

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 *Vicente Guerrero Perez*

FILED
SUPERIOR COURT

2016 NOV 17 PM 4:52

CLERK OF COURT

BY: _____

11 **IN THE SUPERIOR COURT OF GUAM**

12 VICENTE GUERRERO PEREZ,

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 1022-16**

**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 Guerrero Perez (“Vicente”) files this Complaint for damages based on prior
23 sexual abuse (the “Complaint”) against Defendants Archbishop of Agana, a corporation sole, Louis
24 Brouillard, 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

1. At all times relevant hereto, Vicente has been and is an individual who resides in Sinajana, Guam.
Vicente is currently 51-years old.

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

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. In or about 1976, around the age of eleven (11), Vicente became an altar boy at San Vicente Ferrer
8 – San Roke Church (“Barrigada Parish”). At that time, Brouillard was a priest at the Barrigada Parish.

9 8. Vicente was an altar boy from approximately 1976 to 1980, and served mass approximately three
10 (3) to four (4) times a day. Vicente also served as an altar boy during weddings, baptisms, special masses
11 and funerals.

12 9. During the period in which he served as an altar boy, Vicente was repeatedly sexually molested and
13 abused by Brouillard on parish grounds.

14 10. After mass, the altar boys, including Vicente, would occasionally go to the Barrigada Parish
15 Rectory (“Rectory”), where they would be subjected to the presence of Brouillard walking around
16 completely naked, nonchalantly, smoking his pipe and drinking alcohol. In the presence of the minor boys,
17 Brouillard routinely displayed and talked about child pornography. On many occasions, both in the
18 company of minor boys and privately, Brouillard gave Vicente alcohol and encouraged him to drink saying
19 “it was okay”. After supplying several drinks of alcohol to Vicente, Brouillard started to molest him
20 including oral copulation. This happened on numerous occasions. When asked by Vicente why he was
21 doing that, Brouillard would manipulate Vicente by reassuring him and saying, “it was okay”. Upon
22 information and belief, other altar boys observed Brouillard sexually molest and abuse Vicente. Vicente
23 also saw Brouillard sexually molest and abuse other altar boys.
24
25

26 11. On many occasions, over a four-year period, in order to have ongoing access to Vicente for sexual
27 abuse purposes, Brouillard sought and obtained permissions from Vicente’s parents to have Vicente spend
28

1 the night at the Rectory, using as an excuse the need to have Vicente available to serve the next day as an
2 altar boy during mass. When Vicente slept at the Rectory, Brouillard sexually molested and abused him.

3 12. Brouillard's sexually predatory practices extended to his service as a Scout Master in the local
4 chapter of the Boy Scouts. At the direction of Brouillard, Vicente was required to participate in the local
5 chapter of the Boy Scouts. During Boy Scout activities, Vicente was sexually molested and abused by
6 Brouillard. Among Brouillard's sexually abusive practices while serving as Scout Master, were weekly
7 outings that he conducted in which he would take between five (5) to six (6) boys, including Vicente,
8 swimming at the Lonfit River in Ordot Chalan Pago, Guam ("Lonfit River"). Brouillard would instruct the
9 boys to swim naked and entice them with hamburgers as rewards. While at the Lonfit River, Brouillard
10 sexually molested Vicente including oral copulation.
11

12 13. In or about 1980, Brouillard moved from the Barrigada Parish to the Blessed Diego de San Vitores
13 Church ("Tumon Parish"), so Vicente had to serve mass with Brouillard at the Tumon Parish. On numerous
14 occasions, while serving mass as an altar boy at the Tumon Parish, Vicente was sexually molested and
15 abused by Brouillard. One day in an effort to escape the sexual molestation and abuse, Vicente ran away
16 from the church and never saw Brouillard again.
17

18 14. In or about 2000, at the age of approximately 35-years old, and at a stage in his life where he
19 continued to suffer deep trauma from his childhood abuses at the hands of Brouillard, Vicente made an
20 appointment and met with Archbishop Anthony Sablan Apuron ("Apuron"), specifically for the purpose of
21 confronting the church regarding his victimization by Brouillard. During the meeting, Vicente told Apuron
22 about the years of his childhood sexual abuse by Brouillard. However, the Agana Archdiocese has never
23 taken any responsibility for Brouillard's misconduct.
24

25 15. On information and belief, Vicente alleges that other priests and representatives of the Agana
26 Archdiocese, including Bishop Apollinaris Baumgartner and individuals named herein as Doe defendants,
27 were aware of the sexual abuse committed by Brouillard and deliberately remained quiet and withheld such
28 information from third parties including victim's parents and law enforcements authorities, in order to

1 protect Brouillard and the Agana Archdiocese, thereby placing their loyalty above their duty to protect the
2 minor children and their legal responsibilities.

