked me to join the Altar Boys in Chalan Kanoa, Mt. Carmel Church, Saipan. Beginning in 1954, I joined the Altar Boys for Mt. Carmel Church under Father Arnold Bendowski, O.F.M. Cap.

My grandmother was very proud of me and would tell all the neighbors about me being an Altar Boy. She would make sure I get up in the early morning, often when it was still dark outside, and go to assist for Mass at the altar for Father Arnold. On every Saturday I would go to the rectory and help make Communion wafers and to clean the rectory. Those Saturdays spent at the rectory were one of my happy days because, by helping out at the rectory, I enjoyed the wonderful food and grapes that the rectory had. I was very poor and that was my pride and joy to help out as an Altar Boy and be able to enjoy their food.

You may ask, "Why am I telling you this? I am doing so to make you aware that since I was a very small boy growing up, I was indoctrinated with the Catholic Church teaching and that I am very proud of it. I loved my grandmother and would do anything for her and she wanted me to do this for the church.

In summer of 1956, Father Arnold asked me if I wanted to go to Guam to attend Catholic school. Father Arnold also selected two other Altar Boys to go to Guam. Their names were Ramon (Ray) Demapan and Jesus Dela Cruz from Tinian. I was very happy that I was selected and to be under the protection and guidance of a Catholic Church priest.

While I was staying at the Capuchin Fathers Monastery in Agana Heights, one night in the early morning hours, I was awakened by someone touching my private area (penis) and massaging it. I was shocked, very frightened, scared and shaking to have a big shadow of a man sitting next to me. I started to cry as I could not believe what was going on. This was in the monastery of God and how could this be happening to me. He told me "it is okay, I am Brother Mariano." I told him to please leave me alone but he continued to do what was doing. Finally, he got up and left the room. I took my blanket and covered my face and my whole body. I was crying and shaking. It was a night I would never forget. The next day, I told Brother Ferdinand Pangelinan what happened to me and soon after that, we were moved to Sinajana Catholic Church Rectory, to stay there.

While I was at the Sinajana Rectory, I met Father Louis Brouillard. I believe he was teaching at St. Jude Catholic School and assisting Father Kieran. Father Louis invited me to come to Santa Teresita Church in Mangilao and help him as an Altar Boy and to clean the rectory. While I was staying there, I was told to join the Boy Scouts as part of my duty, along with the other three Altar Boys staying at the rectory.

I joined the Boy Scouts because the Scouts were sponsored by Santa Teresita Church. All of the boys staying at the rectory were required to join the Scouts. The Scoutmaster was a high member of the church. His first name was "Ignacio". I don't remember his last name. On one occasion, which I remember to this day, we went to Yona Beach area to camp as a requirement for all new Scouts. One night, we were told to stand in a straight line and the scoutmaster drew a line for us to stand and then he drew another line about 3 or so feet in front of us. He told us to take our pants down and start playing with our penis (to masturbate) and if our semen did not reach the line drawn in front of us, we would be given all the work that has to be done at the camp. If we reached the line, then we would not have to do anything.

In addition, while I was staying at the rectory, late one night I was sleeping on my army bed and suddenly I felt someone touching my penis and massaging it. I looked up and saw Father Louis sitting to my left and told me "it is okay, you will feel good and don't worry about anything." I was shocked and felt very uncomfortable. I was shaking, scared and started to cry. I was totally embarrassed and ashamed of what Father Louis was doing to me. He was supposed to be a man of God, as this is what my grandparents taught me when I was growing up in Saipan. This was wrong and not right. The next day, I called my uncle Rufino to come and pick me up. He did so and I ran away from the rectory and never wanted to go back.

All these evil incidents have stuck in my mind for some 60 years and to this day, I still have nightmares and continue to relive those events as if they happened only yesterday. Terrible things come to my mind and I really hate Father Louis and Brother Mariano for what they did to me. I have cried on many occasions since then and continue to have memory flashbacks of the horrible things that happened to me. I feel cheated and molested by people who were suppose to be my protector, comforter and God's guardian angels. They were supposed to be the representatives of God, as told me by my grandparents.

I have some major medical issues and I believe these incidents have contributed to my poor health.

All I want is justice, due process of the law and people who did this and condoned these actions, to accept responsibility for their evil acts and to have closure and to start my healing process after over a half century of pain and suffering.

Please give us your support. For all the young boys that were molested by those who had a relationship with the Archdiocese of Agana or with other institutions, I very strongly urge you to pass this legislative bill, so we can have closure and begin to heal from these evil things that have happened to us and to protect our future Altar Boys/Girls.

For so many years, the Archdiocese appears to have failed to not only stop these incidents, but also tolerated and perpetuated these evil acts upon young innocent boys.

Be the voice of God by passing this legislation, and make your legacy be that you took bold actions to protect ALL citizens and a step to correct the wrongs of the past done to innocent children. I believe it is time to move forward and do the right thing.

God bless all of you.

SI YUUS MAASE

My name is Father Louis Brouillard. I am a retired Roman Catholic priest. I reside at 525 9th St. Southwest, apartment #2, Pine City Minnesota. Today is October 3rd, 2016. I am making this video at my residence and do so of my own free will.

While on Guam and the surrounding area, I helped many and assisted with numerous projects for the good of the people. During this time, I also may have offended some people there and wish to explain.

I am making this video to reach out to the parishioners of the Archdiocese of Guam, and anyone I may have harmed, to ask forgiveness for actions done by me many years ago.

I served the diocese of Guam in the 1940s through the 1970s and held many positions in the church. Two of the jobs I had were managing the Boy Scouts, where I served as President for the Scouts on Guam, my church was the Santa Teresita Church in Mangilao, and one of the other jobs was teaching sexual education to the boys in the parish.

Looking back now, I realize that I crossed the line with some of my actions and relationships with the boys.

During some of the sex education talks, while at Santa Teresita, I did touch the penises of some of the boys and some of the boys did perform oral sex on me. Some of these incidents took place in Mangilao at the rectory of the Santa Teresita Church. Because of the many years that have passed, I do not remember the exact dates and times or the names of the boys involved. There may have been 20 or more boys involved. Other locations where the sexual contact may have happened would be at San Vicente and Father Duenas Memorial Schools.

At that time, I did believe that the boys enjoyed the sexual contact and I also had self gratification as well.

I have come to learn the name of one of the boys I had sexual contact with at the Santa Teresita rectory. His name is Leo Tudela he is from the Island of Saipan. I apologize to you Leo and the rest of the boys that I may have harmed. I regret

EXHIBIT 2

1 **DAVID J. LUJAN**
2 **LUJAN & WOLFF LLP**
3 Attorneys at Law
4 DNA Building, Suite 300
5 238 Archbishop Flores Street
6 Hagåtña, Guam 96910
7 Telephone: (671) 477-8064/5
8 Facsimile: (671) 477-5297 (LAWS)
9
10 *Attorney for Plaintiff,*
11 *Roy T. Quintanilla*

FILED
SUPERIOR COURT
OF GUAM

2016 NOV -1 AM 10:15

CLERK OF COURT

BY: 

7 **IN THE SUPERIOR COURT OF GUAM**

8 **ROY T. QUINTANILLA,**
9
10 **Plaintiff,**

CIVIL CASE NO: **CV 0953-16**

11 **v.**

COMPLAINT FOR DAMAGES FOR

12 **ROMAN CATHOLIC**
13 **ARCHBISHOP OF AGANA, a Corporation**
14 **sole;**
15 **ANTHONY SABLAN APURON, an**
16 **individual; DOE ENTITIES 1-5; and DOE-**
17 **INDIVIDUALS 6-50, inclusive**

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

18 **Defendants.**

19 Plaintiff Roy T. Quintanilla ("Mr. Quintanilla") files this Complaint for damages based on prior
20 sexual abuse (the "Complaint") against Defendants Archbishop of Agana, a corporation sole, Anthony
21 Sablan Apuron, an individual, and DOES 1-50 ("Defendants").

