

1 BRIAN L. WILLIAMS, State Bar No. 227948
BWilliams@GGTrialLaw.com

2 JEMMA E. DUNN, State Bar No. 258454
JDunn@GGTrialLaw.com

3 BAILEE B. PELHAM, State Bar No. 333224
BPelham@GGTrialLaw.com

4 **GREENBERG GROSS LLP**
650 Town Center Drive, Suite 1700
5 Costa Mesa, California 92626
Telephone: (949) 383-2800
6 Facsimile: (949) 383-2801

7 MICHAEL RECK, State Bar No. 209895
MReck@AndersonAdvocates.com

8 HAGEREY MENGISTU, State Bar No. 290300
HMengistu@AndersonAdvocates.com

9 **JEFF ANDERSON & ASSOCIATES**
12011 San Vicente Boulevard, #700
10 Los Angeles, California, 90049
Telephone: (310) 357-2425
11 Facsimile: (651) 297-6543

12 *Attorneys for Plaintiff*

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF ORANGE**

15 JOHN DOE 7021, a minor, by and through his
Guardian ad Litem, JOHN DOE 7022, an
16 individual,

17 Plaintiff,

18 v.

19 MATER DEI HIGH SCHOOL, an entity of
unknown form; THE ROMAN CATHOLIC
20 DIOCESE OF ORANGE, a Corporation Sole;
and DOES 1-20,

21 Defendants.
22

Case No.

COMPLAINT FOR DAMAGES for:

- 1) Negligence
- 2) Negligence Per Se-Hazing in Violation of California Penal Code § 245.6
- 3) Negligent Failure to Warn, Train or Educate
- 4) Intentional Infliction of Emotional Distress

[Jury Trial Demanded]

23
24 Plaintiff JOHN DOE 7021 (hereinafter, "Plaintiff"), a minor, by and through his Guardian ad
25 Litem, JOHN DOE 7022 (hereinafter, "Plaintiff's Father"), an individual, brings this action against
26 Defendants Mater Dei High School ("Mater Dei"), The Roman Catholic Diocese of Orange
27 ("Diocese"), and DOES 1-20 (together, "Defendants"), and based on information and belief alleges
28 as follows:

1 **INTRODUCTION**

2 1. "Honor, Glory, Love." Those three words are referred to as the core values of Mater
3 Dei, and appear prominently in its mission statement. It is Mater Dei's motto, presumably meant to
4 encapsulate the values of this well-established Catholic institution. At the center of Mater Dei is its
5 acclaimed football team, with its history of accolades and celebrated players. Prominently painted in
6 large letters in its varsity locker room are the words "courage, pride, and poise," seemingly used by
7 the Mater Dei football team to describe the traits desired of its players. Unfortunately, despite the
8 puffery associated with these catchphrases, the reality is that the culture at Mater Dei is not aligned
9 with these words or mottos. Instead, the leaders of the football team and the school's administration
10 routinely conduct themselves far below the standards associated with the words they promote. In the
11 case of the Plaintiff, Mater Dei's actions led to severe injuries from a ridiculously dangerous and
12 misguided hazing ritual, long carried out by its football team, known as "Bodies."

13 2. "If I had a hundred dollars for every time these kids played Bodies or Slappies, I'd be
14 a millionaire." Those were the words used by Head Football Coach Bruce Rollinson directly to
15 Plaintiff's father the day after his son suffered a traumatic brain injury, a broken nose, serious cuts
16 above both eyes, and multiple contusions after engaging in Bodies with a fellow member of the
17 football team. Clearly, the persistence of this hazing ritual is longstanding, well known by Mater Dei
18 leaders, and apparently condoned by its head coach. Making the situation even worse, in the same
19 conversation, Coach Rollinson indicated he was in a "bind" from a disciplinary standpoint because
20 the player that injured Plaintiff is the son of one of Coach Rollinson's assistants.

21 3. The institutional failures that give life to this lawsuit are many. They are deeply
22 troubling, especially considering the Catholic educational environment that Mater Dei promises its
23 students. Faced with Plaintiff's serious injuries, Mater Dei staff failed him in so many ways. Plaintiff
24 was a young boy who suffered serious injuries on campus, during school hours, on Mater Dei's watch.
25 Rather than immediately notifying paramedics, a doctor, or even Plaintiff's parents, Mater Dei staff
26 ignored the seriousness of the situation and immediately began efforts to protect its brand.

27 4. Hazing rituals have no place in our society. Coaches cannot allow, or turn a blind eye
28 to, high school athletes engaging in violent altercations within one of the most prestigious varsity

1 locker rooms in the country. Student athletes must be better protected. Simply put, it is time for
2 Mater Dei to put the safety of its student athletes first.

3 **PARTIES**

4 5. Plaintiff was born in 2004 and was a minor at the time of the incident at issue in this
5 Complaint. Therefore, Plaintiff brings this Complaint by and through his father, as his Guardian ad
6 Litem. At all times relevant to this Complaint, Plaintiff and Plaintiff's Father were residing in Orange
7 County, California.

