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FILED
DISTRICT COURT OF GUAM

FEB 08 2017

JEANNE G. QUINATA
CLERK OF COURT

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF GUAM**

9 FELIX T. MANGLONA,

10 Plaintiff,

11 v.

12 ROMAN CATHOLIC
13 ARCHBISHOP OF AGANA, a Corporation
14 sole;
15 LOUIS BROUILLARD, an individual; DOE
16 ENTITIES 1-5; and DOE-INDIVIDUALS 6-
17 50, inclusive

18 Defendants.

CIVIL ACTION NO: **17-00019**

**VERIFIED COMPLAINT FOR DAMAGES
FOR**

1. Child Sexual Abuse
2. Negligence
3. Negligent Supervision
4. Negligent Hiring and Retention
5. Breach of Fiduciary Duty /
Confidential Relationship

JURY TRIAL DEMANDED

18 Plaintiff Felix T. Manglona ("Felix") files this Complaint for damages based on prior sexual abuse
19 (the "Complaint") against Defendants Archbishop of Agana, a corporation sole, Louis Brouillard, an
20 individual, and DOES 1-50 ("Defendants").

21 **I.**
22 **JURISDICTION AND VENUE**

23 1. This Court has subject matter jurisdiction over this matter under 28 U.S.C. § 1332 because all
24 parties are citizens of diverse states and the amount in controversy exceeds \$75,000.00 exclusive of interest,
25 fees, and costs.

26 2. This Court has personal jurisdiction over this matter because Defendants purposefully availed
27 themselves to the benefit of the laws of this judicial district by regularly transacting and/or conducting
28 business in this state.

3. Venue is appropriate under 28 U.S.C. § 1391(b)(2) because this is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, and or a substantial part of property that is the subject of the action is situated.

II. PARTIES

4. At all times relevant hereto, Felix has been and is an individual who resides in Inarajan, Guam. Felix is currently 58-years old.

5. At all times relevant hereto, and upon information and belief, Roman Catholic Archbishop of Agana, a corporation sole, in accordance with the discipline and government of the Roman Catholic Church, is the legal name for Defendant Archbishop of Agana, also known as Archdiocese of Agana. ("Agana Archdiocese"), which is and has been at all times relevant hereto a non-profit corporation organized and existing under the laws of Guam, authorized to conduct business and conducting business in Guam, with its principal place of business in Guam. The Agana Archdiocese is an entity under the control of the Holy See, based in Vatican City, Rome, Italy, and as such constitutes a citizen of a foreign country for purposes of diversity jurisdiction. Agana Archdiocese is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts complained of herein.

6. At all times relevant hereto, Defendant Louis Brouillard (“Brouillard”), an individual and an agent of the Agana Archdiocese, was a member of the clergy of the Agana Archdiocese, and a Catholic priest working for the Agana Archdiocese. Brouillard was ordained as a Catholic Priest on December 17, 1948 in Guam where he worked in parishes and schools in 1981. At all times relevant hereto, Defendant Brouillard was a resident of Guam and is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts complained of herein. Defendant Brouillard currently resides in the mainland United States.

7. Defendant-entities named herein as DOES 1 - 5, inclusive, are or at all times relevant hereto, were insurance companies that provided general liability coverage and / or excess level liability coverage pursuant to policies issued to the Agana Archdiocese and / or Roman Catholic Church of Guam. Defendant-individuals named here-in as DOES 6-50, inclusive, are at all times relevant hereto, were agents, employees, representatives and / or affiliated entities of the Agana Archdiocese and /or Roman Catholic Church outside of Guam whose true names and capacities are unknown to Felix who therefore sues such defendants by such

1 fictitious names, and who will amend the Complaint to show the true names and capacities of each such Doe
2 defendant when ascertained. DOES 6 -50 assisted, aided and abetted and / or conspired with Brouillard and /
3 or other members of the Agana Archdiocese to conceal, disguise, cover up, and / or promote the wrongful
4 acts complained of herein. As such, each such Doe is legally responsible in some manner for the events,
5 happenings, and / or tortious and unlawful conduct that caused the injuries and damages alleged in this
6 Complaint.