22 **I.**
23 **JURISDICTION**

- 24 1. This Court has jurisdiction pursuant to 7 GCA § 3105.

25 **II.**
26 **PARTIES**

27 2. At all times relevant hereto, Mr. Quintanilla has been and is an individual who resided in Guam
28 and is now residing in Honolulu, Hawaii.

3. At all times relevant hereto, and upon information and belief, Roman Catholic Archbishop of
Agana, a corporation sole, in accordance with the discipline and government of the Roman Catholic

ORIGINAL

1 Church, is the legal name for Defendant Archbishop of Agana, also known as Archdiocese of Agana.
2 ("Agana Archdiocese"), which is and has been at all times relevant hereto a non-profit corporation
3 organized and existing under the laws of Guam, authorized to conduct business and conducting business in
4 Guam, with its principal place of business in Guam. Agana Archdiocese is responsible and liable in whole
5 or in part, directly or indirectly, for the wrongful acts complained of herein.
6

7 4. At all times relevant hereto, Defendant Anthony Sablan Apuron ("Apuron"), an individual and an
8 agent of the Agana Archdiocese, was and is a member of the clergy of the Agana Archdiocese and has
9 served both as a priest and as the Archbishop of Agana. At all times relevant hereto, Defendant Apuron
10 was a resident of Guam and is responsible and liable in whole or in part, directly or indirectly, for the
11 wrongful acts complained of herein.
12

13 5. Defendants-entities named herein as DOES 1 - 5, inclusive, are or at all times relevant hereto, were
14 insurance companies that provided general liability coverage and / or excess level liability coverage
15 pursuant to policies issued to the Agana Archdiocese and / or Roman Catholic Church of Guam. Defendant-
16 individuals named here-in as DOES 6-50, inclusive, are at all times relevant hereto, were agents,
17 employees, representatives and / or affiliated entities of the Agana Archdiocese and /or Roman Catholic
18 Church outside of Guam whose true names and capacities are unknown to Mr. Quintanilla who therefore
19 sues such defendants by such fictitious names, and who will amend the Complaint to show the true names
20 and capacities of each such Doe defendant when ascertained. DOES 6 -50 assisted, aided and abetted and /
21 or conspired with Apuron and / or other members of the Agana Archdiocese to conceal, disguise, cover up,
22 and / or promote the wrongful acts complained of herein. As such, each such Doe is legally responsible in
23 some manner for the events, happenings, and / or tortious and unlawful conduct that caused the injuries and
24 damages alleged in this Complaint.
25

26 6. Each defendant is the agent, servant and/or employee of other defendants, and each defendant was
27 acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the
28 other defendants. Defendants, and each of them, are individuals, corporations, alter egos and partnerships of

1 each other and other entities which engaged in, joined in and conspired with the other wrongdoers in
2 carrying out the tortious and unlawful activities described in this Complaint; and defendants, each of them,
3 ratified the acts of the other defendants as described in this Complaint.
4

5 **III.**
6 **INTRODUCTORY ALLEGATIONS**

7 7. Mr. Quintanilla, a 52-year old resident of Honolulu, Hawaii, previously lived in Agat, Guam during
8 his childhood years. In or around the age of twelve (12), Mr. Quintanilla was an altar boy for Our Lady of
9 Mt. Carmel Church ("Agat Parish"). At that time, Apuron was a priest at the Agat Parish.

10 8. During the period in which he served as an altar boy, Mr. Quintanilla was sexually molested and
11 abused by Apuron. On or about May 17, 2016, Mr. Quintanilla came forward publicly at a video- taped
12 press conference, revealing that Apuron had molested him when he was 12-years old and serving as an altar
13 boy for the Agat Parish.

14 9. The video-taped press release can be viewed online at the following link:

15 [http://www.guampdn.com/story/news/2016/05/16/man-alleges-archbishop-](http://www.guampdn.com/story/news/2016/05/16/man-alleges-archbishop-molested-him/84469094/)
16 [molested-him/84469094/](http://www.guampdn.com/story/news/2016/05/16/man-alleges-archbishop-molested-him/84469094/)

17 10. On the same day (May 17, 2016), Mr. Quintanilla delivered to the Agana Archdiocese a letter
18 detailing the abuse. A true and accurate copy of Mr. Quintanilla's letter is attached hereto as Exhibit "1".

19 The letter states in pertinent part:

- 20
- 21 a. "When I was 12 years old and an altar boy, you molested me when you were the
22 pastor of Agat."
- 23 b. "You insisted I sleep in your bedroom even though I told you I wanted to sleep
24 in the living room. I felt so uncomfortable being alone with you in your
25 bedroom. Moments later, I felt your hand squeezing my penis and testicles
26 through my pants. I was trying my best to push your hand away, it was painful. I
27 used both hands and my legs to try and block you from touching me and
28 squeezing my private parts because it was painful, and extremely
uncomfortable."
- c. "I cried then, and I've never stopped crying. I felt a lot of emotions. I was
scared, angry, sad, alone, embarrassed, and humiliated. I didn't know what to
do."

1 d. "I needed to say something to someone, because I was so confused, I held on to
2 so much resentment; I thought of killing myself, and whether it mattered to
3 anyone if I died."

4 e. "Throughout my life whenever I read your name, I associate your name with
5 resentment, bitterness, phony, hypocrite, liar, and coward to name a few. I hope
6 someday, you will be sorry for what you did to me. I am still trying to forgive
7 you. It's been a long time since this tragic experience and I felt like it just
8 happened yesterday. I want closure."

9 f. "You might not remember me, but I definitely remember you. I have been
10 silent for almost 40 years, mainly because I thought all this time I was your only
11 victim and because I was embarrassed, humiliated, degraded, and terribly
12 confused about what to do."

13 11. At all times relevant hereto, Apuron sexually abused and molested Mr. Quintanilla when
14 Quintanilla was a minor and committed such acts while serving as a priest in the Agat Parish, in his
15 capacity as an agent and employee of the Agana Archdiocese, which is vicariously liable for his actions.

16 12. The Agana Archdiocese and DOES 1-50, inclusive, knew that Apuron had sexually abused and
17 molested Mr. Quintanilla, and rather than reporting the matter to law enforcement and without intervening
18 so as to prevent Apuron from engaging in additional instances of sexual abuse, and without seeking to have
19 Apuron acknowledge and take responsibility for his wrongful actions, they assisted Apuron with the
20 specific purpose or design to keep Apuron's misconduct hidden and secret; to hinder or prevent Apuron's
21 apprehension and prosecution; and to protect the Agana Archdiocese, as well as the Roman Catholic church
22 as an international institution.

23 13. To this day, the Agana Archdiocese and DOES 1-50 never contacted the families with children
24 they know Apuron had sexual contact with. The Agana Archdiocese and DOES 1-50 have been content that
25 any other children that were sexually abused by Apuron, while he was serving as a priest and/or as
26 Archbishop of Guam, remain affected by guilt, shame and emotional distress.

