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ALAMEDA COUNTY

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF ALAMEDA**

10 SAMAH SABRI AWADALLA, an
individual, and EHAB HALEEM ZAKY
11 SAAD, an individual,

12 Plaintiff,

13 v.

14 FATHER ANTONIOS BAKY, COPTIC
ORTHODOX ARCHDIOCESE OF
15 NORTHERN CALIFORNIA AND THE
WESTERN UNITED STATES OF
16 AMERICA H.H. TAWADROS II, ST.
MARY AND ST. JOHN COPTIC
17 ORTHODOX CHURCH, AND DOES 1
TO 50, INCLUSIVE,

18 Defendants.
19
20
21

Case No. Rg 2111 0272

**COMPLAINT FOR DAMAGES AND DEMAND
FOR JURY TRIAL**

Judge:

Case No.:

1. **SEXUAL BATTERY (CCP 1708.5)**
2. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
3. **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
4. **NEGLIGENCE**
5. **NEGLIGENT HIRING, SUPERVISION AND RETENTION**
6. **NEGLIGENT FAILURE TO WARN**
7. **LOSS OF CONSORTIUM**

BY FAX

23 COMES NOW, Plaintiffs SAMAH SABRI AWADALLA and EHAB HALEEM ZAKY
24 SAAD, by and through their attorneys, and file this action against Defendants FATHER
25 ANTONIOS BAKY, COPTIC ORTHODOX ARCHDIOCESE OF NORTHERN CALIFORNIA
26 AND THE WESTERN UNITED STATES OF AMERICA H.H. TAWADROS II, ST. MARY
27 AND ST. JOHN COPTIC ORTHODOX CHURCH, and DOES 1 to 50, INCLUSIVE (collectively
28 "DEFENDANTS"). All allegations are made upon information and belief, except those of which

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1 Plaintiffs SAMAH SABRI AWADALLA and EHAB HALEEM ZAKY SAAD would have
2 personal knowledge because they relate expressly to them.

3 **PARTIES**

4 1. Plaintiff SAMAH SABRI AWADALLA (“SAMAH”) is an adult woman and is a resident
5 of Contra Costa County. PLAINTIFF SAMAH alleges that she was the victim of multiple sexual
6 assaults by Defendant FATHER ANTONIOS MOHEB BAKY, among other causes of action as set
7 forth herein. At all times relevant herein, Plaintiff SAMAH was and remains married to Plaintiff
8 EHAB HALEEM ZAKY SAAD.

9 2. Plaintiff, EHAB HALEEM ZAKY SAAD (“EHAB”) is an adult male and is a resident of
10 Contra Costa County. At all times relevant herein, Plaintiff EHAB was and remains married to
11 Plaintiff SAMAH.

12 3. Defendant FATHER ANTONIOS MOHEB BAKY (“BAKY”) is an ordained Hegumen
13 priest with the Coptic Orthodox Church of Alexandria. He is the Chief Executive Officer of
14 Defendant COPTIC ORTHODOX ARCHDIOCESE OF NORTHERN CALIFORNIA AND THE
15 WESTERN UNITED STATES OF AMERICA H.H. TAWADROS II, and the Chief Executive
16 Officer of Defendant ST. MARY AND ST. JOHN COPTIC ORTHODOX CHURCH. Defendant
17 BAKY is a resident of Dublin, Alameda County.

18 4. Defendant COPTIC ORTHODOX ARCHDIOCESE OF NORTHERN CALIFORNIA AND
19 THE WESTERN UNITED STATES OF AMERICA H.H. TAWADROS II (“ARCHDIOCESE”)
20 is a California Domestic Nonprofit Corporation with its principal place of business in Pleasanton,
21 Alameda County.

22 5. Defendant ST. MARY AND ST. JOHN COPTIC ORTHODOX CHURCH (“ST. MARY
23 and ST. JOHN”) is a California Domestic Nonprofit Corporation with its principal place of business
24 in Pleasanton, Alameda County.

