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SAN FRANCISCO COUNTY
SUPERIOR COURT

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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF SAN FRANCISCO - UNLIMITED JURISDICTION**

9 **JHONA MATHEWS,**

10 **Plaintiff**

11 v.

12 **THE ARCHDIOCESE OF THE CITY**
13 **AND COUNTY OF SAN FRANCISCO,**
14 **MONSIGNOR JAMES TARANTINO,**
15 **CAPUCHIN FRANCISCAN ORDER OF**
16 **CALIFORNIA - WESTERN AMERICAN**
17 **PROVINCE, BILL MCLAUGHLIN, and**
18 **DOES 1-50**

19 **Defendants.**

Case No. **CGC-14-537040**

COMPLAINT FOR DAMAGES

- 1. Sexual Harassment (Quid Pro Quo) in Violation of FEHA
- 2. Gender Discrimination and Harassment Title VII
- 3. Sexual Harassment in Violation of California *Civil Code* §51.9
- 4. Retaliation in Violation of Title VII
- 5. Breach of Implied Covenant of Good Faith and Fair Dealing
- 6. Negligent Supervision
- 7. Negligent Hiring and/or Retention
- 8. Gender Violence in Violation of California *Civil Code* §52.4
- 9. Sexual Battery in Violation of California *Civil Code* §1708.5
- 10. Civil Conspiracy to Commit Sexual Harassment
- 11. Intentional Misrepresentation (Fraud)
- 12. Civil Conspiracy to Commit Fraud
- 13. Intentional Infliction of Emotional Distress

Prayer for Punitive Damages

JURY TRIAL DEMANDED

1 **INTRODUCTION**

2 1. This action arises out of the severe, traumatic and pervasive sexual harassment of
3 Plaintiff Jhona Mathews (hereinafter referred to as “Plaintiff”) by her former supervisor,
4 Defendant Bill McLaughlin (hereinafter referred to as “Defendant McLaughlin”), as well as the
5 hostile work environment created and allowed by Defendant Monsignor James Tarantino
6 (hereinafter referred to as “Monsignor Tarantino”) and Defendant Capuchin Franciscan Order Of
7 California - Western American Province (hereinafter referred to as “Capuchin”), while Plaintiff
8 was an employee of Defendant Archdiocese of San Francisco (hereinafter referred to as “ASF”).
9 Plaintiff demands a trial by jury of all issues and for all causes of actions contained herein.

10 2. This is an action for violations of the California Fair Employment and Housing
11 Act (California *Government Code* § 12900 et seq.) (“FEHA”), including sexual harassment (quid
12 pro quo), as well as violations of the Constitution of the State of California, Article 1, section 8,
13 and Title VII of the Civil Rights Act (42 U.S.C. §2000e, et seq.) (“Title VII”), including gender
14 discrimination/sexual harassment and retaliation, which resulted in Plaintiff’s unlawful
15 termination.

16 3. The Complaint also seeks damages for of the implied covenant of good faith and
17 fair dealing, negligent supervision, negligent hiring and/or retention, gender violence in violation
18 of California *Civil Code* §52.4, sexual battery in violation of California *Civil Code* §1708.5, civil
19 conspiracy to commit sexual harassment, intentional misrepresentation, civil conspiracy to
20 commit fraud, and intentional infliction of emotional distress.

21 **PARTIES**

22 4. At all relevant times, Plaintiff was and now is an adult female resident of the
23 County of San Francisco, State of California.

24 5. ASF is a corporation incorporated under the laws of the State of California with
25 its principle place of business in San Francisco, California. ASF has more than 500 employees at
26 any time. ASF is a Roman Catholic institution that owns, operates, manages, and/or supervises
27 the National Shrine of Saint Francis of Assisi (collectively referred to hereinafter as “the
28

1 Shrine”) located at 610 Vallejo Street in San Francisco, California. At all times relevant,
2 Archbishop Salvador Cordileone was employed by ASF.

3 6. At all relevant times, Plaintiff was employed by ASF and worked at the Shrine.

4 7. Monsignor Tarantino is an individual who at all relevant times resided at the
5 Rectory of the Shrine in San Francisco, California. At all times relevant, Monsignor Tarantino
6 was both the Vicar General and a Monsignor employed by ASF.

7 8. Capuchin is a corporation incorporated under the laws of the State of California
8 with its principle place of business in San Francisco, California. At any given time, Capuchin has
9 approximately 30 or more employees. Capuchin is a Roman Catholic institution that is owned,
10 operated, managed, and/or supervised by ASF. ASF maintains a significant degree of control
11 over Capuchin and, as such, ASF and Capuchin are a “single employing enterprise” or,
12 alternatively “joint employer” of Plaintiff and Defendant McLaughlin.

13 9. At all times relevant, Father Gregory Coiro, Father Harold Snider, and Father
14 Matthew Elshoff were agents and/or employees of both ASF and Capuchin.

15 10. Defendant McLaughlin is an individual who resides in Marin County, California.
16 At all times relevant, Defendant McLaughlin was employed by and/or an agent for ASF working
17 at the Shrine.

18 11. All Defendants will be referred to collectively as “Defendants.”

19 12. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as
20 DOES 1 through 50, inclusive, and therefore sues these Defendants by such fictitious names.
21 Plaintiff will amend this Complaint to show the true names and capacities of these Defendants
22 when the same has been ascertained. Plaintiff is informed and believes, and thereon alleges that
23 each of these fictitiously named Defendants are responsible in some manner for the occurrences
24 herein alleged, and that Plaintiff’s damages were proximately caused by the acts of the
25 aforementioned Defendants.

26 13. Plaintiff is informed and believes, and thereon alleges, that Defendants were the
27 agent, servant, employee and representative of each of the other Defendants. In performing the
28 acts herein alleged, Defendants were acting within the course and scope of such agency or

1 employment, and with full knowledge, permission, authorization, ratification, active assistance
2 and encouragement, and/or consent, express or implied, of each of the other Defendants. All
3 actions of Defendants alleged in the causes of action into which this paragraph is incorporated by
4 reference were ratified and approved by the officers or managing agents or members of every
5 other Defendant.

6 **GENERAL ALLEGATIONS**

7 14. Plaintiff was at all relevant times mentioned herein a qualified employee under
8 FEHA and Title VII.

9 15. All events alleged herein occurred in the City and County San Francisco,
10 California, unless otherwise stated.

11 16. Defendants were at all times responsible for the harm caused to Plaintiff.

12 17. All the named parties noted herein were, at all relevant times, either (1) residents
13 of the State of California, or (2) authorized to conduct business in the state of California, and did,
14 in fact conduct business in California.

15 **JURISDICTION AND VENUE**

16 18. Pursuant to Article VI, § 10 of the California Constitution, subject matter
17 jurisdiction is proper in the Superior Court of California, County of San Francisco.

18 19. Pursuant to § 395, et. seq. of the California *Code of Civil Procedure*, venue is
19 proper in the Superior Court of California for the County of San Francisco, because this is where
20 Plaintiff was employed, where Defendants are headquartered and/or have their principal place of
21 business, and where the wrongful misconduct alleged herein occurred.

22 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

23 20. Plaintiff has exhausted all applicable administrative remedies.

24 **STATEMENT OF FACTS**

25 21. For nearly twenty years, Defendant McLaughlin performed all of the construction
26 at Saint Hilary's Catholic Parish in Tiburon, California, while Monsignor Tarantino was the
27 pastor at Saint Hilary's for ASF.

1 22. During those two decades at St. Hilary’s, Defendant McLaughlin and Monsignor
2 Tarantino shared a close working relationship as well as an intimate friendship.

3 23. While working together at St. Hilary’s, Monsignor Tarantino became aware of
4 Defendant McLaughlin’s propensity to engage in illegal activities, including but not limited to,
5 sexually harassing co-workers and embezzling money from work colleagues and boards on
6 which he served in a professional capacity.

7 24. When at Saint Hilary’s in Tiburon, Monsignor Tarantino welcomed Defendant
8 McLaughlin into the “BNO” (Boys Night Out) fraternal society. At that time, Monsignor
9 Tarantino gave Defendant McLaughlin a wooden sex paddle with the following inscription
10 engraved on the paddle:

11 BNO
12 To: Bill M.
13 From: Fr. T.

14 25. Said wooden paddle (hereinafter referred to as the “BNO paddle”) was
15 subsequently used to “spank” raw the buttocks of Plaintiff after she was hired as the
16 Administrative Assistant to the Rector of the Shrine. Defendant McLaughlin took photos of
17 Plaintiff’s raw buttock and the paddle lying right beside her and sent them to himself and to
18 Plaintiff.

19 26. Upon information and belief, Defendants sole use of this paddle was for the
20 purpose of violent and sadistic “punishment,” paddling the naked rear-end of Plaintiff during
21 sexual activities.

22 27. On or around April 10, 2010, Monsignor Tarantino hired his longtime friend and
23 confidant, Defendant McLaughlin, as his agent to perform all construction work at the Shrine.

24 28. On or about June 28, 2010, Monsignor Tarantino was elevated to the title of
25 Monsignor and Vicar General for ASF. In his new position, Monsignor Tarantino was put in
26 charge of all real property of ASF as well as the treasury/finances of ASF, including all
27 expenditures of all funds within ASF.
28

1 29. A Vicar General is the highest office of a diocese after the Archbishop; his acts
2 are reputed to the acts of the Archbishop himself. As Vicar General, Monsignor Tarantino
3 exercised all of his power in the name of the Archbishop.

4 30. Monsignor Tarantino directed and gave full authority to Defendant McLaughlin to
5 renovate a private residence at the Shrine, which would become Monsignor Tarantino's new
6 residence in San Francisco upon assuming his new position of Monsignor and Vicar General.

7 31. Monsignor Tarantino hired Defendant McLaughlin to renovate his new home at
8 the Rectory of the Shrine at 610 Vallejo Street in San Francisco, California (hereinafter
9 "Rectory") at a cost of hundreds of thousands of dollars, paid for by ASF. Defendant
10 McLaughlin was present at the work site daily and did all of the overseeing of the construction,
11 including but not limited to, the ordering of permits and all hiring and firing of workers.

12 32. Upon information and belief, Defendant McLaughlin never went through any
13 screenings as per ASF's procedure or protocol because he was Monsignor Tarantino's best
14 friend. ASF did not examine Defendant McLaughlin's qualifications. ASF never required any
15 information about Defendant McLaughlin, even though he would be present at ASF's various
16 churches and properties daily – a clear violation of procedures that were specifically set up in the
17 last 18 years of sexual lawsuits.

18 33. In and around August 2010, Monsignor Tarantino moved to his new home in the
19 Rectory.

20 34. After Monsignor Tarantino moved into the newly decorated Rectory, he
21 continued to retain the services of Defendant McLaughlin as the established agent of ASF.
22 Monsignor Tarantino and/or ASF's attorney, Larry Januzzi, signed and sent several documents to
23 the City and County of San Francisco stating that Defendant McLaughlin was the sole
24 representative and agent of ASF for all dealings that the City had with the reconstruction of any
25 part of the Shrine and the Rectory.

26 35. In and around August of 2010, Monsignor Tarantino and Archbishop Salvador
27 Cordileone of ASF made Father Greg Coiro the "Rector" of the Shrine for ASF. At all times
28 relevant, Father Coiro was employed and/or supervised by ASF and Capuchin.

1 36. As Rector, Father Coiro was tasked with the oversight of the Shrine. Father Coiro
2 took all of his directions from Monsignor Tarantino and Defendant McLaughlin.

3 37. From 2010 through 2013, Defendant McLaughlin ran the Shrine of San Francisco
4 for ASF and Capuchin through and with Father Coiro, and at the direction of Monsignor
5 Tarantino. During this time, Defendant McLaughlin, Father Coiro, and Monsignor Tarantino
6 developed a close relationship, which was reflected in Father Coiro’s farewell bulletin of July
7 30th, 2013. Father Coiro described his close relationship to Defendant McLaughlin and
8 Monsignor Tarantino by stating:

9 “No words could adequately express my thanks to Monsignor James
10 Tarantino... he also offered me his counsel and his friendship. I treasure
11 the memories of sitting at his table, especially joining him and his family
12 for holiday meals.

13 My friend and advisor Bill McLaughlin I thank Bill for making
14 me part of his family with his son, Brandon, and his yellow Lab, Casey,
15 who is The Shrine’s official mascot.”