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

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

(1) he subjects a child to cruel mistreatment; or

1 (2) having a child in his care or custody or under his control, he:

2 * * *

(B) subjects that child to cruel mistreatment; or

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

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

6 * * *

7 (b) Abused or neglected child means a child whose physical or mental health or
8 welfare is harmed or threatened with harm by the acts or omissions of the
9 person(s) responsible for the child's welfare;

10 * * *

(d) Child means a person under the age of 18 years;

11 * * *

(t) Harm to a child's physical health or welfare occurs in a case where there exists
12 evidence of injury, including but not limited to:

13 * * *

(2) Any case where the child has been the victim of a sexual offense as defined
14 in the Criminal and Correctional Code; or

15 (3) Any case where there exists injury to the psychological capacity of a child
16 such as failure to thrive, extreme mental distress, or gross emotional or
17 verbal degradation as is evidenced by an observable and substantial
18 impairment in the child's ability to function within a normal range of
19 performance with due regard to the child's culture(.)

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

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

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

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

18. 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;

1 (2) that other person is at least fourteen (14) but less than sixteen (16) years of
2 age and the actor is a member of the same household as the victim, or is
3 related by blood or affinity to the fourth degree to the victim, or is in a
4 position of authority over the victim and the actor used this authority to
5 coerce the victim to submit.

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

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

13 **IV.**
FIRST CAUSE OF ACTION

14 **Child Sexual Abuse**
[Against Defendant Apuron]

15 20. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 19 of this Complaint as if
16 fully set forth herein.

17 21. Apuron committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in 9
18 GCA § 25.20, by engaging in sexual contact with Mr. Quintanilla when Quintanilla was under fourteen (14)
19 years of age; and Apuron, in his position as a priest, was in a position of authority over Quintanilla and
20 Apuron used this authority to coerce Quintanilla to submit.

21 22. Apuron also committed the offense of Child Abuse, as set forth in 9 GCA § 31.30 by subjecting
22 Mr. Quintanilla to cruel mistreatment; and, while having Quintanilla, who was a child at the time pursuant
23 to 19 GCA § 13101(d), under his care, custody or control, unreasonably caused or permitted the physical or
24 emotional health of the child to be endangered.

25 23. As a direct and proximate consequence of Apuron's misconduct, Mr. Quintanilla was an abused or
26 neglected child within the meaning of 19 GCA § 13101(b) because his physical or mental health or welfare
27 was and continues to be harmed by the acts or omissions of Apuron, who was responsible for the child's
28 welfare. Moreover, as Apuron's misconduct constitutes the commission of one or more criminal offenses,

1 Mr. Quintanilla has suffered harm to a child's physical health or welfare within the meaning of 19 GCA §
2 13101(t)(2) because Quintanilla was the victim of a sexual offense as defined in the Criminal and
3 Correctional Code (9 GCA).

4 24. As a direct and proximate consequence of Apuron's misconduct, Mr. Quintanilla has suffered, and
5 continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of
6 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;
7 and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy
8 and counseling.

9 25. By engaging in the conduct described herein, Apuron acted with malice, oppression, and/or fraud,
10 entitling Mr. Quintanilla to exemplary and punitive damages.

11
12 V.
13 SECOND CAUSE OF ACTION

14 Child Sexual Abuse
15 [Against Defendants Agana Archdiocese and DOES 6 – 50]

16 26. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 25 of this Complaint as if
17 fully set forth herein.

18 27. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
19 cause of action) are vicariously liable for the sexual abuse committed upon Mr. Quintanilla by Apuron.
20 Public policy dictates that Defendants should be held responsible for Apuron's wrongful conduct under the
21 theory commonly referred to as *Respondeat Superior*.

22 28. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual abuse of Mr.
23 Quintanilla arose from and was incidental to Apuron's employment with the Agana Archdiocese, and
24 Apuron was acting within the scope of his employment with the Agana Archdiocese at the time he
25 committed the acts of sexual abuse, which were foreseeable to Defendants.

26 29. Defendants ratified and / or approved of Apuron's sexual abuse by failing to adequately
27 investigate, discharge, discipline and / or supervise Apuron and other priests known by Defendants to have
28

1 sexually abused children, or to have been accused of sexually abusing children; by concealing evidence of
2 Apuron's sexual abuse; failing to intervene to prevent ongoing and / or further sexual abuse; by failing to
3 report the sexual abuse as required under 19 GCA 13201(b); by allowing Apuron to continue in service as a
4 Catholic priest working for the Agana Archdiocese; and by providing Apuron with assistance in fleeing
5 Guam in or around June 2016 immediately after a defamation lawsuit was filed by plaintiffs including Mr.
6 Quintanilla who were victims of Apuron's past sexual abuse.

8 30. Defendants further ratified the sexually abusive conduct of Apuron by elevating him to the position
9 of Archbishop, the highest position in the Catholic Archdiocese on Guam, and thereby presenting him as a
10 figure of utmost integrity and stature to the community, notwithstanding Defendants' knowledge,
11 ratification and approval of Apuron's sexually abusive conduct.

12 31. Despite the pretense of policies and procedures to investigate and address instances of child sexual
13 abuse by priests, Defendants in fact implemented such policies and procedures for no other purpose than to
14 avoid scandal, maintain secrecy and preserve loyalty to fellow clergy, including child molesting clergy,
15 rather than the protection of children. Such hypocritical conduct by Defendants has served to
16 systematically encourage, perpetuate and promote sexually abusive conduct by priests in the Agana
17 Archdiocese.

19 32. Defendants either had actual knowledge of Apuron's sexual abuse of Mr. Quintanilla, or could
20 have and should have reasonably foreseen that Apuron would commit sexual abuse to Mr. Quintanilla in
21 the course of his employment as a priest in the Agat Parish, as an agent and employee of the Agana
22 Archdiocese.

24 33. As a direct and proximate result of the Defendants' above - described conduct, Mr. Quintanilla has
25 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
26 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
27 enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological
28 treatment, therapy and counseling.

1 34. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
2 fraud, entitling Mr. Quintanilla to exemplary and punitive damages.

3
4 **VI.**
THIRD CAUSE OF ACTION

5 **Negligence**
6 **[Against All Defendants]**

7 35. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 34 of this Complaint as if
8 fully set forth herein.

9 36. Defendants Apuron, Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in
10 this cause of action) had a duty to protect Mr. Quintanilla when he was entrusted to Apuron's care by
11 Quintanilla's parents. Quintanilla's care, welfare, and / or physical custody were temporarily entrusted to
12 Defendants, and Defendants accepted the entrusted care of Quintanilla. As such, Defendants owed Mr.
13 Quintanilla, as a child at the time, a special duty of care, in addition to a duty of ordinary care, and owed
14 Mr. Quintanilla the higher duty of care that adults dealing with children owe to protect them from harm.

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

23 38. Defendants, by and through their agents, servants and employees, knew or reasonably should have
24 known of Apuron's sexually abusive and exploitative propensities and / or that Apuron was an unfit agent.
25 It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to
26 children in their care, including but not limited to Mr. Quintanilla, the children entrusted to Defendants'
27 care would be vulnerable to sexual abuse by Apuron.
28

1 39. Defendants breached their duty of care to the minor Quintanilla by allowing Apuron to come into
2 contact with Quintanilla as a child without supervision; by failing to adequately supervise, or negligently
3 retaining Apuron whom they permitted and enabled to have access to Quintanilla; by failing to properly
4 investigate; by failing to inform or concealing from Quintanilla's parents, guardians, or law enforcement
5 officials that Apuron was or may have been sexually abusing minors; by holding out Apuron to
6 Quintanilla's parents or guardians, and to the community of Guam at large, as being in good standing and
7 trustworthy as a person of stature and integrity. Defendants cloaked within the facade of normalcy
8 Apuron's contact with Quintanilla and / or with other minors who were victims of Apuron, and deliberately
9 concealed and disguised the sexual abuse committed by Apuron.
10

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

17 41. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
18 fraud, entitling Mr. Quintanilla to exemplary and punitive damages.
19

20 **VII.**
FOURTH CAUSE OF ACTION

21 **Negligent Supervision**
22 **[Against Defendants Agana Archdiocese and DOES 6 – 50]**

23 42. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 41 of this Complaint as if
24 fully set forth herein.