25 6. The true names and capacities, whether individual, plural, corporate, partnership, associate,
26 or otherwise, of DOES 1 through 50, inclusive, are unknown to Plaintiffs who therefore sue said
27 Defendants by such fictitious names. The full extent of the facts linking such fictitiously sued
28 Defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and thereon allege, that

1 each of the Defendants designated herein as a DOE was, and is, negligent, or in some other
2 actionable manner, responsible for the events and happenings hereinafter referred to, and thereby
3 negligently, or in some other actionable manner, legally caused the hereinafter described injuries
4 and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the Court to amend this Complaint
5 to show the Defendants' true names and capacities after the same have been ascertained.

6 7. Plaintiffs are informed and believe, and on that basis allege, that at all times herein
7 mentioned, each of the Defendants was the agent, servant, licensee, employee, assistant, consultant,
8 or alter ego, of each of the remaining defendants, and was at all times herein mentioned acting within
9 the course and scope of said relationship when Plaintiffs were injured as set forth herein. Plaintiffs
10 are informed and believe that each and every Defendant, when acting as a principal, was negligent
11 in the selection, hiring, supervision or retention of each and every other defendant as an agent,
12 servant, employee, assistant, or consultant. Plaintiffs are further informed and believe, and thereon
13 allege, that at all times herein mentioned, each business, public entity or corporate employer,
14 through its officers, directors, supervisors and managing agents, and each individual defendant, had
15 advance knowledge of the wrongful conduct, psychological profile, and behavior propensity of said
16 agents, servants, licensees, employees, assistants, consultants, and alter egos, and allowed said
17 wrongful conduct to occur and continue to occur, thereby ratifying said wrongful conduct, and, after
18 becoming aware of their wrongful conduct, each public entity, and corporate defendant by and
19 through its officers, directors, supervisors and managing agents, and each individual defendant,
20 authorized and ratified the wrongful conduct herein alleged.

21 8. Defendants are liable for the acts of each other through principles of *respondeat superior*,
22 agency, ostensible agency, partnership, alter-ego and other forms of vicarious liability

23 **GENERAL ALLEGATIONS**

24 9. For years, priests with the Coptic Orthodox Church of Alexandria ("Coptic Church") have
25 been permitted to sexually assault, sexually abuse, and sexually harass its own church members with
26 impunity.

27 10. Historically, the Coptic Church has gone to great lengths to prevent reports of sexual
28 misconduct by its priests from becoming public.

1 11. This desire to suppress reports of sexual misconduct stems from fears among church leaders
2 that any negative reports about the church would harm the church community.

3 12. Consequently, leaders in the church have worked hard to maintain a culture of silence among
4 survivors and witnesses of sexual misconduct.

5 13. Church leaders are experienced at executing strategies which pressure survivors and
6 witnesses of sexual misconduct to remain silent.

7 14. Church leaders will actively cover up the crimes of priests who are sexual predators and
8 these predator priests are permitted to maintain their positions as church leaders.

9 15. This strategy is prevalent within the church communities of Defendant ARCHDIOCESE and
10 Defendant ST. MARY and ST. JOHN.

11 16. For several years prior to Defendant BAKY's attacks on Plaintiff SAMAH, DEFENDANTS
12 were fully aware that other church members had been sexually assaulted by their clergy, including
13 Defendant BAKY. DEFENDANTS had received numerous complaints about sexual misconduct
14 by members of its clergy.

15 17. DEFENDANTS made a conscious decision not to implement policies and procedures that
16 would identify and remove sexually deviant members of the clergy from their church.

17 18. Defendants ARCHDIOCESE and ST. MARY and ST. JOHN permitted a known sexual
18 predator, Defendant BAKY, to remain in a position as the highest-ranking priest within their
19 organizations.

20 19. Defendant BAKY is known by many members of the church community to have sexually
21 assaulted, sexually abused, and sexually harassed numerous members of the church, including
22 children.

23 20. To keep Defendant BAKY's sexual attacks a secret, DEFENDANTS refused to formally
24 disclose BAKY as a sexual predator to the church community.

25 21. DEFENDANTS have used various forms of persuasion, influence, intimidation, defamatory
26 statements, and even threats against the survivors of Defendant BAKY's sexual attacks and their
27 families to maintain silence.

