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OF GUAM

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10 *Vicente T. San Nicolas*

11 **IN THE SUPERIOR COURT OF GUAM**

12 VICENTE T. SAN NICOLAS,

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.

CIVIL CASE NO: **CV 1044-16**

**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 Vicente T. San Nicolas ("Vicente") files this Complaint for damages based on prior sexual
23 abuse (the "Complaint") against Defendants Archbishop of Agana, a corporation sole, Louis Brouillard, an
24 individual, and DOES 1-50 ("Defendants").

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

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

28 **II.**
PARTIES

1. At all times relevant hereto, Vicente has been and is an individual who resides in Dededo, Guam.
Vicente is currently 59-years old.

2. 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

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, and a Catholic priest
9 working for the Agana Archdiocese. At all times relevant hereto, Defendant Brouillard was a resident of
10 Guam and is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts
11 complained of herein. Defendant Brouillard currently resides in the mainland 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 Vicente who therefore sues such
19 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. From approximately 1970 to 1975, between the ages of thirteen (13) and eighteen (18), Vicente
8 was an altar boy at the San Isidro Catholic Church of Malojloj ("Malojloj Parish"). At that time, Brouillard
9 was a priest at the Malojloj Parish.

10 8. During the period in which he served as an altar boy, Vicente was repeatedly sexually molested and
11 abused by Brouillard.

12 9. On many occasions, over a five-year period, in order to have ongoing access to Vicente for sexual
13 abuse purposes, Brouillard sought and obtained permissions from Vicente's parents to have Vicente spend
14 the night at the Carmelite Monastery Convent ("Convent") in Malojloj, where Brouillard resided at the
15 time. While Vicente was at the Convent, he would be subjected to the presence of Brouillard walking
16 around completely naked. Brouillard showed Vicente his collections of numerous nude photos of minor
17 boys that were taken by Brouillard, and his "dark room" where Brouillard developed the nude photos.
18 Whenever Vicente slept at the Convent, Brouillard sexually molested and abused him, including oral
19 copulation. During these acts of sexual abuse Vicente would tell Brouillard "no", but Brouillard would
20 manipulate Vicente by reassuring him and saying, "it was okay, I'm not going to hurt you". On many
21 occasions, at the direction of Brouillard, Vicente had to masturbate Brouillard.
22

23 10. Although they never spoke of it, Vicente believes Brouillard also sexually molested and abused
24 Vicente's now-deceased brother. Several times while Vicente and his now-deceased brother were at the
25 Convent with Brouillard, Brouillard called Vicente's now-deceased brother into his bedroom, closed the
26 door and told Vicente to wait in the living room.
27
28

1 11. Brouillard's sexually predatory practices extended to his service as a Scout Master in the Guam
2 chapter of the Boy Scouts of America ("BSA"). Among Brouillard's sexually abusive practices while
3 serving as Scout Master, were weekly outings that he conducted in which he would take between ten (10) to
4 twelve (12) boys, including Vicente who was a Boy Scout, hiking, camping and swimming. During these
5 Boy Scout activities, Brouillard sexually molested and abused Vicente including oral copulation, and at the
6 direction of Brouillard, Vicente had to masturbate Brouillard.
7

8 12. At a stage in his life where he continued to suffer deep trauma from his childhood abuses at the
9 hands of Brouillard, Vicente made an appointment and met with Deacon Jeff Barcinas ("Deacon
10 Barcinas"), specifically for the purpose of confronting the church regarding his victimization by Brouillard.
11 During the meeting, Vicente told Deacon Barcinas about the years of his childhood sexual abuse by
12 Brouillard. However, Deacon Barcinas told Vicente "there was nothing we could do" and the Agana
13 Archdiocese has never taken any responsibility for Brouillard's misconduct.
14

15 13. On information and belief, Vicente alleges that other priests and representatives of the Agana
16 Archdiocese, including Bishop Apollinaris Baumgartner and individuals named herein as Doe defendants,
17 were aware of the sexual abuse committed by Brouillard and deliberately remained quiet and withheld such
18 information from third parties including victim's parents or guardians and law enforcements authorities, in
19 order to protect Brouillard and the Agana Archdiocese, thereby placing their loyalty above their duty to
20 protect the minor children and their legal responsibilities.
21

22 14. On or about October 03, 2016, Brouillard released a signed statement admitting to sexually abusing
23 at least twenty (20) boys, a true and accurate copy of Brouillard's statement is attached hereto as Exhibit
24 "1". While the statement contains admissions, it also contains remarks that seek to minimize the misconduct
25 as reflected in the excerpts below:

- 26 a. "My name is Father Louis Brouillard. I am a retired Roman Catholic priest. ... I
27 served the diocese of Guam in the 1940s through 1970s and held many positions
28 in the church."

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

22 15. At all times relevant hereto, Brouillard sexually abused and molested Vicente when Vicente was a
23 minor and committed such acts while serving as a priest in the Malojloj Parish, in both of his capacities as
24 an agent and employee of the Agana Archdiocese, who are vicariously liable for his actions.