16 38. Beginning in and around June 2012, Monsignor Tarantino reported directly to the
17 newly appointed Archbishop, Salvador Cordileone.

18 39. Defendant McLaughlin and Archbishop Cordileone became fast friends. For
19 example, Defendant McLaughlin stated that he and Archbishop Cordileone would drink bottles
20 of wine together. At one point, Defendant McLaughlin had an office right next to the Archbishop
21 Cordileone at the Chancellery at One Peter York Way in San Francisco.

22 40. In and around September and October 2012, Defendant McLaughlin was given
23 the direction to complete the renovation of Archbishop Cordileone’s residence and office located
24 behind the Cathedral.

25 41. While renovating Archbishop Cordileone’s residence, Defendant McLaughlin met
26 Plaintiff. At the time, Plaintiff was the administrative assistant for the carpet company that
27 carpeted Archbishop Cordileone’s residence and office, as well as Monsignor Tarantino’s
28 residence at the Shrine Rectory.

 42. At the time, Plaintiff was a 32 year-old single mother of a three-year-old
daughter. Defendant McLaughlin was a 67 year-old divorced father with one son. Monsignor

1 Tarantino was approximately 59 years old. Archbishop Cordileone was approximately 55 years
2 old.

3 43. While Defendant McLaughlin was managing the entire project at Archbishop
4 Cordileone's residence and office, Defendant McLaughlin tried convincing Plaintiff to leave her
5 job with the carpet company and take the position of administrative assistant for Father Coiro at
6 the Shrine. For example, in or around September or October of 2012, Defendant McLaughlin
7 approached Plaintiff while she was working. Defendant McLaughlin asked Plaintiff how much
8 money she made, to which she replied, "not enough." Defendant McLaughlin told Plaintiff that
9 he might have a job opportunity for her that would pay her much more.

10 44. Defendant McLaughlin invited Plaintiff to dinner to discuss this employment
11 opportunity with ASF. Plaintiff knew that Defendant McLaughlin was in a powerful position
12 with both Monsignor Tarantino and ASF, by and through Archbishop Cordileone. While
13 Defendant McLaughlin had been working to renovate Archbishop Cordileone's office and
14 residence, he had tried to impress Plaintiff and had often exhibited his power and authority at
15 ASF to her. Eager to find a better job to support herself and her daughter, Plaintiff met with
16 Defendant McLaughlin, wherein he described that Plaintiff would make much more money,
17 which would make her and her daughter's lives easier.

18 45. Plaintiff made it very clear to Defendant McLaughlin that she was struggling and
19 that she had had a very hard life. Plaintiff told Defendant McLaughlin that the baby's father was
20 absent and that she had a lot of bills that needed to be paid. Plaintiff also stressed to him that she
21 was not Catholic, and that she would have a lot to learn in the position. Plaintiff also told
22 Defendant McLaughlin that she had a run in with the law. Defendant McLaughlin reassured her
23 that by accepting the position Plaintiff would be able to start a new life, get paid more, and
24 become part of a community of friends.

25 46. Plaintiff took the offer seriously because it offered a higher pay, and after a
26 probationary period, it would provide her with better healthcare benefits. Plaintiff knew this
27 would be a great opportunity for her and her daughter. Plaintiff was excited about the
28 opportunity.

1 47. In or around October of 2012, Defendant McLaughlin arranged for Plaintiff to
2 meet with Father Coiro.

3 48. Before meeting with Father Coiro, Defendant McLaughlin stressed to Plaintiff
4 how significant it was that Defendant McLaughlin was bringing her on under his name.
5 Defendant McLaughlin told Plaintiff that because it was such was a big deal that she was coming
6 in under his name, that she should be grateful and that she would owe him “big.”

7 49. At the lunch with Father Coiro, Defendant McLaughlin monopolized the entire
8 conversation. Father Coiro, who had a fiduciary duty to his parishioners to ask Plaintiff questions
9 regarding her qualifications for the position and background, did not ask Plaintiff one real
10 interview question. Defendant McLaughlin told Father Coiro that Plaintiff had had a run-in with
11 the law. Upon learning of Plaintiff’s past, Father Coiro noted that it was “fine” and that they
12 [ASF and Capuchin] were “in the business of forgiving.” Father Coiro told Plaintiff not to
13 mention it further and that he would mention it to Monsignor Tarantino.

14 50. Defendants told Plaintiff that she would be working under the Rector, Father
15 Coiro at the time, of the Shrine, and that the presiding Rector would be her boss. Plaintiff
16 believed this and relied on this statement. Plaintiff accepted the job offer. Plaintiff was a bit
17 surprised that she was being hired so easily and did not have to fill out any paperwork, or have
18 any other interviews. Defendant McLaughlin did, however, personally run a background check
19 on Plaintiff, which disclosed all previous issues relating to Plaintiff that may have been pertinent
20 to prospective employers including any previous run-ins with the law.

21 51. After the meeting, Plaintiff was overjoyed. Defendant McLaughlin told Plaintiff
22 that she needed to show him some gratitude. He told her that he knew when he met her that she
23 would be a perfect fit for the job, and that she needed to make everyone love her.

24 52. Father Coiro told Plaintiff that she was the youngest person to ever have this
25 position and that prior employees were older.

26 53. At the time, Joyce Herbert was still employed as administrative assistant to Father
27 Coiro at the Shrine, though she was out on medical leave. Upon information and belief, Joyce
28

1 Herbert was approximately 60 years old at this time and had been a long-time employee at the
2 Shrine.

3 54. After giving notice to her employer at the carpet company, Plaintiff's last day of
4 work there was November 6, 2012. On November 8, 2012, Plaintiff started her new job with
5 ASF as the administrative assistant assigned to the Shrine. Plaintiff understood that her position
6 would start off as temporary, but that she would be given the permanent position once ASF was
7 successful in terminating the employment of Joyce Herbert.

8 55. On November 8, 2012, Defendants' oral offer of employment to Plaintiff was
9 confirmed in writing via a letter from Father Coiro stating: "The position of Administrative
10 Assistant is presently classified as non-exempt 'Temporary' position with no benefits except
11 those required by law. As discussed, your salary will be \$1,500 per pay period (semi monthly),
12 which is the equivalent of \$36,000 per year." Defendant McLaughlin and Father Coiro, on behalf
13 of ASF and Capuchin, told Plaintiff that the Rector would be her boss at the Shrine. This was
14 also confirmed in writing. In Plaintiff's November 8, 2012 letter of hire, Father Coiro, on behalf
15 of ASF and Capuchin, wrote to Plaintiff: "This letter will confirm the details of the offer to you
16 of the 'Temporary' position of Administrative Assistant to the Rector-designate National Shrine
17 of St. Francis of Assisi for the Archdiocese of San Francisco . . . you will report to me (Fr.
18 Gregory Coiro, O.F.M.Cap.)." The letter also noted that Plaintiff's employment is governed by
19 the terms of ASF's Employee Handbook. Later on January 29, 2013, Plaintiff's position was
20 made permanent and she was provided with benefits. In another letter written by Father Coiro,
21 Father Coiro told Plaintiff, "[W]e hope that you are enjoying your position of responsibility at
22 the Shrine and will continue to grow and prosper." Joyce Herbert, who was still out on medical
23 leave, had been involuntarily terminated. This January 29, 2013, letter also reaffirmed to Plaintiff
24 that she was to be supervised by and report to the Rector of the Shrine. Father Coiro, on behalf of
25 ASF, wrote to Plaintiff: "This letter will confirm the details of the change of your status . . . to
26 the status of "Regular" full-time Administrative Assistant reporting to the Rector of the National
27 Shrine of St. Francis of Assisi for the Archdiocese of San Francisco, currently Father Gregory
28 Coiro, O.F.M.Cap."

1 56. Plaintiff's job responsibilities included, but were not limited to: ordering supplies,
2 general managerial and secretarial tasks, opening and closing the Church, production of the
3 Shrine bulletin, recording Mass stipends and donations, keeping the master calendar for the
4 Shrine, and handling bills and payments. Though some of the tasks were new to her, Plaintiff
5 insisted on learning everything she could to do a good job and keep her job.

6 57. On or about November 14, 2012, almost one week after being hired by ASF,
7 Monsignor Tarantino met with Plaintiff and welcomed her aboard. She was given an Employee
8 Policy handbook that had not been updated since October 1, 2003, a stunning fact considering
9 the last several years of lawsuits.

10 58. On or about November 15, 2012, after Plaintiff had already started working at the
11 Shrine, Patrick Schmidt, who was the Human Resources Director of ASF, sent Plaintiff the
12 employment application. Upon receipt, Defendant McLaughlin insisted on completing the
13 application on Plaintiff's behalf. Since the rampant outbreak of pedophilic behavior involving
14 priests and children, the Church initiated new procedures designed to vet incoming employees.
15 Monsignor Tarantino and ASF, by and through Archbishop Cordileone, circumvented these
16 procedures with the hiring of both Defendant McLaughlin and Plaintiff. Monsignor Tarantino
17 wanted to hire Plaintiff because Defendant McLaughlin wanted Plaintiff; her qualifications and
18 background were never an issue.

19 59. On November 16, 2012, Defendant McLaughlin completed two versions of
20 Plaintiff's resume on behalf of Plaintiff. He emailed both to Plaintiff. One of the resumes was
21 accurate, but the other resume had displayed a photograph of a raw buttock at the top of the page.
22 The email said: "Gave you a choice. You know the one I prefer."

23 60. Plaintiff sent the accurate resume to ASF. Plaintiff became aware that the
24 employment with ASF was predicated on her willingness to have sexual repartee/conversations.
25 She also was aware of the fact that she had left this job at the carpet company and that she would
26 be homeless with her daughter if she left this new job. Moreover, her new job was with ASF, a
27 large Archdiocese, and everyone had told her that she would be working directly for the Rector
28 of the Shrine and Archbishops, Monsignors, priests, and holy people.

1 61. Despite being told that the Rector would be her boss, Defendant McLaughlin
2 treated her like he was her supervisor and everyone else’s supervisor. Plaintiff quickly learned
3 that Defendant McLaughlin had a lot of control at ASF and a lot of control over her job security.

4 62. Defendant McLaughlin used his power at ASF and the Shrine to manipulate and
5 pressure Plaintiff into doing things he wanted. Defendant McLaughlin also attempted to control
6 and did control Plaintiff with the fact that he had helped Plaintiff get her job with ASF.
7 Defendant McLaughlin knew that Plaintiff desperately needed to keep her job for the sake of her
8 daughter, and he took advantage of her vulnerability, which was apparent to both Monsignor
9 Tarantino and Father Coiro.

10 63. From the beginning, Defendant McLaughlin insisted that Plaintiff go to his house
11 in Tiburon, California. Defendant McLaughlin told Plaintiff that he had a girlfriend, but that she
12 was out of town every other week and that Plaintiff needed to thank him for getting her the job.

13 64. Starting in November 2012 (and through September 2013), Defendant
14 McLaughlin sent Plaintiff emails of a sexual nature. Several of these emails were sent to
15 Plaintiff’s email address at work. For example, on January 14, 2013, Defendant McLaughlin
16 emailed Plaintiff a picture of a hand holding a penis with the caption: “Awkward Moment: when
17 you realize it’s a baby holding his mothers thumb.” Plaintiff tried to ignore these emails, and
18 focused on her goal of keeping her job and the stability it provided for her and her daughter.

19 65. In November of 2012, Defendant McLaughlin insisted that Plaintiff meet him in
20 the Sacristy of the Shrine’s Main Church. The Sacristy was the room above the altar in the
21 Church where the “Body of Christ” and other sacred objects such as vessels and vestments are
22 kept. Once there, Defendant McLaughlin insisted on “punishing” Plaintiff. He told her: “Bend
23 over . . . It’s time for punishment!” Defendant McLaughlin, pulled down Plaintiff’s pants, bent
24 her over the railing, and proceeded to spank her with his bare hands. Defendant McLaughlin
25 spanked her aggressively despite Plaintiff’s complaints that it was painful. This went on for
26 minutes until she pulled her pants up and ran from the Sacristy.

27 66. Plaintiff attempted to avoid coming into contact with Defendant McLaughlin.
28 Defendant McLaughlin recognized that Plaintiff was avoiding him and in a fit of rage told her

1 that she was on the “watch list” at ASF with Monsignor Tarantino. He told her that he was
2 always watching her, that he had other people watching her, and that her job was on the line.
3 Following Defendant McLaughlin’s outburst, Plaintiff hid in the bathroom at work and cried.

