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FILED  
SUPERIOR COURT  
OF GUAM

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CLERK OF COURT

BY: \_\_\_\_\_

11 **IN THE SUPERIOR COURT OF GUAM**

12 MARY JANE QUINATA CRUZ, as the  
13 Administratrix for the Estate of Joseph  
14 Anthony Quinata, also known as Joseph  
15 "Sonny" Quinata,

16 Plaintiff,

17 v.

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

24 Defendants.

CIVIL CASE NO: **CV 1021-16**

**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**

25 Plaintiff Mary Jane Quinata Cruz ("Ms. Cruz") in her capacity as the Administratrix for the Estate  
26 of Joseph Anthony Quinata, also known as Joseph Sonny Quinata ("Sonny") files this Complaint for  
27 damages based on prior sexual abuse (the "Complaint") against Defendants Archbishop of Agana, a  
28 corporation sole, Anthony Sablan Apuron, an individual, and DOES 1-50 ("Defendants").

**I.**  
**JURISDICTION**

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

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**II.**  
**PARTIES**

2. At all times relevant hereto, Ms. Cruz is the paternal Aunt of the decedent, Sonny and is a resident of Agat, Guam.

3. Sonny died on or about May 5, 2005. At the time of his death, Sonny was a resident of Hawaii, and entitled to bring a cause of action for sexual molestation and rape against Anthony Sablan Apuron, and the Archdiocese of Agana. Sonny had previously lived on Guam during his childhood years and the time period relevant to this case.

4. Ms. Cruz is authorized to bring a lawsuit on behalf of Sonny's estate. On October 10, 2016, the heirs filed their Nominations and Consent and Waivers to the Appointment of Ms. Cruz. On November 9, 2016 during the probate proceedings of Sonny's estate in the Superior Court of Guam, Probate Case No. PR0127-16, the court appointed Ms. Cruz as the Administratrix of Sonny's estate.

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

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

1 7. Defendants-entities named herein as DOES 1 - 5, inclusive, are or at all times relevant hereto, were  
2 insurance companies that provided general liability coverage and / or excess level liability coverage  
3 pursuant to policies issued to the Agana Archdiocese and / or Roman Catholic Church of Guam. Defendant-  
4 individuals named here-in as DOES 6-50, inclusive, are at all times relevant hereto, were agents,  
5 employees, representatives and / or affiliated entities of the Agana Archdiocese and /or Roman Catholic  
6 Church outside of Guam whose true names and capacities are unknown to Ms. Cruz who therefore sues  
7 such defendants by such fictitious names, and who will amend the Complaint to show the true names and  
8 capacities of each such Doe defendant when ascertained. DOES 6 -50 assisted, aided and abetted and / or  
9 conspired with Apuron and / or other members of the Agana Archdiocese to conceal, disguise, cover up,  
10 and / or promote the wrongful acts complained of herein. As such, each such Doe is legally responsible in  
11 some manner for the events, happenings, and / or tortious and unlawful conduct that caused the injuries and  
12 damages alleged in this Complaint.  
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15 8. Each defendant is the agent, servant and/or employee of other defendants, and each defendant was  
16 acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the  
17 other defendants. Defendants, and each of them, are individuals, corporations, alter egos and partnerships of  
18 each other and other entities which engaged in, joined in and conspired with the other wrongdoers in  
19 carrying out the tortious and unlawful activities described in this Complaint; and defendants, each of them,  
20 ratified the acts of the other defendants as described in this Complaint.  
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22 **III.**  
**INTRODUCTORY ALLEGATIONS**

23 9. Edith Doris Concepcion (“Ms. Concepcion) is the mother of now-deceased Sonny, and is currently  
24 a resident of Prescott, Arizona who had previously lived on Guam during the time period relevant to this  
25 case.  
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27 10. During the 1970s, in or around the age of eight (8) or nine (9), Sonny served as an altar boy for Our  
28 Lady of Mt. Carmel Church (“Agat Parish”). At that time, Apuron was a priest at the Agat Parish.

1 11. On or about May 30, 2016, during a videotaped interview with the media, Ms. Concepcion  
2 disclosed a conversation she had with her son, Sonny, at the hospital in May 2005 shortly before he was  
3 taken into surgery. Sonny revealed to her a secret that he had kept for decades, specifically that Apuron had  
4 molested and raped him during the time he was an altar boy at the Agat Parish (“Concepcion Interview”).  
5 Shortly before making the revelation to Ms. Concepcion regarding the sexual abuse by Apuron, Sonny had  
6 been forewarned by the doctors in Ms. Concepcion’s presence that there was a high likelihood that he  
7 would not survive the surgery. Tragically, the doctors’ prediction came to pass, as Sonny died during the  
8 operation.  
9

10 12. The video-taped interview can be viewed online at the following link:

11 *[http://www.guampdn.com/story/news/2016/05/30/mother-deceased-man-accuses-  
13 apuron-molesting-son/84888594/](http://www.guampdn.com/story/news/2016/05/30/mother-deceased-man-accuses-<br/>12 apuron-molesting-son/84888594/)*

14 13. During the Concepcion Interview, Ms. Concepcion explained that during the time that Sonny was  
15 serving as an altar boy, Sonny started to act out, sometimes violently. Specifically, Sonny tried to stab  
16 Apuron, attack him, and burn down Apuron’s house. Sonny also talked about committing suicide. Ms.  
17 Concepcion did not know the cause or the reason for her son’s radical change in behavior.

