

**SECOND JUDICIAL DISTRICT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO**

JOHN DOE “N”,

Plaintiff,

v.

D-202-CV-2014-07658

**SISTERS OF THE BLESSED SACRAMENT
FOR INDIANS AND COLORED PEOPLE and
FRANCISCAN FRIARS, PROVINCE OF ST.
JOHN THE BAPTIST OF THE ORDER OF
FRIARS MINOR,**

Defendants.

**AMENDED COMPLAINT FOR DAMAGES
FOR CAUSING SEXUAL ABUSE BY CLERICS,
FAILURE TO PREVENT SEXUAL ABUSE BY CLERICS,
FOR THE SEXUAL ABUSE ITSELF, AND RELATED CLAIMS**

Plaintiff, by and through his attorneys, states as his Amended Complaint:

1. Defendant Sisters of the Blessed Sacrament for Indians and Colored People (“Sisters”) is a Pennsylvania corporation with its corporate headquarters in Bensalem, Pennsylvania, which operated St. Catherine Indian School in the 1970s.
3. Personal Jurisdiction exists for the Sisters because the Sisters transacted business in New Mexico, including the operation of St. Catherine School, and the Sisters committed torts in New Mexico resulting in injury to Plaintiff.
4. Defendant Franciscan Friars, Province of St. John the Baptist of the Order of Friars Minor (“the Friars”) is an out of State corporation and/or religious institute.
5. Personal jurisdiction exists for the Friars because it transacted business in New

Mexico, including participating in the operation of St. Catherine School, including but not limited the provision of staff and because the Friars committed torts in New Mexico resulting in injury to Plaintiff.

6. Plaintiff was born on April 6, 1961, and currently resides in Albuquerque, NM.

8. Plaintiff was a victim of childhood sexual abuse perpetrated by a Franciscan brother while a student at St. Catherine Indian School in Santa Fe, NM.

9. The Franciscan brother who abused Plaintiff was Br. Dennis Huff.

10. At all times material to this Complaint, Br. Huff acted as an agent for the Friars and the Sisters.

11. Br. Huff abused Plaintiff in 1976, when Plaintiff was approximately 15 years old, while living in the lower-floor dorms at St. Catherine.

12. Plaintiff is now obtaining professional help for the first time as a result of the delayed psychological reaction, and is only now realizing the nature of the abuse, and connecting the harm caused to him by the actions of Defendants in sheltering and housing Br. Huff such that he was able to have access to Plaintiff and sexually abuse him, primarily by exploiting Plaintiff's obedience to clerics.

13. The sexual abuse by Br. Huff was, as a matter of law then and now, criminal sexual contact.

14. Plaintiff is only now realizing, discovering and coming to grips with: the nature of the abuse, the superior knowledge of Defendants of the existence of pedophilia and child sexual abuse in their organizations, and the fact that he sustained severe injury as a result of the childhood sexual abuse.

15. Defendants knew or should have known of Br. Huff's sexual abuse of minors at

St. Catherine and elsewhere, and did nothing to stop it or warn schoolchildren or their parents of its likelihood, or to otherwise protect Plaintiff.

16. The Defendants had a duty to hire, supervise and retain staff in a manner that would prevent sexual harm to children, and Defendants breached this duty.

17. All Defendants failed to supervise Br. Huff, and negligent supervision proximately caused the sexual abuse of Plaintiff.

18. Upon information and belief, Br. Huff abused numerous children in a manner similar to the manner in which Plaintiff was abused. Despite the known danger pedophile clerics posed to the children of New Mexico, Defendants not only placed known or likely pedophile clerics into New Mexico parochial schools, including St. Catherine Indian School, but deliberately chose to conceal the fact of these clerics' problems, including likely pedophilia, from schoolchildren and their parents.

19. Br. Huff eventually left his religious order and the geographic jurisdiction of New Mexico after being accused of rape by another victim.

20. Defendants knew or should have known of Br. Huff's sexual abuse of children and did nothing to prevent future abuse by Br. Huff or to warn the Plaintiff or his family members.

21. The Defendants had a duty to protect minors and children in its Catholic schools from sexual abuse by clerics and faculty, including at St. Catherine Indian School.

22. The Defendants breached this duty.

23. The Defendants had a duty to keep the premises of its schools safe for use by Plaintiff and other schoolchildren.

24. The Defendants breached this duty.

25. Plaintiff's family sent him to St. Catherine Indian School to live in a dorm in Santa Fe trusting that the Defendants would keep Plaintiff safe from harm caused by sexual predators while on the premises of the Defendants' properties.

27. Br. Huff was only allowed unsupervised access to Plaintiff because of his status as staff and a cleric, protected and empowered by Defendants, and as an agent for the Defendants.

28. Br. Huff's knowledge of the deference to clerics ingrained in parochial schoolchildren by their upbringing in the Roman Catholic Church encouraged and facilitated his propensity to sexually abuse parochial schoolchildren, including Plaintiff. Br. Huff knew that parochial schoolchildren were trained to give unquestioning obedience to clerics, and he abused their trained obedience for his own sexual gratification.

29. The Defendants caused the abuse of Plaintiff by empowering clerics to abuse children, and protecting them and the Archdiocese from scandal at the expense of victims.

30. As a direct and proximate result of childhood sexual abuse, Plaintiff suffered and continues to suffer emotional distress. Plaintiff now suffers from delayed PTSD symptoms, embarrassment, humiliation, destruction and loss of faith, loss of sexual capacity and intimacy, loss of self-esteem, depression, anger issues, nightmares, and other damages. For the past few months, Plaintiff has been forced to consider the childhood source of some of his emotional problems, as his childhood survival strategies and psychological coping mechanisms have crumbled. Plaintiff is now incurring expenses for needed psychological treatment, therapy and counseling, seeking adult

survival strategies to the cascade of debilitating intrusive memories.

31. The harm and suffering of many victims, including Plaintiff, could have been at least partially alleviated or ameliorated by earlier professional intervention, which the Defendants' policies of secrecy and non-disclosure of documents and information to the public have prevented. As such, the Defendants have at the very least exacerbated harms to Plaintiff by maintaining policies of secrecy that are harmful to individual parishioners and the public.

32. Plaintiff could not and did not fully discover the connection between his injuries and his abuse, or fully psychologically comprehend what happened to him as a boy, until just recently with the help of professionals; he did not realize, discover and connect the harm caused him by the actions of Defendants in sheltering and housing a pedophile cleric who sexually abused Plaintiff.

33. One of Br. Huff's duties as a school cleric was to instruct and train students as to their own responsibilities, morals, and duties as Catholic students, as well as to provide physical and spiritual guidance, instruction, discipline, and education.

34. The facts described above support legal claims for battery, premises liability, and negligence taking many forms such as 'failure to warn' or 'negligent hiring, training, retention and supervision.'

35. Vicarious liability exists under at least two theories, including aided-in-agency theory.

36. Plaintiff suffered harm as a proximate result of the Defendants' breaches of duties set forth above.

37. Plaintiff is entitled to all compensation allowable under New Mexico law and jury

instructions for harms caused by Defendants, including punitive damages.

WHEREFORE, Plaintiff requests judgment against the Defendants in an amount reasonable to compensate him for damages, including punitive damages, for interest including pre-judgment interest, costs, an Order requiring disclosure to the public of documents to be identified in the litigation, and such other and further relief as this Court may deem appropriate.

LAW OFFICE OF BRAD D. HALL

/s/ Brad D. Hall 03/31/15
BRAD D. HALL
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I certify a copy of this amended complaint will be served on counsel for Defendants.

/s/ Brad D. Hall 03/31/15
Brad D. Hall