25 43. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
26 cause of action) had a duty to provide reasonable supervision of both Apuron and minor child Quintanilla;
27 to use reasonable care in investigating Apuron; and to provide adequate warning to Quintanilla's family,
28

1 and to families of other children who were entrusted to Apuron, of Apuron's sexually abusive and
2 exploitative propensities and unfitness.

3 44. Defendants, by and through their agents, servants and employees, knew or reasonably should have
4 known of Apuron's sexually abusive and exploitative propensities and/or that Apuron was an unfit agent.
5 Despite such knowledge, Defendants negligently failed to supervise Apuron in his position of trust and
6 authority as a parish priest, where he was able to commit the wrongful acts against Mr. Quintanilla alleged
7 herein. Defendants failed to provide reasonable supervision of Apuron, failed to use reasonable care in
8 investigating Apuron, and failed to provide adequate warning to Quintanilla's family regarding Apuron's
9 sexually abusive and exploitative propensities and unfitness. Defendants further failed to take reasonable
10 measures to prevent future sexual abuse.
11

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

18 46. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
19 fraud, entitling Mr. Quintanilla to exemplary and punitive damages.
20

21 **VIII.**
FIFTH CAUSE OF ACTION

22 **Negligent Hiring And Retention**
23 **Against Defendants Agana Archdiocese and DOES 6 - 50]**

24 47. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 46 of this Complaint as if
25 fully set forth herein.
26
27
28

1 48. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
2 cause of action) had a duty not to hire and / or retain Apuron in light of his sexually abusive and
3 exploitative propensities.

4 49. Defendants, by and through their agents, servants and employees, knew or reasonably should have
5 known of Apuron's sexually abusive and exploitative propensities and / or that Apuron was an unfit agent.
6 Despite such knowledge and / or an opportunity to learn of Apuron's misconduct, Defendants negligently
7 hired and retained Apuron in the position of trust and authority as a parish priest, where he was able to
8 commit the wrongful acts against Mr. Quintanilla alleged herein. Defendants failed to properly evaluate
9 Apuron's application for employment by failing to conduct necessary screening; failed to properly evaluate
10 Apuron's conduct and performance as an employee of Defendants; and failed to exercise the due diligence
11 incumbent upon employers to investigate employee misconduct, or to take appropriate disciplinary action,
12 including immediate termination and reporting and referral of Apuron's sexual abuse to appropriate
13 authorities. Defendants negligently continued to retain Apuron in service as a Catholic priest working for
14 Defendants, which enabled him to continue engaging in the sexually abusive and predatory behavior
15 described herein.

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

21 51. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
22 fraud, entitling Mr. Quintanilla to exemplary and punitive damages.

23
24 **IX.**
25 **SIXTH CAUSE OF ACTION**

26 **Breach of Fiduciary Duty And / Or Confidential Relationship**
27 **[Against All Defendants]**
28

1
2 52. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 51 of this Complaint as if
3 fully set forth herein.

4 53. By holding Apuron out as a qualified priest and a person of stature and integrity within the Catholic
5 Archdiocese, Defendants Agana Archdiocese and DOES 6 - 50 invited, together with Apuron himself,
6 counseled, encouraged and induced the Catholic community of Guam, including parents of children and
7 particularly parents of children serving as altar boys and children eligible to serve as altar boys, to have
8 trust and confidence in the Agana Archdiocese and its priests and to entrust their children to the company
9 of priests and specifically to Apuron, including allowing their children to be alone with Apuron without
10 supervision and to spend nights at Apuron's residence. Through such actions, Defendants collectively
11 created and entered into a fiduciary and / or confidential relationship with its parishioners, including
12 Catholic parents and their children, and in particular, children who provided services to the Agana
13 Archdiocese that included serving as altar boys. Accordingly, Defendants collectively created and entered
14 into a fiduciary and / or confidential relationship specifically with the minor child Quintanilla.
15

16
17 54. Through such fiduciary and / or confidential relationship, Defendants collectively caused parents to
18 entrust their children to priests, and specifically to Apuron, including the parents of Mr. Quintanilla, which
19 resulted in Quintanilla serving as an altar boy and spending one or more nights at Apuron's residence in his
20 service as an altar boy, resulting in the subject acts of sexual abuse described herein.

21 55. Defendants collectively breached their fiduciary and / or confidential relationship with the minor
22 child Quintanilla by violating the trust and confidence placed in them by parishioners and specifically by
23 the minor child Quintanilla, and by engaging in the wrongful acts described in this Complaint.
24

25 56. As a direct and proximate result of the Defendants' above – described conduct, Mr. Quintanilla has
26 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
27 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
28

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

3 57. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
4 fraud, entitling Mr. Quintanilla to exemplary and punitive damages.
5

6 **X.**
REQUEST FOR RELIEF

7 WHEREFORE, Plaintiff Quintanilla requests judgment against all Defendants on all counts as follows:
8

- 9 1. For all general damages, in a sum to be proven at trial;
10 2. For all special damages, in a sum to be proven at trial;
11 3. For exemplary and punitive damages as allowed by law and in a sum to be proven at trial;
12 4. For costs and fees incurred herein;
13 5. Attorneys' fees, as permitted by law; and
14 6. For other such and further relief as the Court may deem just and proper.
15

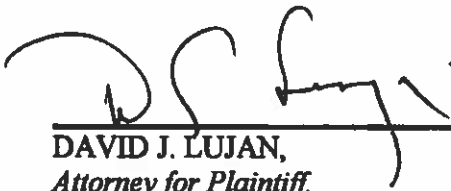
16 **XI.**
DEMAND FOR JURY TRIAL

17
18 Plaintiff Quintanilla, through his counsel, David J. Lujan, hereby demands a jury trial of six (6) in
19 the above-entitled action.

20 The amount in controversy between the parties herein exceeds the amount of Twenty-Five
21 Dollars (\$25.00).
22

23
24 DATED: November 01, 2016

Respectfully Submitted,

25
26 
27 DAVID J. LUJAN,
28 Attorney for Plaintiff,
Roy T. Quintanilla

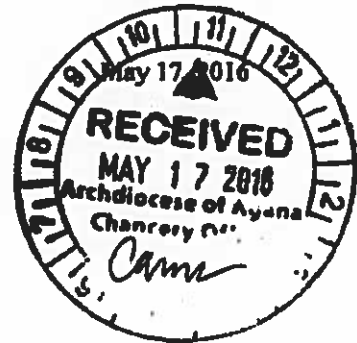
VERIFICATION

ROY T. QUINTANILLA, 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 her information and belief; and as to those matters, he believes them to be true.

I declare, under penalty of perjury, this 31 day of October, 2016, that the foregoing is true and correct to the best of my knowledge.

Roy T. Quintanilla
ROY T. QUINTANILLA

The Most Reverend Anthony Sablan Apuron, OFM Cap., D.D.
Archbishop of Agana
The Archdiocese of Agana
Chancery Office
196 B Cuesta San Ramon
Agana, Guam 96910



Dear Archbishop Apuron,

When I was 12 years old and an altar boy, you molested me when you were the pastor of Agat. After a movie, you drove all the altar boys home; I was the last of the altar boys in the van. I thought you were going to take me home like the others, but instead, you asked if I could sleep at your house (the priest house) so I could help you at the church in the morning.