4 67. Defendant McLaughlin made it very difficult for Plaintiff to perform her job
5 duties, but Plaintiff insisted on doing her job well and she took her job very seriously. She was
6 constantly in mentoring classes and meeting people. She was learning quickly and loved the
7 position and the security it gave her and her little girl. She enjoyed the community of people she
8 met at her job as well as the opportunity to learn more about the Catholic religion. Plaintiff read
9 up on all the Saints and did her best to be involved in religious conversations. Throughout her
10 employment, Plaintiff was mentored by the staff at ASF.

11 68. Defendant McLaughlin would also send Plaintiff sexual emails/text messages
12 referencing a spanking by the BNO paddle given to him by Defendant Monsignor Tarantino.
13 Defendant McLaughlin constantly told Plaintiff that she was going to be “punished” severely if
14 she didn’t do certain job-related tasks that he requested of her to his liking. For example,
15 Defendant lured Plaintiff to the Sacristy under the auspices of getting files. Once there, he told
16 her that "she looked like she could use a good dicking" and proceeded to bend her over on her
17 knees on the pedestal in the middle of the small room and had sex with her. Plaintiff told him to
18 stop, but Defendant McLaughlin did not. Plaintiff was in tears and was emotionally distraught.

19 69. Plaintiff was desperate to keep her job. She wanted to learn how she could get the
20 upper hand in these situations so that Defendant McLaughlin’s “punishment and repenting”
21 sessions would stop.

22 70. Plaintiff tried to distance herself from Defendant McLaughlin by creating longer
23 breaks at work to avoid seeing him. But he was there everyday and she was forced to interact
24 with him.

25 71. Defendant McLaughlin continually pressured and forced Plaintiff to perform
26 sexual favors for him, including, but not limited to, anal sex, oral sex, and vaginal sex, as well as
27 submitting to spankings and beatings with the BNO paddle that Monsignor Tarantino gave him.
28 Defendant McLaughlin would lure Plaintiff under false pretenses and take advantage of her

1 when no one else was around. Defendant McLaughlin used Plaintiff's job performance at the
2 Shrine to compel Plaintiff to do what he wanted sexually. All sexual acts, including, but not
3 limited to, anal sex, oral sex, vaginal sex, and spankings with the BNO paddle, were tied to
4 Plaintiff's job performance, as stated in his text messages. Defendant McLaughlin would often
5 describe to Plaintiff in detail what he was going to do to her beforehand. Defendant McLaughlin
6 would insist on these sexual acts taking place in the Sacristy, and he would become angry when
7 Plaintiff would have excuses as to why she couldn't meet his ongoing sexual demands.

8 72. Defendant McLaughlin's history of anger issues was notorious and had been
9 reported to Monsignor Tarantino and Archbishop Cordileone, as well as Father Snider and Father
10 Coiro on many occasions. Defendants never did anything to remedy the ongoing complaints that
11 were being made regarding Defendant McLaughlin. In fact, when asked to address any issues
12 concerning Defendant McLaughlin, Monsignor Tarantino would shrug his shoulders and say
13 "he's my friend."

14 73. Over time, Defendant McLaughlin gained more and more power at the Shrine
15 because Monsignor Tarantino and Archbishop Cordileone, on behalf of ASF, and Father Coiro,
16 on behalf of ASF and Capuchin, were willingly and voluntarily handing it over to him. For
17 example, in or around December 2012, Father Coiro was not present at the Shrine on a daily
18 basis. Defendant McLaughlin presided over all the Shrine's activities. Father Coiro approved all
19 of Defendant McLaughlin's actions and signed all of Defendant McLaughlin's requests for
20 checks. Plaintiff felt even more pressured to comply with Defendant McLaughlin's demands as
21 his authority at ASF increased.

22 74. Plaintiff knew that Defendant McLaughlin's power at and over the Shrine of ASF
23 was increasing because Defendant McLaughlin would repeatedly showcase his power. Both
24 Rectors, Father Coiro, and Father Snider, ratified the acts of Defendant McLaughlin. On one
25 occasion, Defendant McLaughlin told Plaintiff that "In case you haven't noticed, Father Coiro
26 doesn't fart without my permission." Defendant McLaughlin said the same thing about Father
27 Snider when he arrived to replace Father Coiro, in the summer of July 2013.

1 75. Despite the extreme sexual harassment and hostile work environment, including,
2 but not limited to, being forced to engage in anal sex, oral sex, vaginal sex, and spankings with
3 the BNO paddle that Monsignor Tarantino gave Defendant McLaughlin, Plaintiff continued to
4 work hard at the Shrine. As a result of her hard work, Father Coiro gave Plaintiff a Christmas
5 bonus in late December 2012.

6 76. However, with time, Defendant McLaughlin became more and more possessive of
7 Plaintiff. Defendant McLaughlin invited Plaintiff to a party in late 2012, but Plaintiff rejected
8 his offer, which made Defendant McLaughlin very angry with her.

9 77. Defendant McLaughlin also exerted his power to control Plaintiff in other ways as
10 well. In early January of 2013, Defendant McLaughlin attempted to get the Shrine's checkbook
11 back from Janice Ward at ASF. The bookkeeping had not been done at the Shrine since Joyce
12 Herbert sent it back to ASF in 2010. Defendant McLaughlin was pushing Plaintiff to get the
13 checks back from Janice Ward in order to control the Shrine money. Defendant McLaughlin
14 tried to use Plaintiff to accomplish this. He tried to exert his power over Plaintiff as her
15 supervisor and demanded that she assume responsibility of the checkbook. Plaintiff did not want
16 the responsibility of the checkbook, and told Defendant McLaughlin that. However, Defendant
17 McLaughlin insisted that Plaintiff take over this responsibility so that he could control the
18 money.

19 78. In or around February 2013, Plaintiff would go over to ASF to work with Janice
20 Ward on QuickBooks, which is the software that was used to manage the Shrine's accounting
21 and finances. Plaintiff had no formal training in QuickBooks so Ms. Ward gave her lessons so
22 that she could appease Defendant McLaughlin and do the bookkeeping of the Shrine at the
23 Shrine. Plaintiff made it very clear to Defendant McLaughlin that she did not feel confident or
24 comfortable using QuickBooks. Defendant McLaughlin told Plaintiff to "just do it" with regard
25 to the Shrine's bookkeeping. Plaintiff agreed to bring the QuickBooks information on the Shrine
26 back to the Shrine as long as Ms. Ward would oversee her, to which Ms. Ward agreed.

27 79. Defendant McLaughlin continued to attempt to exert his power over Plaintiff in
28 order to control the Shrine's money. Defendant McLaughlin told Plaintiff that when he came to

1 her with a bill, she needed to print the checks and give them to him immediately. Plaintiff told
2 Defendant McLaughlin that she couldn't just print them because she had to go through Ms. Ward
3 since there was not enough money in the bank. Defendant McLaughlin was furious at Plaintiff
4 and told her, "Just forget it. I will do it myself."

5 80. Notwithstanding, Plaintiff was intent on following ASF protocol regarding the
6 bookkeeping. Defendant McLaughlin would constantly threaten Plaintiff to "get the books back"
7 from ASF. Eventually, Plaintiff was instructed to get approvals from Father Coiro and Ms. Ward
8 would make the money transfers. However, because Father Coiro was never around, Defendant
9 McLaughlin would approve all of the Shrine's money transfers in Father Coiro's absence.

10 81. Defendant McLaughlin represented to Plaintiff that he had authority from ASF
11 and Capuchin to approve the writing of checks from Shrine bank accounts, that he was given
12 ultimate control over the Shrine's bookkeeping, and that he was permitted by ASF and Capuchin
13 to make any and all monetary transfers from Shrine bank accounts.

14 82. In or around May 2013, Defendant McLaughlin again insisted on meeting
15 Plaintiff in the Sacristy. Defendant McLaughlin grabbed Plaintiff, pushed her down to his crotch,
16 unzipped his pants, and demanded that she perform oral sex on him. When Plaintiff refused,
17 Defendant McLaughlin told her she had messed up on the bulletins and that she needed to be
18 punished. Defendant McLaughlin forced Plaintiff to perform oral sex on him in the Sacristy.

19 83. The harassment was so severe that Plaintiff would hide in the bathroom when
20 Defendant McLaughlin was at the workplace. Father Coiro would ask Plaintiff why she was in
21 the bathroom for so long, and would infer that Plaintiff was shirking her job responsibilities
22 because she wasn't interacting with Defendant McLaughlin as she had been hired to do. Other
23 times, she would avoid getting out of her chair, even if she needed to get water, because she did
24 not want to give Defendant McLaughlin the opportunity to isolate her.

25 84. Defendant McLaughlin had Plaintiff believing that all of her work was poor just
26 so that he could exploit her sexually.

27 85. In or around June 2013, Father Coiro prepared to leave as Rector of the Shrine
28 because he had become ill. Monsignor Tarantino and Father Matthew Elshoff, the provincial of

1 the Capuchin and the superior to Father Coiro and Father Snider, met to discuss the job duties of
2 any potential new Rector. The job was offered to many but they all refused it. Defendant
3 McLaughlin, however, was secure in his position, as Monsignor Tarantino made it clear to
4 Father Elshoff that any new Rector had to work with Defendant McLaughlin. While Defendants
5 were trying to find a replacement for Father Coiro, Defendant McLaughlin stated that he was the
6 “de facto Rector.”

7 86. In or around June 2013, Monsignor Tarantino and Father Elshoff agreed to hire
8 Father Harold Snider to replace Father Coiro as Rector at the Shrine. It was the responsibility of
9 Father Elshoff, on behalf of Capuchin, to supervise both Father Coiro and Father Snider.

10 87. In or around June 2013, Father Snider, was told to take the position as Rector and
11 start in July. Father Snider met with Plaintiff, which excited her because she believed that this
12 new Rector could take some control away from Defendant McLaughlin. Plaintiff believed that
13 Father Snider would be her boss and that new life would be injected into the Shrine. Instead,
14 Father Snider, like Father Coiro, obeyed Defendant McLaughlin to the detriment of Plaintiff.

15 88. If Plaintiff ever tried to resist Defendant McLaughlin, he would remind her that if
16 she did not get on board with what he wanted, she would be finished at the Shrine.

17 89. In June of 2013, Plaintiff was asked to do a year-end report to submit a budget to
18 ASF. Father Snider told Plaintiff that she should just use the numbers from the previous year, as
19 it did not really matter. Fearing that Defendants were just trying to create an excuse to terminate
20 her, she complied. All bills for the budget needed to be reviewed by Defendant McLaughlin and
21 Father Snider on behalf of ASF and Capuchin. Defendants would sign off and then the wire
22 transfer to ASF would be made. ASF would then transfer the money into the account without
23 questions. Defendant McLaughlin told Plaintiff to just write the checks without Father Snider’s
24 approval.

25 90. In or around June 2013, Defendant McLaughlin was in charge of Archbishop
26 Cordileone and Monsignor Tarantino’s Pet Cemetery project at the Shrine. There was much
27 uproar about the Pet Cemetery. Defendant McLaughlin would be outwardly angry with any
28 person who voiced a concern. His behavior was clearly in constant anger mode, but no one did

1 anything about it. As a result, Defendant McLaughlin would also take out these frustrations and
2 anger on Plaintiff.

3 91. In or around June 2013, Defendant McLaughlin was directed by Archbishop
4 Cordileone and Monsignor Tarantino to write up all new Shrine statutes, to select a new Board of
5 Trustees for the Shrine, and to oversee and operate the Pet Cemetery, as well as a new shop on
6 the site. In essence, Archbishop Cordileone, Monsignor Tarantino, and Fathers Coiro and Snider
7 gave total organizational power of the Shrine to Defendant McLaughlin, taking “Boys Night
8 Out” to a whole new dimension.

9 92. In or around July 2013, ASF, by and through Archbishop Cordileone, was
10 informed many times about both Monsignor Tarantino and Defendant McLaughlin. However,
11 Archbishop Cordileone refused to investigate these complaints in violation of all of the new
12 procedures proclaimed by his own Conference of Bishops. Archbishop Cordileone’s position at
13 that conference was Chair of the Families and Single Women Committee. In this position,
14 Archbishop Cordileone, on behalf of ASF, had a duty to protect and advocate for single women,
15 including Plaintiff.