28 22. DEFENDANTS have relied on their power and positions of trust and authority in the

1 community to overwhelm survivors and their families to prevent disclosure of Defendant BAKY's
2 abuse to the church community and to law enforcement.

3 23. DEFENDANTS failure to disclose Defendant BAKY as a sexual predator has permitted him
4 to continue to have access to potential victims, including Plaintiff SAMAH.

5 24. Plaintiff SAMAH was raised in a devoutly religious family, celebrated weekly mass, and
6 was educated in the Coptic Orthodox faith, morals, and religious doctrine. Plaintiff SAMAH
7 therefore developed great admiration, trust, reverence, respect for, and obedience to Coptic
8 Orthodox clergy who occupied positions of great influence and persuasion as holy men and authority
9 figures. Plaintiff SAMAH was encouraged to trust, respect, and obey all Coptic Orthodox clergy,
10 including Defendant BAKY.

11 25. Plaintiff SAMAH first met Defendant BAKY in 2015 when she moved to the United States
12 with her family and husband, Plaintiff EHAB. Plaintiffs immediately joined the ST. MARY and ST.
13 JOHN's church in Pleasanton, California and became involved in the church community.

14 26. Plaintiff SAMAH volunteered for DEFENDANTS and eventually worked directly for
15 Defendant BAKY. Plaintiff SAMAH developed a close relationship with Defendant BAKY founded
16 on trust, respect, and obedience to him. Defendant BAKY fostered this relationship by providing
17 Plaintiff SAMAH with personal and spiritual guidance. Plaintiff SAMAH considered Defendant
18 BAKY to be a strong religious leader and father figure to her.

19 27. Unbeknownst to Plaintiff SAMAH and Plaintiff EHAB, Defendant BAKY was grooming
20 Plaintiff SAMAH to sexually assault and abuse her.

21 28. The first sexual assault by Defendant BAKY against Plaintiff SAMAH occurred in 2017.
22 During this attack, Plaintiff SAMAH was at the ST. MARY and ST. JOHN church property in
23 Pleasanton with Defendant BAKY. Defendant BAKY gave Plaintiff SAMAH a hug, kissed her on
24 the lips, and grabbed her buttocks without her consent. Plaintiff SAMAH was shocked and offended
25 and pushed Defendant BAKY away. Defendant BAKY tried to explain his actions by telling
26 Plaintiff SAMAH it was just like a kiss a father would give his daughter.

27 29. The second sexual assault by Defendant BAKY against Plaintiff SAMAH also occurred in
28 2017. Plaintiff SAMAH brought a meal to Defendant BAKY's home in Dublin. Defendant BAKY

1 persuaded Plaintiff SAMAH to enter his home. After Plaintiff SAMAH was inside, Defendant
2 BAKY grabbed Plaintiff SAMAH and violently raped her. Defendant BAKY lifted Plaintiff
3 SAMAH's dress and repeatedly inserted his penis to penetrate her vagina. Plaintiff SAMAH was
4 unable to escape until Defendant BAKY finished his attack.

5 30. The third sexual assault by Defendant BAKY against Plaintiff SAMAH occurred in 2018.
6 During this attack, Plaintiff SAMAH was at the ST. MARY and ST. JOHN church property in
7 Pleasanton. Defendant BAKY approached Plaintiff SAMAH from behind and pinned her to a wall.
8 Defendant BAKY violently groped Plaintiff SAMAH and attempted to vaginally rape her. Plaintiff
9 SAMAH fought Defendant BAKY as best she could, but Defendant BAKY proceeded to rub his
10 genitals against her. Defendant BAKY ejaculated on Plaintiff SAMAH and she felt the wet spot on
11 the clothes. Plaintiff SAMAH was not able to escape until Defendant BAKY finished his attack and
12 let her go.

13 31. Plaintiff SAMAH was afraid to report these assaults after they happened. Eventually, after
14 Plaintiff SAMAH learned that Defendant BAKY had sexually assaulted others, Plaintiff SAMAH
15 came forward with reports of her own attacks.

16 32. The attacks were reported to the Coptic Church in July, 2020 and to the Dublin Police
17 Department and Pleasanton Police Department in August, 2000.

