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*Attorneys for Plaintiff John JP DOE*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PENDLETON DIVISION

JOHN JP DOE, an individual proceeding  
under a pseudonym,

Plaintiff,

v.

WESTERN AMERICA PROVINCE OF THE  
CAPUCHIN FRANCISCAN FRIARS; THE  
ROMAN CATHOLIC BISHOP OF THE  
DIOCESE OF BAKER, INC.; OUR LADY  
OF ANGELS CATHOLIC CHURCH OF  
HERMISTON, INC.

Defendants.

CASE NO.: 2:14-cv-1428

COMPLAINT

(Sexual Battery of a Child; Intentional  
Infliction of Emotional Distress;  
Negligence)

**DEMAND FOR JURY TRIAL**

Plaintiff alleges as follows:

**JURISDICTION AND VENUE**

1.

This Court has jurisdiction over claims against Defendant Western America Province of the Capuchin Franciscan Friars, a California Corporation, d/b/a Capuchin Franciscan Order Our Lady of Angeles Province; Defendant Roman Catholic Bishop of the Diocese of Baker, Inc., an Oregon Corporation d/b/a The Diocese of Baker; and Defendant Our Lady of Angels Catholic Church of Hermiston, Inc., an Oregon Corporation by virtue of presence in the forum or contacts with the forum. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1) and (2).

**COMMON ALLEGATIONS**

2.

Plaintiff was sexually abused by Father Luis Jaramillo a Catholic priest in the fall of 1988 and winter of 1989, in Hermiston, Oregon. Plaintiff was between nine and ten years old. Fr. Jaramillo was an associate pastor at Our Lady of Angels Parish in Hermiston. Fr. Jaramillo was sent to Hermiston from Los Angeles after two accusations of abuse surfaced in Los Angeles.

3.

Plaintiff and his family met Fr. Jaramillo by attending church at Our Lady of Angels in Hermiston. Plaintiff trained to be an altar boy with Fr. Jaramillo. Thereafter, Fr. Jaramillo sought out Plaintiff for abuse on a regular if not weekly basis over the course of six months. The abuse took place on parish grounds and on a hiking trail near the church. The abuse included numerous instances of: fondling and masturbating Plaintiff's genitals both skin to skin and over his clothes; masturbation of Fr. Jaramillo skin to skin; French kissing the boy; and Fr. Jaramillo

orally sodomizing Plaintiff. Fr. Jaramillo made death threats to Plaintiff to ensure the boy's compliance and silence.

4.

In the winter of 1989, Plaintiff disclosed some of the abuse to his mother. Plaintiff's mother, an immigrant and devout Catholic, immediately complained to the church. Fr. Jaramillo was a member of the Capuchin Franciscan Order, and a Supervisor of the Order was immediately notified of Plaintiff's mother's complaint. Within a day of the complaint, on February 12, 1989, the supervisor called Plaintiff's mother and proceeded over the phone to interview directly the ten year old Plaintiff. Plaintiff disclosed to the priest supervisor some of the sexual abuse.

5.

Also on February 12, 1989, the supervisor interviewed Fr. Jaramillo over the phone. Fr. Jaramillo admitted to kissing the boy on the mouth and petting his legs and fondling his genitals. Within a few days of this call, the "Provincial"—or chief executive—of the Western American Province of the Capuchin Franciscan Order came to Hermiston, Oregon to meet with Plaintiff's mother. The Provincial actively discouraged Plaintiff's Mother from making any further complaints, including discouraging her from reporting Fr. Jaramillo to the police. The Provincial specifically did not tell Plaintiff's mother of the documented admission of abuse by Fr. Jaramillo. Instead, the Provincial told Plaintiff's mother that it would be Plaintiff's word against Fr. Jaramillo and that Plaintiff would be subjected to scorn and isolation if she pressed the complaint. She was told that the scandal the prosecution would cause would turn souls away from the church and cost those persons their souls, and that Plaintiff's mother would have those lost souls to answer for when she met her Maker. The Provincial later documented that Fr. Jaramillo was not prosecuted because: "Thank God, the family did not proceed to prosecute...."

Thereafter none of the Defendants offered or provided any counseling or any other form of assistance to Plaintiff or his family, nor did they investigate Fr. Jaramillo's contacts with other youths of the parish.

