

I.

DISCOVERY CONTROL PLAN

As required by Tex. R. Civ. P. 190.1, Plaintiff filed this suit under a Level 3 discovery control plan (Tex. R. Civ. P. 190.4).

II.

PARTIES

1. Plaintiff John Doe 103 ("Doe" or "Plaintiff") resided in El Paso Texas during the relevant period and incidents made the basis of this suit. His identity is known to Defendants. John Doe 103 was a minor at the time of all incidents of physical abuse, sexual abuse and sexual exploitation alleged herein.

2. Defendant Roman Catholic Diocese of El Paso ("Diocese"), by and through Most Reverend Bishop Armando Ochoa ("Ochoa"), his predecessors and successors, is an unincorporated religious association. This Defendant has been served with process and has filed an answer.

3. Defendant Catholic Society of Religious and Literary Education, by and through its Provincial, The Very Rev. Mark A. Lewis, his predecessors and successors, is a Louisiana non-profit corporation which conducts business under the corporation's registered Louisiana trade name of "Jesuits of the New Orleans Province" (hereinafter "the Jesuits" or "Jesuit Order"). This Defendant has been served with process.

III.

VENUE

1. Venue is proper in this case in El Paso County, Texas pursuant to Texas Civil Practice and Remedies Code §15.002(a)(1) because the *locus delicti* of the Plaintiff's sexual

abuse and exploitation occurred in El Paso County, Texas.

2. Defendants are sued in all of their assumed, common or business names, pursuant to Tex.R. Civ. P Rule 28 and notice is hereby given so that real parties in interest may appear and defend this action.

IV.

FACTUAL BACKGROUND

1. Alfonso Madrid was ordained a priest of the Jesuit Order in 1950. He died in March of 1982 after having worked for over a quarter of a century in the El Paso Diocese. According to the few church records that have been produced by the Diocese and the Order covering these decades, in 1955 he was first assigned as a priest in the Diocese of El Paso at St. Ignatius High School and was again placed there briefly in 1966 under questionable circumstances. In 1970, he returned to El Paso and was assigned to Sacred Heart Church and school as an assistant priest where he sexually abused Doe, an altar boy, student at Sacred Heart, and parishioner, for a period of approximately five years, beginning when Doe was eight years old.

2. Beginning well before the molestation of Doe, however, Madrid demonstrated clear signs of mental problems, including “illusions,” “hallucinations,” problems with alcohol and sexual acting out with a nine-year-old boy in the San Antonio Archdiocese. Despite these red flags, he was assigned by his Jesuit Superiors and accepted by diocesan Bishops to work in parishes and schools in Mexico, New Orleans, Albuquerque, San Antonio and El Paso.

3. Documents produced by the Jesuits in this case show that by 1960 Madrid was requesting a transfer to New Orleans from a Jesuit high school in Mexico because of the perceived hatred directed at him there. By 1961, he was so “sure that people had somehow learned about [his] **failure**” [in Mexico] that he requested the Jesuits to dispense him from his

vows so that he could join a Trappist monastery in California. (Bates 000034). In 1962, Madrid himself notes he is on medication and under the care of Dr. McCarthy in New Mexico (Bates 000029, 000030). In 1966, he is at Jesuit High School in El Paso after an abrupt separation from San Felipe in Albuquerque. The next year he is forbidden to return there “for several [unspecified] reasons.”

4. By 1968, the following complaint of sexual misconduct by Madrid against a minor was reported to the Jesuits by officials of the Archdiocese of San Antonio: “During a bingo [game] at the parish a few evenings ago **Fr. Madrid took his [the parishioner’s] nine-year-old son into the rectory and there kissed and petted him . . . if Fr. Madrid has had any previous trouble in this regard, then he needs attention quickly.** If he has not had any previous accusation, then we should just wait and watch carefully. **Or should you and I have a talk with him, warning him of the danger and then wait and watch?”**(Bates 000023). It appears that this report necessitated a “proper investigation” and that appropriate steps would be taken. Any such documented action is missing. (Bates 000022).