16 93. In or around July 2013, Monsignor Tarantino and Defendant McLaughlin chose
17 the members of the Board of Trustees so that they would have absolute loyalty on all decisions
18 made at the Board level. Despite the fact that the Rector was supposed to control the Shrine,
19 Defendant McLaughlin wrote all the statutes and press releases of the Shrine. Defendant
20 McLaughlin even penned letters in the name of Father Snider as well as the Capuchin’s
21 provincial minister, Father Elshoff. Defendants knew what Defendant McLaughlin was doing
22 and none of them spoke out against it. To the contrary, Defendants enabled it to happen by both
23 their affirmative actions and misrepresentations to Plaintiff.

24 94. In or around July 2013, Monsignor Tarantino and Archbishop Cordileone
25 appointed Defendant McLaughlin to be the Chair of the Board of Trustees of the Shrine. All
26 along, Monsignor Tarantino and Archbishop Cordileone knew or should have known what
27 Defendant McLaughlin was doing to Plaintiff physically, sexually, and mentally. Monsignor
28 Tarantino and Archbishop Cordileone knew or should have known that Defendant McLaughlin

1 was forcing Plaintiff to engage in anal sex, oral sex, and vaginal sex, as well as abusing Plaintiff
2 with the BNO paddle that Monsignor Tarantino gave to Defendant McLaughlin. Monsignor
3 Tarantino and Archbishop Cordileone directed and approved the appointment of all board
4 members and supervised Defendant McLaughlin in his actions as supervisor of the employees
5 and all matters of the Shrine, including the activities of the "Boys Nights Out."

6 95. In or around July 2013, Plaintiff was in the Rectory and was bending over to get
7 paper from the printer when Defendant McLaughlin came up behind her. Mass had just started
8 and Defendant McLaughlin told Plaintiff that "no one was coming up anytime soon." Defendant
9 McLaughlin told Plaintiff that she had to "bend her over the desk now," and he proceeded to
10 have sex with her. Plaintiff told him, "this is the stuff you go to hell for." Defendant McLaughlin
11 was "punishing" Plaintiff because it had been clear that Plaintiff had been making excuses to not
12 be near him.

13 96. On one occasion, Plaintiff told Ms. Ward about something sexually inappropriate
14 that Defendant McLaughlin had done to her. Plaintiff was scared of losing her job, but Ms. Ward
15 offered to go to Human Resources to make a complaint on Plaintiff's behalf.

16 97. In or around July 2013, Monsignor Tarantino and Archbishop Cordileone worked
17 very closely with Defendant McLaughlin on the preparations of the inauguration of Father
18 Snider, which occurred on July 21, 2013. Plaintiff was working overtime and was exhausted with
19 all of the tasks Defendant McLaughlin assigned her. Defendant McLaughlin was constantly
20 angry at Plaintiff and he would constantly intimidate and/or threaten her. Defendant McLaughlin
21 was also unhappy with her excuses for why she could not meet with him privately. Defendant
22 McLaughlin's anger became more and more severe. He would text her and tell her that her
23 spanking was going to be a punishment and that she had better be ready for it. She would reply
24 that she was "scared" or "afraid."

25 98. In or around August 2013, Defendant McLaughlin installed video cameras and
26 audio devices throughout the Church so that he and Monsignor Tarantino could monitor all
27 activities and follow the actions of the employees and staff, including Plaintiff. These camera
28 monitors were also installed at the Chancellery so that Archbishop Cordileone and Monsignor

1 Tarantino could also watch and hear all that was happening. All Defendants, including Capuchin
2 (through its managing agent Father Snider and/or Father Coiro), had 24-hour access to the
3 security system and its recordings. Monsignor Tarantino also had access to all video cameras
4 recording activities throughout the Shrine. As a result, Defendants had direct and/or constructive
5 knowledge that Defendant McLaughlin was forcing Plaintiff to engage in sexual acts on Shrine
6 premises as well as subjecting her to spankings and other unwanted touching. The Sacristy in
7 the Church is where Defendant McLaughlin would take Plaintiff for spankings and oral and
8 vaginal sex.

9 99. In or around August 2013, at a party given by Defendant McLaughlin at his new
10 home in Kentfield for ASF's new Board of Trustees of the Shrine, Monsignor Tarantino, Father
11 Coiro, Father Snider, and Father Elshoff were all in attendance, as well as several new Board of
12 Trustees members, Larry Kramer, James Shannon, Lawrence Januzzi, Trish Herman, Sister
13 Maureen Sinnot and Vincent Stadlin. Defendant McLaughlin was angry at Plaintiff and it was
14 obvious to all. Only one Board member mentioned it to her. This Board member was worried
15 about Plaintiff's safety. The member noticed that Defendant McLaughlin had been mistreating
16 Plaintiff publicly and she complained about it. The Board member told Plaintiff that Defendant
17 McLaughlin was treating her like a slave and that she was going to report it to Father Snider. The
18 Board Member told Plaintiff that she should not tolerate such abuse, and Plaintiff replied that she
19 was afraid of losing her job.

20 100. In or around August 2013, Defendant McLaughlin sent many text messages to
21 Plaintiff about her work performance and told her that she would be punished for any mistakes.
22 Regularly and frequently, Defendant McLaughlin would find or fabricate a reason to "punish"
23 Plaintiff.

24 101. On or about August 10, 2013, Defendant McLaughlin sent a text message to
25 Plaintiff regarding the Bishop of Oakland and the columbarium. The Bishop was coming to
26 endorse the columbarium and Plaintiff had not done something to Defendant McLaughlin's
27 satisfaction, so Defendant McLaughlin told Plaintiff that that night's spanking was going to be
28

1 SEVERE PUNISHMENT, to which Plaintiff responded that she was scared. Defendant
2 McLaughlin replied with a photograph of his couch, and the following texts ensued:

3 Defendant McLaughlin: "I hope your ass is ready. Have been visualizing a serious
4 spanking . . . I don't think you realize what I intend. Making up for everything. Setting a
5 baseline . . . Behavioral baseline. This is a punishment spanking." Here, Defendant
6 McLaughlin is referring to making up for Plaintiff's work performance. Plaintiff knew she
7 couldn't handle it anymore, so she made every excuse in the world not to go.

8 102. On or about August 11, 2013, Plaintiff texted Defendant McLaughlin that she
9 would not be back for another day. Defendant McLaughlin wrote back, "Ass more vulnerable . . .
10 You have no idea."

11 103. As of August 13, 2013, Plaintiff had still not gone to see Defendant McLaughlin
12 despite his multiple requests. As a result, Defendant McLaughlin was irate and threatening
13 Plaintiff with extreme physical punishment as well as the potential loss of her job. An example
14 of a text from Defendant McLaughlin to Plaintiff is as follows:

15 Defendant McLaughlin: "Good luck. Have straps for island . . . either get on board or get
16 out of the way. You really don't get the situation you are in. You really need to get with
17 the program."

18 Plaintiff: "What am I missing? Please tell me".

19 Defendant McLaughlin: "You are smoking and taking a break. I am the Chairman of the
20 Board. I am really tired of your Bullshit. Checks are a priority."

21 Plaintiff: "It took a long time because I had to enter the funds to write ur checks and I
22 wanted to make sure it was right."

23 Defendant McLaughlin: "It was already taken care of through Rick and Janice. All you
24 had to do was write checks. I do not know who you think I am but you have definitely
25 misjudged."

26 Plaintiff: "U got me scared with being on the "watch list" and me having to do it all
27 perfect. I don't want to mess up and piss- anyone, especially U, off. The ten minute break
28 was the only break I took"

1 Defendant McLaughlin: "and you do not get your job. Somehow I do not think that you
2 understood that you were going to get a serious ass whooping please call or another OTK
3 [over the knee] is in your near future. What . . . You waiting for ok invitation . . . Just
4 need his Excellency to react normally."

5 This went on because Defendant McLaughlin was trying to find any excuse to subject his control
6 over Plaintiff and punish her physically through spankings with the BNO paddle and sexually
7 through anal, oral, and vaginal sex.

8 104. On or about September 17, 2013, Plaintiff sent Defendant McLaughlin an email
9 attempting to make the relationship "professional."

10 105. Because Plaintiff rejected these advances by Defendant McLaughlin, he
11 retaliated. In September of 2013, Defendant McLaughlin reported to Trish Herman, a new
12 member of the Board of Trustees, that Plaintiff had a flash drive in Father Snider's computer. At
13 the instruction of Defendant McLaughlin, Ms. Herman prepared to write up Plaintiff. Defendant
14 McLaughlin then recanted and said that the flash drive didn't have any information from Father
15 Snider's computer. Defendant McLaughlin then told Father Snider about the incident in an
16 attempt to justify terminating Plaintiff since she was not performing sexually to his satisfaction,
17 despite being forced to engage in anal, oral, and vaginal sex.

18 106. Toward the end of September 2013, Plaintiff again refused to comply with
19 Defendant McLaughlin's sexual demands. Plaintiff begged Defendant McLaughlin to have a
20 professional and businesslike relationship. At this point, Defendant McLaughlin knew that
21 Plaintiff would no longer succumb to his sexual advances and, as a result, he became desperate
22 for a reason to terminate Plaintiff.

23 107. During this period, Defendant McLaughlin had Shrine Board of Trustee member
24 Ms. Herman come to the Shrine to visit Plaintiff for a mentoring session. Plaintiff asked Ms.
25 Herman about the email regarding the flash drive. Plaintiff complained to Ms. Herman that the
26 accusation was false and that she was being retaliated against by Defendant McLaughlin.
27 Plaintiff also noted that none of the files had been digitized so it would not even have been
28 possible to load them to a flash drive.

1 108. In or around October 2013, Defendant McLaughlin assigned Plaintiff an
2 inordinate amount of work in an attempt to punish her for her refusal to give in to his unwelcome
3 sexual advances. On or about November 4, 2013, Plaintiff learned that ASF, by and through
4 Defendant McLaughlin, Monsignor Tarantino, and Archbishop Cordileone, had made the
5 decision to terminate Plaintiff's employment as early as October 30, 2013.

6 109. There was no reason to terminate Plaintiff, so Monsignor Tarantino wrote that he
7 was investigating Plaintiff and that "just today" (on October 30th), he found a reason to terminate
8 her.

9 110. ASF's attorney, Larry Jannuzi, wrote Plaintiff's termination letter and stated that
10 Defendants were "concerned about absenteeism" and "also certain aspects of your performance
11 left much to be desired." Neither of these pretexts had ever been brought up to Plaintiff, who had
12 been literally working herself to death. Plaintiff had not received any written or oral warnings
13 from Father Snider or Father Coiro, or any of Defendants besides Defendant McLaughlin.

14 111. The termination letter was sent to Defendant McLaughlin from Monsignor
15 Tarantino, who wrote that "a situation came to light today." The latest pretext for terminating
16 was the "situation." This referred the run-in with the law that Defendant McLaughlin and the
17 other Defendants had known all along. The termination letter was sent to Defendant McLaughlin
18 and not to Father Snider. The next day, November 1, 2013, Defendant McLaughlin sent the
19 termination letter to Father Snider, the person who was supposed to be in charge.

20 112. On November 6, 2013, Defendants terminated Plaintiff's employment with ASF.

21 113. Defendants gave four different reasons for terminating Plaintiff after her refusal to
22 continue the sexual and physical beatings: 1) the flash drive issue, 2) the absenteeism issue, 3)
23 the bad performance issue, and 4) the recent "situation" they discovered regarding Plaintiff's
24 background, which she had voluntarily disclosed before she had been hired.

25 114. The reasons that Defendants gave for Plaintiff's termination were a pretext to
26 cover up the fact that Plaintiff would no longer submit to Defendant McLaughlin's sexual
27 demands, including, but not limited to, anal sex, oral sex, vaginal sex, and spankings with either
28 Defendant McLaughlin's hands or the BNO paddle that Monsignor Tarantino gave to him.

1 Because of that, Plaintiff lost her job, her pay, as well as her healthcare for herself. Plaintiff lost
2 her apartment and any semblance of a stable home for her daughter. Plaintiff has suffered severe
3 mental distress and is seeing a therapist on a regular basis.

4 115. Following Plaintiff's wrongful termination, Defendants hired Chris Greenwalt to
5 replace Plaintiff in the position of administrative assistant.

