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7 **IN THE SUPERIOR COURT OF GUAM**  
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10 **MARK MAFNAS APURON,**  
11 **Plaintiff,**  
12 **v.**  
13 **HOLY SEE (STATE OF THE VATICAN**  
14 **CITY), it’s INSTRUMENTALITIES**  
15 **AND/OR AGENTS – DOES 1-10;**  
16 **ROMAN CATHOLIC**  
17 **ARCHBISHOP OF AGANA, a Corporation**  
18 **sole;**  
19 **ANTHONY SABLAN APURON, an**  
20 **individual; CAPUCHIN FRANCISCANS;**  
21 **CAPUCHIN FRANCISCANS PROVINCE**  
22 **OF ST. MARY; CAPUCHIN**  
23 **FRANCISCANS CUSTODY OF STAR OF**  
24 **THE SEA; DOE ENTITIES 11-20; and DOE-**  
25 **INDIVIDUALS 21-50, inclusive,**  
26 **Defendants.**

CIVIL CASE NO.  
  
**COMPLAINT**  
  
**JURY TRIAL DEMANDED**

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29 Plaintiff Mark Mafnas Apuron (“Mark”) files this Complaint for damages based on prior sexual  
30 abuse (the “Complaint”) against Defendants Holy See, Archbishop of Agana, a corporation sole, Anthony  
31 Sablan Apuron, an individual, the Capuchin Franciscans, the Capuchin Franciscans Province of St. Mary,  
32 Capuchin Franciscans Custody of Star of the Sea, and DOES 1-50 (“Defendants”).

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**I.**  
**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter under 7 G.C.A. § 3105

2. This Court has jurisdiction over the Holy See because the acts complained of involve an activity for which the law provides an exception to sovereign immunity.

3. This Court is the correct venue as the events took place in Guam.

**II.**  
**PARTIES**

4. At all times relevant hereto, Mark has been and is an individual residing in Guam. Mark is currently an adult.

5. Defendant Holy See (State of the Vatican City), (the “Holy See”) is a foreign sovereign. Defendant Holy See is the ecclesiastical, governmental, and administrative capital of the Roman Catholic Church. Defendant Holy See is the composite of the authority, jurisdiction, and sovereignty vested in the Pope and his delegated advisors to direct the worldwide Roman Catholic Church. Defendant Holy See has unqualified and direct power over the Catholic Church, including each and every individual and section of the church. Defendant Holy See directs, supervises, supports, promotes and provides religious, policy, and political mandates to Roman Catholics worldwide. Defendant Holy See engages in these activities through its agents and employees including cardinals, archbishops, bishops, and clergy, including religious order priests, brothers and sisters. Defendant Holy See dictates and safeguards the morals and standards of conduct of the cardinals, archbishops, bishops, and clergy of the Catholic Church. Defendant Holy See does this by and through its agents, employees, and instrumentalities, including the Congregation for the Clergy and the Congregation for Religious, which are both delegated by the Pope and act on his behalf. It appoints cardinals, archbishops, and bishops, ordains clergy, and creates, divides, and realigns dioceses, archdioceses and ecclesiastical provinces. It also gives final approval to the creation, division or suppression of provinces of religious orders. Defendant Holy See promotes the sacred liturgy, and directs and coordinates the spreading of its faith and policy directives and other things necessary to promote the faith. It controls the appointment, assignment and reassignment of archbishops, bishops, superiors of religious orders, and through the archbishops, bishops, and superiors of religious orders, has the power to directly assign and remove individual clergy. All archbishops, bishops, clergy, and priests, including religious order priests, vow to

1 show respect and obedience to the Pope and the Holy See. Defendant Holy See also examines and is  
2 responsible for the work and discipline and all those things which concern bishops, superiors of religious  
3 orders, priests and deacons of the religious clergy. In furtherance of this duty, Defendant Holy See requires  
4 archbishops and bishops to file a report, on a regular basis, outlining the status of, and any problems with,  
5 clergy. Defendant Holy See promulgates and enforces the laws and regulations regarding the education,  
6 training, and standards of conduct and discipline of its members and those who serve in the governmental,  
7 administrative, judicial, educational and pastoral workings of the Catholic Church worldwide. Defendant  
8 Holy See is also directly responsible for removing superiors of religious orders, bishops, archbishops and  
9 cardinals from service and/or making them ineligible for positions of leadership in the various divisions and  
10 offices of the Catholic Church.

11 6. Defendant Holy See acted through individuals, corporations, and associations, the true names of  
12 which are presently unknown to Mark and because their identities are presently unknown these individuals  
13 and entities are designated with the fictitious name of “Doe Defendants 1-10.” When the true names and  
14 capacities of said Doe Defendants 1-10 have been ascertained, Mark will seek leave of court to amend this  
15 complaint to allege their true names and capacities. Mark is informed and believes and based thereon alleges  
16 that each of the Doe Defendants 1-10, as an agent, employee, and/or instrumentality of Defendant Holy See,  
17 is liable in some manner for the acts, occurrences and omissions hereinafter alleged. Any reference or  
18 allegation against Defendant Holy See includes Doe Defendants 1-10.

19 7. At all times relevant hereto, and upon information and belief, Roman Catholic Archdiocese of  
20 Agana, a corporation sole, in accordance with the discipline and government of the Roman Catholic Church,  
21 is the legal name for Defendant Archbishop of Agana, also known as Archdiocese of Agana. (“Agana  
22 Archdiocese”), which is and has been at all times relevant hereto a nonprofit corporation organized and  
23 existing under the laws of Guam, authorized to conduct business and conducting business in Guam, with its  
24 principal place of business in Guam. The Agana Archdiocese is an entity under the control of the Holy See.  
25 Agana Archdiocese is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts  
26 complained of herein.