5. In 1970, Jesuit superiors chide Madrid, their “house minister,” for letting “youngsters” use parish cars. (Bates 000021). Again, in 1971, during the time Doe was being molested, the Jesuits reported to their Superiors in Rome, “**Father Madrid has done great work with the school children, training them in singing and being present at their recess . . . [As for] Father’s mental health (in the past, he has been greatly troubled with hallucinations)**...[and] he still needs a lot of ‘breaks.’” (Bates 000017). In 1972, another red flag unfurled: “...he gives certain things away without permission; he comes home late almost every night; **he tends to explode suddenly over nothing, and then as suddenly, calms down...he drinks too much.....What has to be kept in mind about Father Madrid is that some years**

ago he suffered a nervous breakdown. Naturally, this tragedy left its scars.” (Bates 000013).

Another, undated and incomplete evaluation document cryptically notes **of Madrid**: “Still has **illusions. Imagines he is persecuted.”** (Bates 000042).

6. John Doe 103 was raised Catholic and as a child he and his family attended mass at Sacred Heart Catholic Church in El Paso, Texas (“Sacred Heart”). As good Catholics, John Doe and his family trusted that the church, its official representatives, Bishops and Religious Superiors, would always be and behave as they represented, namely as chaste honorable moral men acting in the parishioners' best interest. Plaintiff and his parents expected the highest degree of confidence, good faith, loyalty and trust from the Defendants. They had reasonable expectations that Defendants would act prudently on their behalf. John Doe and his parents depended on the Bishops and the Religious Superiors to provide them with priests who were honest, of good moral character, sexually safe, celibate, and otherwise suitable of good character for service at Sacred Heart.

7. Doe was 8 years old, in 1970, when Father Alfonso Madrid (herein after referred to as “Madrid” or “Father Madrid”) was assigned to Sacred Heart and chose Plaintiff to be an altar server for him. In 1971, Madrid convinced John Doe’s devout Catholic parents that their son should attend the parish school, all under Madrid’s priestly guidance and counsel. At the time of the incidents made the basis of this suit, based upon information and belief, Madrid was assigned by the Diocese as an assistant pastor at Sacred Heart. Robert Gafford, another Jesuit was the pastor of the church. Doe alleges that at all relevant times Madrid was an employee, agent, and/or an ostensible agent of the Jesuits or, alternatively, a dual agent or employee in conjunction with or in concert with the Diocese of El Paso when he sexually molested and exploited him. Alternatively, Madrid and the Jesuits were independent contractors of the Diocese.

8. Under the guise of and in the role of a parish priest, Madrid began the grooming process by training Doe to become an altar server, to assist the priest with masses and funerals, beginning in approximately 1970. Madrid also convinced Plaintiff's parents to relocate their son from the school he was attending in Mexico to the Sacred Heart school in El Paso in 1971. He represented that Plaintiff would progress much faster learning his English and other studies while under Madrid's care, supervision and oversight. So, in or about the Spring of 1971, when Plaintiff was in the third grade, his parents relocated him to the Sacred Heart parish school.

9. Between approximately, 1970 and 1975, while attending Sacred Heart school for a portion of that time, and while continuously serving as an altar boy at the church, Madrid sexually molested Plaintiff on multiple occasions. Madrid often took the youngster out of school under the pretext of altar serving at funerals and other sacramental functions. On these occasions, Madrid repeatedly sexually molested Doe in the vehicle on the way to church functions and often in the sacristy and rectory of Sacred Heart church before or after masses, funerals, or other events, as well as in Sacred Heart school. Madrid also befriended John Doe's mother and often was invited to the house for meals, where he later sexually abused Plaintiff. John Doe had no recall of the abuse until approximately December 2010 when his mother questioned him after she heard reports of clergy abuse in the news and he saw a photo of Madrid holding him.

