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**DRAFT**

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF ORANGE

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11 ERIC ZAPALA, ) CASE NO.  
12 Plaintiff, )  
13 vs. )  
14 FR. RICHARD T. COUGHLIN, ) COMPLAINT FOR DAMAGES  
BOYS CHOIR SCHOOL OF ) (Personal Injury)  
15 ORANGE COUNTY, a non-profit )  
organization dba )  
16 THE ALL-AMERICAN BOYS CHORUS, )  
THE ROMAN CATHOLIC BISHOP OF )  
17 LOS ANGELES, a corporation )  
sole, ST. ANTHONY CLARET )  
18 CATHOLIC SCHOOL AND DOES 1-50, )  
INCLUSIVE, )  
19 Defendants. )  
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21 NOW COMES the Plaintiff, Eric Zapala, who alleges as follows:

22 I.

23 FIRST CAUSE OF ACTION  
(SEXUAL ASSAULT AND BATTERY)

24 (Eric Zapala v. FR. RICHARD T. COUGHLIN, AND DOES 1-25)

25 PLAINTIFF is informed and believes, and on such  
26 information and belief alleges:

27 1. Defendant FR. RICHARD T. COUGHLIN, hereinafter referred  
28 to as FR. COUGHLIN, is an ordained Roman Catholic priest, who, at

1 all times herein referenced, was a resident of Orange County,  
2 State of California. The allegations of childhood sexual abuse  
3 and/or negligence forming the basis for this complaint took place  
4 primarily in Orange County, California.

5 2. ERIC ZAPALA, hereinafter PLAINTIFF, born November 16,  
6 1961, is presently 33 years of age, and at all times the  
7 allegations of sexual abuse and/or negligence are mentioned,  
8 herein, was a minor. PLAINTIFF is a resident of Orange County,  
9 California. PLAINTIFF brings this action against FR. COUGHLIN in  
10 conformity with California Civil Code Section 340.1(a), as amended  
11 1994.

12 3. Defendant BOYS CHOIR SCHOOL OF ORANGE COUNTY, a non-  
13 profit organization dba The All-American Boys Chorus, hereinafter  
14 referred to as AABC, is, and at all times herein mentioned was, a  
15 corporation organized and existing under the laws of the State of  
16 California, and is qualified to do business in California with its  
17 principal place of business in the County of Orange, State of  
18 California.

19 4. Defendant THE ROMAN CATHOLIC BISHOP OF LOS ANGELES, a  
20 corporation sole, hereinafter D. LOS ANGELES is, and at all times  
21 herein mentioned was, a religious denomination organized and  
22 existing under California Corporations Code Section 10000, et.  
23 seq. and qualified to do business in California, having its  
24 principal place of business in Los Angeles County, State of  
25 California. Beginning in 1965, to the present, the archbishop,  
26 bishop, auxillary bishop, monsignor, and other priests and lay  
27 personnel associated with and/or employed by the D. LOS ANGELES  
28 have monitored, supervised, trained, counselled, and employed or

1 otherwise exercised control over FR. COUGHLIN'S secular and non-  
2 secular activities involving the public and his priestly duties.

3 5. Defendant ST. ANTHONY CLARET CATHOLIC SCHOOL,  
4 hereinafter ST. ANTHONY CLARET, is, and at all times herein  
5 mentioned was, a private parochial school, located in Anaheim,  
6 California.

7 6. At all times herein mentioned, FR. COUGHLIN was the  
8 music director of the AABC, ostensibly employed, managed, and  
9 supervised by the AABC.

10 7. The true names and capacities, whether individual,  
11 corporate, associate or otherwise, of Defendants designated herein  
12 as DOES 1 through 50 inclusive, are presently unknown to  
13 PLAINTIFF, who therefore, sues said Defendants by such fictitious  
14 names, pursuant to California Code of Civil Procedure Section 474.  
15 PLAINTIFF is informed and believes, and on such information and  
16 belief, that each such DOE Defendant is responsible in some manner  
17 for the events and transactions alleged herein, and PLAINTIFF will  
18 amend this Complaint to state the true names and capacities of  
19 said Defendants when the same have been ascertained.

20 8. PLAINTIFF is informed and believes, and on such  
21 information and belief alleges that each of the Defendants are  
22 now, and have been at all times herein mentioned, the agent,  
23 servant, employee, partner, associate, joint venturer, co-  
24 participant, co-conspirator and/or principal of or with each of  
25 the remaining Defendants, and that each Defendant has been, at all  
26 times herein mentioned, acting within the scope of such  
27 relationship and with the full knowledge, consent, authority,  
28 ratification, and/or permission of each of the remaining

1 Defendants.

2 9. Wherever appearing in this Complaint, each and every  
3 reference to Defendants, or any of them, is intended to, and shall  
4 be deemed to, include all fictitiously named Defendants.

5 10. During PLAINTIFF'S childhood, between the approximate  
6 age of 11 years old, until approximately 12 years of age,  
7 (1972/1974), FR. COUGHLIN did, with intent, malice, willfulness  
8 and oppression, repeatedly and continually sexually batter,  
9 assault, molest and abuse the PLAINTIFF on or about his body and  
10 person, including but not limited to fondling and sodomizing the  
11 PLAINTIFF.

