

1 Anthony M. De Marco, State Bar No. 189153
anthony@demarcocolawfirm.com
2 Joanna Robles, State Bar No. 289857
jrobles@demaracolawfirm.com
3 LAW OFFICES OF ANTHONY DE MARCO
234 E. Colorado Blvd., 8th Floor
4 Pasadena, California 91101
Tel: 626-844-7700
5 Fax: 626-449-5572

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAY 07 2015

Sherri R. Carter, Executive Officer/Clerk
By Cristina Grijalva, Deputy

6 Michael G. Finnegan, State Bar No. 241091
mike@andersonadvocates.com
7 Sarah G. Odegaard, State Bar No. 262931
sarah@andersonadvocates.com
8 JEFF ANDERSON & ASSOCIATES, PA
366 Jackson Street, Suite 100
9 St. Paul, Minnesota 55101
Tel.: 651-227-9990
10 Fax: 651-297-6543

11 Attorneys for Plaintiff, JOHN CJ DOE

12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

15 **BC 581099**

16 JOHN CJ DOE, an Individual,

Case No.:

17 Plaintiff,

18 **COMPLAINT FOR DAMAGES**

18 v.

19 ROMAN CATHOLIC ARCHBISHOP OF
LOS ANGELES A CORPORATION SOLE;
20 ST. LOUISE DE MARILLAC CATHOLIC
CHURCH; FATHER CHRISTOPHER
21 CUNNINGHAM AND DOES 1 through 100,
inclusive,

1. CHILD SEXUAL ABUSE
2. NEGLIGENCE

22 Defendants.

23
24
25 Based upon information and belief available to Plaintiff at the time of the filing of this
26 Complaint, Plaintiff makes the following allegations:

27 ///

28 ///

1 BACKGROUND FACTS

2 1. In 2001 to 2002, Plaintiff was sexually molested by his Catholic parish priest Father
3 CHRISTOPHER CUNNINGHAM. Plaintiff was between approximately 12 and 13 years old when
4 Father CUNNINGHAM sexually molested him. Plaintiff is one of two known victims of Father
5 CUNNINGHAM's child sexual abuse. In 2004, Father CUNNINGHAM was removed without
6 explanation from ST. LOUISE DE MARILLAC CATHOLIC CHURCH in Covina, California by the
7 ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, A CORPORATION SOLE. (hereinafter
8 "RCALA") Parishioners were not told his removal had to do with an accusation of sexual abuse of
9 child. Rather the RCALA through Cardinal Mahony publicly cited CUNNINGHAM's emotional
10 instability, his harshness in exercising authority and his interfering with a church investigation.
11 Mahony publicly acknowledged his awareness that CUNNINGHAM had convinced others to keep
12 silent regarding CUNNINGHAM's misdeeds. In 2006, Father CUNNINGHAM was removed from
13 active ministry within the RCALA. No reason for this removal was given. In January 2013, the
14 RCALA quietly published on its website a list of priests who had been removed due to credible
15 accusations of child sexual abuse. The notice was buried within thousands of pages personnel files of
16 child molesting priests that had been ordered to be produced by the Courts. This notice was not
17 provided or read to the parishioners at ST. LOUISE DE MARILLAC CATHOLIC CHURCH.

18 2. Instead of announcing to the parish, the reason for Father CUNNINGHAM's removal
19 or conducting any kind of an investigation into his contacts with youth, Defendants instead allowed
20 Father CUNNINGHAM to inflame the parish community to support him. Defendants have long
21 known that conduct such as Father CUNNINGHAM engaged in after his announced removal from ST.
22 LOUISE DE MARILLAC CATHOLIC CHURCH has the effect of discouraging victims of child
23 sexual abuse from reporting or disclosing the abuse. Because of it victims and their families often fear
24 that disclosing the abuse will result in reprisal by the church community, including being humiliated
25 or being shamed out of the parish community for complaining about a popular priest.