27 8. At all times relevant hereto, Defendant Anthony Sablan Apuron (“Apuron”), an individual, is an  
28 employee and agent of the Holy See. Apuron was appointed the Archbishop of the Archdiocese of Agana by

1 the Pope in his role as the leader of the Holy See. Apuron was removed from his position by the Pope in his  
2 role as the leader of the Holy See.

3 9. Defendant Apuron is an agent of the Holy See, Agana Archdiocese, the Capuchin Franciscans,  
4 the Capuchin Franciscans Province of St. Mary, Capuchin Franciscans Custody of Star of the Sea, was and is  
5 a member of the clergy of the Holy See, Agana Archdiocese, the Capuchin Franciscans, the Capuchin  
6 Franciscans Province of St. Mary, Capuchin Franciscans Custody of Star of the Sea and has served both as a  
7 priest and as the Archbishop of Agana. At all times relevant hereto, Defendant Apuron was a resident of  
8 Guam and is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts  
9 complained of herein. On information and belief, Mark alleges that Defendant Apuron currently resides in  
10 the mainland United States other than.

11 10. At all times relevant hereto, and upon information and belief, the Capuchin Franciscans, the  
12 Capuchin Franciscans Province of St. Mary, and the Capuchin Franciscans Vice Province Custody of Star of  
13 the Sea (collectively referred to herein as the “Capuchins”), are a religious order of priests, brothers, and  
14 friars, who serve various Catholic positions throughout the United States, including positions in Guam. In or  
15 about 1939, the Capuchin Franciscans began their missions on Guam. The Capuchin Franciscans are divided  
16 into geographic areas called provinces, and Defendant Capuchin Franciscans Province of St. Mary, is one of  
17 those geographic areas, with its headquarters in the State of New York. In or about 1952, Guam was assigned  
18 to the Capuchin Franciscans Province of St. Mary. By the early 1980s, there were almost a dozen Chamorros  
19 (the indigenous people of Guam) in the Capuchin Franciscans Order, either as priests, brothers or friars. At  
20 all times relevant hereto, and upon information and belief, the Capuchin Franciscans Province of St. Mary,  
21 regularly assigned Capuchin Brothers to Guam, and acted as an agent of the Capuchin Franciscans, whose  
22 main headquarters is in Rome, Italy, and the Capuchin Franciscans Province of St. Mary was under its  
23 direction, supervision, and jurisdiction. In or about 1982, the Capuchin Franciscans established the Guam  
24 community as the Star of the Sea, a Vice Province of the Capuchin Franciscans Province of St. Mary. Upon  
25 information and belief, the Capuchin Franciscans had authority and control over both the Capuchin  
26 Franciscans Province of St. Mary and Capuchin Franciscans Vice Province Custody of Star of the Sea. The  
27 Capuchins are responsible and liable in whole or in part, directly or indirectly, for the wrongful acts  
28 complained of herein.

1 11. Defendant-entities named herein as DOES 11-20, inclusive, are or at all times relevant hereto,  
2 were insurance companies that provided general liability coverage and/or excess level liability coverage  
3 pursuant to policies issued to the Holy See, Agana Archdiocese, Capuchins, and/or Roman Catholic Church  
4 of Guam. Defendant- individuals named here-in as DOES 21-50, inclusive, are at all times relevant hereto,  
5 were agents, employees, representatives and/or affiliated entities of the Agana Archdiocese, Capuchins,  
6 and/or Roman Catholic Church outside of Guam whose true names and capacities are unknown to Mark who  
7 therefore sues such defendants by such fictitious names, and who will amend the Complaint to show the true  
8 names and capacities of each such Doe defendant when ascertained. DOES 21-50 assisted, aided and abetted  
9 and/or conspired with Apuron and/or other members of the Agana Archdiocese and Capuchins to conceal,  
10 disguise, cover up, and/or promote the wrongful acts complained of herein. As such, each such Doe is legally  
11 responsible in some manner for the events, happenings, and/or tortious and unlawful conduct that caused the  
12 injuries and damages alleged in this Complaint.

13 12. Each defendant is the agent, servant and/or employee of other defendants, and each defendant  
14 was acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the  
15 other defendants. Defendants, and each of them, are individuals, corporations, alter egos and partnerships of  
16 each other and other entities which engaged in, joined in and conspired with the other wrongdoers in carrying  
17 out the tortious and unlawful activities described in this Complaint; and defendants, each of them, ratified the  
18 acts of the other defendants as described in this Complaint.

19 13. At the time Mark was sexually abused by Apuron, Defendants knew or should have known that  
20 Apuron posed a threat of foreseeable harm to Mark and other children, but they failed to take reasonable  
21 steps to protect Mark from that harm

22 **III.**  
23 **INTRODUCTORY ALLEGATIONS**

24 **A. Culture of Sexually Predatory Behavior**

25 14. Since the inception of the priesthood many centuries ago, becoming a Catholic priest has  
26 required numerous vows to be taken, including a vow of celibacy, obedience to the laws of both God and  
27 society, and a variety of responsibilities that elevated priests, nuns, and entities that utilized the services of  
28 priests and nuns, to a high status in the community. This has induced parents to entrust their children to the  
care of priests and likewise induced children to submit to the commands and will of priests.