6 116. Father Coiro and Defendant McLaughlin became so close that even after the
7 revelations in November 2013, of the sexual misconduct toward Plaintiff and the termination of
8 Defendant McLaughlin, Father Coiro called Defendant McLaughlin and asked him to drive him
9 down to the Shrine and spend the afternoon with him. Defendant McLaughlin, though terminated
10 for sexual misconduct toward Plaintiff, did just that. When he arrived with Father Coiro,
11 Defendant McLaughlin had the keys to the church reception area and retrieved documents before
12 he left. Those at the Shrine were stunned.

13 117. The sexual accusations and termination of Defendant McLaughlin were
14 publicized far and wide and yet, being above the law, Father Coiro totally ignored his fiduciary
15 duties as the former Rector. Several staff and volunteers at both the Chancellery and the Shrine
16 told Capuchin (by and through Father Coiro) and ASF (by and through Monsignor Tarantino)
17 that Defendant McLaughlin was a bomb about to go off and that he should not be at the Shrine
18 where there are so many people including school children taking tours. Neither Capuchin nor
19 ASF nor Monsignor Tarantino paid any attention to the warnings because they knew all about
20 Defendant McLaughlin and ratified and/or were accessories to his actions including all
21 wrongdoing committed against Plaintiff.

22 **FIRST CAUSE OF ACTION**
23 **SEXUAL HARASSMENT (QUID PRO QUO) IN VIOLATION OF FEHA**
(California *Government Code* §12900 et seq.)
24 Against Defendants Bill McLaughlin, Monsignor Tarantino and DOES 1-50

25 118. Plaintiff realleges and incorporates by reference as though fully set forth herein,
26 each and every allegation contained in paragraphs 1 through 117 of this Complaint.

27 119. At all times relevant herein, Plaintiff was hired by Defendant McLaughlin and
28 Monsignor Tarantino to work as the administrative assistant to the Rector at the Shrine.

1 120. Both Monsignor Tarantino and Defendant McLaughlin were supervisors and/or
2 employers of Plaintiff. Monsignor Tarantino also supervised and/or employed Defendant
3 McLaughlin.

4 121. At all times relevant herein, the sexual advances and conduct of Defendant
5 McLaughlin toward Plaintiff were unwelcome and not consensual. Additionally, the sexual
6 harassment and quid pro quo demands made by Defendant McLaughlin were so severe and/ or
7 pervasive toward Plaintiff that they altered the conditions of Plaintiff's employment and created
8 an abusive and hostile working environment.

9 122. Plaintiff's ability to remain employed by Defendants was conditioned upon her
10 continuing to meet the sexual demands of Defendant McLaughlin.

11 123. Defendants terminated Plaintiff after she rejected the sexual advances of
12 Defendant McLaughlin.

13 124. At the time that Defendant McLaughlin engaged in this conduct, he was a
14 supervisor and/or agent working on behalf of Monsignor Tarantino, ASF, and/or Capuchin.

15 125. Plaintiff was subjected to a hostile work environment and quid pro quo sexual
16 advances from Defendant McLaughlin while she worked at the Shrine for Defendants ASF,
17 Capuchin and/or Monsignor Tarantino.

18 126. Plaintiff's employment was governed by various written and oral promises,
19 policies, and procedures promulgated by Defendants. By said promises, policies and procedures,
20 Defendants promised and represented that Plaintiff would be free from sexual harassment and
21 assault by any supervisor, manager or employee, including Defendants McLaughlin and
22 Monsignor Tarantino.

23 127. Upon information and belief, Plaintiff was subjected to the sexual advances and
24 conduct of Defendant McLaughlin because she is a woman. A reasonable woman in Plaintiff's
25 circumstances would have considered Plaintiff's work environment for Defendants at the Shrine
26 to be hostile and abusive.

27 128. By virtue of the conduct alleged herein, Defendants individually and/or in their
28 supervisory or official capacities, did sexually harass Plaintiff in violation of *Government*

1 Code §12940, and Defendants ASF, Capuchin, and/or Monsignor Tarantino each failed to fulfill
2 its/their duties as Plaintiff's employer(s) to assure that all reasonable and necessary steps were
3 taken to prevent sexual harassment from occurring.

4 129. Moreover, by failing to take immediate and appropriate action to prevent the acts
5 and conduct of Defendant McLaughlin described herein, ASF, Capuchin, and/or Monsignor
6 Tarantino created and allowed to exist a hostile, intimidating, abusive and offensive working
7 environment that unreasonably interfered with Plaintiff's work performance.

8 130. As a direct and proximate result of the aforesaid wrongful conduct of Defendants,
9 and each of them, Plaintiff has suffered harm, including, but not limited to, past and future lost
10 earnings, and medical and/or psychological treatment expenses, all within the jurisdictional
11 limits of this court. The exact amount of said losses will be stated according to proof at trial.

12 131. As a further direct and proximate result of the aforesaid conduct of Defendants,
13 and each of them, Plaintiff has been held up to great derision and embarrassment with her fellow
14 workers, friends, members of the community and family, and she has suffered has suffered
15 severe emotional distress, including, but not limited to, anxiety, fear, humiliation, mental
16 anguish, depression and post-traumatic stress disorder, all to her general damage, in an amount to
17 be stated according to proof at trial.

18 132. The aforementioned acts were committed by Defendants and/or by officers,
19 directors, managing agents, agents and/or representatives of ASF and Capuchin, including but
20 not limited to, Defendant McLaughlin, Monsignor Tarantino, Archbishop Cordileone, Father
21 Coiro, Father Snider, and Father Elshoff and/or were known to, aided, abetted, authorized by,
22 ratified by and/or otherwise approved by ASF and Capuchin and/or by the officers, directors,
23 managing agents, agents and/or representatives of ASF and Capuchin, including but not limited
24 to, Monsignor Tarantino, Archbishop Cordileone, Father Coiro, Father Snider, and Father
25 Elshoff . The above acts of Defendants, and each of them, were despicable and committed
26 knowingly, willfully and maliciously, with the intent to harm, injure, vex, annoy and oppress
27 Plaintiff and with a conscious disregard of her rights. By reason thereof, Plaintiff seeks punitive
28 and exemplary damages in an amount to be proved at trial.

1 142. Plaintiff was subjected to a hostile work environment and quid pro quo sexual
2 advances from Defendant McLaughlin while she worked at the Shrine for Defendants ASF,
3 Capuchin and/or Monsignor Tarantino.

4 143. Plaintiff's employment was governed by various written and oral promises,
5 policies, and procedures promulgated by Defendants. By said promises, policies and procedures,
6 Defendants promised and represented that Plaintiff would be free from sexual harassment and
7 assault by any supervisor, manager or employee, including Defendants McLaughlin and
8 Monsignor Tarantino.

9 144. Upon information and belief, Plaintiff was subjected to the sexual advances and
10 conduct of Defendant McLaughlin because she is a woman. A reasonable woman in Plaintiff's
11 circumstances would have considered Plaintiff's work environment for Defendants at the Shrine
12 to be hostile and abusive.

13 145. By virtue of the conduct alleged herein, Defendants individually and/or in their
14 supervisory or official capacities, did sexually harass Plaintiff and Defendants ASF, Capuchin,
15 and/or Monsignor Tarantino each failed to fulfill its/their duties as Plaintiff's employer(s) to
16 assure that all reasonable and necessary steps were taken to prevent sexual harassment from
17 occurring.

18 146. Moreover, by failing to take immediate and appropriate action to prevent the acts
19 and conduct of Defendant McLaughlin described herein, ASF, Capuchin, and/or Monsignor
20 Tarantino created and allowed to exist a hostile, intimidating, abusive and offensive working
21 environment that unreasonably interfered with Plaintiff's work performance.

22 147. As a direct and proximate result of the aforesaid wrongful conduct of Defendants,
23 and each of them, Plaintiff has suffered harm, including, but not limited to, past and future lost
24 earnings, and medical and/or psychological treatment expenses, all within the jurisdictional
25 limits of this court. The exact amount of said losses will be stated according to proof at trial.

26 148. As a further direct and proximate result of the aforesaid conduct of Defendants,
27 and each of them, Plaintiff has been held up to great derision and embarrassment with her fellow
28 workers, friends, members of the community and family, and she has suffered has suffered

1 severe emotional distress, including, but not limited to, anxiety, fear, humiliation, mental
2 anguish, depression and post-traumatic stress disorder, all to her general damage, in an amount to
3 be stated according to proof at trial.

4 149. The aforementioned acts were committed by Defendants and/or by officers,
5 directors, managing agents, agents and/or representatives of ASF and Capuchin, including but
6 not limited to, Defendant McLaughlin, Monsignor Tarantino, Archbishop Cordileone, Father
7 Coiro, Father Snider, and Father Elshoff and/or were known to, aided, abetted, authorized by,
8 ratified by and/or otherwise approved by ASF and Capuchin and/or by the officers, directors,
9 managing agents, agents and/or representatives of ASF and Capuchin, including but not limited
10 to, Monsignor Tarantino, Archbishop Cordileone, Father Coiro, Father Snider, and Father
11 Elshoff . The above acts of Defendants, and each of them, were despicable and committed
12 knowingly, willfully and maliciously, with the intent to harm, injure, vex, annoy and oppress
13 Plaintiff and with a conscious disregard of her rights. By reason thereof, Plaintiff seeks punitive
14 and exemplary damages in an amount to be proved at trial.

15 150. As a further direct and proximate result of the aforesaid conduct of Defendants,
16 and each of them, Plaintiff was compelled to engage legal counsel to bring the current action and
17 has incurred and will continue to incur attorney's fees and costs in an amount within the
18 jurisdictional limits of this Court, which amount will be stated according to proof at trial.

19 **THIRD CAUSE OF ACTION**

20 **SEXUAL HARASSMENT IN VIOLATION CALIFORNIA *CIVIL CODE* §51.9**

21 **Against All Defendants and DOES 1-50**

22 151. Plaintiff realleges and incorporates by reference as though fully set forth herein,
23 each and every allegation contained in paragraphs 1 through 150 of this Complaint.

24 152. Defendant McLaughlin supervised Plaintiff's daily job performance during her
25 employment with ASF, Capuchin, and/or Monsignor Tarantino. Thus, a professional
26 relationship existed between Plaintiff and Defendant McLaughlin as required by Cal. *Civ. Code*
27 §51.9(a)(1).

1 153. Further, because ASF, Capuchin, and Monsignor Tarantino are considered
2 “persons” under California law, they may each be held liable for Defendant McLaughlin’s
3 actions through the ratification of his conduct.

4 154. As outlined throughout this Complaint, Defendant McLaughlin repeatedly
5 engaged in sexual harassment of the Plaintiff during the course of her employment with
6 Defendants. Said harassment was of a sexual and hostile nature based on Plaintiff’s gender.
7 Defendant McLaughlin’s advances were unwelcome, pervasive, and severe.

8 155. There was an inability for Plaintiff to terminate her relationship with Defendant
9 McLaughlin because Plaintiff’s employment provided her livelihood, her employment required
10 her to work with Defendant McLaughlin, and ASF, Capuchin, and Monsignor Tarantino did
11 nothing to stop Defendant McLaughlin from harassing Plaintiff while she worked with him.

12 156. Defendants’ conduct was a substantial factor in causing damage and injury to
13 Plaintiff as alleged herein.

14 157. As a direct and proximate result of the aforesaid wrongful conduct of Defendants,
15 and each of them, Plaintiff has suffered harm, including, but not limited to, past and future lost
16 earnings, and medical and/or psychological treatment expenses, all within the jurisdictional
17 limits of this court. The exact amount of said losses will be stated according to proof at trial.

18 158. As a further direct and proximate result of the aforesaid conduct of Defendants,
19 and each of them, Plaintiff has been held up to great derision and embarrassment with her fellow
20 workers, friends, members of the community and family, and she has suffered has suffered
21 severe emotional distress, including, but not limited to, anxiety, fear, humiliation, mental
22 anguish, depression and post-traumatic stress disorder, all to her general damage, in an amount to
23 be stated according to proof at trial.