6.

Upon learning of Plaintiff's complaint against Fr. Jaramillo, the Provincial—acting in concert with the Roman Catholic Bishop of the Diocese of Baker—transferred Fr. Jaramillo from Our Lady of Angeles parish in Hermiston, Oregon, to the Servants of the Paraclete in New Mexico for counseling, and thus outside police jurisdiction in Hermiston. In the announcement regarding the move, the Provincial failed to notify the parish community that Fr. Jaramillo had been removed for abusing a child, or for anything that would have placed the parish community's children at risk. Instead he announced, "I am in agreement with you that Fr. Luis was doing wonderful ministry for the Hispanic Community at Hermiston."

7.

Prior to arriving in Hermiston, Fr. Jaramillo worked for the Capuchin Franciscan Order in Los Angeles for a number of years as an Associate Priest at two different parishes. From 1982 to 1985 he worked at St. Francis of Assisi parish in Los Angeles: From 1985 to 1987 he worked at St. Lawrence of Brindisi in Los Angeles.

8.

The Los Angeles Archdiocese personnel file for Jaramillo shows that while he worked in Los Angeles, Fr. Jaramillo was accused of molesting two boys. The response of the Capuchin Franciscans was to immediately transfer Fr. Jaramillo out of California, to the Our Lady of Angels parish, in remote Hermiston, Oregon. While the Los Angeles Archdiocese personnel file for Fr. Jaramillo references the prior complaints, the Capuchin Franciscan personnel file for Fr.

Jaramillo noticeably does not contain any reference to those complaints. On information and belief, records of these complaints were either destroyed or intentionally never created.

9.

Although the Provincial of the Western America Province of the Capuchin Franciscans noted in 1989 that therapy did not appear to benefit Fr. Jaramillo, and that he remained emotionally unstable—i.e. a serious risk to molest further children—there is also no record in the file that the Capuchins ever sought to laicize Fr. Jaramillo (remove him from the priesthood) after these multiple complaints. Instead, Fr. Jaramillo was encouraged to seek ministry in other countries where the church was not under scrutiny or accountable for having pedophile priests in active ministry. The Provincial noted: “I ask therefore, could Luis transfer to the Capuchins in Mexico or to the Capuchins of the Province of Palermo?”

10.

On information and belief, Fr. Jaramillo was in fact transferred to Mexico, Argentina, and the Philippines through the present. On information and belief, Fr. Jaramillo remains in active ministry and presents a threat to children wherever he is located.

### **THE PARTIES**

11.

Plaintiff John JP Doe (hereinafter “Plaintiff”) is an adult male citizen of the United States and a resident of the State of Nevada, born in the year 1978. At the time of the abuse, Plaintiff was a resident of Hermiston, Oregon, Umatilla County. All of the child sexual abuse Plaintiff suffered from committed by Fr. Luis Jaramillo occurred in Hermiston, Oregon. Plaintiff is proceeding under a pseudonym pursuant to the accepted practices of the federal courts of the

United States, allowing those who have been victims of sexual assault and/or who fear reprisals from the particular litigation to commence cases under assumed names, so as to protect their identity. Plaintiff has reasonable fears over his identity being used publicly in the caption of this lawsuit on both grounds. Plaintiff's identity is already known to Defendants, and they will not be hampered in their case by Plaintiff's use of a pseudonym or by redactions in documents submitted to this Court.

12.

At the time of Plaintiff's abuse, Defendant Western America Province of the Capuchin Franciscan Friars (hereafter referred to as the "Order") was a California Corporation with its principal place of business in San Francisco California. At all times relevant to this complaint, the Order conducted regular business in Oregon by staffing and running Our Lady of Angels Catholic church in Hermiston, Oregon.

13.

At the time of Plaintiff's abuse, Defendant Roman Catholic Bishop of Baker (hereafter the "Diocese") had its principal place of business in Umatilla County Oregon. At all times relevant to this complaint, the Diocese maintained the right of control over all Roman Catholic Church functions in the County of Umatilla, which included owning churches and schools, and employing and retaining the right of control over priests, deacons, nuns, brothers and other non-ordained individuals that performed church functions in geographic Diocese of Baker.

14.