1           15. The systematic and ongoing pattern of sexual abuse of young children was characteristic of an  
2 internal society within Defendants Holy See, Agana Archdiocese, and Capuchins and whose norms were  
3 based on pedophilic conduct disguised by the rituals and pageantry of liturgical services, together with the  
4 aura of prestige that was inculcated in the community and which caused Catholic parishioners to place the  
5 highest level of confidence and trust in the church and its clergy. This internal society of sexual corruption  
6 sustained itself through a conspiratorial arrangement between priests and higher officials in the Holy See,  
7 Agana Archdiocese, and Capuchins whereby they all understood and agreed to remain quiet about each  
8 other's sexual abuse misconduct, to tolerate such misconduct, and to withhold information about such  
9 misconduct from third parties including victims' parents or guardians and law enforcement authorities, in  
10 order to protect the offenders and the Holy See, Agana Archdiocese, and Capuchins, thereby placing their  
11 loyalty above their duty to protect the minor children and their legal responsibilities.

12           16. These sexually predatory norms were an integral part of the standards and culture generated by  
13 the central authority of the Roman Catholic Church based in Vatican City, Italy, the Holy See, which closely  
14 controlled the operations of the Agana Archdiocese and Capuchins, and which aided and abetted such  
15 sexually predatory and abusive practices by priests by knowingly tolerating such actions, failing to manage  
16 the Agana Archdiocese and Capuchins to prevent sexual misconduct, and engaging in actions to protect and  
17 shield priests through such policies as transfers to other jurisdictions, maintaining an internal code of silence,  
18 and choosing to remain willfully blind to the ongoing sexual misconduct committed by Catholic priests.

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20           **B. Factual Background Surrounding Child Sexual Abuse in the Catholic Church in the United**  
21           **States**

22           17. The crime of sexual abuse by clergy in the Roman Catholic Church and its concealment by the  
23 Holy See, its appointed archbishops, bishops, and policies is a longstanding problem in the United States.

24           18. The Apostolic Nunciature is the diplomatic mission of the Holy See to the United States in  
25 Washington, DC.

26           19. From 1981 to 1986, the Rev. Thomas P. Doyle was an employee and canon lawyer for the  
27 Apostolic Nunciature, or embassy, for the Holy See in Washington, DC.

28           20. In 1985, a 92-page report on sexual abuse in the Catholic Church written by Thomas P. Doyle,  
O.P. J. C.D., Mr. F. Ray Mouton, J.D., and Fr. Michael Peterson, M.D., entitled "The Problem of Sexual

1 Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner”  
2 (“1985 Report”) was released confidentially to United States bishops. The Report urged immediate action to  
3 address a widespread problem of sex abuse of children in the Church.

4 21. Thomas Doyle shared the 1985 Report with the Papal Nuncio to the United States, Cardinal Pio  
5 Laghi, who traveled to the Holy See to discuss the Report.

6 22. The 1985 Report put the Holy See and United States archbishops and bishops on notice of  
7 “sexual molestation of children by Clerics (Priests, Permanent Deacons, Transient Deacons), non-ordained  
8 Religious, lay employees and seminarians” in the Catholic Church, and the need for immediate action.

9 a. The 1985 Report addresses “extraordinary issues [that] necessitated an extraordinary  
10 response.”

11 b. The 1985 Report outlines “Criminal Considerations, Civil Considerations, Canonical  
12 Considerations, and Clinical Considerations . . . not to mention the other substantial  
13 considerations such as Insurance and Public Relations.”

14 c. The 1985 Report states that “a real, present danger exists,” that cases were “arising with  
15 increased frequency,” which were occurring “across the country.”

16 d. The 1985 Report states that the problem is not new and expresses concern about “increased  
17 awareness, widespread publicity, and the excellent educational programs available to  
18 children, which we all support, shall increase the reporting of such incidents and increase  
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1 the likelihood that both civil and criminal actions shall be instituted against the offender and  
2 those sought to be held legally responsible with the wrongdoer.”

3 e. The 1985 Report notes the “circle of responsibility” for child sex abuse extends to the Holy  
4 See and the “Holy Father himself.”

5 f. The 1985 Report warns that “[t]he effects of sexual abuse of children by adults are long  
6 lasting and go well into adulthood” and that the “negative impact of widespread sexual  
7 abuse of children and involvement in other forms of illicit sexual activity by Catholic clergy  
8 and religious cannot be underestimated. . . .”

9 g. The 1985 Report warns that “it is imperative to clearly understand that transfer or removal  
10 [of an abusing priest] isolated from any other action is far from adequate and could in fact  
11 lead to a presumption of irresponsibility or even liability.”

12 h. The 1985 Report recommends that records of “alleged sexual abuse or sexual misconduct as  
13 well as records of investigations should be kept in the secret archives....”

14 i. The 1985 Report states that the “diocesan bishop is bound to report only to the Holy See in  
15 just about every case....”

16 j. The 1985 Report recommends the creation of a committee of four bishops, a “Crisis Control  
17 Team,” and a “Policy and Planning Group” for “dealing with probably the single most  
18 serious and far reaching problem facing our Church today.”

19 23. The Holy See did not follow or institute the recommendations of the 1985 Report.