24 159. The aforementioned acts were committed by Defendants and/or by officers,
25 directors, managing agents, agents and/or representatives of ASF and Capuchin, including but
26 not limited to, Defendant McLaughlin, Monsignor Tarantino, Archbishop Cordileone, Father
27 Coiro, Father Snider, and Father Elshoff and/or were known to, aided, abetted, authorized by,
28 ratified by and/or otherwise approved by ASF and Capuchin and/or by the officers, directors,

1 managing agents, agents and/or representatives of ASF and Capuchin, including but not limited
2 to, Monsignor Tarantino, Archbishop Cordileone, Father Coiro, Father Snider, and Father
3 Elshoff. The above acts of Defendants, and each of them, were despicable and committed
4 knowingly, willfully and maliciously, with the intent to harm, injure, vex, annoy and oppress
5 Plaintiff and with a conscious disregard of her rights. By reason thereof, Plaintiff seeks punitive
6 and exemplary damages in an amount to be proved at trial.

7 160. As a further direct and proximate result of the aforesaid conduct of Defendants,
8 and each of them, Plaintiff was compelled to engage legal counsel to bring the current action and
9 has incurred and will continue to incur attorney's fees and costs in an amount within the
10 jurisdictional limits of this Court, which amount will be stated according to proof at trial.

11 **FOURTH CAUSE OF ACTION**
12 **RETALIATION IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT**
13 (42 U.S.C. §2000e et seq.)
14 Against Defendants ASF, Capuchin, and DOES 1-50

15 161. Plaintiff realleges and incorporates by reference as though fully set forth herein,
16 each and every allegation contained in paragraphs 1 through 160 of this Complaint.

17 162. The Constitution of the State of California, Article 1, section 8, Title VII of the
18 Civil Rights Act, 42 U.S.C. §2000e, et seq., prohibit, among other things, retaliating against a
19 member of a protected class who opposes employment practices that are forbidden under Title
20 VII, i.e., sexual harassment and discrimination.

21 163. As a female, Plaintiff belongs to a protected group under Title VII.

22 164. At all times relevant herein, ASF and Capuchin were Plaintiff's "employers" as
23 defined under Title VII.

24 165. Plaintiff is a woman who opposed employment practices forbidden under Title
25 VII, i.e., sexual harassment, discrimination, and retaliation. Plaintiff resisted unwelcome sexual
26 harassment from Defendant McLaughlin. Plaintiff further resisted the sexually hostile
27 environment that ASF (by and through the acts of Defendant McLaughlin, Monsignor Tarantino,
28 and Archbishop Cordileone) and Capuchin (by and through the acts of its Friars, Father Elshoff,
Father Snider, and Father Coiro) accepted, condoned, and perpetuated.

1 166. On or about September 17, 2013, Plaintiff sent Defendant McLaughlin an email
2 demanding that their relationship be “professional.”

3 167. In response to Plaintiff resisting Defendant McLaughlin’s sexual demands,
4 Defendants took adverse employment actions against Plaintiff. For example, Defendants turned a
5 blind eye to Plaintiff’s abuse. They accepted, condoned, and perpetuated a sexually hostile
6 environment. Moreover, Defendants terminated Plaintiff’s employment after she informed
7 Defendant McLaughlin that she wanted to keep their relationship professional and refused to
8 meet his ongoing sexual demands.

9 168. At all times herein relevant, Plaintiff’s job performance was always at least
10 satisfactory and was usually excellent.

11 169. Defendants’ retaliation was motivated by Plaintiff’s gender and her refusal to
12 give in to Defendant McLaughlin’s sexual advances, which resulted in a wrongful and unlawful
13 termination.

14 170. Defendants’ retaliation was a substantial factor in causing damage and injury to
15 Plaintiff as alleged herein.

16 171. As a direct and proximate result of the aforesaid wrongful conduct of Defendants,
17 and each of them, Plaintiff has suffered harm, including, but not limited to, past and future lost
18 earnings, and medical and/or psychological treatment expenses, all within the jurisdictional
19 limits of this court. The exact amount of said losses will be stated according to proof at trial.

20 172. As a further direct and proximate result of the aforesaid conduct of Defendants,
21 and each of them, Plaintiff has been held up to great derision and embarrassment with her fellow
22 workers, friends, members of the community and family, and she has suffered has suffered
23 severe emotional distress, including, but not limited to, anxiety, fear, humiliation, mental
24 anguish, depression and post-traumatic stress disorder, all to her general damage, in an amount to
25 be stated according to proof at trial.

26 173. The aforementioned acts were committed by Defendants and/or by officers,
27 directors, managing agents, agents and/or representatives of ASF and Capuchin, including but
28 not limited to, Defendant McLaughlin, Monsignor Tarantino, Archbishop Cordileone, Father

1 Coiro, Father Snider, and Father Elshoff and/or were known to, aided, abetted, authorized by,
2 ratified by and/or otherwise approved by ASF and Capuchin and/or by the officers, directors,
3 managing agents, agents and/or representatives of ASF and Capuchin, including but not limited
4 to, Monsignor Tarantino, Archbishop Cordileone, Father Coiro, Father Snider, and Father
5 Elshoff. The above acts of Defendants, and each of them, were despicable and committed
6 knowingly, willfully and maliciously, with the intent to harm, injure, vex, annoy and oppress
7 Plaintiff and with a conscious disregard of her rights. By reason thereof, Plaintiff seeks punitive
8 and exemplary damages in an amount to be proved at trial.

9 174. As a further direct and proximate result of the aforesaid conduct of Defendants,
10 and each of them, Plaintiff was compelled to engage legal counsel to bring the current action and
11 has incurred and will continue to incur attorney's fees and costs in an amount within the
12 jurisdictional limits of this Court, which amount will be stated according to proof at trial.

13
14 **FIFTH CAUSE OF ACTION**
15 **BREACH OF THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING**
16 **Against Defendants ASF, Capuchin, and DOES 1-50**

17 175. Plaintiff realleges and incorporates by reference as though fully set forth herein,
18 each and every allegation contained in paragraphs 1 through 174 of this Complaint.

19 176. Plaintiff entered into an employment agreement with Father Coiro on behalf of
20 Defendants ASF and Capuchin.

21 177. Plaintiff did all, or substantially all, of the significant things that the contract
22 required her to do. Specifically, at all times herein relevant, Plaintiff's job performance was
23 satisfactory or better. Plaintiff substantially performed her job duties until her performance was
24 prevented by Defendants.

25 178. In the employment agreement between the parties there was an implied promise
26 of good faith and fair dealing. This implied promise meant that each party would not do
27 anything to unfairly interfere with the right of the other party to receive the benefits of the
28 contract. This requires, among other things, that: (a) each party in the relationship must act with
good faith toward the other concerning all matters related to the employment; (b) each party in

1 the relationship must act with fairness toward the other concerning all matters related to the
2 employment; (c) neither party would take any action to unfairly prevent the other from obtaining
3 the benefits of the employment relationship; (d) defendant employer would similarly treat
4 employees who are similarly situated; (e) defendant employer would comply with its own
5 representations, rules, policies, and procedures in dealing with plaintiff; (f) defendant employer
6 would not terminate plaintiff without a fair and honest cause, regulated by good faith on
7 defendant employer's part; (g) defendant employer would not terminate plaintiff in an unfair
8 manner; and (h) defendant employer would give plaintiff's interests as much consideration as it
9 gave its own interests.

10 179. Defendants failed to act fairly and in good faith when Father Coiro (on behalf of
11 ASF and Capuchin) and Monsignor Tarantino (on behalf of ASF) told Plaintiff that her boss and
12 supervisor was going to be the current Rector presiding over the Shrine. All Defendants failed to
13 act fairly and in good faith when they did not disclose to Plaintiff that Defendant McLaughlin
14 would have the authority over her as a supervisor and as her supervisor. Plaintiff reasonably
15 believed that the current and presiding Rector over the Shrine was going to be her boss and
16 supervisor. Plaintiff relied upon Defendant's statement in accepting the offer to work for ASF
17 and in continuing to work for ASF.

18 180. Despite being told that the Rector would be her boss, Defendant McLaughlin
19 treated Plaintiff like he was her supervisor and everyone else's supervisor. Plaintiff quickly
20 learned that Defendant McLaughlin had a lot of control at ASF and a lot of control over her job
21 security.

22 181. ASF (by and through the actions of Father Elshoff, Father Coiro, Father Snider,
23 Monsignor Tarantino, and Archbishop Cordileone), as well as Capuchin (by and through the
24 actions of Father Elshoff, Father Coiro, and Father Snider) failed to act fairly and in good faith
25 when they allowed Defendant McLaughlin to sexually, physically, mentally, and emotionally
26 harass, discriminate, and abuse Plaintiff. Such harassment, discrimination, and abuse included
27 but was not limited to, Defendant McLaughlin forcing Plaintiff to engage in anal sex, oral sex,
28

1 and vaginal sex, as well as subjecting her to painful spankings with his hand and/or the BNO
2 paddle given to him by Monsignor Tarantino on behalf of ASF.

3 182. Plaintiff further alleges that ASF (by and through the actions of Father Elshoff,
4 Father Coiro, Father Snider, Monsignor Tarantino, and Archbishop Cordileone), as well as
5 Capuchin (by and through the actions of Father Elshoff, Father Coiro, and Father Snider)
6 breached the covenant of good faith and fair dealing when they:

- 7 a. repeatedly refused to abide by its own policies when dealing with Plaintiff;
- 8 b. repeatedly denied the existence of the contract and the agreements made with
9 Plaintiff;
- 10 c. unfairly prevented Plaintiff from obtaining the benefits of her employment
11 relationship;
- 12 d. terminated Plaintiff's employment for expressing legitimate concerns
13 about sexual discrimination, harassment, and retaliation, among other things, in
14 the workplace; and
- 15 e. terminated Plaintiff's employment for false reasons and in a manner that was
16 inconsistent with ASF's stated policies and practices.

17 183. Plaintiff relied upon Defendants' representations to her detriment.

18 184. Defendant's violations of the duty of good faith and fair dealing in Plaintiff's
19 employment contract was a substantial factor in causing damage and injury to Plaintiff as alleged
20 herein.

21 185. As a direct and proximate result of the aforesaid wrongful conduct of
22 Defendants, and each of them, Plaintiff has suffered harm, including, but not limited to, past and
23 future lost earnings, and medical and/or psychological treatment expenses, all within the
24 jurisdictional limits of this court. The exact amount of said losses will be stated according to
25 proof at trial.

26 186. As a further direct and proximate result of the aforesaid conduct of Defendants,
27 and each of them, Plaintiff has been held up to great derision and embarrassment with her fellow
28 workers, friends, members of the community and family, and she has suffered has suffered

1 severe emotional distress, including, but not limited to, anxiety, fear, humiliation, mental
2 anguish, depression and post-traumatic stress disorder, all to her general damage, in an amount to
3 be stated according to proof at trial.

4 187. As a further direct and proximate result of the aforesaid conduct of Defendants,
5 and each of them, Plaintiff was compelled to engage legal counsel to bring the current action and
6 has incurred and will continue to incur attorney's fees and costs in an amount within the
7 jurisdictional limits of this Court, which amount will be stated according to proof at trial.

8 **SIXTH CAUSE OF ACTION**
9 **NEGLIGENT SUPERVISION**

10 Against Defendants ASF, Capuchin, Monsignor Tarantino and DOES 1-50

11 188. Plaintiff realleges and incorporates by reference as though fully set forth herein,
12 each and every allegation contained in paragraphs 1 through 187 of this Complaint.

13 189. Defendants ASF (by and through its managing agents Monsignor Tarantino,
14 Archbishop Cordileone, Father Coiro, Father Snider, and Father Elshoff), Capuchin (by and
15 through its managing agents Father Coiro, Father Snider, and Father Elshoff), and/or Monsignor
16 Tarantino owed Plaintiff a duty to provide reasonable supervision to their employees, agents,
17 and/or contractors, including but not limited to Defendant McLaughlin and Monsignor
18 Tarantino, working at the Shrine.

19 190. Defendants ASF (by and through its managing agents Monsignor Tarantino,
20 Archbishop Cordileone, Father Coiro, Father Snider, and Father Elshoff), Capuchin (by and
21 through its managing agents Father Coiro, Father Snider, and Father Elshoff), and/or Monsignor
22 Tarantino had a duty to ensure that their employees, agents, and/or contractors, including but not
23 limited to Defendant McLaughlin and Monsignor Tarantino, would properly execute their
24 functions, duties, and obligations in a lawful manner.