26 3. The RCALA has long known that to combat this intimidation that victims and their
27 families fear, it is necessary to announce in the parish that the priest in question has been removed
28 because of accusation(s) of child molestation. Defendant RCALA has publicly announced that

1 whenever a complaint of child sexual abuse is leveled against a priest, that the RCALA will have
2 announced at each parish that priest has served the fact the priest has been accused of child
3 molestation. The RCALA has never announced to the parish community at ST LOUISE DE
4 MARILLAC that Father CHRISTOPHER CUNNINGHAM was accused of child molestation.
5 Defendants have failed to make such an announcement for fear that victims of Father
6 CUNNINGHAM will be encouraged to come forward to file civil or criminal charges. Instead,
7 Defendants have been content to have victims of Father CUNNINGHAM suffer in silence believing
8 that they are alone.

9 4. Plaintiff has not had access to the files of the RCALA pertaining to Father
10 CUNNINGHAM, nor has Plaintiff been able to interview agents of the RCALA. Plaintiff therefore
11 alleges on information and belief that Defendants RCALA and ST. LOUISE DE MARILLAC
12 CATHOLIC CHURCH through their agents and managing agents knew of prior complaints that
13 Father CUNNINGHAM had sexually molested a minor, prior to the end of his abuse of Plaintiff.
14 Defendants RCALA and ST LOUISE DE MARILLAC through their agents and managing agents
15 knew or had reason to know that Father CHRISTOPHER CUNNINGHAM routinely violated rules of
16 Defendants that were designed to prevent child molestation by clergy. Such rules violations included
17 but were not limited to Father CUNNINGHAM regularly having underage boys alone with him in his
18 church living quarters; regularly wrestling with under age boys on church grounds; regularly meeting
19 underage boys without chaperones for outings to movies, Starbucks and other locations.

20 PARTIES

21 5. Plaintiff JOHN CJ DOE was approximately 12-13 years old when he was sexually
22 molested by Father CHRISTOPHER CUNNINGHAM, his parish priest, at ST. LOUISE DE
23 MARILLAC CATHOLIC CHURCH, in West Covina. Plaintiff is under 26 years of age. Plaintiff is
24 a resident of the Los Angeles County.

25 6. THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES A CORPORATION
26 SOLE ("RCALA") is authorized to conduct business and conducts business in the State of California,
27 with its principal place of business in Los Angeles County, California. Defendant RCALA has
28 responsibility for Roman Catholic Church operations in Ventura County, Santa Barbara County and

1 Los Angeles County, California. Defendant, RCALA is the Archdiocese in which the sexual abuse
2 occurred. Plaintiff was a parishioner and student of ST. LOUISE DE MARILLAC and the RCALA.
3 CHRISTOPHER CUNNINGHAM was a priest, employee and an agent of RCALA at all times
4 relevant when he met Plaintiff and Plaintiff's family and while the sexual abuse of Plaintiff was
5 occurring. The RCALA at all times relevant employed, supervised and controlled the employment as
6 a priest of Father CHRISTOPHER CUNNINGHAM, as well as all other employees and agents of ST.
7 LOUISE DE MARILAC CATHOLIC CHURCH.

8 7. Defendant ST. LOUISE DE MARILLAC CATHOLIC CHURCH is the Catholic
9 Church at which Plaintiff and his family were parishioners. ST. LOUISE DE MARILLAC
10 CATHOLIC CHURCH is also the Catholic Church at which Father CHRISTOPHER
11 CUNNINGHAM was assigned and worked as Pastor at the time he met and came to sexually abuse
12 Plaintiff. As part of his duties with ST. LOUISE DE MARILLAC CATHOLIC CHURCH and the
13 RCALA, Father CUNNINGHAM visited parishioners in their homes, including Plaintiff and his
14 family's home. ST. LOUISE DE MARILLAC CATHOLIC CHURCH is located in Covina,
15 California, which is within Los Angeles County. ST. LOUISE DE MARILLAC CATHOLIC
16 CHURCH is not separately incorporated. ST. LOUISE DE MARILLAC CATHOLIC CHURCH is
17 wholly owned, operated and controlled by the RCALA, and has been since its creation.