18 33. As expected, after the reports was made, DEFENDANTS and other Coptic Church leaders
19 used various forms of persuasion, influence, intimidation, defamatory statements, and even threats
20 in an attempt to silence Plaintiff SAMAH and to cover up Defendant BAKY's assaults.

21 34. The Coptic Church formed a sham committee to review the allegations against Defendant
22 BAKY. In sum, the fox was put in charge of guarding the henhouse. The investigative committee
23 members included Defendant BAKY's friends and subordinates. Defendant BAKY was in a
24 supervisory position over members of the "investigation" into the allegations against him.
25 Unsurprisingly, the committee failed to conduct a proper investigation and Pope H.H. Tawadros II,
26 Defendant BAKY's cousin, blessed the proceedings and improperly determined the allegations were
27 unfounded.

28 35. DEFENDANTS failed to take reasonable steps to address the sexual assaults against Plaintiff

1 SAMAH. DEFENDANTS have acted in conscious disregard of the safety of their parishioners,
2 including Plaintiff SAMAH, have breached their duty of reasonable care, and have breached the
3 implied and express covenants arising from their contract with Plaintiff SAMAH and their
4 Parishioners.

5 36. DEFENDANTS are legally responsible for the harm to Plaintiff SAMAH under legal
6 theories including, but not limited to, vicarious liability for the intentional acts of their employees
7 (battery and false imprisonment), basic negligence for failing to act with reasonable care when faced
8 with the knowledge of multiple and ongoing attacks by Defendant BAKY, breach of the non-
9 delegable duty of safety of its parishioners, punitive damages for the conscious disregard of the
10 safety of its parishioners, intentional and negligent misrepresentations and breaches of contract, and
11 express and implied covenants arising out of its relationship with parishioners, including Plaintiff
12 SAMAH.

13 **FIRST CAUSE OF ACTION**

14 **(Sexual Battery, Cal. Civ. Code §1708.5 – Plaintiff SAMAH against All Defendants)**

15 37. Plaintiff SAMAH hereby incorporates all paragraphs of this Complaint as if stated fully
16 herein.

17 38. In committing the acts of sexual battery specified herein, Defendant BAKY intentionally
18 and recklessly caused harmful or offensive contact with an intimate part of Plaintiff SAMAH in a
19 sexually offensive manner with the intent to harm or offend her, and further acted to cause Plaintiff
20 SAMAH to have an immense apprehension of such contact.

21 39. At no time during any of the aforementioned instances did Plaintiff SAMAH ever consent
22 to Defendant BAKY’s conduct.

23 40. As a direct, proximate, and legal result of Defendant BAKY’s conduct as described above,
24 Plaintiff SAMAH was harmed and has suffered, and continues to suffer great pain of mind and body,
25 shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of
26 self-esteem, disgrace, humiliation, and loss of enjoyment of life; has sustained and will continue to
27 sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses
28 for medical and psychological treatment, therapy, and counseling.

1 41. Furthermore, in doing the acts complained of herein, Defendant BAKY acted intentionally,
2 willfully, maliciously, and oppressively, and with conscious disregard for the rights of Plaintiff
3 SAMAH, and improperly intended to cause injury, harm, embarrassment, and oppression to Plaintiff
4 SAMAH. Plaintiff SAMAH is entitled to recover exemplary and punitive damages pursuant to Civil
5 Code 1708.5(b) and 3294.

6 42. Such conduct occurred while Defendant BAKY was an employee, representative, and agent
7 of Defendants ARCHDIOCESE and ST. MARY and ST. JOHN and while in the course and scope
8 of his employment with Defendants ARCHDIOCESE and ST. MARY and ST. JOHN. Furthermore,
9 Plaintiff SAMAH is informed and believes that Defendants ARCHDIOCESE and ST. MARY and
10 ST. JOHN authorized and/or ratified Defendant BAKY's sexual assaults by aiding Defendant
11 BAKY in efforts to cover up and suppress reports of abuse by Plaintiff SAMAH and by other
12 survivors of sexual abuse.

13 43. WHEREFORE, Plaintiff prays for Judgment against DEFENDANTS as set forth below.