10. Plaintiff further alleges that Madrid, while a Jesuit and a Catholic priest working in the Diocese of El Paso, had a psychosexual disorder characterized by an abnormal, impulsive sexual attraction to boys. Plaintiff alleges that Defendants knew or should have known of Madrid's perverse proclivities and illegal behavior prior to the abuses complained of herein. These Defendants also knew or should have known that Madrid's psychosexual disorder rendered him unfit for a position of trust and confidence as priest at Sacred Heart and other parishes to which he was assigned in that it would allow him unsupervised access to youngsters

such as Doe 103. Thus, Plaintiff relies on Madrid's mental condition as part of his claims. See *Texas Rules of Evidence* 509(e) (4) and 510(d) (5).

V.

CAUSES OF ACTION AGAINST DEFENDANT JESUIT ORDER

1. At all times material herein, Madrid was part of and employed as a Priest by Defendant Jesuit Order and was under Defendant's direct supervision and control when he engaged in sexual contact with Plaintiff. As a Priest, he acted upon delegated authority of the Jesuit Order as an agent, apparent agent or ostensible agent for them. He came to know the Plaintiff and gained access to Plaintiff because of his status as a Roman Catholic Priest. He engaged in this wrongful conduct while in the course and scope of his employment with the Jesuit Order. Therefore, Defendant Jesuit Order is liable for the wrongful conduct. Plaintiff therefore pleads *Respondeat Superior*, agency, apparent agency, and agency by estoppel, vice principal, and vicarious liability (including non-delegable duty).

2. Plaintiff pleads negligence against the Jesuit Order. Defendant Jesuit Order negligently supervised, retained and/or continued the employment of Madrid in a position of trust, confidence and authority as a parish priest in direct contact with minor children when it knew or should have known of his dangerous sexual propensities.

3. Defendant Jesuit Order failed to warn Plaintiff or his family of Madrid's dangerous sexual propensities towards minor children.

4. Defendant Jesuit Order, as a religious organization, is granted special privileges and immunities by society and is in a special fiduciary relationship with Plaintiff. Defendant owed Plaintiff the highest duty of trust and confidence and is required to act in Plaintiff's best interest. Defendant knowingly violated that relationship. Defendant knowingly breached

Plaintiff's trust when the Jesuit Order failed to act with the highest degree of trust and confidence to protect Plaintiff. This knowing breach of fiduciary duty proximately caused physical and emotional injury to John Doe.

5. Defendant Jesuit Order was under the duty to disclose the extent of the problem of sexual abuse of children by Roman Catholic clergy and with Madrid in particular, and the severe psychological problems that would result from such abuse if not properly treated. Defendant Jesuit Order fraudulently concealed this information, allowing Madrid access to children for his own sexual gratification.

6. Defendant Jesuit Order committed fraud that proximately caused Plaintiff John Doe's damages. The Jesuit Order committed fraud when it represented Madrid to be celibate and safe and failed to protect children when it knew that Madrid was sick and sexually dangerous to boys.

7. Plaintiff pleads intentional infliction of emotional distress against the Jesuit Order.

8. Plaintiff asserts that the Jesuit Order is liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 302B, under the legal doctrine of negligent assumption of risk of intentional or criminal conduct.

An act or an omission may be negligent if the actor realizes or should realize that it involves an unreasonable risk of harm to another through the conduct of the other or a third person which is intended to cause harm, even though such conduct is criminal.

Restatement (Second) of Torts, Section 302B.

9. Defendant Jesuit Order realized or should have realized that Madrid posed an unreasonable risk of harm to minor children, including Plaintiff John Doe.

10. Plaintiff asserts that the Jesuit Order is liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 311, under the legal doctrine of negligent misrepresentation involving risk of physical harm.