At the time of Plaintiff's abuse, Defendant Our Lady of Angels Catholic Church was an unincorporated entity located in the City of Hermiston and the County of Umatilla, Oregon. Our Lady of Angels Catholic church was owned and/or controlled by Defendant Diocese. With the

permission and consent of the Roman Catholic Bishop of Baker, the Order staffed and ran Our Lady of Angels Catholic Church. The Order and the Diocese jointly selected Fr. Luis Jaramillo to manage and operate Our Lady of Angeles Catholic church.

15.

At all times relevant to this complaint, Father Luis Jaramillo (hereinafter “Fr. Jaramillo”) was a Roman Catholic priest, and member of the Capuchin Franciscan Order, assigned to the Western America Province of the Capuchin Franciscan Friars. At all times while Fr. Jaramillo was working at Our Lady of Angels Catholic Church, he was a dual agent of the Order and the Diocese, with the permission and authority to act on behalf of both entities. During that employment and agency, Fr. Jaramillo provided ministerial services to Plaintiff, and was acting within the course and scope of his employment or agency with each of the Defendants in performing duties for and on behalf of each of the Defendants, including counseling Plaintiff and serving as priest to Plaintiff and his family.

16.

At all times relevant to this complaint, Plaintiff was a minor and a parishioner at Our Lady of Angels parish in Hermiston, Oregon. Plaintiff and his family met Fr. Jaramillo by going to church at Our Lady of Angels in 1988. In 1988 and 1989 Fr. Jaramillo had Plaintiff visit Fr. Jaramillo at the church, and Fr. Jaramillo met Plaintiff at Plaintiff’s family home. Fr. Jaramillo trained Plaintiff to be an altar boy, and gave counseling to Plaintiff. These interactions were an authorized part of a priest’s normal interactions with parishioners of Defendants.

17.

The Order, the Diocese and Our Lady of Angels parish empowered Fr. Jaramillo to perform all duties of a priest, including pastoral and religious services, education, spiritual, moral

and ethical guidance, religious instruction, altar boy training, guidance, and other duties of a parish priest. The Order, the Diocese and Our Lady of Angels parish knew that as part of his duties as a priest, Fr. Jaramillo would be in a position of trust and confidence with children and their families, including Plaintiff in this case. Defendants retained the right to control the means, methods, and physical details of any duties or actions performed by a priest with faculties operating within the geographic boundaries of the Diocese, including Jaramillo. The Order, the Diocese and Our Lady of Angels parish intended that Fr. Jaramillo act on their behalf and subject to their control, and Fr. Jaramillo agreed to act under the direction of the Order, the Diocese and Our Lady of Angels parish as their agent.

18.

At all times relevant to this complaint, The Order, the Diocese and Our Lady of Angels parish invited Plaintiff, his family, and all other members of the public to enter into a special relationship with the Roman Catholic Church through the Order, the Diocese, and Our Lady of Angels parish, in part by inviting Plaintiff and his family to entrust the Church with their spiritual matters and encouraging Plaintiff to submit to the rules of the Church in exchange. At all times relevant to this complaint, one of the teachings of the Roman Catholic Church was a firm and consistent obedience to any instruction from a Roman Catholic priest. Plaintiff was raised with this belief, and it formed the basis for his relationship with Fr. Jaramillo in this case. In particular, the Order, the Diocese, and Our Lady of Angels parish encouraged Plaintiff—consistent with the church’s teachings on how children should act toward priests—to respect, obey, and revere any priest of the Roman Catholic faith.

19.

While acting as a priest of the Order, the Diocese, and Our Lady of Angels parish, and for

the purpose of furthering his assigned duties as a priest, Fr. Jaramillo befriended Plaintiff, gained Plaintiff's trust and confidence as a spiritual guide and as a valuable and trustworthy mentor, and counseled Plaintiff emotionally and spiritually. Fr. Jaramillo's grooming of Plaintiff included befriending Plaintiff and his brother, supervising Plaintiff as an altar boy, counseling and ministry to Plaintiff, allowing Plaintiff and his brothers to visit him at the rectory, giving gifts of bicycles and other things to Plaintiff and his brother, and visiting Plaintiff's home on numerous occasions between 1988 and 1989. Defendants Order, Diocese, and Our Lady of Angels parish authorized Fr. Jaramillo to spend time alone with Plaintiff at Fr. Jaramillo's residence and in the community, in furtherance of Jaramillo's duties as a priest of the Order, the Diocese, and Our Lady of Angels parish.