You insisted I sleep in your bedroom even though I told you I wanted to sleep in the living room. I felt so uncomfortable being alone with you in your bedroom. Moments later, I felt your hand squeezing my penis and testicles through my pants. I was trying my best to push your hand away, it was painful, I used both hands and my legs to try and block you from touching me and squeezing my private parts because it was painful, and extremely uncomfortable.

I remember I didn't sleep that night, I was too afraid to move because, I thought you would do more things to me, so I just curled up. I cried then, and I've never stopped crying. I felt a lot of emotions, I was scared, angry, sad, alone, embarrassed, and humiliated. I didn't know what to do.

Sometime later, I told Fr. Jack Niland what you did to me, he was the first person I told until many years later. I needed to say something to someone, because I was so confused, I held on to so much resentment; I thought of killing myself, and whether it mattered to anyone if I died.

I believe God gave me my down syndrome brother so he could give my life meaning by taking care of him, keeping me grounded, and in return saving my life.

Throughout my life whenever I read your name, I associate your name with resentment, bitterness, phony, hypocrite, liar, and coward to name a few. I hope someday, you will be sorry for what you did to me. I am still trying to forgive you. It's been a long time since this tragic experience and I feel like it just happened yesterday. I want closure.

I worry there might be others like myself who perhaps pushed this experience in the back of their minds, hoping to never have to deal with it, and in hopes of getting closure for this traumatic experience.

You might not remember me, but I definitely remember you. I have been silent for almost 40 years, mainly because I thought all this time that I was your only victim and because I was embarrassed, humiliated, degraded, and terribly confused about what to do. I thought if I said anything that people would not believe me, or that people would retaliate against me for coming forward. Archbishop Apuron, I will not be silent anymore.

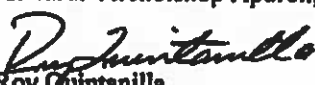

Roy Quintanilla
Honolulu, Hawaii

EXHIBIT 1

1 **DAVID J. LUJAN**
2 **LUJAN & WOLFF LLP**
3 Attorneys at Law
4 DNA Building, Suite 300
5 238 Archbishop Flores Street
6 Hagåtña, Guam 96910
7 Telephone: (671) 477-8064/5
8 Facsimile: (671) 477-5297 (LAWS)

9 *Attorney for Plaintiff,*
10 *Roland P.L. Sondia*

FILED
SUPERIOR COURT
OF GUAM

2016 NOV -1 AM 10: 23

CLERK OF COURT

BY: 

11 **IN THE SUPERIOR COURT OF GUAM**

12 **ROLAND P.L. SONDIA,**

13 Plaintiff,

14 v.

15 **ROMAN CATHOLIC**
16 **ARCHBISHOP OF AGANA, a Corporation**
17 **sole;**
18 **ANTHONY SABLAN APURON, an**
19 **individual; DOE ENTITIES 1-5; and DOE-**
20 **INDIVIDUALS 6-50, inclusive**

21 Defendants.

CIVIL CASE NO: **CV 0954-16**

22 **VERIFIED COMPLAINT FOR DAMAGES**
23 **FOR**

- 24 1. Child Sexual Abuse
- 25 2. Negligence
- 26 3. Negligent Supervision
- 27 4. Negligent Hiring and Retention
- 28 5. Breach of Fiduciary Duty /
Confidential Relationship

29 Plaintiff Roland P.L. Sondia ("Mr. Sondia") files this Complaint for damages based on prior sexual
30 abuse (the "Complaint") against Defendants Archbishop of Agana, a corporation sole, Anthony Sablan
31 Apuron, an individual, and DOES 1-50 ("Defendants").

32 **I.**
33 **JURISDICTION**

- 34 1. This Court has jurisdiction pursuant to 7 GCA § 3105.

35 **II.**
36 **PARTIES**

- 37 2. At all times relevant hereto, Mr. Sondia has been and is an individual residing in Agat, Guam.
- 38 3. At all times relevant hereto, and upon information and belief, Roman Catholic Archbishop of
39 Agana, a corporation sole, in accordance with the discipline and government of the Roman Catholic
40 Church, is the legal name for Defendant Archbishop of Agana, also known as Archdiocese of Agana.

ORIGINAL

1 ("Agana Archdiocese"), which is and has been at all times relevant hereto a non-profit corporation
2 organized and existing under the laws of Guam, authorized to conduct business and conducting business in
3 Guam, with its principal place of business in Guam. Agana Archdiocese is responsible and liable in whole
4 or in part, directly or indirectly, for the wrongful acts complained of herein.
5

6 4. At all times relevant hereto, Defendant Anthony Sablan Apuron ("Apuron"), an individual and an
7 agent of the Agana Archdiocese, was and is a member of the clergy of the Agana Archdiocese and has
8 served both as a priest and as the Archbishop of Agana. At all times relevant hereto, Defendant Apuron
9 was a resident of Guam and is responsible and liable in whole or in part, directly or indirectly, for the
10 wrongful acts complained of herein.

11 5. Defendant-entities named herein as DOES 1 - 5, inclusive, are or at all times relevant hereto, were
12 insurance companies that provided general liability coverage and / or excess level liability coverage
13 pursuant to policies issued to the Agana Archdiocese and / or Roman Catholic Church of Guam. Defendant-
14 individuals named here-in as DOES 6-50, inclusive, are at all times relevant hereto, were agents,
15 employees, representatives and / or affiliated entities of the Agana Archdiocese and /or Roman Catholic
16 Church outside of Guam whose true names and capacities are unknown to Mr. Sondia who therefore sues
17 such defendants by such fictitious names, and who will amend the Complaint to show the true names and
18 capacities of each such Doe defendant when ascertained. DOES 6 -50 assisted, aided and abetted and / or
19 conspired with Apuron and / or other members of the Agana Archdiocese to conceal, disguise, cover up,
20 and / or promote the wrongful acts complained of herein. As such, each such Doe is legally responsible in
21 some manner for the events, happenings, and / or tortious and unlawful conduct that caused the injuries and
22 damages alleged in this Complaint.
23
24

25 6. Each defendant is the agent, servant and/or employee of other defendants, and each defendant was
26 acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the
27 other defendants. Defendants, and each of them, are individuals, corporations, alter egos and partnerships of
28 each other and other entities which engaged in, joined in and conspired with the other wrongdoers in

1 carrying out the tortious and unlawful activities described in this Complaint; and defendants, each of them,
2 ratified the acts of the other defendants as described in this Complaint.

3
4 **III.**
INTRODUCTORY ALLEGATIONS

5 7. Mr. Sondia is a 54-year old life-long resident of Agat, Guam. In or around the age of fifteen (15),
6 Mr. Sondia was an altar boy for Our Lady of Mt. Carmel Church ("Agat Parish"). At that time, Apuron was
7 a priest at the Agat Parish.

8 8. During the period in which he served as an altar boy, Mr. Sondia was sexually molested and abused
9 by Apuron. On or about June 15, 2016, Mr. Sondia came forward publicly at a video-taped press
10 conference, revealing that Apuron had molested him when he was 15-years old and serving as an altar boy
11 for the Agat Parish.