8 6. At all times relevant herein, Mater Dei was and is an entity of unknown form with its
9 principal place of business located in Orange County, California. At all times relevant herein, Mater
10 Dei was and continues to be under the direct authority, control, and province of the Diocese and the
11 Bishop of the Diocese. Mater Dei includes, but is not limited to, the school corporation and entity.
12 Mater Dei conducts substantial educational business activities in the State of California, and is
13 responsible for the funding, staffing, and direction of a Catholic school located at 1202 W. Edinger,
14 Santa Ana, California.

15 7. At all times mentioned herein, the Diocese was and is a Corporation Sole, established
16 in 1976. Its principal place of business is located in Orange County, California. The Diocese
17 conducts substantial business operations in the State of California. The Diocese is responsible for
18 Roman Catholic Church operations in and throughout Orange County, California, and is responsible
19 for the funding, staffing, and direction of the parishes, parochial schools, fraternal organizations, and
20 other facilities and institutions within the geographic area of the County of Orange. The Diocese was
21 the primary entity owning, operating, and controlling the activities and behavior of its employees and
22 agents at Mater Dei, DOES 1-20, and all other employees, agents and supervisors of Defendants.
23 Upon information and belief, Plaintiff alleges that the Diocese had authority and responsibility to
24 control and supervise the actions of the employees and agents at Mater Dei.

25 8. The true names and capacities, whether individual, corporate, partnership, associate,
26 or otherwise, of Defendants DOES 1-20, inclusive, are unknown to Plaintiff. Accordingly, Plaintiff
27 sues DOES 1-20 by such fictitious names pursuant to section 474 of the California Code of Civil
28 Procedure. Plaintiff will amend this Complaint to allege their true names and capacities when they

1 are ascertained. Each of these fictitiously named defendants is an alter ego of one or more of the
2 named defendants, or is in some manner liable or responsible to Plaintiff under the causes of action
3 set forth in this Complaint.

4 9. On information and belief, at all times material hereto, there existed a unity of interest
5 and ownership among Defendants and each of them, such that an individuality and separateness
6 between Defendants ceased to exist. Defendants were the successors-in-interest and/or alter egos of
7 the other Defendants in that they purchased, controlled, dominated and operated each other without
8 any separate identity, observation of formalities, or any other separateness. To continue to maintain
9 the façade of a separate and individual existence between and among Defendants, and each of them,
10 would serve to perpetuate a fraud and injustice.

11 10. On information and belief, at all times material hereto, Defendants were the agents,
12 representatives, servants, employees, partners, and/or joint venturers of each and every other
13 Defendant and were acting within the course and scope of said alternative capacity, identity, agency,
14 representation and/or employment and were within the scope of their authority, whether actual or
15 apparent. Each of the Defendants is responsible in some manner for one or more of the events and
16 happenings described herein. Each Defendant approved and/or ratified the conduct of each other
17 Defendant. Consequently, each Defendant is jointly and severally liable to Plaintiff for the damages
18 sustained as a proximate result of his, her, or its conduct. Each of the Defendants proximately caused
19 the injuries and damages alleged.

20 11. Each of the Defendants aided and abetted each other Defendant. Each Defendant
21 knowingly gave substantial assistance to each other Defendant, as well as Defendants' employees
22 who performed the wrongful conduct alleged herein. Accordingly, each Defendant is jointly and
23 severally liable for the damages proximately caused by the wrongful conduct of each Defendant, and
24 their respective employees.

25 12. Each of the Defendants is, and at all relevant times herein mentioned was, the co-
26 conspirator of each other and, therefore, each Defendant is jointly and severally liable to Plaintiff for
27 the damages sustained as a proximate result of each other Defendant. Each Defendant entered into
28 an express or implied agreement with each of the other Defendants to commit the wrongs herein

1 alleged. This includes, but is not limited to, the conspiracy to perpetrate violence and hazing against
2 Plaintiff and other young students of Mater Dei.

3 13. Whenever reference is made to “Defendants” in this Complaint, such allegation shall
4 be deemed to mean the acts of Defendants acting individually, jointly, and/or severally.

5 14. While religious belief is protected, conduct is not protected and the actions herein
6 were secular conduct that is regulated by the law.

7 **GENERAL FACTUAL ALLEGATIONS**

8 **I. Plaintiff Enrolls At Mater Dei High School And Joins Its Acclaimed Football**
9 **Team**

10 15. Mater Dei High School opened its doors in 1950 and established its legendary football
11 team in 1951. It is currently ranked as the top high school football team in the country. The program
12 has won four USA National Championships. Its alumni include 2 Heisman Trophy winners and
13 multiple NFL players. Sports Illustrated has named Mater Dei Football the number two High School
14 Athletic Program in America.

15 16. In 1989, Bruce Rollinson was hired as the head football coach for the Mater Dei
16 Monarchs. During Coach Rollinson’s tenure, Mater Dei has won two National Championships. Even
17 during the Coronavirus Pandemic, Coach Rollinson’s football program was named the State Team of
18 the Year by Cal-Hi Sports.