20.

From 1988 through 1989, while Plaintiff was ages nine to ten, Fr. Jaramillo—acting within the course and scope of this employment and agency, and using the authority and position of trust as a priest for the Order, Diocese, and Our Lady of Angeles parish, through grooming—induced, directed, and forced Plaintiff to engage in various sexual acts with Fr. Jaramillo.

21.

Fr. Jaramillo's grooming and interactions with Plaintiff in the parish rectory and at Plaintiff's home were committed in or at least begun in direct connection and at least in part for the purposes of fulfilling his employment and agency with the Order, the Diocese, and Our Lady of Angels parish; were committed within the time and space limits of his employment and agency as a priest; were done directly in the performance of his duties as parish priest and parish administrator; generally consisted of actions of a kind and nature which Fr. Jaramillo was required to perform as a priest and parish administrator; and were done at the direction of, and

pursuant to, the power vested in him by the Defendants. Fr. Jaramillo used the grooming process and his authorized contact with Plaintiff to accomplish his acts of sexual abuse. The sexual abuse resulted from a progressive series of actions that began with and continued to involve Fr. Jaramillo's performance of the ordinary and authorized duties of a priest, and the abuse occurred during occasions when Fr. Jaramillo had authority over Plaintiff or was authorized to interact with Plaintiff in his official position as a priest for the Order, the Diocese and Our Lady of Angels parish.

22.

As a result of Fr. Jaramillo's sexual abuse, molestation, breach of authority, trust and position as priest and authority figure to Plaintiff, Plaintiff has suffered severe and debilitating emotional injury, pain and suffering, physical and emotional trauma, and permanent psychological damages, all to Plaintiff's noneconomic damages in the approximate amount of \$8,000,000.00, the exact amount to be determined by the jury at trial.

23.

As an additional result and consequence of Fr. Jaramillo's sexual abuse, molestation, breach of authority, trust and position as priest and authority figure to Plaintiff, Plaintiff has incurred and/or will incur in the future costs for counseling, psychological and psychiatric medical treatment, all to Plaintiff's economic damages in the approximate amount of \$100,000.00, the exact amount to be proven to and determined by the jury at trial.

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**FIRST CLAIM FOR RELIEF**

Sexual Battery of a Child/*Respondeat Superior*  
(*Against All Defendants*)

24.

Plaintiff re-alleges and incorporates by reference paragraphs 1 through 23, above.

25.

Fr. Jaramillo's repeated sexual abuse of Plaintiff constituted harmful or offensive contact to Plaintiff's person. Plaintiff did not, and legally could not, consent to any sexual contact with Fr. Jaramillo.

26.

Fr. Jaramillo's performance of his agency duties on behalf of the Defendants and each of them led to and resulted in the sexual abuse of Plaintiff as described in paragraphs 2 and 3, above.

27.

As a direct result of the sexual abuse, Plaintiff suffered the damages alleged in paragraphs 22 and 23, above.

**SECOND CLAIM FOR RELIEF**

Intentional Infliction of Emotional Distress/*Respondeat Superior*  
(*Against All Defendants*)

28.

Plaintiff realleges and incorporates by reference paragraphs 1 through 27, above.

29.

Fr. Jaramillo, while engaging in his ministry to and grooming of Plaintiff, knowingly and intentionally caused severe emotional distress to Plaintiff when he then sexually abused Plaintiff.

Plaintiff did, in fact, suffer severe emotional distress as a result of this abuse, and the sexual abuse of a child is beyond the bounds of all socially tolerable conduct.

30.

Fr. Jaramillo's performance of his agency duties on behalf of the Defendants and each of them led to and resulted in the sexual abuse of Plaintiff as described in paragraphs 2 and 3, above.

31.

As a direct result of the sexual abuse, Fr. Jaramillo's intentional infliction of emotional distress, and his breach of authority, trust, and position as priest and authority figure to Plaintiff, Plaintiff suffered the damages alleged in paragraphs 22 and 23, above.

**THIRD CLAIM FOR RELIEF**  
Negligence  
*(Against All Defendants)*

32.