3 16. On or about October 03, 2016, Brouillard released a signed statement admitting to sexually abusing
4 at least twenty (20) boys, a true and accurate copy of Brouillard's statement is attached hereto as Exhibit
5 "1". While the statement contains admissions, it also contains remarks that seek to minimize the misconduct
6 as reflected in the excerpts below:
7

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

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

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

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

14 20. Despite the prolonged and egregious sexual abuse, spanning a period of several decades, neither the
15 Agana Archdiocese nor the Roman Catholic Church never formally disciplined Brouillard and in fact have
16 paid and continued to pay up through present time, sums of money to Brouillard on a regular basic,
17 ostensibly under the guise of a retirement stipend.
18

19 21. The criminal offense of Child Abuse is defined in 9 GCA § 31.30, which states in pertinent part as
20 follows:
21

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

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

* * *

(B) subjects that child to cruel mistreatment; or

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

25 22. Under 9 GCA § 25.15 the crime of First Degree Criminal Sexual Conduct with regard to a child is
26 set forth in pertinent parts as follows:
27

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

- 1 (1) the victim is under fourteen (14) years of age;
2 (2) the victim is at least fourteen (14) but less than sixteen (16) years of age and the
3 actor is a member of the same household as the victim, the actor is related to the
4 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.

5 23. 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
welfare is harmed or threatened with harm by the acts or omissions of the
8 person(s) responsible for the child's welfare;
* * *
9 (d) Child means a person under the age of 18 years;
* * *
10 (t) Harm to a child's physical health or welfare occurs in a case where there exists
11 evidence of injury, including but not limited to:
* * *
12 (2) Any case where the child has been the victim of a sexual offense as defined
in the Criminal and Correctional Code; or
13 (3) Any case where there exists injury to the psychological capacity of a child
14 such as failure to thrive, extreme mental distress, or gross emotional or
15 verbal degradation as is evidenced by an observable and substantial
impairment in the child's ability to function within a normal range of
16 performance with due regard to the child's culture(.)

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

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

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

- 21 (8) Sexual Contact includes the intentional touching of the victim's or actor's
22 intimate parts or the intentional touching of the clothing covering the
23 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
24 arousal or gratification.

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

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

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

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

- 6 (1) that other person is under fourteen (14) years of age;
7 (2) that other person is at least fourteen (14) but less than sixteen (16) years of
8 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.

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

10 (b) Persons required to report suspected child abuse under Subsection (a)
11 include, but are not limited to, ... clergy member of any religious faith, or
12 other similar functionary or employee of any church, place of worship, or
13 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, ...

14 **IV.**
15 **FIRST CAUSE OF ACTION**

16 **Child Sexual Abuse**
17 **[Against Defendant Brouillard]**

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

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

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

1 32. As a direct and proximate consequence of Brouillard's misconduct, Vicente was an abused or
2 neglected child within the meaning of 19 GCA § 13101(b) because his physical or mental health or welfare
3 was and continues to be harmed by the acts or omissions of Brouillard, who was responsible for the child's
4 welfare. Moreover, as Brouillard's misconduct constitutes the commission of one or more criminal
5 offenses, Vicente has suffered harm to a child's physical health or welfare within the meaning of 19 GCA §
6 13101(t)(2) because Vicente was the victim of a sexual offense as defined in the Criminal and Correctional
7 Code (9 GCA).
8

9 33. As a direct and proximate consequence of Brouillard's misconduct, Vicente has suffered, and
10 continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of
11 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;
12 and have incurred and / or will continue to incur expenses for medical and psychological treatment, therapy
13 and counseling.
14

15 34. By engaging in the conduct described herein, Brouillard acted with malice, oppression, and/or
16 fraud, entitling Vicente to exemplary and punitive damages.
17

18 **V.**
SECOND CAUSE OF ACTION

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

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

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

27 37. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual abuse of
28 Vicente arose from and was incidental to Brouillard's employment with the Agana Archdiocese, and while

1 Brouillard, was acting within the scope of his employment with the Agana Archdiocese at the time he
2 committed the acts of sexual abuse, which were foreseeable to Defendants.

3 38. Defendants ratified and / or approved of Brouillard's sexual abuse by failing to adequately
4 investigate, discharge, discipline and / or supervise Brouillard and other priests known by Defendants to
5 have sexually abused children, or to have been accused of sexually abusing children; by concealing
6 evidence of Brouillard's sexual abuse; failing to intervene to prevent ongoing and / or further sexual abuse;
7 by failing to report the sexual abuse as required under 19 GCA 13201(b); by allowing Brouillard to
8 continue in service as a Catholic priest working for the Agana Archdiocese.