14 **SECOND CAUSE OF ACTION**

15 **(Intentional Infliction of Emotional Distress – Plaintiff SAMAH against All Defendants)**

16 44. Plaintiff SAMAH hereby incorporates all paragraphs of this Complaint as if stated fully
17 herein.

18 45. DEFENDANTS conduct alleged herein was outrageous and extreme and was done with
19 malice against Plaintiff SAMAH.

20 46. DEFENDANTS intended to cause Plaintiff SAMAH emotional distress or did so with
21 reckless disregard of the probability that such abuse would cause Plaintiff SAMAH to suffer
22 emotional distress.

23 47. Plaintiff SAMAH did suffer severe emotional distress as set forth herein.

24 48. As a direct, proximate, and legal result of DEFENDANTS' conduct as described above,
25 Plaintiff SAMAH was harmed and has suffered, and continues to suffer great pain of mind and body,
26 shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of
27 self-esteem, disgrace, humiliation, and loss of enjoyment of life; has sustained and will continue to
28 sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses

1 for medical and psychological treatment, therapy, and counseling.

2 49. Furthermore, in doing the acts complained of herein, Defendant BAKY acted intentionally,
3 willfully, maliciously, and oppressively, and with conscious disregard for the rights of Plaintiff
4 SAMAH, and improperly intended to cause injury, harm, embarrassment, and oppression to Plaintiff
5 SAMAH. Plaintiff SAMAH is entitled to recover exemplary and punitive damages pursuant to Civil
6 Code 1708.5(b) and 3294.

7 50. Such conduct occurred while Defendant BAKY was an employee, representative, and agent
8 of Defendants ARCHDIOCESE and ST. MARY and ST. JOHN and while in the course and scope
9 of his employment with Defendants ARCHDIOCESE and ST. MARY and ST. JOHN. Furthermore,
10 Plaintiff SAMAH is informed and believes that Defendants ARCHDIOCESE and ST. MARY and
11 ST. JOHN authorized and/or ratified Defendant BAKY's sexual assaults by aiding Defendant
12 BAKY in efforts to cover up and suppress reports of abuse by Plaintiff SAMAH and by other
13 survivors of sexual abuse.

14 51. WHEREFORE, Plaintiff prays for Judgment against DEFENDANTS as set forth below.

15 **THIRD CAUSE OF ACTION**

16 **(Negligent Infliction of Emotional Distress – Plaintiff SAMAH against All Defendants)**

17 52. Plaintiff SAMAH hereby incorporates all paragraphs of this Complaint as if stated fully
18 herein.

19 53. DEFENDANTS owed a duty of care to Plaintiff SAMAH to act in compliance with the law
20 as alleged herein.

21 54. DEFENDANTS breached their duty of care in failing to use reasonable care in
22 investigating Defendant BAKY, in failing to warn Plaintiff SAMAH and others of Defendant
23 BAKY's dangerous propensities, and in otherwise failing to supervise and take any measures to
24 prevent Defendant BAKY from sexually assaulting Plaintiff SAMAH.

25 55. As a direct and proximate result of DEFENDANTS' negligence, Plaintiff SAMAH
26 was sexually assaulted and thereby suffered and continues to suffer great pain of mind and body,
27 shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of
28 self-esteem, disgrace, humiliation, and loss of enjoyment of life; has sustained and will continue to

1 sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses
2 for medical and psychological treatment, therapy, and counseling.

3 56. Furthermore, in doing the acts complained of herein, Defendant BAKY acted intentionally,
4 willfully, maliciously, and oppressively, and with conscious disregard for the rights of Plaintiff
5 SAMAH, and improperly intended to cause injury, harm, embarrassment, and oppression to Plaintiff
6 SAMAH. Plaintiff SAMAH is entitled to recover exemplary and punitive damages pursuant to Civil
7 Code 1708.5(b) and 3294.