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

1 17. To this day, the Agana Archdiocese and DOES 1-50 never contacted Vicente, Vicente's family, or
2 children they know Brouillard had sexual contact with. The Agana Archdiocese and DOES 1-50 have been
3 content that any other children that were sexually abused by Brouillard while he was serving as a priest,
4 will remain affected by guilt, shame and emotional distress.

5
6 18. Despite the prolonged and egregious sexual abuse, spanning a period of several decades, neither the
7 Agana Archdiocese nor the Roman Catholic Church ever formally disciplined Brouillard and in fact have
8 paid and continued to pay up through present time, sums of money to Brouillard on a regular basis,
9 ostensibly under the guise of a retirement stipend.

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

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

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

* * *

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) Persons required to report suspected child abuse under Subsection (a)
2 include, but are not limited to, ... clergy member of any religious faith, or
3 other similar functionary or employee of any church, place of worship, or
4 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, ...

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

7 **Child Sexual Abuse**
8 **[Against Defendant Brouillard]**

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

11 28. Brouillard committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in 9
12 GCA § 25.20, by engaging in sexual contact with Vicente when Vicente was under fourteen (14) years of
13 age and when Vicente was between the ages of 14 and 16 and Brouillard, in his position as a priest, was in a
14 position of authority over Vicente and Brouillard used this authority to coerce Vicente to submit.

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

19 30. As a direct and proximate consequence of Brouillard's misconduct, Vicente was an abused or
20 neglected child within the meaning of 19 GCA § 13101(b) because his physical or mental health or welfare
21 was and continues to be harmed by the acts or omissions of Brouillard, who was responsible for the child's
22 welfare. Moreover, as Brouillard's misconduct constitutes the commission of one or more criminal
23 offenses, Vicente has suffered harm to a child's physical health or welfare within the meaning of 19 GCA §
24 13101(t)(2) because Vicente was the victim of a sexual offense as defined in the Criminal and Correctional
25 Code (9 GCA).
26
27
28

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

7 32. By engaging in the conduct described herein, Brouillard acted with malice, oppression, and/or
8 fraud, entitling Vicente to exemplary and punitive damages.

9
10 **V.**
SECOND CAUSE OF ACTION

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

13 33. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 32 of this Complaint as if
14 fully set forth herein.

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

19 35. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual abuse of
20 Vicente arose from and was incidental to Brouillard's employment with the Agana Archdiocese, and while
21 Brouillard, was acting within the scope of his employment with the Agana Archdiocese at the time he
22 committed the acts of sexual abuse, which were foreseeable to Defendants.
23

24 36. Defendants ratified and / or approved of Brouillard's sexual abuse by failing to adequately
25 investigate, discharge, discipline and / or supervise Brouillard and other priests known by Defendants to
26 have sexually abused children, or to have been accused of sexually abusing children; by concealing
27 evidence of Brouillard's sexual abuse; failing to intervene to prevent ongoing and / or further sexual abuse;
28

1 by failing to report the sexual abuse as required under 19 GCA 13201(b); by allowing Brouillard to
2 continue in service as a Catholic priest working for the Agana Archdiocese.

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

10 38. Defendants either had actual knowledge of Brouillard's sexual abuse of Vicente, or could have and
11 should have reasonably foreseen that Brouillard would commit sexual abuse to Vicente in the course of his
12 employment as a priest in the Malojloj Parish, as an agent and employee of the Agana Archdiocese.
13

14 39. As a direct and proximate result of the Defendants' above – described conduct, Vicente 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 has incurred and / or will continue to incur expenses for medical and psychological
18 treatment, therapy and counseling.

19 40. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
20 fraud, entitling Vicente to exemplary and punitive damages.
21

22 **VI.**
THIRD CAUSE OF ACTION

23 **Negligence**
24 **[Against All Defendants]**

25 41. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 40 of this Complaint as if
26 fully set forth herein.

27 42. Defendants Brouillard, Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged
28 in this cause of action) had a duty to protect Vicente when he was entrusted to Brouillard's care by

1 Vicente's parents. Vicente's care, welfare, and / or physical custody were temporarily entrusted to
2 Defendants, and Defendants accepted the entrusted care of Vicente. As such, Defendants owed Vicente, as
3 a child at the time, a special duty of care, in addition to a duty of ordinary care, and owed Vicente the
4 higher duty of care that adults dealing with children owe to protect them from harm.

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

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

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

1 46. As a direct and proximate result of the Defendants' above – described conduct, Vicente has
2 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
3 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
4 enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological
5 treatment, therapy and counseling.
6

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

9
10 **VII.**
FOURTH CAUSE OF ACTION

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

13 48. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 47 of this Complaint as if
14 fully set forth herein.