20 24. In the United States, there have been at least ten grand jury investigation reports issued  
21 between 2002 and 2018 involving the sexual abuse of children by Roman Catholic clergy:

22 a. Report of the April ‘E’ 2002 Westchester County Grand Jury Concerning Complaints of  
23 Sexual Abuse and Misconduct against Minors by Members of the Clergy (NY, 2002);

24 b. Report on the Investigation of the Diocese of Manchester (New Hampshire Attorney  
25 General’s Office, 2003);

26 c. Report of the Grand Jury (Philadelphia District Attorney, 2003) [investigating child sex  
27 abuse in the Philadelphia Archdiocese];

28 d. Grand Jury Report (Suffolk County, NY, 2003);



- e. The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston (Commonwealth of Massachusetts Office of the Attorney General, 2003);
- f. A Report by the Attorney General on the Allegations of Sexual Abuse of Children by Priests and Other Clergy Members Associated with the Roman Catholic Church in Maine (2004);
- g. Report of the Grand Jury (Philadelphia District Attorney, 2005) [investigating child sex abuse in the Philadelphia Archdiocese];
- h. Report of the Grand Jury (Philadelphia District Attorney, 2011) [investigating child sex abuse in the Philadelphia Archdiocese];
- i. Report of the Thirty-Seventh Statewide Investigating Grand Jury (Commonwealth of Pennsylvania, Office of Attorney General, 2016) [investigating child sex abuse in six Pennsylvania dioceses];
- j. 40<sup>th</sup> Statewide Investigating Grand Jury (Pennsylvania, 2018) [investigating child sex abuse in six Pennsylvania dioceses].

25. In 2002, the Boston Globe issued an investigative report into sexual abuse of children by clergy in the Boston Archdiocese, including facts regarding the cover up of sex abuse by Cardinal Bernard Law, who was awarded by the Holy See with a position as an archpriest at the papal basilica of Saint Mary Major in Rome after he was forced to resign from the Boston Archdiocese. Cardinal Law also maintained posts on Vatican committees, including the one that nominates bishops. The collective knowledge of child sex abuse in the Catholic Church in the United States also has been supplemented by secret settlements and agreements, individual prosecution of individual perpetrators, and civil lawsuits dating back many decades, all of which were required to be reported to the Holy See.

### **C. Relationship of Defendants**

26. The Holy See is the overarching parent organization of the Agaña Archdiocese and the Capuchins. The Agaña Archdiocese and the Capuchins are not independent of or separate from the Holy See but are instead alter ego entities of the Holy See (collectively the Agaña Archdiocese and the Capuchins are referred to herein as the “alter ego entities”).

27. The Holy See, through the Supreme Roman Pontiff, also known as the Pope, appoints the archbishop of the Agaña Archdiocese.

1           28. The archbishop of the Agaña Archdiocese can only be suspended, removed, transferred, or  
2 relieved by the Holy See, through the Supreme Roman Pontiff.

3           29. The Supreme Roman Pontiff appointed and later removed Archbishop Apuron.

4           30. The Holy See operates in Guam as a business, and on information and belief turns a profit,  
5 through the alter ego entities. Doe Defendants 1-10 manage and operate the alter ego entities on behalf of  
6 and at the direction of the Holy See.

7           31. Apuron was an employee of the Holy See including through the alter ego entities.

8           32. Apuron was an agent of the Holy See.

9           33. Apuron sexually assaulted Mark and many other children while an employee and agent of the  
10 Holy See.

11           34. When allegations of child sexual abuse against Apuron become publicly known and unable to  
12 be concealed or ignored, Apuron answered directly to the Pope in Rome, the head officer of the Holy See, for  
13 Apuron's crimes of molesting children on Guam.

14           35. However, the Holy See only acted when the truth could no longer be hidden or denied, and as a  
15 result of the Holy See's failure to act with regard to the conduct of its agent Apuron, Mark was allowed by  
16 the Holy See to be raped.

17           36. The Holy See had notice of the problem of sexual abuse of children in the Church in the United  
18 States.

19           37. The Holy See holds the power to control the alter ego entities, and the obligation to protect  
20 those in its care like the children of Catholic parents and parishioners from sexual abuse and assaults by the  
21 Holy See's agents and employees. At all times material, the alter ego entities were the agents of the Holy  
22 See, doing acts they were engaged to perform, and were motivated, at least in part, to further the purposes of  
23 the Holy See.

24           38. The Holy See, by and through its agents, granted Apuron the authority to perform as a Roman  
25 Catholic priest and archbishop. The Holy See, by and through its agents, also certified and held Apuron out  
26 to the community of the faithful as a fit and a competent agent of the Holy See and as a minister of Christ.  
27 Apuron was acting as the agent in ministering to the community of the faithful, including performing  
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1 sacraments, teaching the word of God and the law of the Church, and providing aid, comfort and counseling,  
2 and obtaining financial revenue for the Church and for the Holy See.

3 39. Mark was raped by Apuron while Mark was under the authority and influence and control of  
4 Apuron. Apuron exercised that control over Mark as a Roman Catholic priest with authority granted to him  
5 by the Holy See and its alter ego entities.

6 40. The sexual abuse of Mark occurred while Apuron was acting in the scope of his employment,  
7 the agency relationship with the Holy See and its alter ego entities and/or this conduct was committed within  
8 the apparent authority arising from this employment and/or agency.

9 41. Apuron was executing the very employment duties which he was assigned to perform when he  
10 used his position of employment to sexually abuse Mark.

11 42. The Holy See knew or should have known of the rampant sexual abuse of minors on Guam by  
12 its employees, including the abuses perpetrated by Apuron upon Mark.

13 43. The Holy See took no action to stop the abuses committed by Apuron and others, but instead  
14 ignored those abuses, and covered them up so that it could continue to enjoy the revenue that Apuron and the  
15 alter ego entities provided to the Holy See through their activities.