Plaintiff realleges and incorporates by reference paragraphs 1 through 31, above.

33.

Defendants Order, Diocese, and Our Lady of Angels parish and each of them created a special relationship with Plaintiff by inviting Plaintiff to form a trust relationship with their agent, Fr. Jaramillo. As part of this relationship, the Order, Diocese, and Our Lady of Angels parish had a duty to inform Plaintiff of reasonably foreseeable known dangers in forming a relationship with its agent. In the first alternative, Fr. Jaramillo was acting as the agent of Defendants when Fr. Jaramillo engaged in his repeated acts of sexual molestation of Plaintiff. Defendants had a duty to warn those who came in contact with their agent at the place of

employment of any danger, or had a duty to monitor Fr. Jaramillo as a known danger while at work. In the second alternative, Defendants Order, Diocese and Our Lady of Angels parish had a duty to warn or remedy all non-obvious, known or foreseeable, unreasonable risks of physical harm and unsafe conditions on its property, and Fr. Jaramillo posed a known risk of molestation to boys at Our Lady of Angels. In the third alternative, Fr. Jaramillo posed an unreasonable risk of harm, and a reasonable person in Defendants' position would warn of the risk because of the likelihood of harm, the severity of the possible harm, the lack of any significant financial burden involved in warning about Fr. Jaramillo, and Defendants' position as owners and operators of a church open to the public. Defendants Order, Diocese and Our Lady of Angels parish had a duty to warn all those who interacted with Jaramillo based on their knowledge of the danger posed by Jaramillo in particular, and based on the known risk of sexual abuse posed by child molesting priests in the church over the prior several decades in general.

34.

Notwithstanding all Defendants' awareness of the unlikelihood of abuse victims disclosing their abuse at the time it occurred, the Order, Diocese, and Our Lady of Angels parish knew prior to the sexual abuse of Plaintiff that Fr. Jaramillo had been sexually abusing boys previous to his assignment at Our Lady of Angels, and did nothing to stop Fr. Jaramillo, remove him from contact with children, warn local Catholics in his area about the danger he posed to young boys, or prevent his future sexual abuse of boys, including Plaintiff. In particular, Defendants Order, Diocese, and Our Lady of Angels parish had at least the following notice and knowledge that Fr. Jaramillo was a sexual predator who posed a risk to minor parishioners:

35.

A. In 1987 or early 1988 prior to his assignment to Our Lady of Angels in

Hermiston, Defendant Order received complaints that Fr. Jaramillo had sexually molested two minor boys. Defendant Order neither investigated the complaints, nor made any record of the complaints. Instead, Defendant Order simply transferred Fr. Jaramillo across state lines so as to avoid criminal or civil actions involving the abuse.

**B.** By 1987 or before, clerical abuse of children was a known problem to the hierarchy of the Catholic Church generally — and Defendants specifically — though the problem was never discussed with the laity. For instance, the need to protect children from molestation was evident in 1917, when Church policy (the Code of Canon Law) was promulgated that forbade sexual contact between clerics and children. Another provision required priests to inform their bishop of reports that other priests had engaged in sexual contact with children. Adhering to these policies was considered a mandatory part of employment with the Church. In 1922, *De modo procedendi in causis sollicitationis* (“The Manner of Proceeding in Cases of Solicitation”) was published by the Holy See’s Congregation of the Holy Office and was distributed to bishops worldwide. It described procedures for the ecclesiastical prosecution of priests who solicited sexual contact from parishioners, and required strict secrecy, including from the victim. In 1962, *Instructio de Modo Procedendi in Causis Sollicitationis* (“Instructions on the Manner of Proceeding in Cases of Solicitation,” also known as “the 1962 Vatican protocol”), Title V, was distributed to bishops worldwide — including to the Diocese — setting forth procedures for processing clerics who violated the prohibition against solicitation for sexual purposes. Included in the 1962 Vatican protocol was a section that addressed sexual contact with children. As with the 1922 directive, strict secrecy was imposed by the 1962 Vatican protocol. In 1983, the Church issued revised policy directives, making the sexual abuse of a child by a priest into an internal crime. Church policy at this time obligated a bishop to investigate

allegations of child abuse. Failure to observe the mandatory application of canons itself violated Church policy. All of these rules were enacted to protect children entrusted to the care of the Church, and the Diocese was required to follow these canons to ensure the protection of children in the care of the Diocese.