12 **DELAYED DISCOVERY**

13 11. As a result of the sexual abuse by FR. COUGHLIN,  
14 PLAINTIFF'S young age, and the enamoring, spiritual relationship  
15 to the defendant, PLAINTIFF developed and became subject to, at  
16 the time of the sexually abusive acts, psychological mechanisms of  
17 repression and dissociation which by their natural operation  
18 reasonably and justifiably prevented PLAINTIFF from being able to  
19 know the psychological and emotional injuries which were occurring  
20 and would in the future continue to occur and develop in him as a  
21 result of FR. COUGHLIN'S acts, from being able to recognize and  
22 appreciate the wrongfulness of defendant's acts, and from  
23 discovering the psychological injury or illness occurring after  
24 the age of majority was caused by the sexual abuse, until a date  
25 within three years of this filing of this complaint. Said  
26 discovery occurred on or after January 1994, in the course of  
27 triggering events surrounding his being contacted by another  
28 sexual abuse victim of FR. COUGHLIN.

1           12. As a result of the sexual acts committed upon PLAINTIFF  
2 by FR. COUGHLIN, PLAINTIFF psychologically buried memories of the  
3 herein alleged childhood sexual abuse, immediately repressing his  
4 recollection of the acts, and the concomitant feelings of  
5 helplessness, fear, anger, confusion, wrongfulness, and feelings  
6 of guilt and self-doubt, until said repressed memories began to  
7 surface in about <sup>Feb 94</sup> ~~January~~ 1994, regarding FR. COUGHLIN'S abusive  
8 conduct, and continue to surface, years after the last alleged  
9 acts of childhood sexual abuse.

10           13. As a proximate result of FR. COUGHLIN'S aforesaid  
11 conduct, PLAINTIFF has been damaged as will be more particularly  
12 set forth, below.

13           14. In doing the acts hereinabove described, FR. COUGHLIN  
14 acted with willfulness, malice and oppression, justifying an award  
15 of punitive damages. PLAINTIFF reserves the right to motion the  
16 court to amend this complaint pursuant to California Code of Civil  
17 Procedure Section 425.14, to seek punitive damages in a sum to be  
18 determined at trial.

19           15. That as a direct and proximate result of the conduct of  
20 FR. COUGHLIN, PLAINTIFF has been injured in his psychological and  
21 physical health, including, but not limited to, feelings of  
22 helplessness, great shame, embarrassment, humiliation, fear,  
23 confusion about himself, guilt, self-blame, self-hate, anxiety,  
24 extreme depression, psychosomatic and sleep-related complaints,  
25 difficulty forming meaningful trust relationships, and other long-  
26 term psychological sequelae, all to PLAINTIFF'S damage in general  
27 damage dollar sums, subject to proof, at time of trial.  
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          16. The actions of FR. COUGHLIN, as alleged, herein,

1 shattered the natural human trust inherent in a child's  
2 relationship with a priest, an alter christi, thereby contributing  
3 to continued and deep-seated psychological injuries to PLAINTIFF,  
4 necessitating the need for past, present and future psychological  
5 care and treatment, resulting in loss of earnings and future  
6 earning capacity, all contributing to PLAINTIFF'S further damages  
7 in a dollar sum subject to proof at time of trial.

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II.

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SECOND CAUSE OF ACTION

(Negligent Infliction of Emotional Distress)  
(PLAINTIFF v. FR. COUGHLIN and DOES 1-25)

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17. PLAINTIFF realleges and incorporates as if fully stated herein each and every allegation contained in Paragraphs 1 through 9, 11 through 13, 15 and 16, of the First Cause of Action of this Complaint.

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18. FR. COUGHLIN, in his special relationship as a trusted Roman Catholic Priest, had the duty to exercise ordinary care regarding PLAINTIFF, and should have foreseen that his secretive pre-sexual, grooming and conditioning conduct (ie: special attention manifested by giving PLAINTIFF money during tours, and traveling., alone, with PLAINTIFF to local attractions), would likely cause, and did cause, PLAINTIFF to suffer emotional distress and mental anguish.

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19. As a proximate result of the secretive pre-sexual negligence and carelessness of Defendant, PLAINTIFF has been injured in his psychological and physical health, including but not limited to feelings of shame, embarrassment, humiliation, anxiety, lack of trust, and other long-term psychological

1 sequelae, all to PLAINTIFF'S general damage, subject to proof at  
2 time of trial.

3 20. FR. COUGHLIN breached his natural and legal duties to  
4 PLAINTIFF by digressing from the natural order of interaction  
5 between a trusted priest, and minor child, by engaging in  
6 secretive pre-sexual grooming and conditioning conduct separable  
7 from the actual inherently harmful acts of molestations, as  
8 distinguished in legal theory by Horace Mann Insurance Company v.  
9 Barbara B., (1993) 4 Cal.3d 1076. Such separate conduct included,  
10 but was not limited to, the special attention, non-sexual  
11 psychological conditioning of the PLAINTIFF, directed towards  
12 maintaining his sexually abusive conduct, such as grooming  
13 PLAINTIFF to submit to his sexual contacts by shaming and  
14 confusing PLAINTIFF into accepting, without protest, acts of  
15 childhood sexual abuse.

16 21. Likewise, FR. COUGHLIN engaged in specific individual  
17 non-sexually coercive, and harassing actions relevant to  
18 PLAINTIFF, including intimidating the PLAINTIFF by his position of  
19 high respect and unequivocal, reverent regard, into secreting the  
20 incest he perpetrated on PLAINTIFF.

21 22. The negligent secretive pre-sexual conditioning conduct  
22 by FR. COUGHLIN, as alleged, herein, shattered the natural human  
23 trust inherent in a child's relationship with a priest, alter  
24 christi figure, thereby contributing to continuing and deep-seated  
25 psychological injuries to PLAINTIFF necessitating the need for  
26 past, present and future psychological care and treatment, all of  
27 which has resulted in loss of earnings and future earning  
28 capacity, thereby contributing to PLAINTIFF'S further damages in