16 **D. Sexual Abuse Inflicted on Plaintiff Mark Mafnas Apuron**

17 44. In or about 1989 or 1990, around the age of fifteen (15) or sixteen (16) years old, Mark was  
18 sexually molested and abused by Apuron while attending an event at the Archdiocese of Agana Chancery  
19 Office (“Chancery”). During this time, Apuron was the Archbishop of Agana and upon information and  
20 belief, Apuron resided at the Chancery.

21 45. Mark recalls having to go to the Chancery quite often for functions. During these functions,  
22 Mark routinely made alcohol beverages for his family members at their request and would sometimes sip  
23 from it.

24 46. On one particular occasion, Mark snuck away from the crowd to go smoke a cigarette. Due to  
25 the fact that it was a church event and because it is considered disrespectful in Mark’s culture to smoke in  
26 front of your parents and/or elders, Mark decided to sneak off and smoke in Apuron’s bathroom. On his way  
27 to the bathroom, Mark brought an alcoholic beverage with him.

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1           47. Once in the bathroom, Mark began to smoke his cigarette and sip on his drink. He lost track of  
2 time as he became distracted with testing out the bottles of cologne displayed on Apuron's bathroom vanity.  
3 In the midst of smoking, drinking, and spraying cologne, Mark became startled when he noticed Apuron in  
4 the bathroom staring at him. Apuron seemed very upset. Mark froze in fear and was afraid that he was in  
5 trouble. All of a sudden, Apuron approached Mark, pulled Mark's pants down, and pushed Mark onto the  
6 bathroom vanity. Mark thought that Apuron was going to spank him and expected to get a whipping on his  
7 butt. Instead, Mark felt something penetrate his butt and for a moment Mark did not know what was going on  
8 because it happened so fast. Eventually, the pain was so unbearable that it snapped Mark out of the state of  
9 mind he was in and he realized that Apuron's penis was in his butt. Mark shoved Apuron off of him and  
10 managed to get away. For the remainder of the function, Mark stayed with his parents until they were ready  
11 to leave.

12           48. After this incident, Mark made it a point to avoid Apuron. He refused to attend any events  
13 where Apuron would be present. Mark's parents started questioning why Mark no longer attended functions  
14 which Apuron might attend. Mark's distance put a strain on his relationship with his family and a wedge  
15 between Mark and his parents. Mark was ashamed and embarrassed to tell his family what Apuron did to  
16 him, although he would give them hints and tell the family that he did not like Apuron. Mark's comments  
17 seemed to offend and upset the family and he felt that he was being ostracized. Eventually, Mark decided to  
18 disconnect from the family and do his own thing.

19           49. At all times relevant hereto, Apuron sexually abused and molested Mark when Mark was a  
20 minor and committed such acts while serving as a priest and/or as Archbishop of Guam, in his capacity as an  
21 agent and employee of the Holy See, Agana Archdiocese, and Capuchins, which are vicariously liable for his  
22 actions.

23           50. The Holy See, Agana Archdiocese, Capuchins and DOES 1-50, inclusive, knew that Apuron  
24 had sexually abused and molested Mark, and rather than reporting the matter to law enforcement and without  
25 intervening so as to prevent Apuron from engaging in additional instances of sexual abuse, and without  
26 seeking to have Apuron acknowledge and take responsibility for his wrongful actions, they assisted Apuron  
27 with the specific purpose or design to keep Apuron's misconduct hidden and secret; to hinder or prevent  
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1 Apuron's apprehension and prosecution; and to protect the Holy See, Agana Archdiocese, and Capuchins, as  
2 well as the Roman Catholic church as an international institution.

3 51. To this day, the Holy See, Agana Archdiocese, Capuchins, and DOES 1-50 have never  
4 contacted Mark, Mark's family, or children with whom they know Apuron had sexual contact. The Holy See,  
5 Agana Archdiocese, Capuchins, and DOES 1-50 have been content that any other children that were sexually  
6 abused by Apuron, while he was serving as a priest and/or as Archbishop of Guam, remain affected by guilt,  
7 shame and emotional distress.

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

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

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

13 (B) subjects that child to cruel mistreatment; or  
14 (C) unreasonably causes or permits the physical or, emotional  
15 health of that child to be endangered.

16 53. Under 19 GCA § 13101, the following relevant definitions are provided:

17 (b) Abused or neglected child means a child whose physical or mental health or  
18 welfare is harmed or threatened with harm by the acts or omissions of the  
19 person(s) responsible for the child's welfare;

20 (d) Child means a person under the age of 18 years;

21 (t) Harm to a child's physical health or welfare occurs in a case where there  
22 exists evidence of injury, including but not limited to:

- 23 (2) Any case where the child has been the victim of a sexual offense as  
24 defined in the Criminal and Correctional Code; or  
25 (3) Any case where there exists injury to the psychological capacity of a  
26 child such as failure to thrive, extreme mental distress, or gross  
27 emotional or verbal degradation as is evidenced by an observable and  
28 substantial impairment in the child's ability to function within a  
normal range of performance with due regard to the child's culture(.)

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

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

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

1 (8) Sexual Contact includes the intentional touching of the victim's or actor's  
2 intimate parts or the intentional touching of the clothing covering the  
3 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  
arousal or gratification.

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

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

8 57. Under 9 GCA § 25.15, the crime of First Degree Criminal Sexual Misconduct with regard  
9 to a child is set forth in pertinent part as follows:

10 a) A person is guilty of criminal sexual conduct in the second degree if the  
11 person engages in sexual penetration with another person and if any of  
the following circumstances exists:

12 (1) that other person is under fourteen (14) years of age;

13 (2) that other person is at least fourteen (14) but less than sixteen (16) years of age and the  
14 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.