- (1) One who negligently gives false information to another is subject to liability for physical harm caused by action taken by the other in reasonable reliance upon such information, where such harm results
 - (a) to the other, or
 - (b) to such third persons as the actor should expect to be put in peril by the action taken.
- (2) Such negligence may consist of failure to exercise reasonable care
 - (a) in ascertaining the accuracy of the information, or
 - (b) in the manner in which it is communicated.

Restatement (Second) of Torts, Section 311.

11. Defendant Jesuit Order's failure to ascertain and/or apprise Plaintiff and his family of Madrid's sexually predatory nature and its representation that he was not sexually dangerous to young children placed John Doe in danger and peril.

12. Plaintiff asserts that all entities and individuals who are named as Defendants are liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 876, under the legal doctrine of concert of action, as joint venturers, as agents of these entities, of these Defendants, under which theories Plaintiff seeks damages from all Defendants jointly and severally.

13. Plaintiff asserts that the Jesuit Society is liable and the statute of limitations is tolled pursuant to: a) fraud, b) fraudulent concealment (as referenced above), c) quasi and equitable estoppel, d) the discovery rule, and e) ratification. Further, Plaintiff asserts that the statute of limitations is tolled and/or has not expired due to delayed discovery of the harm caused

by the sexual abuse and the delay discovery in treatment, despite the exercise of reasonable diligence on his part, due to repressed and/or suppressed memory.

14. Defendant Jesuit Society is liable to Plaintiff for premises liability. Plaintiff was an invitee. Defendant owed a duty of care to those who may be harmed by criminal acts on its premises where it conducted its business when the risk of criminal conduct is so great that it is both unreasonable and foreseeable. Defendant was or should have been aware of criminal acts of assault by its Madrid to Plaintiff and/or other children and breached its duty of care to Plaintiff.

15. Plaintiff pleads Restatement 2d of Torts section 317:

A master is under a duty to exercise reasonable care so to control his servant while acting outside the scope of his employment as to prevent him from intentionally harming others or from so conducting himself as to create an unreasonable risk of bodily harm to them if :

a) the servant

- i) is upon the premises in possession of the master or upon which the servant is privileged to enter only as his servant, or
- ii) is using a chattel of the master, and

b) the master

- i) knows or has reason to know that he has the ability to control his servant, and
- ii) knows or should know of the necessity and opportunity for exercising such control.

16. Plaintiff pleads Defendant Jesuit Order acted at the time and on occasions in question, with heedless and reckless disregard for the safety and welfare of Plaintiff, which disregard was the result of conscious indifference to the rights, welfare, and safety of the Plaintiff. Plaintiff pleads that the Defendant Jesuit Order's conduct constituted gross negligence.

17. Plaintiff alleges that the Defendant Jesuit Order has altered, destroyed, removed or spoiled evidence that one may reasonably have inferred would be unfavorable to Defendant.

Such acts by Defendant Jesuit Order have resulted in prejudice to Plaintiff, causing him injury. Thus, at a minimum, Plaintiff is entitled to submit a spoliation presumption instruction to the jury.

VI.

CAUSES OF ACTION AGAINST DEFENDANT ROMAN CATHOLIC DIOCESE OF EL PASO

1. The Diocese of El Paso held Sacred Heart Church out to the public at large, including its parishioners, children, and parents of children attending the school, as a Diocesan owned-and-operated church. The El Paso Diocese did not disclose to the Plaintiff that the church was operated or anyway controlled by the Jesuit Order. The Jesuit Order was working as an agent for the El Paso Diocese when the Jesuit Order was running and operating Sacred Heart for the Diocese. The Diocese, as the principal for the Jesuit Order, was responsible for the acts and knowledge of its agent. Any knowledge that the Jesuit Order possessed related to Madrid's sexual assaults on Plaintiff and others is imputed to the Diocese. Therefore, Defendant Diocese is liable for the wrongful conduct of Defendant Jesuit Order and Madrid. Plaintiff therefore pleads *Respondeat Superior*, agency, apparent agency and agency by estoppel, vice-principal, and vicarious liability (including non-delegable duty).