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

21 15. The Agana Archdiocese and DOES 1-50, inclusive, knew that Apuron had sexually abused and  
22 molested Sonny, and rather than reporting the matter to law enforcement and without intervening so as to  
23 prevent Apuron from engaging in additional instances of sexual abuse, and without seeking to have Apuron  
24 acknowledge and take responsibility for his wrongful actions, they assisted Apuron with the specific  
25 purpose or design to keep Apuron’s misconduct hidden and secret; to hinder or prevent Apuron’s  
26 apprehension and prosecution; and to protect the Agana Archdiocese, as well as the Roman Catholic church  
27 as an international institution.  
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1 16. To this day, the Agana Archdiocese and DOES 1-50 never contacted the Plaintiff's family with  
2 children they know Apuron had sexual contact with. The Agana Archdiocese and DOES 1-50 have been  
3 content that any other children that were sexually abused by Apuron, while he was serving as a priest  
4 and/or as Archbishop of Guam, remain affected by guilt, shame and emotional distress.

5  
6 17. The criminal offense of Child Abuse is defined in 9 GCA § 31.30, which states in pertinent part as  
7 follows:

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

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

\* \* \*

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

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

14 18. Under 9 GCA § 25.15 the crime of First Degree Criminal Sexual Conduct with regard to a child is  
15 set forth in pertinent parts as follows:

16 (a) A person is guilty of criminal sexual conduct in the first degree if he or she  
17 engages in sexual penetration with the victim and if any of the following  
18 circumstances exists:

- 19 (1) the victim is under fourteen (14) years of age;  
20 (2) the victim is at least fourteen (14) but less than sixteen (16) years of age and the  
21 actor is a member of the same household as the victim, the actor is related to the  
22 victim by blood or affinity to the fourth degree to the victim, or the actor is in a  
23 position of authority over the victim and used this authority to coerce the victim to  
24 submit.

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

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 20. 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 21. 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 22. Under 9 GCA § 25.10(9), "sexual penetration" is defined as follows:

17 (9) Sexual Penetration means sexual intercourse, cunnilingus, fellatio, anal  
18 intercourse or any other intrusion, however slight, of any part of a person's  
19 body or of any object into the genital or anal openings of another person's  
20 body, but emissions see is not required.

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

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

- 26 (1) that other person is under fourteen (14) years of age;  
27 (2) that other person is at least fourteen (14) but less than sixteen (16) years of  
28 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.

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

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

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

3 **Child Sexual Abuse**  
4 **[Against Defendant Apuron]**

5 25. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 24 of this Complaint as if  
6 fully set forth herein.

7 26. Apuron committed the offense of First Degree Criminal Sexual Conduct, as set forth in of 9 GCA §  
8 25.15, by engaging in sexual penetration with Sonny when Sonny was under fourteen (14) years of age.

9 27. Apuron committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in 9  
10 GCA § 25.20, by engaging in sexual contact with Sonny when Sonny was under fourteen (14) years of age.

11 28. Apuron also committed the offense of Child Abuse, as set forth in 9 GCA § 31.30 by subjecting  
12 Sonny to cruel mistreatment, including but not limited to having Sonny, who was a child at the time  
13 pursuant to 19 GCA § 13101(d), under his care, custody or control, unreasonably caused or permitted the  
14 physical or emotional health of the child to be endangered.

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

21 30. As a direct and proximate consequence of Apuron's misconduct, Sonny suffered great pain of mind  
22 and body, anger, depression, shock, emotional distress, physical manifestations of emotional distress,  
23 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. Sonny also  
24 suffered from flashbacks, suicidal ideations, anxiety and difficulty trusting others.

25 31. By engaging in the conduct described herein, Apuron acted with malice, oppression, and/or fraud,  
26 entitling Sonny to exemplary and punitive damages.  
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V.  
SECOND CAUSE OF ACTION

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

32. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 31 of this Complaint as if fully set forth herein.

33. 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 Sonny 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*.

34. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual abuse of Sonny arose from and was incidental to Apuron’s employment with the Agana Archdiocese, and Apuron was acting within the scope of his employment with the Agana Archdiocese at the time he committed the acts of sexual abuse, which were foreseeable to Defendants.

35. 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 victims of Apuron’s past sexual abuse.