25 191. Defendant ASF (by and through its managing agents, Monsignor Tarantino,
26 Archbishop Cordileone, Father Coiro, Father Snider, and Father Elshoff), Defendant Capuchin
27 (by and through its managing agents, Father Coiro, Father Snider, and Father Elshoff), and/or
28 Monsignor Tarantino knew or should have known that both Defendant McLaughlin and

1 Monsignor Tarantino were unfit for their positions and that this unfitness created a particular risk
2 to others, including Plaintiff.

3 192. Defendant ASF (by and through its managing agents, Monsignor Tarantino,
4 Archbishop Cordileone, Father Coiro, Father Snider, and Father Elshoff), Defendant Capuchin
5 (by and through its managing agents, Father Coiro, Father Snider, and Father Elshoff), and/or
6 Monsignor Tarantino failed to supervise Defendant McLaughlin, and rather, provided him with
7 unwarranted and inordinate amounts of discretion and authority that allowed Defendant
8 McLaughlin the opportunity and encouraged his desire to subject Plaintiff to his unwelcome
9 sexual advances and demands. Defendants' failure to supervise Monsignor Tarantino and
10 McLaughlin further allowed Defendant McLaughlin the opportunity and encouraged his desire to
11 intentionally make misrepresentations to Plaintiff as a means to induce Plaintiff to unknowingly
12 assist Defendant McLaughlin in his attempts to embezzle monies from the Shrine. Moreover,
13 Defendants failed to investigate Defendant McLaughlin's background (which was known to
14 Monsignor Tarantino and would have demonstrated Defendant McLaughlin's proclivities for
15 sexual harassing work colleagues as well as committing embezzlement) or whether he had the
16 proper training to perform his duties.

17 193. By failing to carry out their duty of supervision relating to Defendant McLaughlin
18 and Monsignor Tarantino, Defendants ASF, Capuchin, and/or Monsignor Tarantino breached
19 their duty of care to Plaintiff.

20 194. Archbishop Cordileone, Monsignor Tarantino, Father Snider, Father Coiro, and
21 Father Elshoff condoned and approved the unlawful conduct of Defendant McLaughlin. As a
22 result, ASF negligently supervised Archbishop Cordileone, Monsignor Tarantino and its Rectors
23 of the Shrine, Father Snider and Father Coiro. Capuchin also negligently supervised its Friars,
24 Father Snider, Father Coiro, and Father Elshoff. In failing to supervise Archbishop Cordileone,
25 Monsignor Tarantino, Father Snider, Father Coiro, and Father Elshoff, in light of the facts
26 contained herein and incorporated by reference, Defendants ASF and Capuchin did not act
27 reasonably and breached their duty of care to Plaintiff as a result.

28

1 as subjecting her to painful spankings with his hand and/or the BNO paddle given to him by
2 Monsignor Tarantino on behalf of ASF. Moreover, in hiring and/or retaining Defendant
3 McLaughlin in the position of de facto Rector of the Shrine, Defendants failed to investigate
4 Defendant McLaughlin's background (which was known to Monsignor Tarantino and would
5 have demonstrated Defendant McLaughlin's proclivities for sexual harassing work colleagues as
6 well as committing embezzlement) or whether he had the proper training to perform his
7 duties. Defendant only had a background in construction. However, Defendant McLaughlin
8 acted and was given the job responsibilities of Rector of the Shrine by Defendants ASF,
9 Capuchin, and/or Monsignor Tarantino. Defendant McLaughlin was not a priest, nor was he a
10 Rector. Defendant McLaughlin did not have any training to supervise Plaintiff, yet Defendants
11 ASF, Capuchin, and/or Monsignor Tarantino provided him with such authority to supervise
12 Plaintiff. Defendant McLaughlin did not have any training to handle the finances and decision-
13 making at the Shrine, yet Defendants ASF, Capuchin, and/or Monsignor Tarantino provided him
14 with such authority.

15 200. Defendant ASF (by and through its managing agents, Monsignor Tarantino,
16 Archbishop Cordileone, Father Coiro, Father Snider, and Father Elshoff), Defendant Capuchin
17 (by and through its managing agents, Father Coiro, Father Snider, and Father Elshoff), and/or
18 Monsignor Tarantino knew or should have known that Defendant McLaughlin was unfit for his
19 position and that this unfitness created a particular risk to others, including Plaintiff.

20 201. Defendants ASF, Capuchin, and/or Monsignor Tarnatino's negligent hiring and/or
21 retention of Defendant McLaughlin allowed Defendant McLaughlin to abuse his power by
22 making quid pro quo demands, threatening retaliation if Plaintiff did not succumb to his sexual
23 demands, as well as intentionally making misrepresentations to Plaintiff as a means to induce
24 Plaintiff to unknowingly assist Defendant McLaughlin in his attempts to embezzle monies from
25 the Shrine. Because of this, Defendants ASF, Capuchin, and/or Monsignor Tarantino placed
26 Plaintiff in a hostile work environment. In choosing to hire and/or retain Defendant McLaughlin
27 in light of the facts contained herein and incorporated by reference, Defendants ASF, Capuchin,
28 and/or Monsignor Tarantino did not act reasonably and breached their duty of care as a result.

1 demands. Defendant McLaughlin also physically harassed Plaintiff because she was female by
2 forcing her to engage in anal sex, oral sex, and vaginal sex, as well as subjecting her to painful
3 spankings with his hand and/or the BNO paddle given to him by Monsignor Tarantino on behalf
4 of ASF. These advances were unwelcomed, and solely for Defendant McLaughlin's own sexual
5 gratification.

6 207. Defendant McLaughlin's gender violence on Plaintiff was a substantial factor in
7 causing damage and injury to Plaintiff as alleged herein.

8 208. As a direct and proximate result of the aforesaid wrongful conduct of
9 Defendant McLaughlin, Plaintiff has suffered harm, including, but not limited to, past and future
10 lost earnings, and medical and/or psychological treatment expenses, all within the jurisdictional
11 limits of this court. The exact amount of said losses will be stated according to proof at trial.

12 209. As a direct and proximate result of the aforesaid wrongful conduct of
13 Defendant McLaughlin, Plaintiff has suffered harm, including, but not limited to, past and future
14 lost earnings, and medical and/or psychological treatment expenses, all within the jurisdictional
15 limits of this court. The exact amount of said losses will be stated according to proof at trial.

16 210. As a further direct and proximate result of the aforesaid conduct of Defendant
17 McLaughlin, Plaintiff has been held up to great derision and embarrassment with her fellow
18 workers, friends, members of the community and family, and she has suffered severe emotional
19 distress, including, but not limited to, anxiety, fear, humiliation, mental anguish, depression and
20 post-traumatic stress disorder, all to her general damage, in an amount to be stated according to
21 proof at trial.

22 211. The acts of Defendant McLaughlin were despicable and committed knowingly,
23 willfully and maliciously, with the intent to harm, injure, vex, annoy and oppress Plaintiff and
24 with a conscious disregard of her rights. By reason thereof, Plaintiff seeks punitive and
25 exemplary damages in an amount to be proved at trial.

26 **NINTH CAUSE OF ACTION**
27 **SEXUAL BATTERY IN VIOLATION OF CALIFORNIA CIVIL CODE §1708.5**
28 **Against Defendant McLaughlin and DOES 1-50**

212. Plaintiff realleges and incorporates by reference as though fully set forth herein,

1 each and every allegation contained in paragraphs 1 through 211 of this Complaint.

2 213. Defendant McLaughlin used his position of power over Plaintiff to subject her to
3 sexual battery in the form of severe and pervasive sexual harassment and quid pro quo demands.
4 Defendant McLaughlin also physically harassed Plaintiff because she was female by forcing her
5 to engage in anal sex, oral sex, and vaginal sex, as well as subjecting her to painful spankings
6 with his hand and/or the BNO paddle given to him by Monsignor Tarantino on behalf of ASF.

7 214. These advances were unwelcomed, and solely for Defendant McLaughlin's own
8 sexual gratification.

9 215. Defendant McLaughlin acted with the intent to cause harmful or offensive
10 contact to Plaintiff.

11 216. The conduct by Defendant McLaughlin offended Plaintiff's sense of personal
12 dignity. The conduct by Defendant McLaughlin would have offended a reasonable person's
13 reasonable sense of personal dignity.

14 217. Defendant McLaughlin's sexual battery of Plaintiff was a substantial factor in
15 causing damage and injury to Plaintiff as alleged herein.

16 218. As a direct and proximate result of the aforesaid wrongful conduct of
17 Defendant McLaughlin, Plaintiff has suffered harm, including, but not limited to, past and future
18 lost earnings, and medical and/or psychological treatment expenses, all within the jurisdictional
19 limits of this court. The exact amount of said losses will be stated according to proof at trial.

20 219. As a further direct and proximate result of the aforesaid conduct of Defendant
21 McLaughlin, Plaintiff has been held up to great derision and embarrassment with her fellow
22 workers, friends, members of the community and family, and she has suffered has suffered
23 severe emotional distress, including, but not limited to, anxiety, fear, humiliation, mental
24 anguish, depression and post-traumatic stress disorder, all to her general damage, in an amount to
25 be stated according to proof at trial.

26 220. The above acts of Defendant McLaughlin were despicable and committed
27 knowingly, willfully and maliciously, with the intent to harm, injure, vex, annoy and oppress
28

1 Plaintiff and with a conscious disregard of her rights. By reason thereof, Plaintiff seeks punitive
2 and exemplary damages in an amount to be proved at trial.

3 **TENTH CAUSE OF ACTION**
4 **CIVIL CONSPIRACY TO COMMIT SEXUAL HARASSMENT**

5 Against All Defendants and DOES 1-50

6 221. Plaintiff realleges and incorporates by reference as though fully set forth herein,
7 each and every allegation contained in paragraphs 1 through 220 of this Complaint.

8 222. Defendants Monsignor Tarantino, ASF (by and through its managing agents
9 Monsignor Tarantino and/or Archbishop Cordileone), and Capuchin (by and through its
10 managing agents Father Snider and/or Father Coiro) agreed with Defendant McLaughlin to
11 videotape and monitor Plaintiff's actions. Defendants ASF, Capuchin, and Monsignor Tarantino
12 agreed with Defendant McLaughlin to record Defendant McLaughlin's sexual harassment of
13 Plaintiff.

14 223. All Defendants agreed to engage in a conspiracy to subject Plaintiff to sexual
15 harassment.

16 224. All Defendants agreed to engage in a scheme, which was intended to violate
17 Plaintiff's rights. All Defendants knowingly and willfully agreed amongst themselves to subject
18 Plaintiff to sexual harassment.

19 225. All Defendants combined to inflict wrongs against and/or injury on Plaintiff as
20 described in this Complaint. All Defendants understood, accepted, and/or explicitly and/or
21 implicitly agreed to the general objectives of their scheme to subject Plaintiff to sexual
22 harassment.

23 226. All Defendants acquired, possessed, and maintained a general knowledge of
24 the conspiracy's objectives to inflict wrongs against and/or injury on Plaintiff as described in
25 this Complaint.

26 227. Defendants' conspiracy to commit sexual harassment upon Plaintiff was a
27 substantial factor in causing damage and injury to Plaintiff as alleged herein.

28 228. As a direct and proximate result of the aforesaid wrongful conduct of

1 Defendants, and each of them, Plaintiff has suffered harm, including, but not limited to, past and
2 future lost earnings, and medical and/or psychological treatment expenses, all within the
3 jurisdictional limits of this court. The exact amount of said losses will be stated according to
4 proof at trial.

5 229. As a further direct and proximate result of the aforesaid conduct of Defendants,
6 and each of them, Plaintiff has been held up to great derision and embarrassment with her fellow
7 workers, friends, members of the community and family, and she has suffered has suffered
8 severe emotional distress, including, but not limited to, anxiety, fear, humiliation, mental
9 anguish, depression and post-traumatic stress disorder, all to her general damage, in an amount to
10 be stated according to proof at trial.