9
10 39. Despite the pretense of policies and procedures to investigate and address instances of child sexual
11 abuse by priests, Defendants in fact implemented such policies and procedures for no other purpose than to
12 avoid scandal, maintain secrecy and preserve loyalty to fellow clergy, including child molesting clergy,
13 rather than the protection of children. Such hypocritical conduct by Defendants has served to
14 systematically encourage, perpetuate and promote sexually abusive conduct by priests in the Agana
15 Archdiocese.
16

17 40. Defendants either had actual knowledge of Brouillard's sexual abuse of Vicente, or could have and
18 should have reasonably foreseen that Brouillard would commit sexual abuse to Vicente in the course of his
19 employment as a priest in the Barrigada Parish, as an agent and employee of the Agana Archdiocese.
20

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

26 42. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
27 fraud, entitling Vicente to exemplary and punitive damages.
28

1 VI.
2 THIRD CAUSE OF ACTION

3 **Negligence**
4 **[Against All Defendants]**

5 43. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 42 of this Complaint as if
6 fully set forth herein.

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

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

21 46. 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. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to
24 children in their care, including but not limited to Vicente, the children entrusted to Defendants' care would
25 be vulnerable to sexual abuse by Brouillard.
26

27 47. Defendants breached their duty of care to the minor Vicente by allowing Brouillard to come into
28 contact with Vicente as a child without supervision; by failing to adequately supervise, or negligently

1 retaining Brouillard whom they permitted and enabled to have access to Vicente; by failing to properly
2 investigate; by failing to inform or concealing from Vicente's parents, guardians, or law enforcement
3 officials that Brouillard was or may have been sexually abusing minors; by holding out Brouillard to
4 Vicente's parents or guardians, and to the community of Guam at large, as being in good standing and
5 trustworthy as a person of stature and integrity. Defendants cloaked within the facade of normalcy
6 Brouillard's contact with Vicente and / or with other minors who were victims of Brouillard, and
7 deliberately concealed and disguised the sexual abuse committed by Brouillard.
8

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

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

18 **VII.**
FOURTH CAUSE OF ACTION

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

21 50. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 49 of this Complaint as if
22 fully set forth herein.

23 51. Defendants Agana Archdiocese and DOES 6 - 50 (collectively “Defendants” as alleged in this
24 cause of action) had a duty to provide reasonable supervision of both Brouillard and minor child Vicente; to
25 use reasonable care in investigating Brouillard; and to provide adequate warning to Vicente's family, and to
26 families of other children who were entrusted to Brouillard, of Brouillard's sexually abusive and
27 exploitative propensities and unfitness.
28

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

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

16 54. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
17 fraud, entitling Vicente to exemplary and punitive damages.
18

19 **VIII.**
FIFTH CAUSE OF ACTION

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

22 55. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 54 of this Complaint as if
23 fully set forth herein.
24

25 56. Defendants Agana Archdiocese and DOES 6 - 50 (collectively "Defendants" as alleged in this
26 cause of action) had a duty not to hire and / or retain Brouillard in light of his sexually abusive and
27 exploitative propensities.
28

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

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

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

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

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

27 60. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 59 of this Complaint as if
28 fully set forth herein.

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

14
15 62. Through such fiduciary and / or confidential relationship, Defendants collectively caused parents to
16 entrust their children to priests, and specifically to Brouillard, including the parents of Vicente, which
17 resulted in Vicente serving as an altar boy and spending one or more nights at a church facility where
18 Brouillard resided, resulting in the subject acts of sexual abuse described herein.
19

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

24 64. As a direct and proximate result of the Defendants' above – described conduct, Vicente 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 65. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
2 fraud, entitling Vicente to exemplary and punitive damages.

3
4 **X.**
REQUEST FOR RELIEF

5 WHEREFORE, Plaintiff Vicente Guerrero Perez requests judgment against all Defendants on all counts as
6 follows:

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

14 **XI.**
DEMAND FOR JURY TRIAL

15
16 Plaintiff Vicente Guerrero Perez, through his counsel, David J. Lujan, hereby demands a jury trial
17 of six (6) in the above-entitled action.

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

21
22 DATED: November 17, 2016

Respectfully Submitted,

23
24 
25 _____
26 DAVID J. LUJAN,
27 *Attorney for Plaintiff,*
28 *Vicente Guerrero Perez*

VERIFICATION

VICENTE GUERRERO PEREZ, 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 17 day of NOV, 2016, that the foregoing is true and correct to the best of my knowledge.


VICENTE GUERRERO PEREZ

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 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