8 57. Such conduct occurred while Defendant BAKY was an employee, representative,
9 and agent of Defendants ARCHDIOCESE and ST. MARY and ST. JOHN and while in the course
10 and scope of his employment with Defendants ARCHDIOCESE and ST. MARY and ST. JOHN.
11 Furthermore, Plaintiff SAMAH is informed and believes that Defendants ARCHDIOCESE and ST.
12 MARY and ST. JOHN authorized and/or ratified Defendant BAKY's sexual assaults by aiding
13 Defendant BAKY in efforts to cover up and suppress reports of abuse by Plaintiff SAMAH and by
14 other survivors of sexual abuse.

15 58. WHEREFORE, Plaintiff prays for Judgment against DEFENDANTS as set forth
16 below.

17 **FOURTH CAUSE OF ACTION**

18 **(Negligence – Plaintiff SAMAH against All Defendants)**

19 59. Plaintiff SAMAH hereby incorporates all paragraphs of this Complaint as if stated
20 fully herein.

21 60. DEFENDANTS owed a duty of care to Plaintiff SAMAH to protect her from sexual
22 attacks while she attended church services and volunteered for the church.

23 61. DEFENDANTS knew or had reason to know, were otherwise on notice, and/or had
24 a duty to take reasonable measures to discover Defendant BAKY's history of sexual misconduct
25 and other dangerous propensities.

26 62. DEFENDANTS breached their duty of care in failing to use reasonable care to take
27 steps to protect Plaintiff SAMAH and failed to implement reasonable safeguards to prevent and
28 avoid acts of unlawful sexual conduct by Defendant BAKY. This includes, but is not limited to,

1 failing to use reasonable care in investigating Defendant BAKY, in failing to warn Plaintiff SAMAH
2 and others of Defendant BAKY's dangerous propensities, and in otherwise failing to supervise and
3 take any measures to prevent Defendant BAKY from sexually assaulting Plaintiff SAMAH.

4 63. As a direct and proximate result of DEFENDANTS' negligence, Plaintiff SAMAH
5 was sexually assaulted and thereby suffered and continues to suffer great pain of mind and body,
6 shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of
7 self-esteem, disgrace, humiliation, and loss of enjoyment of life; has sustained and will continue to
8 sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses
9 for medical and psychological treatment, therapy, and counseling.

10 64. Furthermore, in doing the acts complained of herein, Defendant BAKY acted intentionally,
11 willfully, maliciously, and oppressively, and with conscious disregard for the rights of Plaintiff
12 SAMAH, and improperly intended to cause injury, harm, embarrassment, and oppression to Plaintiff
13 SAMAH. Plaintiff SAMAH is entitled to recover exemplary and punitive damages pursuant to Civil
14 Code 1708.5(b) and 3294.

15 65. Such conduct occurred while Defendant BAKY was an employee, representative,
16 and agent of Defendants ARCHDIOCESE and ST. MARY and ST. JOHN and while in the course
17 and scope of his employment with Defendants ARCHDIOCESE and ST. MARY and ST. JOHN.
18 Furthermore, Plaintiff SAMAH is informed and believes that Defendants ARCHDIOCESE and ST.
19 MARY and ST. JOHN authorized and/or ratified Defendant BAKY's sexual assaults by aiding
20 Defendant BAKY in efforts to cover up and suppress reports of abuse by Plaintiff SAMAH and by
21 other survivors of sexual abuse.

22 66. WHEREFORE, Plaintiff prays for Judgment against DEFENDANTS as set forth
23 below.

24 **FIFTH CAUSE OF ACTION**

25 **(Negligent Hiring, Supervision, and Retention – Plaintiff SAMAH against All Defendants)**

26 67. Plaintiff hereby incorporates all paragraphs of this Complaint as if stated fully herein.

27 68. DEFENDANTS owed a duty of care to Plaintiff SAMAH to use reasonable care in the
28 hiring, supervision, and retention of Defendant BAKY to protect her from sexual attacks while she

1 attended church services and volunteered for the church.

2 69. DEFENDANTS knew or had reason to know, were otherwise on notice of Defendant
3 BAKY's dangerous sexual propensities and that Defendant BAKY was an unfit employee and/or
4 agent, and despite such knowledge, DEFENDANTS nevertheless negligently hired and retained
5 Defendant BAKY as a priest for Defendant ARCHDIOCESE and Defendant ST. MARY and ST.
6 JOHN which directly enabled him to sexually assault Plaintiff SAMAH. Plaintiff SAMAH is further
7 informed and believes that no reasonable employer would have hired and/or retained Defendant
8 BAKY given his dangerous sexual propensities against members of the church.