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

13 **III.**
14 **INTRODUCTORY ALLEGATIONS**

15 9. Felix met Brouillard in or about 1970, when Felix was around the age of twelve (12), during
16 weekly outings that were conducted by Brouillard. During this time, Brouillard was a priest at the San Isidro
17 Catholic Church of Malojloj ("Malojloj Parish") and also served as a Scout Master in the Guam chapter of
18 the Boy Scouts, and would sometimes use weekly outings to recruit young boys to become altar boys or join
19 the Boy Scouts.

20 10. During these weekly outings, Brouillard would take between three (3) to four (4) boys,
21 including Felix and sometimes his older brother, swimming and eating. On numerous occasions, while
22 swimming, Brouillard sexually molested and abused the boys. Brouillard would swim completely naked and
23 routinely instructed Felix and the other boys to remove their clothes, and Brouillard would touch their private
24 parts. After the outings, Brouillard would drop the boys home. Every time Felix rode with Brouillard,
25 Brouillard sexually molested and abused Felix. While driving, Brouillard would reach and touch Felix's
26 private parts.

1 11. In our about 1971, when Felix was around the age of thirteen (13), Felix joined the Boy Scouts
2 and became an altar boy at Malojloj Parish. Brouillard was still the Scout Master for the Guam Chapter of
3 the Boy Scouts, and the priest at the Malojloj Parish.

4 12. During the period in which he served as a Boy Scout and / or an altar boy, Felix was repeatedly
5 sexually molested and abused by Brouillard.

6 13. On many occasions, over a two-year period, Felix and some of the other altar boys who were
7 also Boy Scouts were required to practice marching in the parking lot of the Malojloj Parish. After practice,
8 they would occasionally go to the Carmelite Monastery Convent ("Convent") in Malojloj, where Brouillard
9 resided at the time. While at the Convent, Felix would be subjected to the presence of Brouillard walking
10 around completely naked. In the presence of the minor boys, Brouillard routinely displayed pornography. At
11 the direction of Brouillard, some of the other altar boys had to take turns masturbating Brouillard until he
12 ejaculated. Brouillard also undressed some of the other altar boys and started to masturbate them and / or
13 perform oral sex on them. This happened on numerous occasions.

14 14. On about three occasions, Brouillard required Felix to spend the night at the Convent in order
15 for Felix to serve as an altar boy during the early Sunday mass. When Felix slept at the Convent, Brouillard
16 sexually molested and abused him, including oral copulation. Upon information and belief, the other altar
17 boys who were also required to sleep at the Convent on the same nights as Felix, observed Brouillard
18 sexually molest and abuse Felix. Felix also saw Brouillard sexually molest and abuse the other altar boys.

19 15. Brouillard's sexually predatory practices extended to his service as a Scout Master in the Guam
20 chapter of the Boy Scouts. Among Brouillard's sexually abusive practices while serving as Scout Master,
21 were activities that he conducted in which he would take several of the boys, including Felix who was a Boy
22 Scout, camping. During the camping trips, it was usually two boys per tent. On a particular occasion, while
23 camping, Brouillard sexually molested and abused Felix, including oral copulation. After the boys, including
24 Felix, were required to return to their respective tents for bedtime, Brouillard went around the campsite into
25 each tent to conduct a head count. When Brouillard entered into Felix's tent, Brouillard began to perform
26 oral copulation on Felix and Felix's tent mate. Upon information and belief, Brouillard sexually molested
27 and performed oral copulation on other boys who were camping that night, including Felix's older brother.
28

1 16. After several years passed, Felix was assisting the Statistician at the Guam Police Department
2 under the cadet program. While performing his daily duties to review police reports and collect data, Felix
3 reviewed a police report pertaining to Brouillard. Upon information and belief, an incident occurred at the St.
4 Williams Catholic Church in Tumon involving Brouillard and a minor boy, resulting in a sexual abuse
5 complaint being filed against Brouillard.

6 17. On information and belief, other priests and representatives of the Agana Archdiocese,
7 including Bishop Apollinaris Baumgartner and individuals named herein as Doe defendants, were aware of
8 the sexual abuse committed by Brouillard and deliberately remained quiet and withheld such information
9 from third parties including victim's parents or guardians and law enforcements authorities, in order to
10 protect Brouillard and the Agana Archdiocese, thereby placing their loyalty above their duty to protect the
11 minor children and their legal responsibilities.