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



1 37. 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.  
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8 38. Defendants either had actual knowledge of Apuron's sexual abuse of Sonny, or could have and  
9 should have reasonably foreseen that Apuron would and did commit sexual abuse to Sonny in the course of  
10 his employment as a priest in the Agana Archdiocese.

11 39. As a direct and proximate result of the Defendants' above – described conduct, Sonny suffered  
12 great pain of mind and body, anger, depression, shock, emotional distress, physical manifestations of  
13 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.  
14 Sonny also suffered from flashbacks, suicidal ideations, anxiety and difficulty trusting others.  
15

16 40. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or  
17 fraud, entitling Sonny to exemplary and punitive damages.

18 **VI.**  
19 **THIRD CAUSE OF ACTION**

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

22 41. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 40 of this Complaint as if  
23 fully set forth herein.

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

3 43. 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 Sonny. Such access, authority and reverence was known to the Defendants and  
9 encouraged by them.  
10

11 44. 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 Sonny, the children entrusted to Defendants' care would  
15 be vulnerable to sexual abuse by Apuron.  
16

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

27 46. As a direct and proximate result of the Defendants' above – described conduct, Sonny suffered  
28 great pain of mind and body, anger, depression, shock, emotional distress, physical manifestations of

1 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

2 Sonny also suffered from flashbacks, suicidal ideations, anxiety and difficulty trusting others.

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

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6 **VII.**  
**FOURTH CAUSE OF ACTION**

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

9 48. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 47 of this Complaint as if  
10 fully set forth herein.

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

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

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26 51. As a direct and proximate result of the Defendants’ above – described conduct, Sonny suffered  
27 great pain of mind and body, anger, depression, shock, emotional distress, physical manifestations of  
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1 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.  
2 Sonny also suffered from flashbacks, suicidal ideations, anxiety and difficulty trusting others.

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

5  
6 **VIII.**  
**FIFTH CAUSE OF ACTION**

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

9 53. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 52 of this Complaint as if  
10 fully set forth herein.

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

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

25 56. As a direct and proximate result of the Defendants' above – described conduct, Sonny suffered  
26 great pain of mind and body, anger, depression, shock, emotional distress, physical manifestations of  
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1 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

2 Sonny also suffered from flashbacks, suicidal ideations, anxiety and difficulty trusting others.

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

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6 **IX.**  
**SIXTH CAUSE OF ACTION**

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

9 58. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 58 of this Complaint as if  
10 fully set forth herein.

11 59. 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 Sonny.

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24 60. Through such fiduciary and / or confidential relationship, Defendants collectively caused parents to  
25 entrust their children to priests, and specifically to Apuron, including the family of Sonny, which resulted  
26 in Sonny serving as an altar boy and spending one or more nights at Apuron's residence in his service as an  
27 altar boy, resulting in the subject acts of sexual abuse described herein.  
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1 61. Defendants collectively breached their fiduciary and / or confidential relationship with the minor  
2 child Sonny by violating the trust and confidence placed in them by parishioners and specifically by the  
3 minor child Sonny, and by engaging in the wrongful acts described in this Complaint.

4 62. As a direct and proximate result of the Defendants' above – described conduct, Sonny suffered  
5 great pain of mind and body, anger, depression, shock, emotional distress, physical manifestations of  
6 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.  
7 Sonny also suffered from flashbacks, suicidal ideations, anxiety and difficulty trusting others.

8 63. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or  
9 fraud, entitling Sonny to exemplary and punitive damages.  
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11 **X.**  
12 **REQUEST FOR RELIEF**

13 WHEREFORE, Plaintiff Ms. Cruz, in her capacity as the Administratrix for the Estate of Joseph Anthony  
14 Quinata, also known as Joseph Sonny Quinata (“Sonny”), requests judgment against all Defendants on all  
15 counts as follows:

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

25 Plaintiff Ms. Cruz, in her capacity as the Administratrix for the Estate of Joseph Anthony Quinata,  
26 also known as Joseph Sonny Quinata (“Sonny”), through her counsel, David J. Lujan, hereby demands a  
27 jury trial of six (6) in the above-entitled action.  
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1                   The amount in controversy between the parties herein exceeds the amount of Twenty-Five  
2 Dollars (\$25.00).

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4  
5 DATED: November 17, 2016

Respectfully Submitted,

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7   
8 DAVID J. LUJAN,  
9 *Attorney for Plaintiff,*  
10 *Mary Jane Quinata Cruz*

**VERIFICATION**

MARY JANE QUINATA CRUZ, as the Administratrix for the estate of Joseph Anthony Quinata, declares and states that she is the PLAINTIFF in the foregoing COMPLAINT; that she 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 17<sup>th</sup> day of November, 2016, that the foregoing is true and correct to the best of my knowledge.

  
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MARY JANE QUINATA CRUZ

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