12 9. The video-taped press release can be viewed online at the following links:

13
14 *[http://www.guampdn.com/story/news/2016/06/14/another-apuron-accuser-comes-](http://www.guampdn.com/story/news/2016/06/14/another-apuron-accuser-comes-forward-sexual-abuse-allegations/85897598/)*
15 *[forward-sexual-abuse-allegations/85897598/](http://www.guampdn.com/story/news/2016/06/14/another-apuron-accuser-comes-forward-sexual-abuse-allegations/85897598/)*

16 *[http://www.kuam.com/story/32222996/2016/06/Tuesday/another-agat-resident-](http://www.kuam.com/story/32222996/2016/06/Tuesday/another-agat-resident-claims-archbishop-sexually-molested-him)*
17 *[claims-archbishop-sexually-molested-him](http://www.kuam.com/story/32222996/2016/06/Tuesday/another-agat-resident-claims-archbishop-sexually-molested-him)*

18 10. On the next day (June 16, 2016), Mr. Sondia delivered to the Agana Archdiocese a letter detailing
19 the abuse. A true and accurate copy of Mr. Sondia's letter is attached hereto as Exhibit "1". The letter states
20 in pertinent part:

- 21 a. "When I was an altar boy, almost 39 years ago, at the age of 15, I was molested
22 by Anthony Sablan Apuron. This was a man who I trusted and had a lot of
23 respect for."
- 24 b. "In the summer of 1976, I was an altar boy of Our Lady of Mt. Carmel Church."
- 25 c. "...in the summer of 1977, in the middle of the night, I was sexually molested
26 by Father Anthony Apuron. It was around 1 a.m., in the middle of the week,
27 when a couple of altar boys and I were asleep on futons in the living room at the
28 Mount Carmel Rectory."
- d. "I was awakened when I felt someone tapping on my shoulder and calling my
name. I looked up, and it was Father Anthony Apuron. ... he whispered and said

1 'Roland, I need your help with something' so I said 'ok Father, what is it?' ...
2 He then gestured to me to follow him and led me into his bedroom."

3 e. "I asked if everything was ok, then I sat down. He sat next to me and put his
4 hand on my shoulder. His hand was shaking. He then said with a trembling
5 voice, 'Roland, I need your help'. He then started to say, that of all the altar
6 boys, I was the one he can trust the most and I was the one he could rely on the
7 most."

8 f. "Then he said to me 'do you want to try me?' I was very surprised and
9 confused... there was silence. He put his right arm around my shoulders and
10 pulled me closer saying, 'do you want to try me?'"

11 g. "...he started rubbing my private. ...I told him to stop but he didn't. Instead he
12 continued on and this time squeezing my penis and kept saying 'just try me'. I
13 tried to turn while pushing his hand away but he held me even tighter."

14 h. "I don't know how, but I found the strength in me to break free and I ran to the
15 door... I grabbed my belongings and ran out the front door of the rectory
16 slamming it shut."

17 i. "Everything happened so fast. I was in shock, confused, offended, humiliated,
18 and disappointed that the man I looked up to had just asked me if I wanted to
19 have sex with him."

20 j. "I cried as I walked home that night. I kept asking myself 'Why me?' when I got
21 home everyone was asleep, I was still in shock. ... It was difficult for me to
22 sleep that night. I kept picturing myself in the room with Fr. Tony and all I keep
23 hearing is 'Do you want to TRY ME?' I just couldn't believe that he would do
24 that to me. I eventually cried myself to sleep."

25 k. "I tried my best to put the incident behind me."

26 11. At all times relevant hereto, Apuron sexually abused and molested Mr. Sondia when Sondia was a
27 minor and committed such acts while serving as a priest in the Agat Parish, in his capacity as an agent and
28 employee of the Agana Archdiocese, which is vicariously liable for his actions.

1 12. The Agana Archdiocese and DOES 1-50, inclusive, knew that Apuron had sexually abused and
2 molested Mr. Sondia, and rather than reporting the matter to law enforcement and without intervening so as
3 to prevent Apuron from engaging in additional instances of sexual abuse, and without seeking to have
4 Apuron acknowledge and take responsibility for his wrongful actions, they assisted Apuron with the
5 specific purpose or design to keep Apuron's misconduct hidden and secret; to hinder or prevent Apuron's

1 apprehension and prosecution; and to protect the Agana Archdiocese, as well as the Roman Catholic church
2 as an international institution.

3 13. To this day, the Agana Archdiocese and DOES 1-50 never contacted the families with children
4 they know Apuron had sexual contact with. The Agana Archdiocese and DOES 1-50 have been content that
5 any other children that were sexually abused by Apuron, while he was serving as a priest and/or as
6 Archbishop of Guam, remain affected by guilt, shame and emotional distress.
7

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

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

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

* * *

13 (B) subjects that child to cruel mistreatment; or

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

15 15. Under 19 GCA § 13101, the following relevant definitions are provided:
16

* * *

17 (b) Abused or neglected child means a child whose physical or mental health or
18 welfare is harmed or threatened with harm by the acts or omissions of the
person(s) responsible for the child's welfare;

* * *

19 (d) Child means a person under the age of 18 years;
20

* * *

21 (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:

* * *

22 (2) Any case where the child has been the victim of a sexual offense as defined
23 in the Criminal and Correctional Code; or

24 (3) Any case where there exists injury to the psychological capacity of a child
25 such as failure to thrive, extreme mental distress, or gross emotional or
26 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(.)

27 16. Under 9 GCA § 25A201, "sexual conduct" with a minor is defined as follows:
28

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

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

5 (8) Sexual Contact includes the intentional touching of the victim's or actor's
6 intimate parts or the intentional touching of the clothing covering the
7 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.

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

10 (a) A person is guilty of criminal sexual conduct in the second degree if the person
11 engages in sexual contact with another person and if any of the following
12 circumstances exists:

- 13 (1) that other person is under fourteen (14) years of age;
14 (2) that other person is at least fourteen (14) but less than sixteen (16) years of
15 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.

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

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

21 **IV.**
22 **FIRST CAUSE OF ACTION**

23 **Child Sexual Abuse**
24 **[Against Defendant Apuron]**

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

27 21. Apuron committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in 9
28 GCA § 25.20, by engaging in sexual contact with Mr. Sondia when Sondia was between the ages of 14 and

1 16; and Apuron, in his position as a priest, was in a position of authority over Sondia and Apuron used this
2 authority to coerce Sondia to submit.

3 22. Apuron also committed the offense of Child Abuse, as set forth in 9 GCA § 31.30 by subjecting
4 Mr. Sondia to cruel mistreatment; and, while having Sondia, who was a child at the time pursuant to 19
5 GCA § 13101(d), under his care, custody or control, unreasonably caused or permitted the physical or
6 emotional health of the child to be endangered.

7
8 23. As a direct and proximate consequence of Apuron's misconduct, Mr. Sondia was an abused or
9 neglected child within the meaning of 19 GCA § 13101(b) because his physical or mental health or welfare
10 was and continues to be harmed by the acts or omissions of Apuron, who was responsible for the child's
11 welfare. Moreover, as Apuron's misconduct constitutes the commission of one or more criminal offenses,
12 Mr. Sondia has suffered harm to a child's physical health or welfare within the meaning of 19 GCA §
13 13101(t)(2) because Sondia was the victim of a sexual offense as defined in the Criminal and Correctional
14 Code (9 GCA).

15
16 24. As a direct and proximate consequence of Apuron's misconduct, Mr. Sondia has suffered, and
17 continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of
18 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;
19 and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy
20 and counseling.

21
22 25. By engaging in the conduct described herein, Apuron acted with malice, oppression, and/or fraud,
23 entitling Mr. Sondia to exemplary and punitive damages.

24 V.
25 SECOND CAUSE OF ACTION

26 Child Sexual Abuse
27 [Against Defendants Agana Archdiocese and DOES 6 – 50]

28 26. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 25 of this Complaint as if
fully set forth herein.