9 70. DEFENDANTS also failed to use reasonable care in investigating Defendant BAKY before
10 hiring him so as to ascertain his history of sexual misconduct, which Plaintiff SAMAH is informed
11 and believes was known by DEFENDANTS.

12 71. DEFENDANTS also had the authority to supervise and monitor Defendant BAKY and failed
13 to provide reasonable supervision of Defendant BAKY which directly enabled him to sexually
14 assault Plaintiff SAMAH three times over a period of approximately two years.

15 72. As a direct and proximate result of DEFENDANTS' negligence, Plaintiff SAMAH was
16 sexually assaulted and thereby suffered and continues to suffer great pain of mind and body, shock,
17 emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-
18 esteem, disgrace, humiliation, and loss of enjoyment of life; has sustained and will continue to
19 sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses
20 for medical and psychological treatment, therapy, and counseling.

21 73. Furthermore, in doing the acts complained of herein, Defendant BAKY acted intentionally,
22 willfully, maliciously, and oppressively, and with conscious disregard for the rights of Plaintiff
23 SAMAH, and improperly intended to cause injury, harm, embarrassment, and oppression to Plaintiff
24 SAMAH. Plaintiff SAMAH is entitled to recover exemplary and punitive damages pursuant to Civil
25 Code 1708.5(b) and 3294.

26 74. Such conduct occurred while Defendant BAKY was an employee, representative, and agent
27 of Defendants ARCHDIOCESE and ST. MARY and ST. JOHN and while in the course and scope
28 of his employment with Defendants ARCHDIOCESE and ST. MARY and ST. JOHN. Furthermore,

1 Plaintiff SAMAH is informed and believes that Defendants ARCHDIOCESE and ST. MARY and
2 ST. JOHN authorized and/or ratified Defendant BAKY’s sexual assaults by aiding Defendant
3 BAKY in efforts to cover up and suppress reports of abuse by Plaintiff SAMAH and by other
4 survivors of sexual abuse.

5 75. WHEREFORE, Plaintiff prays for Judgment against DEFENDANTS as set forth below.

6 **SIXTH CAUSE OF ACTION**

7 **(Negligent Failure to Warn – Plaintiff SAMAH against All Defendants)**

8 76. Plaintiff hereby incorporates all paragraphs of this Complaint as if stated fully herein.

9 77. DEFENDANTS owed a duty of care to Plaintiff SAMAH to use reasonable care in warning
10 Plaintiff of Defendant BAKY’s dangerous sexual propensities to protect her from sexual attacks
11 while she attended church services and volunteered for the church.

12 78. DEFENDANTS knew or had reason to know, were otherwise on notice of Defendant
13 BAKY’s dangerous sexual propensities and that Defendant BAKY was an unfit employee and/or
14 agent, and despite such knowledge, DEFENDANTS nevertheless negligently failed to provide any
15 warning to Plaintiff SAMAH or her family of Defendant BAKY’s dangerous sexual propensities
16 and otherwise failed to take any reasonable measures to prevent the sexual abuse which directly
17 enabled him to sexually assault Plaintiff SAMAH.

18 79. As a direct and proximate result of DEFENDANTS’ negligence, Plaintiff SAMAH was
19 sexually assaulted and thereby suffered and continues to suffer great pain of mind and body, shock,
20 emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-
21 esteem, disgrace, humiliation, and loss of enjoyment of life; has sustained and will continue to
22 sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses
23 for medical and psychological treatment, therapy, and counseling.

24 80. Furthermore, in doing the acts complained of herein, Defendant BAKY acted intentionally,
25 willfully, maliciously, and oppressively, and with conscious disregard for the rights of Plaintiff
26 SAMAH, and improperly intended to cause injury, harm, embarrassment, and oppression to Plaintiff
27 SAMAH. Plaintiff SAMAH is entitled to recover exemplary and punitive damages pursuant to Civil
28 Code 1708.5(b) and 3294.