2. Alternatively, Madrid was employed as a Priest by Defendant Diocese and was under Defendant's direct supervision and control when he engaged in sexual contact with Plaintiff. As a Priest, Madrid acted upon delegated authority of the Diocese as an agent for the Bishop of the Diocese. He came to know the Plaintiff and gained access to him because of his status as a Roman Catholic Priest, and he engaged in this wrongful conduct while in the course and scope of his employment with Defendant Diocese. Therefore, Defendant Diocese is liable for the wrongful conduct. Plaintiff therefore pleads *Respondeat Superior*, agency, apparent

agency and agency by estoppel, Restatement of Agency section 213, vice principal, and vicarious liability (including non-delegable duty).

3. Alternatively, Madrid was an independent contractor for the Diocese. As the employer the Diocese is liable to Plaintiff under theories of (1) negligent hiring, if the Diocese does not possess the requisite letters of good character regarding him, as required by their own policies, (2) negligent control, since the Diocese did not exercise reasonable care in its control of him, and (3) non-delegable duty.

4. Alternatively, the Jesuit Order was an independent contractor for the Diocese. As the employer for the Jesuit Order, the Diocese is liable to Plaintiff under theories of (1) negligent hiring, if the Diocese does not possess the requisite letters of good character regarding Madrid, as required by their own policies, (2) negligent control, since the Diocese did not exercise reasonable care in its control of the Jesuit Order, and (3) non-delegable duty.

5. Plaintiff pleads negligence against the Diocese. The Diocese was negligent in its entrustment of Sacred Heart to the Jesuit Order. Furthermore, Defendant Diocese negligently selected, hired, supervised, retained and/or continued the employment of the Jesuit Order, and Madrid, in a position of trust, confidence and authority in direct contact with minor children.

6. Defendant Diocese failed to warn Plaintiff or his family of perpetrator priest's sexual propensities towards minor children.

7. Defendant Diocese, as a religious organization, is granted special privileges and immunities by society and is in a special fiduciary relationship with Plaintiff. Defendant owed Plaintiff the highest duty of trust and confidence and was required to act in Plaintiff's best interest. Defendant knowingly violated that relationship. Defendant knowingly breached Plaintiff's trust when the Diocese failed to act with the highest degree of trust and confidence to

protect John Doe from its sexually predatory priest. This knowing breach of fiduciary duty proximately caused injury to John Doe.

8. Defendant was under the duty to disclose the extent of the problem of sexual abuse of children by Roman Catholic clergy, and with Madrid in particular, and the severe psychological problems that would result from such abuse if not properly treated. Defendant Diocese fraudulently concealed this information, allowing Madrid access to children for his own sexual gratification.

9. Defendant Diocese also committed fraud that proximately caused damages to John Doe. The Diocese committed fraud when it represented Madrid was a celibate and safe priest.

10. Plaintiff pleads intentional infliction of emotional distress.

11. Plaintiff assert that the Diocese is liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 302B, under the legal doctrine of negligent assumption of risk of intentional or criminal conduct.

An act or an omission may be negligent if the actor realizes or should realize that it involves an unreasonable risk of harm to another through the conduct of the other or a third person which is intended to cause harm, even though such conduct is criminal.

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Restatement (Second) of Torts, Section 311.

13. Defendant Diocese's failure to ascertain and apprise Plaintiff and his family of Madrid's sexually-predatory nature and the Diocese's representation that he was chaste and safe placed John Doe in danger and peril.

14. Plaintiff asserts that all entities and individuals who are named as Defendants are liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 876, under the legal doctrine of concert of action, as joint venturers, as agents of these entities, of these Defendants, under which theories Plaintiff seeks damages from all Defendants jointly and severally.