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

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

19 (1) that other person is under fourteen (14) years of age;

20 (2) that other person is at least fourteen (14) but less than sixteen (16)  
years of 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.

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

22 (b) Persons required to report suspected child abuse under Subsection (a)  
23 include, but are not limited to, ... clergy member of any religious faith,  
24 or other similar functionary or employee of any church, place of  
worship, or other religious organization whose primary duties consist  
25 of teaching, spreading the faith, church governance, supervision of a  
religious order, or supervision or participation in religious ritual and  
26 worship, ...  
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**IV.**  
**FIRST CAUSE OF ACTION**

**Child Sexual Abuse**  
**[Against Defendant Apuron]**

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

61. Apuron committed the offense of First Degree Criminal Sexual Misconduct, as set forth in 9 GCA § 25.15, by engaging in sexual penetration with Mark when Mark was at least fourteen (14) but less than sixteen (16) years of age; and Apuron, in his position as a priest and/or as Archbishop of Guam, was in a position of authority over Mark and Apuron used this authority to coerce Mark to submit.

62. Apuron committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in 9 GCA § 25.20, by engaging in sexual contact with Mark when Mark was at least fourteen (14) but less than sixteen (16) years of age; and Apuron, in his position as a priest and/or as Archbishop of Guam, was in a position of authority over Mark and Apuron used this authority to coerce Mark to submit.

63. Apuron also committed the offense of Child Abuse, as set forth in 9 GCA § 31.30 by subjecting Mark to cruel mistreatment; and, while having Mark, who was a child at the time pursuant to 19 GCA § 13101(d), under his care, custody or control, unreasonably caused or permitted the physical or emotional health of the child to be endangered.

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

65. As a direct and proximate consequence of Apuron's misconduct, Mark has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and has incurred and/or will continue to incur expenses for medical and psychological treatment, therapy and counseling.

1 66. By engaging in the conduct described herein, Apuron acted with malice, oppression, and/or  
2 fraud, entitling Mark to exemplary and punitive damages.

3 **V.**  
4 **SECOND CAUSE OF ACTION**

5 **Child Sexual Battery**  
6 **[Against Defendant Apuron]**

7 67. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 66 of this Complaint as  
8 if fully set forth herein.

9 68. The acts of sexual abuse by Apuron heretofore described were done with the intention to cause  
10 a harmful or offensive contact with Mark's person.

11 69. As a direct or indirect result of Apuron's acts, a harmful or offensive contact occurred with  
12 Mark's person.

13 70. Mark did not consent to the harmful or offensive contact by Apuron.

14 71. The harmful or offensive contact by Apuron caused injury, damage, loss, and harm to Mark,  
15 including but not limited to great pain of mind and body, shock, emotional distress, physical manifestations  
16 of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of  
17 life; and Mark has incurred and/or will continue to incur expenses for medical and psychological treatment,  
18 therapy, and counseling.

19 72. As a direct and proximate result of the harmful or offensive contact, Mark suffered general and  
20 special damages.

21 73. By engaging in the conduct described herein, Apuron acted with malice, oppression, and/or  
22 fraud, entitling Mark to exemplary and punitive damages.

23 **VI.**  
24 **THIRD CAUSE OF ACTION**

25 **Child Sexual Assault**  
26 **[Against Defendant Apuron]**

27 74. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 73 of this Complaint as  
28 if fully set forth herein.

29 75. By engaging in the conduct heretofore described, Apuron demonstrated an unlawful intent to  
30 inflict an immediate injury on the person of Mark then present.



1 76. Apuron's conduct caused Mark to be in fear of personal harm, including sexual abuse.

2 77. As a direct and proximate result of Apuron's sexual assault, Mark suffered general and special  
3 damages.

4 78. By engaging in the conduct described herein, Apuron acted with malice, oppression, and/or  
5 fraud, entitling Mark to exemplary and punitive damages.

6 **VII.**  
7 **FOURTH CAUSE OF ACTION**

8 **Intentional Infliction of Emotional Distress**  
9 **[Against Defendant Apuron]**

10 79. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 78 of this Complaint as  
11 if fully set forth herein.

12 80. Apuron's acts and conduct in sexually abusing Mark were extreme and outrageous.

13 81. By engaging in such acts and conduct, Apuron intended to cause, or had reckless disregard of  
14 the probability of causing, Mark to suffer severe emotional distress, including but not limited to great pain of  
15 mind and body, shock, physical manifestations of emotional distress, embarrassment, loss of self-esteem,  
16 disgrace, humiliation, and loss of enjoyment of life.

17 82. As an actual and proximate result of Apuron's extreme and outrageous acts and conduct, Mark  
18 suffered and continues to suffer severe emotional distress.

19 83. As a direct and proximate result of Apuron's acts and conduct, Mark suffered general and  
20 special damages.

21 84. By engaging in the conduct described herein, Apuron acted with malice, oppression, and/or  
22 fraud, entitling Mark to exemplary and punitive damages.

23 **VIII.**  
24 **FIFTH CAUSE OF ACTION**

25 **Child Sexual Abuse**  
26 **[Against Defendants Holy See, Agana Archdiocese, Capuchins, and DOES 1-50]**

27 85. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 84 of this Complaint as  
28 if fully set forth herein.

86. The Holy See, through the Supreme Roman Pontiff, also known as the Pope, appoints the  
archbishop of the Agana Archdiocese.

1           87. The archbishop of the Against archdiocese can only be suspended, removed, transferred, or  
2 relieved by the Holy See, through the Supreme Roman Pontiff.

3           88. The Supreme Roman Pontiff appointed and later removed Archbishop Apuron.