1 81. Such conduct occurred while Defendant BAKY was an employee, representative, and agent
2 of Defendants ARCHDIOCESE and ST. MARY and ST. JOHN and while in the course and scope
3 of his employment with Defendants ARCHDIOCESE and ST. MARY and ST. JOHN. Furthermore,
4 Plaintiff SAMAH is informed and believes that Defendants ARCHDIOCESE and ST. MARY and
5 ST. JOHN authorized and/or ratified Defendant BAKY’s sexual assaults by aiding Defendant
6 BAKY in efforts to cover up and suppress reports of abuse by Plaintiff SAMAH and by other
7 survivors of sexual abuse.

8 82. WHEREFORE, Plaintiff prays for judgment against DEFENDANTS as set forth below.

9 **SEVENTH CAUSE OF ACTION**

10 **(Loss of Consortium – Plaintiff EHAB Against All Defendants)**

11 83. Plaintiff hereby incorporates all paragraphs of this Complaint as if stated fully herein.

12 84. At all times relevant herein, Plaintiff SAMAH and Plaintiff EHAB were, and now are,
13 married.

14 85. DEFENDANTS have caused Plaintiff SAMAH to suffer injuries at set forth herein above.

15 86. That as a substantial result of the harm caused by DEFENDANTS to Plaintiff SAMAH,
16 Plaintiff EHAB is informed and believes, and herein alleges, that the injuries to his spouse are of a
17 permanent nature, and that he has and will continue to be deprived of her love, companionship,
18 comfort, care, services, assistance, protection, affection, society, and moral support, all to his further
19 damage.

20 87. Furthermore, in doing the acts complained of herein, Defendant BAKY acted intentionally,
21 willfully, maliciously, and oppressively, and with conscious disregard for the rights of Plaintiffs
22 SAMAH and EHAB, and improperly intended to cause injury, harm, embarrassment, and
23 oppression to Plaintiffs SAMAH and EHAB. Plaintiffs are entitled to recover exemplary and
24 punitive damages pursuant to Civil Code 1708.5(b) and 3294.

25 88. Such conduct occurred while Defendant BAKY was an employee, representative, and agent
26 of Defendants ARCHDIOCESE and ST. MARY and ST. JOHN and while in the course and scope
27 of his employment with Defendants ARCHDIOCESE and ST. MARY and ST. JOHN. Furthermore,
28 Plaintiffs are informed and believe that Defendants ARCHDIOCESE and ST. MARY and ST.

1 JOHN authorized and/or ratified Defendant BAKY’s sexual assaults by aiding Defendant BAKY in
2 efforts to cover up and suppress reports of abuse by Plaintiff SAMAH and by other survivors of
3 sexual abuse.

4 89. WHEREFORE, Plaintiff prays for Judgment against DEFENDANTS as set forth below.

5

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiffs SAMAH and EHAB pray for judgment against all Defendants as
8 follows:

- 9 1. For general damages (also known as non-economic damages), including but not
10 limited to, past and future physical and mental pain and suffering in an amount to be determined at
11 trial;
- 12 2. For special damages (also known as economic damages), including but not limited
13 to past and future hospital, medical, professional, and incidental expenses as well as past and future
14 loss of earnings, loss of opportunity, and loss of earning capacity in an amount to be determined at
15 trial;
- 16 3. For exemplary and punitive damages in an amount to be determined at trial;
- 17 4. For reasonable attorney’s fees and costs of suit incurred herein; and
- 18 5. For such other and further relief as the Court may deem just and proper.

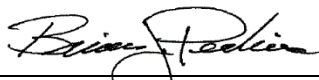
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20 DATED: August 13, 2021

LEVIN SIMES ABRAMS LLP

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Brian J. Perkins
Amanda J.G. Walbrun

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Attorneys for Plaintiff

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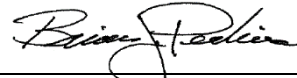
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury as to all causes of action.

DATED: August 13, 2021

LEVIN SIMES ABRAMS LLP



Brian J. Perkins
Amanda J.G. Walbrun

Attorneys for Plaintiff