12 18. On or about October 03, 2016, Brouillard released a signed statement admitting to sexually
13 abusing at least twenty (20) boys, a true and accurate copy of Brouillard's statement is attached hereto as
14 Exhibit "1". While the statement contains admissions, it also contains remarks that seek to minimize the
15 misconduct as reflected in the excerpts below:

- 16 a. "My name is Father Louis Brouillard. I am a retired Roman Catholic
17 priest. ... I served the diocese of Guam in the 1940s through 1970s and
18 held many positions in the church."
19
20 b. "Looking back now, I realize that I crossed the line with some of my
21 actions and relationship with the boys.
22
23 c. "During some of the sex education talks, while at Santa Teresita, I did
24 touch the penises of some of the boys and some of the boys did
25 perform oral sex on me. Some of the incidents took place in Mangilao
26 at the rectory of the Santa Teresita Church. Because of the many years
27 that have passed, I do not remember the exact dates and times or the
28 names of the boys involved. There may have been 20 or more boys
involved. Other locations where the sexual contact may have happened
would be at San Vicente and Father Duenas Memorial Schools.
d. "At that time, I did believe that the boys enjoyed the sexual contact and
I also had self gratification as well."
e. "I have come to learn the name of one of the boys I had sexual contact
with at the Santa Teresita rectory. His name is Leo Tudela. ... I
apologize to you Leo and the rest of the boys that I may have harmed. I
regret with all my heart any wrong I did to them. I pray for all the boys
I may have harmed and ask for their forgiveness from God."

- 1 f. "While in Guam my actions were discussed and confessed to area
2 priests as well as Bishop Apollinaris Baumgartner who had approached
3 me to talk about the situation. I was told to try to do better and say
4 prayers as a penance."
5 g. "I believe the Catholic Church should be honest and truthful regarding
6 what happened on Guam during my time there."

7 19. At all times relevant hereto, Brouillard sexually abused and molested Felix when Felix was a
8 minor and committed such acts while serving as a priest in the Malojloj Parish, in both of his capacities as an
9 agent and employee of the Agana Archdiocese, which is vicariously liable for his actions.

10 20. The Agana Archdiocese and DOES 1-50, inclusive, knew that Brouillard had sexually abused
11 and molested Felix, and rather than reporting the matter to law enforcement and without intervening so as to
12 prevent Brouillard from engaging in additional instances of sexual abuse, and without seeking to have
13 Brouillard acknowledge and take responsibility for his wrongful actions, they assisted Brouillard with the
14 specific purpose or design to keep Brouillard's misconduct hidden and secret; to hinder or prevent
15 Brouillard's apprehension and prosecution; and to protect the Agana Archdiocese, as well as the Roman
16 Catholic church as an international institution. Such tactics included paying Brouillard a monthly stipend for
17 many years up until this time, despite being rendered inactive as a priest.

18 21. To this day, the Agana Archdiocese and DOES 1-50 never contacted Felix, Felix's family, or
19 children they know Brouillard had sexual contact with. The Agana Archdiocese and DOES 1-50 have been
20 content that any other children that were sexually abused by Brouillard while he was serving as a priest, will
21 remain affected by guilt, shame and emotional distress.

22 22. Despite the prolonged and egregious sexual abuse, spanning a period of several decades, neither
23 the Agana Archdiocese nor the Roman Catholic Church ever formally disciplined Brouillard and in fact have
24 paid and continued to pay up through present time, sums of money to Brouillard on a regular basis,
25 ostensibly under the guise of a retirement stipend. Brouillard's name was included on a list released by the
26 Duluth diocese in December 2013 of priests who had been credibly accused of sexual abuse of young
27 persons while serving in the diocese.
28

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

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

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

5 * * *
 (B) subjects that child to cruel mistreatment; or

6 (C) unreasonably causes or permits the physical or, emotional
 health of that child to be endangered

7 24. Under 19 GCA § 13101, the following relevant definitions are provided:

8 * * *
9 (b) Abused or neglected child means a child whose physical or mental health or
10 welfare is harmed or threatened with harm by the acts or omissions of the
 person(s) responsible for the child's welfare;

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

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

13 * * *
 (2) Any case where the child has been the victim of a sexual offense as
 defined in the Criminal and Correctional Code; or

14 (3) Any case where there exists injury to the psychological capacity of a
15 child such as failure to thrive, extreme mental distress, or gross
16 emotional or verbal degradation as is evidenced by an observable and
 substantial impairment in the child's ability to function within a
 normal range of performance with due regard to the child's culture(.)