1 27. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
2 cause of action) are vicariously liable for the sexual abuse committed upon Mr. Sondia by Apuron. Public
3 policy dictates that Defendants should be held responsible for Apuron's wrongful conduct under the theory
4 commonly referred to as *Respondeat Superior*.
5

6 28. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual abuse of Mr.
7 Sondia arose from and was incidental to Apuron's employment with the Agana Archdiocese, and Apuron
8 was acting within the scope of his employment with the Agana Archdiocese at the time he committed the
9 acts of sexual abuse, which were foreseeable to Defendants.

10 29. Defendants ratified and / or approved of Apuron's sexual abuse by failing to adequately
11 investigate, discharge, discipline and / or supervise Apuron and other priests known by Defendants to have
12 sexually abused children, or to have been accused of sexually abusing children; by concealing evidence of
13 Apuron's sexual abuse; failing to intervene to prevent ongoing and / or further sexual abuse; by failing to
14 report the sexual abuse as required under 19 GCA 13201(b); by allowing Apuron to continue in service as a
15 Catholic priest working for the Agana Archdiocese; and by providing Apuron with assistance in fleeing
16 Guam in or around June 2016 immediately after a defamation lawsuit was filed by plaintiffs including Mr.
17 Sondia who were victims of Apuron's past sexual abuse.
18

19 30. Defendants further ratified the sexually abusive conduct of Apuron by elevating him to the position
20 of Archbishop, the highest position in the Catholic Archdiocese on Guam, and thereby presenting him as a
21 figure of utmost integrity and stature to the community, notwithstanding Defendants' knowledge,
22 ratification and approval of Apuron's sexually abusive conduct.
23

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

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

3 32. Defendants either had actual knowledge of Apuron's sexual abuse of Mr. Sondia, or could have
4 and should have reasonably foreseen that Apuron would commit sexual abuse to Mr. Sondia in the course
5 of his employment as a priest in the Agat Parish, as an agent and employee of the Agana Archdiocese.
6

7 33. As a direct and proximate result of the Defendants' above -- described conduct, Mr. Sondia 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 have incurred and / or will continue to incur expenses for medical and psychological
11 treatment, therapy and counseling.

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

15 VI.
16 THIRD CAUSE OF ACTION

17 Negligence
18 [Against All Defendants]

19 35. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 34 of this Complaint as if
20 fully set forth herein.

21 36. Defendants Apuron, Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in
22 this cause of action) had a duty to protect Mr. Sondia when he was entrusted to Apuron's care by Sondia's
23 parents. Sondia's care, welfare, and / or physical custody were temporarily entrusted to Defendants, and
24 Defendants accepted the entrusted care of Sondia. As such, Defendants owed Mr. Sondia, as a child at the
25 time, a special duty of care, in addition to a duty of ordinary care, and owed Mr. Sondia the higher duty of
26 care that adults dealing with children owe to protect them from harm.

27 37. By virtue of his unique authority and position as a Roman Catholic priest, Apuron was able to
28 identify vulnerable victims and their families upon which he could perform such sexual abuse; to

1 manipulate his authority to procure compliance with his sexual demands from his victims; to induce the
2 victims to continue to allow the abuse; and to coerce them not to report it to any other persons or
3 authorities. As a priest, Apuron had unique access to a position of authority within Roman Catholic families
4 like the family of Mr. Sondia. Such access, authority and reverence was known to the Defendants and
5 encouraged by them.
6

7 38. Defendants, by and through their agents, servants and employees, knew or reasonably should have
8 known of Apuron's sexually abusive and exploitative propensities and / or that Apuron was an unfit agent.
9 It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to
10 children in their care, including but not limited to Mr. Sondia, the children entrusted to Defendants' care
11 would be vulnerable to sexual abuse by Apuron.
12

13 39. Defendants breached their duty of care to the minor Sondia by allowing Apuron to come into
14 contact with Sondia as a child without supervision; by failing to adequately supervise, or negligently
15 retaining Apuron whom they permitted and enabled to have access to Sondia; by failing to properly
16 investigate; by failing to inform or concealing from Sondia's parents, guardians, or law enforcement
17 officials that Apuron was or may have been sexually abusing minors; by holding out Apuron to Sondia's
18 parents or guardians, and to the community of Guam at large, as being in good standing and trustworthy as
19 a person of stature and integrity. Defendants cloaked within the facade of normalcy Apuron's contact with
20 Sondia and / or with other minors who were victims of Apuron, and deliberately concealed and disguised
21 the sexual abuse committed by Apuron.
22

23 40. As a direct and proximate result of the Defendants' above – described conduct, Mr. Sondia has
24 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
25 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
26 enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological
27 treatment, therapy and counseling.
28

1 41. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
2 fraud, entitling Mr. Sondia to exemplary and punitive damages.

3
4 **VII.**
FOURTH CAUSE OF ACTION

5 **Negligent Supervision**
6 **[Against Defendants Agana Archdiocese and DOES 6 – 50]**

7 42. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 41 of this Complaint as if
8 fully set forth herein.

9 43. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
10 cause of action) had a duty to provide reasonable supervision of both Apuron and minor child Sondia; to
11 use reasonable care in investigating Apuron; and to provide adequate warning to Sondia's family, and to
12 families of other children who were entrusted to Apuron, of Apuron's sexually abusive and exploitative
13 propensities and unfitness.

14
15 44. Defendants, by and through their agents, servants and employees, knew or reasonably should have
16 known of Apuron's sexually abusive and exploitative propensities and/or that Apuron was an unfit agent.
17 Despite such knowledge, Defendants negligently failed to supervise Apuron in his position of trust and
18 authority as a parish priest, where he was able to commit the wrongful acts against Mr. Sondia alleged
19 herein. Defendants failed to provide reasonable supervision of Apuron, failed to use reasonable care in
20 investigating Apuron, and failed to provide adequate warning to Sondia's family regarding Apuron's
21 sexually abusive and exploitative propensities and unfitness. Defendants further failed to take reasonable
22 measures to prevent future sexual abuse.

23
24 45. As a direct and proximate result of the Defendants' above – described conduct, Mr. Sondia has
25 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
26 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
27 enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological
28 treatment, therapy and counseling.

1 46. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
2 fraud, entitling Mr. Sondia to exemplary and punitive damages.

3 VIII.
4 FIFTH CAUSE OF ACTION

5 Negligent Hiring And Retention
6 [Against Defendants Agana Archdiocese and DOES 6 - 50]

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

9 48. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
10 cause of action) had a duty not to hire and / or retain Apuron in light of his sexually abusive and
11 exploitative propensities.

12 49. Defendants, by and through their agents, servants and employees, knew or reasonably should have
13 known of Apuron's sexually abusive and exploitative propensities and / or that Apuron was an unfit agent.
14 Despite such knowledge and / or an opportunity to learn of Apuron's misconduct, Defendants negligently
15 hired and retained Apuron in the position of trust and authority as a parish priest, where he was able to
16 commit the wrongful acts against Mr. Sondia alleged herein. Defendants failed to properly evaluate
17 Apuron's application for employment by failing to conduct necessary screening; failed to properly evaluate
18 Apuron's conduct and performance as an employee of Defendants; and failed to exercise the due diligence
19 incumbent upon employers to investigate employee misconduct, or to take appropriate disciplinary action,
20 including immediate termination and reporting and referral of Apuron's sexual abuse to appropriate
21 authorities. Defendants negligently continued to retain Apuron in service as a Catholic priest working for
22 Defendants, which enabled him to continue engaging in the sexually abusive and predatory behavior
23 described herein.

24 50. As a direct and proximate result of the Defendants' above - described conduct, Mr. Sondia has
25 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
26 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
27
28

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

3 51. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
4 fraud, entitling Mr. Sondia to exemplary and punitive damages.
5

6 **IX.**
SIXTH CAUSE OF ACTION

7 **Breach of Fiduciary Duty And / Or Confidential Relationship**
8 **[Against All Defendants]**

9 52. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 51 of this Complaint as if
10 fully set forth herein.