15 49. Defendants Agana Archdiocese and DOES 6 - 50 (collectively “Defendants” as alleged in this
16 cause of action) had a duty to provide reasonable supervision of both Brouillard and minor child Vicente; to
17 use reasonable care in investigating Brouillard; and to provide adequate warning to Vicente's family, and to
18 families of other children who were entrusted to Brouillard, of Brouillard's sexually abusive and
19 exploitative propensities and unfitness.
20

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

1 51. As a direct and proximate result of the Defendants' above – described conduct, Vicente has
2 suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical
3 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
4 enjoyment of life; and have incurred and / or will continue to incur expenses for medical and psychological
5 treatment, therapy and counseling.
6

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

9 **VIII**
10 **FIFTH CAUSE OF ACTION**

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

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

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

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

1 a Catholic priest, working for Defendants, which enabled him to continue engaging in the sexually abusive
2 and predatory behavior described herein.

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

8
9 57. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
10 fraud, entitling Vicente to exemplary and punitive damages.

11 **IX.**
12 **SIXTH CAUSE OF ACTION**

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

15 58. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 57 of this Complaint as if
16 fully set forth herein.

17 59. By holding Brouillard out as a qualified priest and a person of stature and integrity within the
18 Catholic Archdiocese, Defendants Agana Archdiocese and DOES 6 - 50, together with Brouillard himself,
19 invited, counseled, encouraged and induced the Catholic community of Guam, including parents or
20 guardians of children, and particularly parents or guardians of children serving as altar boys and children
21 eligible to serve as altar boys, to have trust and confidence in the Agana Archdiocese and its priests and to
22 entrust their children to the company of priests and specifically to Brouillard, including allowing their
23 children to be alone with Brouillard without supervision, and to spend nights at a church facility where
24 Brouillard resided. Through such actions, Defendants collectively created and entered into a fiduciary and /
25 or confidential relationship with its parishioners, including Catholic parents or guardians and their children,
26 and in particular, children who provided services to the Agana Archdiocese that included serving as altar
27
28

1 boys. Accordingly, Defendants collectively created and entered into a fiduciary and / or confidential
2 relationship specifically with the minor child Vicente.

3 60. Through such fiduciary and / or confidential relationship, Defendants collectively caused parents or
4 guardians to entrust their children to priests, and specifically to Brouillard, including the parents of Vicente,
5 which resulted in Vicente serving as an altar boy and spending one or more nights at a church facility where
6 Brouillard resided, resulting in the subject acts of sexual abuse described herein.
7

8 61. Defendants collectively breached their fiduciary and / or confidential relationship with the minor
9 child Vicente by violating the trust and confidence placed in them by parishioners and specifically by the
10 minor child Vicente, and by engaging in the wrongful acts described in this Complaint.
11

12 62. As a direct and proximate result of the Defendants' above – described conduct, Vicente 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 63. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
18 fraud, entitling Vicente to exemplary and punitive damages.
19

20 **X.**
REQUEST FOR RELIEF

21 WHEREFORE, Plaintiff Vicente T. San Nicolas requests judgment against all Defendants on all counts as
22 follows:
23

- 24 1. For all general damages, in a sum to be proven at trial;
- 25 2. For all special damages, in a sum to be proven at trial;
- 26 3. For exemplary and punitive damages as allowed by law and in a sum to be proven at trial;
- 27 4. For costs and fees incurred herein;
- 28 5. Attorneys' fees, as permitted by law; and

1 6. For other such and further relief as the Court may deem just and proper.

2 XI.
3 DEMAND FOR JURY TRIAL

4 Plaintiff Vicente T. San Nicolas, through his counsel, David J. Lujan, hereby demands a jury trial
5 of six (6) in the above-entitled action.

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

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10 DATED: November 23, 2016

Respectfully Submitted,

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13 DAVID J. LUJAN,
14 *Attorney for Plaintiff,*
15 *Vicente T. San Nicolas*

VERIFICATION

VICENTE T. SAN NICOLAS, 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 23 day of Nov., 2016, that the foregoing is true and correct to the best of my knowledge.



VICENTE T. SAN NICOLAS

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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 Salpan. I apologize to you Leo and the rest of the boys that I may have harmed. I regret

EXHIBIT 1

with all my heart any wrong I did to them. I pray for all the boys I may have harmed and ask for their forgiveness and for forgiveness from God.

While in Guam my actions were discussed and confessed to area priests as well as Bishop Apollinaris Baumgartner who had approached me to talk about the situation. I was told to try to do better and say prayers as a penance.

I believe the Catholic Church should be honest and truthful regarding what happened on Guam during my time there.

Again, I ask forgiveness from God and from anyone I have offended while serving in Guam. May God bless you all and I ask for your prayers.

I, Louis Brouillard, having read the foregoing approve and acknowledge my statement, the truthfulness of the claims made herein and that I have made this statement completely of my own free will in an effort to atone for my sexual transgressions involving children from Guam and Saipan and to promote healing and closure for the victims of those transgressions.

 10/03/2016 ✓

LOUIS BROUILLARD

525 9th Street SW

Apartment 2

Pine City, MN 55063

EXHIBIT 1