11 230. The aforementioned acts were committed by Defendant McLaughlin, ASF,
12 Capuchin, and Monsignor Tarantino and/or by officers, directors, managing agents, agents
13 and/or representatives of ASF and Capuchin, including but not limited to, Defendant
14 McLaughlin, Monsignor Tarantino, Archbishop Cordileone, Father Coiro, Father Snider, and
15 Father Elshoff and/or were known to, aided, abetted, authorized by, ratified by and/or otherwise
16 approved by Defendant McLaughlin, ASF, Capuchin, and Monsignor Tarantino and/or by the
17 officers, directors, managing agents, agents and/or representatives of ASF and Capuchin,
18 including but not limited to, Defendant McLaughlin, Monsignor Tarantino, Archbishop
19 Cordileone, Father Coiro, Father Snider, and Father Elshoff. The above acts of Defendants, and
20 each of them, were despicable and committed knowingly, willfully and maliciously, with the
21 intent to harm, injure, vex, annoy and oppress Plaintiff and with a conscious disregard of her
22 rights. By reason thereof, Plaintiff seeks punitive and exemplary damages in an amount to be
23 proved at trial.

24 **ELEVENTH CAUSE OF ACTION**
25 **INTENTIONAL MISREPRESENTATION (FRAUD)**
26 **Against Defendant Bill McLaughlin and DOES 1-50**

27 231. Plaintiff realleges and incorporates by reference as though fully set forth herein,
28 each and every allegation contained in paragraphs 1 through 230 of this Complaint.

232. Defendant Bill McLaughlin represented to Plaintiff that important facts were true.

1 These important alleged facts, include but are not limited to, the following: Defendant
2 McLaughlin represented to Plaintiff that he had authority from ASF and Capuchin to approve the
3 writing of checks from Shrine bank accounts, that he was given ultimate control over the
4 Shrine's bookkeeping, and that Defendant McLaughlin was permitted by ASF and Capuchin to
5 make any and all monetary transfers from Shrine bank accounts.

6 233. On information and belief, these representations that were made by Defendant
7 McLaughlin to Plaintiff were false.

8 234. Defendant McLaughlin knew that the representations were false when made,
9 and/or that Defendant McLaughlin made the representations recklessly and without regard for
10 their truth.

11 235. Defendant McLaughlin intended that Plaintiff would rely on the representations.

12 236. Defendant McLaughlin's intentional misrepresentations to Plaintiff, and
13 Plaintiff's reliance on said misrepresentations, were substantial factors in causing damage and
14 injury to Plaintiff as alleged herein.

15 237. As a direct and proximate result of the aforesaid wrongful conduct of
16 Defendant McLaughlin, Plaintiff has suffered harm, including, but not limited to, past and future
17 lost earnings, and medical and/or psychological treatment expenses, all within the jurisdictional
18 limits of this court. The exact amount of said losses will be stated according to proof at trial.

19 238. As a further direct and proximate result of the aforesaid conduct of Defendant
20 McLaughlin, Plaintiff has been held up to great derision and embarrassment with her fellow
21 workers, friends, members of the community and family, and she has suffered has suffered
22 severe emotional distress, including, but not limited to, anxiety, fear, humiliation, mental
23 anguish, depression, post-traumatic stress disorder, as well as exposure to potential and
24 unforeseen civil and/or criminal liability, all to her general damage, in an amount to be stated
25 according to proof at trial.

26 239. The above acts of Defendant McLaughlin were despicable and committed
27 knowingly, willfully and maliciously, with the intent to harm, injure, vex, annoy and oppress
28

1 Plaintiff and with a conscious disregard of her rights. By reason thereof, Plaintiff seeks punitive
2 and exemplary damages in an amount to be proved at trial.

3 **TWELFTH CAUSE OF ACTION**
4 **CIVIL CONSPIRACY TO COMMIT FRAUD**
5 **Against All Defendants and DOES 1-50**

6 240. Plaintiff realleges and incorporates by reference as though fully set forth herein,
7 each and every allegation contained in paragraphs 1 through 239 of this Complaint.

8 241. Upon information and belief, Defendants Monsignor Tarantino, ASF (by and
9 through its managing agents Monsignor Tarantino and/or Archbishop Cordileone), and Capuchin
10 (by and through its managing agents Father Snider and/or Father Coiro) agreed with Defendant
11 McLaughlin to make intentional misrepresentations to Plaintiff, including but not limited to, the
12 following: that Defendant McLaughlin had authority from ASF and Capuchin to approve the
13 writing of checks from Shrine bank accounts, that Defendant McLaughlin was given ultimate
14 control over the Shrine's bookkeeping, and that Defendant McLaughlin was permitted by ASF
15 and Capuchin to make any and all monetary transfers from Shrine bank accounts. Defendants
16 made such agreement(s) as a means to induce Plaintiff to assist Defendant McLaughlin in his
17 and/or other Defendants' attempts to embezzle monies from the Shrine.

18 242. All Defendants agreed to engage in a conspiracy to subject Plaintiff to the
19 fraudulent representations in order to induce Plaintiff to assist Defendant McLaughlin in his
20 and/or other Defendants' attempts to embezzle monies from the Shrine.

21 243. All Defendants agreed to engage in a scheme, which was intended to violate
22 Plaintiff's rights. All Defendants knowingly and willfully agreed amongst themselves to subject
23 Plaintiff to the fraudulent representations in order to induce Plaintiff to assist Defendant
24 McLaughlin in his and/or other Defendants' attempts to embezzle monies from the Shrine.

25 244. All Defendants combined to inflict wrongs against and/or injury on Plaintiff as
26 described in this Complaint. All Defendants understood, accepted, and/or explicitly and/or
27 implicitly agreed to the general objectives of their scheme to subject Plaintiff to fraudulent
28 representations in order to induce Plaintiff to assist Defendant McLaughlin in his and/or other
Defendants' attempts to embezzle monies from the Shrine.

1 245. All Defendants acquired, possessed, and maintained a general knowledge of
2 the conspiracy's objectives to inflict wrongs against and/or injury on Plaintiff as described in
3 this Complaint.

4 246. Defendants' conspiracy to commit these tortious acts on Plaintiff was a
5 substantial factor in causing damage and injury to Plaintiff as alleged herein.

6 247. As a direct and proximate result of the aforesaid wrongful conduct of
7 Defendants, and each of them, Plaintiff has suffered harm, including, but not limited to, past and
8 future lost earnings, and medical and/or psychological treatment expenses, all within the
9 jurisdictional limits of this court. The exact amount of said losses will be stated according to
10 proof at trial.

11 248. As a further direct and proximate result of the aforesaid conduct of Defendants,
12 and each of them, Plaintiff has been held up to great derision and embarrassment with her fellow
13 workers, friends, members of the community and family, and she has suffered has suffered
14 severe emotional distress, including, but not limited to, anxiety, fear, humiliation, mental
15 anguish, depression, post-traumatic stress disorder, as well as exposure to potential and
16 unforeseen civil and/or criminal liability, all to her general damage, in an amount to be stated
17 according to proof at trial.

18 249. The aforementioned acts were committed by Defendant McLaughlin, ASF,
19 Capuchin, and Monsignor Tarantino and/or by officers, directors, managing agents, agents
20 and/or representatives of ASF and Capuchin, including but not limited to, Defendant
21 McLaughlin, Monsignor Tarantino, Archbishop Cordileone, Father Coiro, Father Snider, and
22 Father Elshoff and/or were known to, aided, abetted, authorized by, ratified by and/or otherwise
23 approved by Defendant McLaughlin, ASF, Capuchin, and Monsignor Tarantino and/or by the
24 officers, directors, managing agents, agents and/or representatives of ASF and Capuchin,
25 including but not limited to, Defendant McLaughlin, Monsignor Tarantino, Archbishop
26 Cordileone, Father Coiro, Father Snider, and Father Elshoff. The above acts of Defendants, and
27 each of them, were despicable and committed knowingly, willfully and maliciously, with the
28 intent to harm, injure, vex, annoy and oppress Plaintiff and with a conscious disregard of her

1 rights. By reason thereof, Plaintiff seeks punitive and exemplary damages in an amount to be
2 proved at trial.

3 **THIRTEENTH CAUSE OF ACTION**
4 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

5 Against All Defendants and DOES 1-50

6 250. Plaintiff realleges and incorporates by reference as though fully set forth herein,
7 each and every allegation contained in paragraphs 1 through 249 of this Complaint.

8 251. The conduct of Defendants ASF, Capuchin, McLaughlin, and Monsignor
9 Tarantino as set forth herein was, and is, extreme and outrageous because Defendants violated
10 statutes and public policies; abused power they had by virtue of the employment relationship;
11 and created a sexually hostile work environment for Plaintiff. This conduct of Defendants, and
12 each of them, were affirmatively based on policies, expectations and standards, that were illegal,
13 and was done intentionally and unreasonably with the recognition that their acts were likely to
14 result in damages to Plaintiff in the form of mental distress.

15 252. ASF (by and through the acts of Monsignor Tarantino, Archbishop Cordileone,
16 Father Elshoff, Father Snider, and Father Coiro) and Capuchin (by and through the acts of their
17 Friars, Father Elshoff, Father Snider, and Father Coiro), by and through their managing agents,
18 knew of and condoned the behavior of Defendant McLaughlin. The acts complained of herein
19 were adopted, approved, condoned and/or taken by one or more managing agent of Defendants
20 each of whom had the authority to make policy and/or to direct a substantial portion of its
21 business.

22 253. The acts of Defendants, by and through its managing agents, were done with the
23 intention to cause or with the wanton and reckless disregard of the probability of causing serious
24 emotional distress injuries to Plaintiff and as a direct and proximate result of the aforementioned
25 behavior of Defendants, Plaintiff suffered humiliation, embarrassment, mortification, severe
26 emotional distress and great and emotional suffering. The Defendants and each of them, acted
27 deliberately for the purpose of injuring Plaintiff. The acts complained of herein were occasioned
28 by the intentional acts of Defendants or those acts which were done with reckless disregard and

1 the probability of causing severe emotional distress and such infliction was a substantial factor in
2 causing damage and injury to Plaintiff as set forth below.

3 254. Defendants' extreme and outrageous conduct toward Plaintiff was a substantial
4 factor in causing damage and injury to Plaintiff as alleged herein.

5 255. As a direct and proximate result of the aforesaid wrongful conduct of
6 Defendants, and each of them, Plaintiff has suffered harm, including, but not limited to, past and
7 future lost earnings, and medical and/or psychological treatment expenses, all within the
8 jurisdictional limits of this court. The exact amount of said losses will be stated according to
9 proof at trial.

10 256. As a further direct and proximate result of the aforesaid conduct of Defendants,
11 and each of them, Plaintiff has been held up to great derision and embarrassment with her fellow
12 workers, friends, members of the community and family, and she has suffered has suffered
13 severe emotional distress, including, but not limited to, anxiety, fear, humiliation, mental
14 anguish, depression, post-traumatic stress disorder, as well as exposure to potential and
15 unforeseen civil and/or criminal liability, all to her general damage, in an amount to be stated
16 according to proof at trial.

17 257. The aforementioned acts were committed by Defendant McLaughlin, Monsignor
18 Tarantino, ASF and Capuchin and/or by officers, directors, managing agents, agents and/or
19 representatives of ASF and Capuchin, including but not limited to, Defendant McLaughlin,
20 Monsignor Tarantino, Archbishop Cordileone, Father Elshoff, Father Snider, and Father Coiro,
21 and/or were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by
22 ASF and Capuchin and/or by the officers, directors, managing agents, agents and/or
23 representatives of ASF and Capuchin, including but not limited to, Defendant McLaughlin,
24 Monsignor Tarantino, Archbishop Cordileone, Father Elshoff, Father Snider, and Father
25 Coiro. The above acts of Defendants, and each of them, were despicable and committed
26 knowingly, willfully and maliciously, with the intent to harm, injure, vex, annoy and oppress
27 Plaintiff and with a conscious disregard of her rights. By reason thereof, Plaintiff seeks punitive
28 and exemplary damages in an amount to be proved at trial.

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands trial of this matter by jury.

3 **PRAYER FOR RELIEF**

4 Wherefore, Plaintiff prays that the Court grant her the following relief:


- 5 1. For compensatory damages according to proof;
- 6 2. Back pay;
- 7 3. Front pay;
- 8 4. For monetary damages to compensate for the emotional distress and suffered by
- 9 Plaintiff;
- 10 5. For interest on the sum of damages award;
- 11 6. For reasonable attorneys' fees;
- 12 7. For punitive damages;
- 13 8. For costs of suit herein incurred;
- 14 9. For such other and future relief as the Court deems proper.

15

16

17 DATED: January 29, 2014

By:


SANDRA L. RIBERA, ESQ.
Attorney for Plaintiff,
JHONA MATHEWS