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

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

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

22 (8) Sexual Contact includes the intentional touching of the victim's or
23 actor's intimate parts or the intentional touching of the clothing
24 covering the immediate area of the victim's or actor's intimate parts, if
 that intentional touching can reasonably be construed as being for the
25 purpose of sexual arousal or gratification.

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

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

- (1) that other person is under fourteen (14) years of age;
- (2) that other person is at least fourteen (14) but less than sixteen (16) years of age and the actor is a member of the same household as the victim, or is related by blood or affinity to the fourth degree to the victim, or is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.

28. Under 9 GCA § 28.65, the crime of Indecent Exposure is set forth in pertinent part as follows:

A person is guilty of indecent exposure if he exposes his genitals or performs any other lewd act under circumstances in which his conduct is likely to be observed by any person who would be offended or alarmed.

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

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

IV.
FIRST CAUSE OF ACTION

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

30. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 29 of this Complaint as if fully set forth herein.

31. Brouillard committed the offense of Second Degree Criminal Sexual Misconduct, as set forth in 9 GCA § 25.20, by engaging in sexual contact with Felix when Felix was under fourteen (14) years of age.

32. Brouillard committed the offense of Indecent Exposure, as set forth in 9 GCA § 28.65, when he exposed his genitals in the presence of Felix in which his conduct offended and alarmed Felix.

33. Brouillard committed the offense of Child Abuse, as set forth in 9 GCA § 31.30 by subjecting Felix to cruel mistreatment, including but not limited to having Felix, who was a child at the time pursuant to 19 GCA § 13101(d), under his care, custody or control, unreasonably caused or permitted the physical or emotional health of the child to be endangered.

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

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

36. By engaging in the conduct described herein, Brouillard acted with malice, oppression, and/or fraud, entitling Felix to exemplary and punitive damages.

V.
SECOND CAUSE OF ACTION

Child Sexual Abuse
[Against Defendants Agana Archdiocese and DOES 1 – 50]

37. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 36 of this Complaint as if fully set forth herein.

38. Defendants Agana Archdiocese and DOES 1 - 50 (collectively “Defendants” as alleged in this cause of action) are vicariously liable for the sexual abuse committed upon Felix by Brouillard. Public policy dictates that Defendants should be held responsible for Brouillard’s wrongful conduct under the theory commonly referred to as *Respondeat Superior*.

39. For the reasons set forth in the incorporated paragraphs of this Complaint, the sexual abuse of Felix arose from and was incidental to Brouillard's employment with the Agana Archdiocese, and while Brouillard, was acting within the scope of his employment with the Agana Archdiocese at the time he committed the acts of sexual abuse, which were foreseeable to Defendants.

40. Defendants ratified and / or approved of Brouillard's sexual abuse by failing to adequately investigate, discharge, discipline and / or supervise Brouillard and other priests known by Defendants to have sexually abused children, or to have been accused of sexually abusing children; by concealing evidence of

1 Brouillard's sexual abuse; failing to intervene to prevent ongoing and / or further sexual abuse; by failing to
2 report the sexual abuse as required under 19 GCA 13201(b); by allowing Brouillard to continue in service as
3 a Catholic priest working for the Agana Archdiocese.

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

10 42. Likewise, Defendants either had actual knowledge of Brouillard's sexual abuse of numerous
11 other minors whom Brouillard victimized, or could have and should have reasonably foreseen that Brouillard
12 was committing and would commit sexual abuse of other minors. Such knowledge included direct awareness
13 by former Agana Bishop Apollinaris Baumgartner, as reflected in the following excerpt from Brouillard's
14 statement attached hereto as Exhibit 1:

15 "While in Guam my actions were discussed and confessed to area
16 priests as well as Bishop Apollinaris Baumgartner who had approached me
17 to talk about the situation. I was told to try to do better and say prayers as a
penance."