4           89. The Holy See had notice of the problem of sexual abuse of children in the Church in the United  
5 States.

6           90. Defendants Holy See, Agana Archdiocese, Capuchins, and DOES 1-50 (collectively  
7 “Defendants” as alleged in this cause of action) are vicariously liable for the sexual abuse committed upon  
8 Mark by Apuron. Public policy dictates that Defendants should be held responsible for Apuron’s wrongful  
9 conduct under the theories of *Respondeat Superior* and *Negligence*.

10           91. For the reasons set forth in this Complaint, the sexual abuse of Mark arose from and was  
11 incidental to Apuron’s agency and employment with the Holy See, Agana Archdiocese, and Capuchins, and  
12 Apuron was acting within the scope of his agency and employment with the Holy See, Agana Archdiocese,  
13 and Capuchins at the time he committed the acts of sexual abuse, which were foreseeable to Defendants.  
14 Apuron purported to act or to speak on behalf of Defendants. Mark and his parents relied upon Apuron’s  
15 authority to act or speak on behalf of Defendants.

16           92. Defendants ratified and/or approved of Apuron’s sexual abuse by failing to adequately  
17 investigate, discharge, discipline and/or supervise Apuron and other priests known by Defendants to have  
18 sexually abused children, or to have been accused of sexually abusing children; by concealing evidence of  
19 Apuron’s sexual abuse; failing to intervene to prevent ongoing and/or further sexual abuse; by failing to  
20 report the sexual abuse as required under 19 GCA § 13201(b); by allowing Apuron to continue in service as  
21 a Catholic priest and/or as Archbishop of Guam working for the Agana Archdiocese and Capuchins; and by  
22 providing Apuron with assistance in fleeing Guam in or around June 2016 immediately after a defamation  
23 lawsuit was filed by plaintiffs who were victims of Apuron’s past sexual abuse.

24           93. Defendants further ratified the sexually abusive conduct of Apuron by elevating him to the  
25 position of Archbishop, the highest position in the Catholic Archdiocese on Guam, and thereby presenting  
26 him as a figure of utmost integrity and stature to the community, notwithstanding Defendants’ knowledge,  
27 ratification, and approval of Apuron’s sexually abusive conduct.

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1 94. Despite the pretense of policies and procedures to investigate and address instances of child  
2 sexual abuse by priests, Defendants in fact implemented such policies and procedures for no other purpose  
3 than to avoid scandal, maintain secrecy and preserve loyalty to fellow clergy, including child molesting  
4 clergy, rather than the protection of children. Such hypocritical conduct by Defendants has served to  
5 systematically encourage, perpetuate, and promote sexually abusive conduct by priests in the Agana  
6 Archdiocese.

7 95. Defendants either had actual knowledge of Apuron's sexual abuse of Mark, or could have and  
8 should have reasonably foreseen that Apuron would commit sexual abuse to Mark in the course of his  
9 employment as a priest and/or as Archbishop of Guam, as an agent and employee of the Holy See, Agana  
10 Archdiocese, and Capuchins.

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

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

18 **IX.**  
19 **SIXTH CAUSE OF ACTION**

20 **Negligence**  
21 **[Against All Defendants]**

22 98. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 97 of this Complaint as  
23 if fully set forth herein.

24 99. Defendants had a duty to protect Mark when he was entrusted to Apuron's care by Mark's  
25 parents. Mark's care, welfare, and/or physical custody were temporarily entrusted to Defendants, and  
26 Defendants accepted the entrusted care of Mark. As such, Defendants owed Mark, as a child at the time, a  
27 special duty of care, in addition to a duty of ordinary care, and owed Mark the higher duty of care that adults  
28 dealing with children owe to protect them from harm.

1           100. By virtue of his unique authority and position as a Roman Catholic priest and/or as Archbishop  
2 of Guam, Apuron was able to identify vulnerable victims and their families upon which he could perform  
3 such sexual abuse; to manipulate his authority to procure compliance with his sexual demands from his  
4 victims; to induce the victims to continue to allow the abuse; and to coerce them not to report it to any other  
5 persons or authorities. As a priest and/or as Archbishop of Guam, Apuron had unique access to a position of  
6 authority within Roman Catholic families and such access, authority and reverence was known to the  
7 Defendants and encouraged by them.

8           101. Defendants, by and through their agents, servants and employees, knew or reasonably should  
9 have known of Apuron's sexually abusive and exploitative propensities and/or that Apuron was an unfit  
10 agent. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to  
11 children in their care, including but not limited to Mark, the children entrusted to Defendants' care would be  
12 vulnerable to sexual abuse by Apuron.

13           102. Defendants breached their duty of care to the minor Mark by allowing Apuron to come into  
14 contact with Mark as a child without supervision; by failing to adequately supervise, or negligently retaining  
15 Apuron whom they permitted and enabled to have access to Mark; by failing to properly investigate; by  
16 failing to inform or concealing from Mark, Mark's parents, guardians, or law enforcement officials that  
17 Apuron was or may have been sexually abusing minors; by failing to provide a safe environment; by holding  
18 out Apuron to Mark, Mark's parents or guardians, and to the community of Guam at large, as being in good  
19 standing and trustworthy as a person of stature and integrity. Defendants cloaked within the facade of  
20 normalcy Apuron's contact with Mark and/or with other minors who were victims of Apuron, and  
21 deliberately concealed and disguised the sexual abuse committed by Apuron.

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

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

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**X.**  
**SEVENTH CAUSE OF ACTION**

**Negligent Supervision**  
**[Against Defendants Holy See, Agana Archdiocese, Capuchins, and DOES 1–50]**

105. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 104 of this Complaint as if fully set forth herein.