36.

The Diocese engaged in a pattern of shielding and employing priests known to it to be pedophiles, thereby recklessly endangering children in its care. Some examples of this pattern include Fr. Franklin Buckman, Fr. John Kenny, Fr. Jocelyn St. Arnaud, Fr. Dennis Strachota, and Fr. Donald Hazen each of whom were accepted into and/or retained in service as priests in the Diocese in the despite then-Bishop Leipzig's or Connolly's direct knowledge that each had been accused of child molestation.

A. In the case of Fr. Franklin Buckman, Bishop Connolly accepted his transfer from the Diocese of Orange in southern California despite being informed in writing that Buckman had recently been sent to psychological counseling because of his sexual abuse of a minor. Bishop Connolly kept Fr. Buckman in service as a "visiting" priest for more than 17 years. The Bishop gave him assignments at an Indian Reservation in 1984. Thereafter he was assigned by the Diocese to Sacred Heart church in Klamath Falls in 1985. From 1986 to 1988 he was assigned to Our Lady of Mount Carmel. From 1989 to 2002 he was assigned to St. Pius X in Klamath Falls. He was finally removed from ministry in the Diocese only after lawsuits were filed in 2002 in California regarding his abuse. In 2002 despite the adopting of the zero tolerance policy by the United States Conference of Catholic Bishops, and despite the Bishop of the Diocese of Orange's request that Fr. Buckman be removed from ministry, the Bishop of the Diocese of Baker steadfastly refused to remove Fr. Buckman from ministry. Not until the civil

statute of limitations in California changed later in 2002 — allowing for civil lawsuits to be pursued — did Defendant Diocese finally remove Fr. Buckman from ministry in the Diocese of Baker.

**B.** In the case of Fr. John Kenny, Bishop Connolly also accepted him as a priest in the Diocese despite Fr. Kenny’s being transferred out of the Diocese of Orange under reports of child abuse.

**C.** In the case of Fr. Jocelyn (Pacome) St. Arnaud, Msgr. Matthew Crotty, Vicar General of the Baker Diocese at all times relevant to this lawsuit, testified that he heard “rumors” about Fr. St. Arnaud in approximately the late 1970s. Bishop Connolly never formally incardinated Fr. St. Arnaud, despite the priest working for over 16 years in the diocese, and the bishop refused to answer questions about whether he knew that Fr. St. Arnaud posed a danger to children with whom he came in contact. However, Fr. St. Arnaud was never removed from ministry either, despite a report from R.C.—an employee of the Diocese—who told Bishop Connolly that Fr. St. Arnaud was “messing around with boys” sexually in the late 1970s/early 1980s.

**D.** In the case of Fr. Dennis Strachota, Bishop Connolly received reports in 1975, 1976, and 1984, that Fr. Strachota, was making sexual advances to boys in his parish. Only after the third report, in 1984, did Connolly send Strachota for intensive treatment, to the Servants of the Paracletes' facility in Jemez Springs, New Mexico (a rehabilitation facility for priests who have molested children). Bishop Connolly testified that he never made a mandatory report to law enforcement that Fr. Strachota had committed an act of child abuse, and Fr. Strachota remained a priest of the Baker Diocese serving in parish assignments until 2002. In 2002, Bishop Vasa removed Fr. Strachota from ministry under the National Conference of Catholic Bishops

protocol for dealing with priests credibly accused of child molestation.

E. In the case of Fr. David Hazen, Defendant Diocese knew as early as 1959 that he was molesting boys, and in 1959 the Diocese conducted an ecclesiastical proceeding in accordance with the 1922 Vatican instruction, with Msgr. Crotty serving as the ecclesiastical prosecutor, called the “promoter of justice.” On August 28, 1959, Fr. Hazen confessed in writing to sexually abusing the boy. Bishop Leipzig signed several of the documents from the proceeding, and Bishop Connelly wrote on a document from Hazen’s victim the words, “Hope no scandal.”

37.