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

23 44. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
24 fraud, entitling Felix to exemplary and punitive damages.

VI.
THIRD CAUSE OF ACTION

**Negligence
[Against All Defendants]**

45. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 44 of this Complaint as if fully set forth herein.

46. Defendants Brouillard, Agana Archdiocese and DOES 1 - 50 (collectively "Defendants" as alleged in this cause of action) had a duty to protect Felix when he was entrusted to Brouillard's care by Felix's parents. Felix's care, welfare, and / or physical custody were temporarily entrusted to Defendants, and Defendants accepted the entrusted care of Felix. As such, Defendants owed Felix, as a child at the time, a special duty of care, in addition to a duty of ordinary care, and owed Felix the higher duty of care that adults dealing with children owe to protect them from harm.

47. By virtue of his unique authority and position as a Roman Catholic priest, Brouillard was able to identify vulnerable victims and their families upon which he could perform such sexual abuse; to manipulate his authority to procure compliance with his sexual demands from his victims; to induce the victims to continue to allow the abuse; and to coerce them not to report it to any other persons or authorities. As a priest, Brouillard had unique access to a position of authority within Roman Catholic families like the family of Felix. Such access, authority and reverence was known to the Defendants and encouraged by them.

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

49. Defendants breached their duty of care to the minor Felix by allowing Brouillard to come into contact with Felix as a child without supervision; by failing to adequately supervise, or negligently retaining Brouillard whom they permitted and enabled to have access to Felix; by failing to properly investigate; by failing to inform or concealing from Felix's parents, guardians, or law enforcement officials that Brouillard was or may have been sexually abusing minors; by holding out Brouillard to Felix's parents or guardians, and to the community of Guam at large, as being in good standing and trustworthy as a person of stature and

1 integrity. Defendants cloaked within the facade of normalcy Brouillard's contact with Felix and / or with
2 other minors who were victims of Brouillard, and deliberately concealed and disguised the sexual abuse
3 committed by Brouillard.

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

9 51. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or
10 fraud, entitling Felix to exemplary and punitive damages.

11 **VII.**
12 **FOURTH CAUSE OF ACTION**

13 **Negligent Supervision**
14 **[Against Defendants Agana Archdiocese and DOES 1 – 50]**

15 52. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 51 of this Complaint as
16 if fully set forth herein.

17 53. Defendants Agana Archdiocese and DOES 1 - 50 (collectively "Defendants" as alleged in this
18 cause of action) had a duty to provide reasonable supervision of both Brouillard and minor child Felix; to use
19 reasonable care in investigating Brouillard; and to provide adequate warning to Felix's family, and to
20 families of other children who were entrusted to Brouillard, of Brouillard's sexually abusive and exploitative
21 propensities and unfitness.

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

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

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

VIII. FIFTH CAUSE OF ACTION

Negligent Hiring And Retention
[Against Defendants Agana Archdiocese and DOES 1 - 50]

57. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 56 of this Complaint as if fully set forth herein.

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

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

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

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

IX.
SIXTH CAUSE OF ACTION

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

62. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 61 of this Complaint as if fully set forth herein.

63. By holding Brouillard out as a qualified priest and a person of stature and integrity within the Catholic Archdiocese, Defendants Agana Archdiocese and DOES 1 - 50, together with Brouillard himself, invited, counseled, encouraged and induced the Catholic community of Guam, including parents or guardians of children, and particularly parents or guardians of children serving as altar boys and children eligible to serve as altar boys, to have trust and confidence in the Agana Archdiocese and its priests and to entrust their children to the company of priests and specifically to Brouillard, including allowing their children to be alone with Brouillard without supervision, and to spend nights at a church facility where Brouillard resided. Through such actions, Defendants collectively created and entered into a fiduciary and / or confidential relationship with its parishioners, including Catholic parents or guardians and their children, and in particular, children who provided services to the Agana Archdiocese that included serving as altar boys. Accordingly, Defendants collectively created and entered into a fiduciary and / or confidential relationship specifically with the minor child Felix.