106. Defendants Holy See, Agana Archdiocese, Capuchins, and DOES 1-50 (collectively “Defendants” as alleged in this cause of action) had a duty to provide reasonable supervision of both Apuron and minor child Mark; to use reasonable care in investigating Apuron; and to provide adequate warning to Mark and Mark's family, and to families of other children who were entrusted to Apuron, of Apuron's sexually abusive and exploitative propensities and unfitness.

107. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Apuron's sexually abusive and exploitative propensities and/or that Apuron was an unfit agent. Despite such knowledge, Defendants negligently failed to supervise Apuron in his position of trust and authority as a Catholic priest and/or as Archbishop of Guam, where he was able to commit the wrongful acts against Mark alleged herein. Defendants failed to provide reasonable supervision of Apuron, failed to use reasonable care in investigating Apuron, and failed to provide adequate warning to Mark and Mark's family regarding Apuron's sexually abusive and exploitative propensities and unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse.

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

109. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Mark to exemplary and punitive damages.

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**XI.**  
**EIGHTH CAUSE OF ACTION**

**Negligent Hiring And Retention**  
**[Against Defendants Holy See, Agana Archdiocese, Capuchins, and DOES 1-50]**

110. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 109 of this Complaint as if fully set forth herein.

111. Defendants Holy See, Agana Archdiocese, Capuchins, and DOES 1-50 (collectively “Defendants” as alleged in this cause of action) had a duty not to hire and/or retain Apuron in light of his sexually abusive and exploitative propensities.

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

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

114. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Mark to exemplary and punitive damages.

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**XII.**  
**NINTH CAUSE OF ACTION**

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

115. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 114 of this Complaint as if fully set forth herein.

116. By holding Apuron out as a qualified priest and/or as Archbishop of Guam, and a person of stature and integrity within the Catholic Archdiocese, Defendants invited, counseled, encouraged and induced the Catholic community of Guam, including parents or guardians of children, and particularly parents or guardians of children serving as altar boys and children eligible to serve as altar boys, to have trust and confidence in the Holy See, Agana Archdiocese, and Capuchins and their priests and to entrust their children to the company of archbishops and priests and specifically to Apuron, including allowing their children to be alone with Apuron without supervision, including at Apuron's residence. Through such actions, Defendants collectively created and entered into a fiduciary and/or confidential relationship with its parishioners, including Catholic parents or guardians and their children. Accordingly, Defendants collectively created and entered into a fiduciary and/or confidential relationship specifically with the minor child Mark.

117. Through such fiduciary and/or confidential relationship, Defendants collectively caused parents or guardians to entrust their children to archbishops and priests, and specifically to Apuron, including the parents of Mark, resulting in the subject acts of sexual abuse described herein.

118. Defendants collectively breached their fiduciary and/or confidential relationship with the minor child Mark by violating the trust and confidence placed in them by parishioners and specifically by the minor child Mark, and by engaging in the wrongful acts described in this Complaint.

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

120. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling Mark to exemplary and punitive damages.

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**XIII.**  
**TENTH CAUSE OF ACTION**

**Intentional Infliction of Emotional Distress**  
**[Against Defendants Holy See, Agana Archdiocese, Capuchins, and DOES 1-50]**

121. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 120 of this Complaint as if fully set forth herein.

122. The acts and conduct of the Holy See, Agana Archdiocese, Capuchins, and DOES 1-50 in providing Apuron, a serial sexual predator to children, with direct access to children including Mark, and refusing to report or stop his sexual abuses, were extreme and outrageous.

123. By engaging in such acts and conduct, the Holy See, Agana Archdiocese, Capuchins, and DOES 1-50 intended to cause, or had reckless disregard of the probability of causing, Mark to suffer severe emotional distress, including but not limited to great pain of mind and body, shock, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

124. As an actual and proximate result of this extreme and outrageous acts and conduct, Mark was sexually abused and suffered and continues to suffer severe emotional distress.

125. As a direct and proximate result of these acts and conduct, Mark suffered general and special damages.

126. By engaging in the conduct described herein, the Holy See, Agana Archdiocese, Capuchins, and DOES 1-50 acted with malice, oppression, and/or fraud, entitling Mark to exemplary and punitive damages.

**XIV.**  
**REQUEST FOR RELIEF**

WHEREFORE, Plaintiff Mark Mafnas Apuron requests judgment against all Defendants on all counts as follows:

1. For all general, special, exemplary and punitive damages, as allowed by law in a sum to be proven at trial and in an amount not less than \$5,000,000;
2. For costs and fees incurred herein;
3. Attorneys' fees, as permitted by law; and
4. For other such and further relief as the Court may deem just and proper.\

**XV.**  
**DEMAND FOR JURY TRIAL**



1 Plaintiff Mark Mafnas Apuron, through his counsel, David J. Lujan, hereby demands a jury trial of  
2 six (6).

3 Respectfully submitted this 14<sup>th</sup> day of January, 2019.

4 **LUJAN & WOLFF LLP**

5  
6 By: \_\_\_\_\_  
7 **DAVID J. LUJAN**  
8 *Attorneys for Plaintiff Mark Mafnas Apuron*

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**VERIFICATION**

MARK MAFNAS APURON declares and states that he is the PLAINTIFF in the foregoing COMPLAINT; that he has read said COMPLAINT 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 under the laws of the territory of Guam, this 14<sup>th</sup> day of January, 2019, that the foregoing is true and correct to the best of my knowledge.

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MARK MAFNAS APURON