18 8. Defendant Father CHRISTOPHER CUNNINGHAM did commit child sexual abuse
19 upon Plaintiff within the meaning of *Code of Civil Procedure* Section 340.1(e) when Plaintiff was
20 approximately 12-13 years of age. Father CUNNINGHAM is a resident of Rhode Island.

21 9. Defendant Does 1 through 100, inclusive, are individuals and/or business or corporate
22 private or public entities incorporated in and/or doing business in California, whose true names and
23 capacities are unknown to Plaintiff who therefore sues such Defendants by such fictitious names, and
24 who will amend the Complaint to show the true names and capacities of each such Doe Defendants
25 when ascertained. Each such Defendant Doe is legally responsible in some manner for the events,
26 happenings and/or tortious and unlawful conduct that caused the injuries and damages alleged in this
27 Complaint.

28 10. Defendants the RCALA, ST. LOUISE DE MARILLAC CATHOLIC CHURCH,

1 Father CHRISTOPHER CUNNINGHAM, and Does 1 through 100, are hereinafter referred to as the
2 “Defendants.”

3 11. Each Defendant is the agent, servant and/or employee of other Defendants, and each
4 Defendant was acting within the course and scope of his, her or its authority as an agent, servant
5 and/or employee of the other Defendants. Defendants, and each of them, are individuals,
6 corporations, alter egos and partnerships of each other and other entities which engaged in, joined in
7 and conspired with the other wrongdoers in carrying out the tortious and unlawful activities described
8 in this Complaint, and Defendants, each of them, ratified the acts of the other Defendants as described
9 in this Complaint.

10 **FIRST CAUSE OF ACTION**

11 **CHILD SEXUAL ABUSE**

12 **(Plaintiff Against All Defendants)**

13 12. Plaintiffs incorporate all paragraphs of this Complaint, as if fully set forth herein.

14 13. Defendants are vicariously liable for the child sexual abuse committed upon Plaintiff
15 by Father CHRISTOPHER CUNNINGHAM: 1) The Defendants authorized the wrongful conduct; 2)
16 The Defendants ratified the wrongful conduct.

17 14. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual
18 abuse of Plaintiff by Father CHRISTOPHER CUNNINGHAM arose from, was incidental to, Father
19 CHRISTOPHER CUNNINGHAM’s employment with Defendants, and each of these Defendants
20 ratified or approved of that sexual contact. Defendants ratified and/or approved of the sexual
21 misconduct by failing to adequately investigate, discharge, discipline or supervise Father
22 CHRISTOPHER CUNNINGHAM or other priests known by Defendants to have sexually abused
23 children, or to have been accused of sexually abusing children. Defendants and each of them ratified
24 Father CHRISTOPHER CUNNINGHAM’s abuse by concealing evidence of prior sexual abuse of
25 other children by Father CHRISTOPHER CUNNINGHAM and other priests from Plaintiffs,
26 Plaintiffs’ parents, other families with children, law enforcement, and personnel of Defendants who
27 could have been in a position to prevent the abuse of Plaintiffs and others if they had known of
28 complaints of Father CHRISTOPHER CUNNINGHAM’s sexual abuse of children, and prior

1 complaints of other priests of sexual abuse of children.

2 15. Plaintiff was also a student at LOUISE DE MARILLAC CATHOLIC CHURCH
3 School. Defendants owed a special duty of care to Plaintiff as an underage student. Father
4 CHRISTOPHER CUNNINGHAM came into contact with Plaintiff and fostered a relationship with
5 Plaintiff through Father CUNNINGHAM's work with, administration of, and teaching at the school
6 operated by ST. LOUISE DE MARILLAC and the RCALA.

7 16. The risk of abuse of a Catholic priest's authority, the risk of misuse of church, parish
8 and school resources, facilities, rituals, procedures and responsibilities, and the risk of misuse of
9 access to young, vulnerable children, and their families all to allow them to commit sexual abuse upon
10 children, are, and have been for decades, risks known to the officers and directors of Defendants who
11 have enacted policies and procedures, prior to Plaintiff's molestation by Father CHRISTOPHER
12 CUNNINGHAM, to address such conduct and its consequences. The central tenets of the policies and
13 procedures of Defendants was the avoidance of scandal, secrecy and loyalty to fellow clergy,
14 including child molesting clergy, rather than the protection of the safety of children.