64. Through such fiduciary and / or confidential relationship, Defendants collectively caused parents or guardians to entrust their children to priests, and specifically to Brouillard, including the parents of Felix, which resulted in Felix serving as an altar boy and spending one or more nights at a church facility where Brouillard resided, resulting in the subject acts of sexual abuse described herein.

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

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

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

X.
REQUEST FOR RELIEF

WHEREFORE, Plaintiff Felix T. Manglona requests judgment against all Defendants on all counts as follows:

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

XI.
DEMAND FOR JURY TRIAL

Plaintiff Felix T. Manglona, through his counsel, David J. Lujan, hereby demands a jury trial of six (6) in the above-entitled action, pursuant to Fed. R. Civ. Proc. 48(a).

Respectfully submitted this 8th day of February, 2017.



DAVID J. LUJAN,
Attorney for Plaintiff,
Felix T. Manglona

VERIFICATION

FELIX T. MANGLONA, declares and states that he is the PLAINTIFF in the foregoing COMPLAINT; that he has read said VERIFIED COMPLAINT FOR DAMAGES and knows the contents thereof to be true and correct, except as to the matters which may have been stated upon his information and belief; and as to those matters, he believes them to be true.

I declare, under penalty of perjury, this 8 day of February, 2017, that the foregoing is true and correct to the best of my knowledge.


FELIX T. MANGLONA

My name is Father Louis Brouillard. I am a retired Roman Catholic priest. I reside at 525 9th St. Southwest, apartment #2, Pine City Minnesota. Today is October 3rd, 2016. I am making this video at my residence and do so of my own free will.

While on Guam and the surrounding area, I helped many and assisted with numerous projects for the good of the people. During this time, I also may have offended some people there and wish to explain.

I am making this video to reach out to the parishioners of the Archdiocese of Guam, and anyone I may have harmed, to ask forgiveness for actions done by me many years ago.

I served the diocese of Guam in the 1940s through the 1970s and held many positions in the church. Two of the jobs I had were managing the Boy Scouts, where I served as President for the Scouts on Guam, my church was the Santa Teresita Church in Mangilao, and one of the other jobs was teaching sexual education to the boys in the parish.

Looking back now, I realize that I crossed the line with some of my actions and relationships with the boys.

During some of the sex education talks, while at Santa Teresita, I did touch the penises of some of the boys and some of the boys did perform oral sex on me. Some of these incidents took place in Mangilao at the rectory of the Santa Teresita Church. Because of the many years that have passed, I do not remember the exact dates and times or the names of the boys involved. There may have been 20 or more boys involved. Other locations where the sexual contact may have happened would be at San Vicente and Father Duenas Memorial Schools.

At that time, I did believe that the boys enjoyed the sexual contact and I also had self gratification as well.

I have come to learn the name of one of the boys I had sexual contact with at the Santa Teresita rectory. His name is Leo Tudela he is from the Island of Saipan. I apologize to you Leo and the rest of the boys that I may have harmed. I regret

EXHIBIT 1

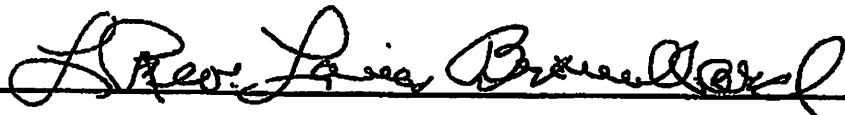
with all my heart any wrong I did to them. I pray for all the boys I may have harmed and ask for their forgiveness and for forgiveness from God.

While in Guam my actions were discussed and confessed to area priests as well as Bishop Apollinaris Baumgartner who had approached me to talk about the situation. I was told to try to do better and say prayers as a penance.

I believe the Catholic Church should be honest and truthful regarding what happened on Guam during my time there.

Again, I ask forgiveness from God and from anyone I have offended while serving in Guam. May God bless you all and I ask for your prayers.

I, Louis Brouillard, having read the foregoing approve and acknowledge my statement, the truthfulness of the claims made herein and that I have made this statement completely of my own free will in an effort to atone for my sexual transgressions involving children from Guam and Saipan and to promote healing and closure for the victims of those transgressions.

 10/03/2016 ✓

LOUIS BROUILLARD

525 9th Street SW

Apartment 2

Pine City, MN 55063