Despite all of the warnings and reports of Fr. Jaramillo’s personal inappropriate conduct with or sexual abuse of boys, and despite all of the Defendants’ knowledge of the dangers of sexual abuse of children by priests based on the history of abusive priests in the Baker Diocese, the Defendants did nothing to warn Plaintiff or his family about the danger of priests taking sexual liberties with children, nor did they protect Plaintiff from such dangers by removing Jaramillo from ministry or by closely monitoring his activities with minors. Given the prevalence of child abuse reports and knowledge by the mid-1980s, it was reasonably foreseeable that, absent warnings or other precautions, the class of children who were being counseled by priests, including Plaintiff, faced a danger of being sexually molested by that priest.

38.

Defendants’ failure to warn and/or protect Plaintiff caused or were substantial contributing factors in his abuse. Because of the duration and consistency of child molestation in the Order, Diocese, and Our Lady of Angels parish, these Defendants’ knowing failure to warn of the danger of abusive priests and of Fr. Jaramillo in particular, to establish guidelines to

minimize this danger, or to protect children created a foreseeable risk of harm to the safety of children interacting with Defendants' agents, including Plaintiff. Plaintiff was a member of the class of individuals to be protected by a warning, protective measures, the removal of Jaramillo, or the close monitoring of Jaramillo, and these measures would have prevented some or all of Fr. Jaramillo's repeated sexual molestation of Plaintiff.

39.

The Order, Diocese and Our Lady of Angels parish were negligent in one or more of the following particulars:

**A.** In allowing Fr. Jaramillo to remain as a priest even after they knew of his propensities to use his position as a priest to engage in acts of sexual abuse with minors;

**B.** In allowing Fr. Jaramillo to interact with and supervise young boys in his position as priest when they knew of his propensity to use his position as a priest to engage in acts of sexual abuse;

**C.** In permitting Fr. Jaramillo to have young boys spends private time with him on Our Lady of Angels parish premises and at other locations and events;

**D.** In failing to report Fr. Jaramillo's purported sexual abuse of other boys to law enforcement or to otherwise remove Fr. Jaramillo from his position as a priest after receiving complaints and reports about Fr. Jaramillo's use of his position as a priest to engage in such abuse;

**E.** In failing to properly supervise Fr. Jaramillo as a priest or to monitor his activities after learning of his propensity to use his positions as a priest to engage in acts of sexual abuse with boys;

**F.** In failing to notify the parents, students, and parishioners of Our Lady of Angels,

or other Order, Diocese or parish facilities and entities, or the Hermiston community after learning of Fr. Jaramillo's propensity to use his positions as a priest to engage in acts of sexual abuse; and

**G.** In failing to disclose to the Our Lady of Angels community the history of child sexual abuse in the Diocese and by Capuchin priests, and to inform the parish of grooming behaviors to watch for.

40.

It was foreseeable that absent warnings about Fr. Jaramillo and/or the dangers of child abuse, removal of Fr. Jaramillo from ministry, or policies that would have prevented Fr. Jaramillo from being alone with minors, that he would pose a danger of molestation to children with whom he came in contact, including Plaintiff. As a minor parishioner of Our Lady of Angels Parish, Plaintiff was in the class of persons to be protected by adequate preventative measures safeguarding him from predation by Fr. Jaramillo.

41.

As a direct, foreseeable, and proximate cause or substantial contributing factor of these Defendants' failure to warn about Fr. Jaramillo, establish guidelines concerning child abuse, or otherwise protect children from the danger posed by Fr. Jaramillo; Plaintiff suffered the sexual molestation alleged in paragraphs 2 and 3, above.

42.

As a direct and foreseeable consequence of these Defendants' negligence, Plaintiff has suffered economic and non-economic damages as detailed in paragraphs 22 and 23, above.

**JURY DEMAND**

Plaintiff demands trial by jury, pursuant to 28 U.S.C. § 1411.

**DEMAND FOR JUDGMENT**

**WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

1. If successful on any or all of the claims for relief, non-economic damages in the estimated amount of \$8,000,000.00, the actual amount to be determined by the jury;
2. If successful on any or all of the claims for relief, economic damages in the estimated amount of \$100,000.00, the actual amount to be determined by the jury;
3. Plaintiff's costs and disbursement incurred herein; and
4. Any other relief the Court deems just and equitable.

DATED this 4th day of September, 2014.

**ROGGENDORF LAW LLC**

*/s/ Kristian Roggendorf*

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