15. Plaintiff asserts that the Diocese is liable and the statute of limitations is tolled pursuant to: a) fraud b) fraudulent concealment (as referenced above), c) quasi and equitable estoppel, d) the discovery rule, and e) ratification. Further, Plaintiff asserts that the statute of limitations is tolled and/or has not expired due to delayed discovery of the harm caused by the sexual abuse and the delay discovery in treatment, despite the exercise of reasonable diligence on his part, due to repressed and/or suppressed memory.

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18. Plaintiff pleads Defendant Diocese acted at the time and on occasions in question with heedless and reckless disregard for the safety and welfare of Plaintiff, which disregard was the result of conscious indifference to the rights, welfare, and safety of the Plaintiff. Plaintiff pleads that the Defendant Diocese's conduct constituted gross negligence.

19. Plaintiff alleges that the Diocese has altered, destroyed, removed or spoiled evidence that one may reasonably have inferred would be unfavorable to Defendant. Such acts by the Diocese have resulted in prejudice to Plaintiff, causing him injury. Thus, at a minimum, Plaintiff is entitled to submit a spoliation presumption instruction to the jury.

VII.

CLAIMS OF CONSPIRACY: PATTERN AND PRACTICE OF COVER-UP OF CLERGY SEXUAL ABUSE OF CHILDREN

1. Dioceses, Archdioceses and Orders throughout the United States, including the El Paso Diocese and Jesuit Order, have handled cases of criminal sexual abuse of minors by Catholic clergy in such a uniform fashion as to demonstrate a common pattern and practice for concealing these crimes from the public, including the affected parishes and even victims identified within them; for failing to report them to proper civil authorities; and/or for spiriting clerics out of dioceses, state and even the country to church-run treatment facilities in order to evade probable criminal prosecution of priest-perpetrators and the possible filing of civil claims by their victims.

2. This well-established pattern, practice, scheme and protocol of recycling abusive priests by the Roman Catholic hierarchy was finally publicly acknowledged and exposed in February 2004 in a research study conducted by the John Jay School of Criminal Justice. The study, titled *A Report on the Crisis in the Catholic Church in the United States* (the Bennett Report), concluded in part that:

Too many bishops in the United States failed to respond to this problem forthrightly and firmly. Their responses were characterized by moral laxity, excessive leniency, **insensitivity, secrecy, and neglect**. Aspects of the failure to respond properly to sexual abuse of minors by priests included: (i) inadequately dealing with victims of clergy sexual abuse, both pastorally and legally; **(ii) allowing offending priests to remain in positions of risk; (iii) transferring offending priest to new parishes or other dioceses without informing others of their histories; (iv) failing to report instances of criminal conduct by priests to secular law enforcement authorities, whether such a report was required by law or not; and (v) declining to take steps to laicize priests who clearly had violated the law [emphasis ours].¹**

² See *The Bennett Report* at page 92, which can be found on the website of BishopAccountability.org at <http://www.bishop-accountability.org/usccb/causesandcontext/2004-02-27-CC-Report.pdf>.

3. This common plan and scheme, which was in existence well before the abuse of Plaintiff, was followed by the El Paso Diocese and its Bishops and Jesuit Order to conceal the crimes against children by Father Madrid and other priests of this Diocese. Members of this common plan and scheme have included not only Bishops and hierarchical agents of El Paso and Jesuit Order and "other clerics," including Father Madrid, and other individuals and entities currently unknown to the Plaintiff.

4. Defendants El Paso Diocese and Jesuit Order were aware or should have been aware of the sexual abuse of Plaintiff and other boys within the Diocese and of the wrongful conduct of Father Madrid as well as other clerics. Defendants El Paso Diocese and Jesuit Order knew or should have known that other young boys had been sexually abused by Father Madrid prior to his abuse of Plaintiff. Instead of reporting Father Madrid's crimes, these Defendants entered into an agreement with Father Madrid and others, in keeping with their protocol, to conceal this abuse and keep it secret at the expense of victims. Defendants intended to accomplish the unlawful purpose of concealing crimes against children by Father Madrid and other priests and/or intended to conceal their breach of duty by the unlawful means of failing to report Father Madrid and other known perpetrators as required by law. Further, these Defendants intended to cause additional injury to Plaintiff as a consequence of failing to report unlawful abuse as required by law. This combination had the result of concealing crimes by fraudulent and illegal means and concealing the facts giving rise to claims for civil damages by the Plaintiff against Defendants by fraudulent and illegal means.