11 53. By holding Apuron out as a qualified priest and a person of stature and integrity within the Catholic
12 Archdiocese, Defendants Agana Archdiocese and DOES 6 - 50 invited, together with Apuron himself,
13 counseled, encouraged and induced the Catholic community of Guam, including parents of children and
14 particularly parents of children serving as altar boys and children eligible to serve as altar boys, to have
15 trust and confidence in the Agana Archdiocese and its priests and to entrust their children to the company
16 of priests and specifically to Apuron, including allowing their children to be alone with Apuron without
17 supervision and to spend nights at Apuron's residence. Through such actions, Defendants collectively
18 created and entered into a fiduciary and / or confidential relationship with its parishioners, including
19 Catholic parents and their children, and in particular, children who provided services to the Agana
20 Archdiocese that included serving as altar boys. Accordingly, Defendants collectively created and entered
21 into a fiduciary and / or confidential relationship specifically with the minor child Sondia.
22

23 54. Through such fiduciary and / or confidential relationship, Defendants collectively caused parents to
24 entrust their children to priests, and specifically to Apuron, including the parents of Mr. Sondia, which
25 resulted in Sondia serving as an altar boy and spending one or more nights at Apuron's residence in his
26 service as an altar boy, resulting in the subject acts of sexual abuse described herein.
27
28

55. Defendants collectively breached their fiduciary and / or confidential relationship with the minor child Sondia by violating the trust and confidence placed in them by parishioners and specifically by the minor child Sondia, and by engaging in the wrongful acts described in this Complaint.

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

57. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Mr. Sondia to exemplary and punitive damages.

X.
REQUEST FOR RELIEF

WHEREFORE, Plaintiff Sondia requests judgment against all Defendants on all counts as follows:

1. For all general damages, in a sum to be proven at trial;
2. For all special damages, in a sum to be proven at trial;
3. For exemplary and punitive damages as allowed by law and in a sum to be proven at trial;
4. For costs and fees incurred herein;
5. Attorneys' fees, as permitted by law; and
6. For other such and further relief as the Court may deem just and proper.

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The amount in controversy between the parties herein exceeds the amount of Twenty-Five Dollars (\$25.00).

Respectfully Submitted,

DAVID J. LUSAN,
Attorney for Plaintiff,
Roland P.L. Sondia

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I declare, under penalty of perjury, this 1st day of November, 2016, that the foregoing is true and correct to the best of my knowledge.

16

Roland P.L. Sondia



When I was an Altar Boy almost 39 years ago, at the age of 15, I was molested by Father Sablan Apuron. This was a man who I trusted and had a lot of respect for.

My name is Roland Paul Lizama Sondia. I was born and raised in the village of Agaña. In the summer of 1976, I was an Altar Boy of Our Lady of Mt. Carmel Church. At first I was not allowed to join because I thought only boys who went to Mt. Carmel School were allowed to join. I decided to attend one of the weekly meetings and found that some of my classmates and boys I played baseball with were Altar Boys. It was then that I decided to give it a try. I made new friends and actually enjoyed serving at mass more than I expected. The more I served, the more I got closer to the church and my faith got stronger.

About a year later in the summer, of 1977, in the middle of the night, I was sexually molested by then Father Anthony Apuron. It was around, 1 am, in the middle of the week, when a couple of altar boys and I were asleep on futons in the living room floor at the Mount Carmel Rectory. I was awakened when I felt someone tapping on my shoulder and calling my name. I looked up, and it was Father Anthony Apuron. When he saw that I woke up, he whispered (so as to not wake up the other guys) and said "Roland, I need your help with something," so I said "ok Father, what is it?" At the same time getting up off the floor. He then gestured to me to follow him and led me into his bedroom. I didn't think anything of the situation because we were there to help the Priest.

I stood by the door and looked around. The room was dark except for a little light shining through the bedroom window. As I walked toward him, again I asked if everything was ok. then I sat down. He sat next to me and put his hand on my shoulder. His hand was shaking. He then said with a trembling voice, "Roland, I need your help." He then started to say, that of all the altar boys, I was the one he can trust the most and I was the one he could rely on the most. I told him that me and boys are here to help out in any way we can. There was a period of silence. Then he said me "do you want to try me?" I was very surprised and confused at what I thought he said. So I said "excuse me Father I didn't quite hear you." Again there was silence. He put his right arm around my shoulders and pulled me closer saying do you want to try me. Before I could do anything he started rubbing my privates. I loudly asked him "What are you doing?" I told him to stop but he didn't. Instead he continued on and this time squeezing my penis and kept saying "just try me." I tried to turn while pushing his hand away but he held me even tighter. I don't know, but I found the strength in me to break free and I ran to the door. I remember glancing back and he was just sitting at the edge of the bed with his head down. I grabbed my belongings and ran out the front door of the rectory slamming it shut.

Everything happened so fast. I was in shock, I was confused, offended, humiliated and disappointed that the man I looked up to had just asked me if I wanted to have sex with him. I cried as I walked home that night. I kept asking myself "Why me?" When I got home everyone was asleep, I was still in shock. If there was someone there to talk to at that moment, I would have said something about what just happened. It was difficult for me to sleep that night. I kept picturing myself in the room with Fr. Tony and all I keep hearing is "Do you want to TRY ME?" I just couldn't believe that he would do that to me. I eventually cried myself to sleep.

EXHIBIT 1

I didn't know what to do. I kept asking myself "how could I show my face at church again knowing that Fr. Tony wanted to have sex with me?"

I stayed away from the rectory and church for awhile. I felt I could not tell anyone because I didn't think anyone would believe me. My entire family and especially my Dad thought highly of Fr. Tony. He would tell his friends and family that I would one day become a priest. My parents always felt that they didn't have to worry about me knowing that I was at the Rectory helping the Priest.

I stopped serving at any of the masses that Fr. Tony celebrated. It was very uncomfortable. I tried my best to put the incident behind me.

In June 1979, I was hired as a summer intern at the Pacific Daily News and my employment was extended for a few more months then in February 1980 I was hired at the Bank of Guam. Then was rehired at the Pacific Daily News in 1981 and have been employed there since. So for the past 37 years I basically have been in the area where there's a very good chance I will run in to Anthony Apuron.

I was shocked when I heard he was being elevated to Auxiliary Bishop. I wanted to say something but I didn't know how and who to tell that would believe me.

In October 2003, my Dad had terminal cancer and was in Las Vegas. My family planned a reunion in Vegas so we can spend what little time we had left with my Dad. Our trip was cut short when my Dad's condition worsened. The doctors told us that we needed to get him on the next plane to Guam. So we did. To our surprise, Anthony Apuron was on the same flight. When we were in Honolulu connecting to Guam, Archbishop Apuron was sitting at the gate where we were and he didn't even acknowledge any of my family. It was as if he was ignoring us out of fear of what he had done to me. I intentionally walked in front of him so he'll see me. He said "Hi, Roland where did you come from?" I said "Vegas...my Dad has stage 4 cancer and we are taking him home." All he said was "Oh." Our conversation was cut short because my Dad started to have difficulty breathing and had to have the gate crew call 911. We had to rush my Dad from the airport to Queens Medical Center. During this ordeal and even after telling Apuron about my Dad, he didn't even find it in himself to give my Dad any blessings at all. This was the last straw for me. I hated him even more. My Dad passed away a week later.

I have not spoken to Apuron since that day in Honolulu.

I know that there are other boys who were victims of this man. I hope and pray that they also will come forward.

Respectfully,



Roland P.L. Sondia