15 17. Defendants have routinely over the years failed to discipline, investigate or terminate
16 known child molesting priests. Instead, Defendants condoned the conduct of priests molesting
17 children by protecting offending clerics from public scorn and civil authorities, often transferring them
18 from town to town, county to county, state to state, and country to country, all to allow child
19 molesting priests to escape prosecution and protect their reputations, as well as the reputation of the
20 Defendants. By doing so, Defendants have systematically encouraged and condoned this conduct by
21 more priests including, Father CHRISTOPHER CUNNINGHAM.

22 **SECOND CAUSE OF ACTION**

23 **NEGLIGENCE**

24 **(Plaintiff Against All Defendants)**

25 18. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

26 19. Defendants had a duty to protect the minor Plaintiff when he was entrusted to their care
27 by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody were temporarily entrusted to
28 Defendants, and Defendants accepted the entrusted care of Plaintiff. As such, Defendants owed

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

3 20. Father CHRISTOPHER CUNNINGHAM was able, by virtue of his unique authority
4 and position as a Roman Catholic Priest, to identify vulnerable victims and their families upon which
5 he could perform such sexual abuse; to manipulate his authority to procure compliance with his sexual
6 demands from his victims; to induce the victims to continue to allow the abuse; and to coerce them not
7 to report it to any other persons or authorities. As a Priest, Father CHRISTOPHER CUNNINGHAM
8 had unique access to families like Plaintiff's. Such access, authority and reverence was known to the
9 Defendants and encouraged by them.

10 21. Defendants, by and through their agents, servants and employees, knew or reasonably
11 should have known of Father CHRISTOPHER CUNNINGHAM's dangerous and exploitive
12 propensities and/or that Father CHRISTOPHER CUNNINGHAM was an unfit agent. It was
13 foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to children
14 in their care, including but not limited to the Plaintiff, the children entrusted to Defendants' care
15 would be vulnerable to sexual abuse by Father CHRISTOPHER CUNNINGHAM.

16 22. Defendants breached their duty of care to the minor Plaintiff by allowing Father
17 CHRISTOPHER CUNNINGHAM to come into contact with the minor Plaintiff without supervision;
18 by failing to adequately supervise, or negligently retaining Father CHRISTOPHER CUNNINGHAM
19 who they permitted and enabled to have access to Plaintiff; by failing to investigate or otherwise
20 confirm or deny such facts about Father CHRISTOPHER CUNNINGHAM; by failing to tell or
21 concealing from Plaintiff, Plaintiff's parents, guardians, or law enforcement officials that Father
22 CHRISTOPHER CUNNINGHAM was or may have been sexually abusing minors; and/or by holding
23 out Father CHRISTOPHER CUNNINGHAM to the Plaintiff and his parents or guardians as being in
24 good standing and trustworthy. Defendants cloaked within the facade of normalcy Defendants' and/or
25 Father CHRISTOPHER CUNNINGHAM's contact and/or actions with the Plaintiffs and/or with other
26 minors who were victims of Father CHRISTOPHER CUNNINGHAM, and/or disguised the nature of
27 the sexual abuse and contact.

28 ///

1 23. As a direct result of the wrongful conduct alleged herein, Plaintiff 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
4 life; were prevented and will continue to be prevented from performing Plaintiff's daily activities and
5 obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for
6 medical and psychological treatment, therapy, and counseling.

7 **WHEREFORE**, Plaintiff prays for damages; attorneys' fees; punitive damages as to
8 **FATHER CHRISTOPHER CUNNINGHAM** only; and such other relief as the court deems
9 appropriate and just.

10 **JURY TRIAL DEMAND**

11 Plaintiffs demand a jury trial on all issues so triable.

12
13 DATED: May 6 , 2015

LAW OFFICE OF ANTHONY M. DE MARCO

14
15
16 By: 

17 ANTHONY M. DE MARCO
18 JOANNA ROBLES
19 Attorneys for Plaintiff, JOHN CJ DOE
20
21
22
23
24
25
26
27
28