VIII.

DIOCESE AND JESUIT ORDER ARE CRIMINALLY COMPLICIT

1. Tex. Civ. Prac. & Rem. Code §41.005(a) does not apply to bar punitive damages in this matter because the Defendants were criminally complicit. Tex. Civ. Prac. & Rem. Code

§41.005(b)(2) provides an exception when a defendant is criminally responsible as a party to the criminal act. Under Chapter 7 of the Texas Penal Code, specifically §7.02(a), a person is criminally responsible for an offense committed by the conduct of another if:

(1) acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense;

or

(2) having a legal duty to prevent commission of the offense and acting with intent to promote or assist its commission, he fails to make a reasonable effort to prevent commission of the offense.

2. Tex. Pen. Code Ann. §7.02(a)(2). The provisions of this statute are met because Defendants assisted and aided Father Madrid in the commission of the sexual assaults on Plaintiff and other minor boys in Texas by allowing him access to John Doe and by failing to report Father Madrid to law enforcement.

3. Further, provisions of Tex. Pen. Code Ann. §7.02(a)(3) are met because Defendants had a duty to prevent the sexual assault of Plaintiff. Defendants knew of Father Madrid's pattern and history of sexual abuse of boys and, despite that knowledge, never reported him to the police and repeatedly placed him in environments where he could prey upon young boys like Plaintiff and others.

4. Additionally, Tex. Pen Code Ann. §§7.21-7.23 encompasses the criminal responsibility of corporations or associations and provide that a corporation or association is criminally responsible for the conduct of its agent if it was authorized, performed or recklessly tolerated by a high managerial agent. The Bishops of El Paso not only tolerated it, they aided and abetted Father Madrid in acquiring more victims. Plaintiff would show that Defendants recklessly tolerated and allowed the conduct of Father Madrid and are therefore subject to punitive damages in this matter.

IX.

DAMAGES

1. As a result of the conduct and incidents described herein, Plaintiff in all reasonable probability, will incur medical and/or counseling expenses in the future.

2. Plaintiff has experienced physical pain and suffering and bodily injury.

3. Plaintiff has suffered severe mental anguish in the past and, in all reasonable probability, will sustain severe mental anguish in the future.

4. Plaintiff has suffered many other damages including loss of faith in God and, in all reasonable probability, his social and professional judgment in the future will be adversely impacted.

5. Plaintiff has suffered a diminished wage earning capacity in the past and in all reasonable probability will suffer loss of earning capacity in the future.

6. As a result of the above, Plaintiff will seek damages within the jurisdictional limits of the Court.

7. Plaintiff pleads physical impairment damages.

8. Plaintiff pleads for punitive and/or exemplary damages.

X.

CLAIM FOR INTEREST

Plaintiff claims interest in accordance with Texas Finance Code, §304.001, *et seq.* and any other applicable law.

XI.

DEMAND FOR JURY

Plaintiff demands that a jury of his peers be empaneled to hear and decide the issues presented in this case.

XII.

PRAYER

For these reasons, John Doe 103 prays, upon final hearing of this cause, that he have judgment against Defendants, jointly and severally, for damages, actual and punitive, described herein, for cost of suit, interest as allowable by law and for such other relief to which John Doe 103 may be justly entitled.

Respectfully submitted,


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ATTORNEYS FOR PLAINTIFF JOHN DOE 103

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above document was forwarded to all counsel of record as shown below per the Texas Rules of Civil Procedure on the 20 day of March, 2013.

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