19 17. Mater Dei claims to pride itself on developing the talents of its students “as they pursue
20 their dreams of academic excellence, artistic distinction, athletic glory, and spiritual growth.” The
21 school itself embraces the motto “Honor, Glory, and Love.” But underneath these seemingly idyllic
22 notions of peaceful excellence, Mater Dei is a rigorous, cut-throat institution that protects its storied
23 athletic reputation at all costs.

24 18. In keeping with its demand for excellence, the football program at Mater Dei is highly
25 competitive and its coaching staff programs players to believe that being tough is one way to remain
26 the best in the nation. As part of toughening each other up, the football players play “Bodies.” Bodies
27 is a “game” made up of pure violence. In reality, it is not a game at all, but rather a hazing ritual
28 between two teammates. During Bodies, two football players will square off in a physical altercation.

1 The unwritten rules involve limiting their punches to the torso area between the shoulders and hips.
2 The goal of Bodies is to hit a teammate until he can't take it anymore and gives up. In an effort to fit
3 in and be perceived as tough amongst teammates, the players sacrifice their physical health, beating
4 each other in a sickening display that is at times videotaped by other players.

5 19. Bodies is a hazing ritual among the football players. This ritual has existed for years,
6 and is well-known to the coaching staff of the Mater Dei Monarchs. When engage in by testosterone-
7 fueled, young male football players driven towards excellence by their football coaches, Bodies is a
8 recipe for disaster.

9 20. Plaintiff was an accomplished student athlete growing up in Orange County. Plaintiff
10 wanted to attend Mater Dei because he believed doing so would benefit him both academically and
11 athletically for college application purposes. Given their son's academic achievements and success
12 as an athlete, Plaintiff's parents encouraged his application. Plaintiff was raised as a Catholic, thus
13 the perceived benefits of a Catholic education appealed to his parents.

14 21. After being accepted into Mater Dei, Plaintiff began attending classes in the Fall of
15 2018. During his freshman year, Plaintiff was a member of a spring athletic sport. Academically,
16 Plaintiff was successful, achieving a high GPA. His parents became extremely involved at Mater
17 Dei, and helped raise a substantial amount of money for the school.

18 22. After spending most of his sophomore year in quarantine due to the COVID-19
19 pandemic, Plaintiff returned to school in the Fall of 2020 for his junior year at Mater Dei. Even
20 though he had not played football during his first two years at the school, and had never played any
21 form of organized football in his life, Plaintiff wanted to try out for the legendary Mater Dei Monarchs
22 football team.

23 23. Through hard work and determination, Plaintiff made this well-known and highly
24 competitive football team. While celebrating this incredible success, Plaintiff and his parents had no
25 way of knowing the dark and violent undercurrent that hides in the shadows of this nationally
26 recognized athletic program.

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1 **II. Plaintiff Is Severely Injured Playing Bodies During His Junior Year At Mater Dei.**

2 24. Plaintiff began training with the football team in the fall of his junior year. The Mater
3 Dei football practices are grueling. This high-pressure, intense mentality involves teenage boys
4 spending several hours after school every day running drills and lifting weights. As part of this back-
5 breaking football program, there are two practice sessions each day, separated by a break. While the
6 football team had regular practices, COVID-19 safety precautions prevented any actual football
7 games until closer to Spring 2021. As such, as of February 2021, while Plaintiff had practiced with
8 the football team for months, he had yet to actually compete with the team in games or scrimmages.
9 During the months of practice, Plaintiff had seen other players engage in Bodies. It occurred
10 somewhat frequently.

11 25. On February 4, 2021, however, Plaintiff was coerced into a game of Bodies that would
12 have tragic consequences. On that day, Plaintiff was sitting in the freshman locker room during the
13 break between practice sessions. He was still one of the newer members of the team, trying to fit in
14 and gain acceptance. One of Mater Dei's established players that Plaintiff did not even know,
15 "Teammate 1," approached Plaintiff and encouraged him to participate in Bodies. More specifically,
16 Teammate 1 paired Plaintiff up with "Teammate 2," who is the son of an Assistant Coach of the
17 football team. Teammate 2 is much larger than the Plaintiff. Again, up to this point, Plaintiff had
18 never even met Teammate 1 or Teammate 2, yet he was approached to engage in a violent physical
19 altercation that was filmed on video. Specifically, Plaintiff is informed and believes that Teammate
20 1 filmed the incident on his cell phone, and then later disseminated it with the intent to humiliate and
21 embarrass Plaintiff.

22 26. In an effort to fit in and show he was tough enough to be part of his new team, Plaintiff
23 acquiesced to Teammate 1's goading. Plaintiff had no idea how or why he was chosen to perform
24 Bodies with Teammate 2.

25 27. In addition to brutal violence, this particular incident of Bodies included repeated
26 racial slurs by Teammate 1 and Teammate 2, that were directed at Plaintiff (calling Plaintiff, who is
27 a white male, the N word multiple times). This ugly word can be heard frequently and clearly
28 throughout the video of the incident itself. Mater Dei's coaches and Administration had full access

1 to the video, and thus complete knowledge of the use of these hateful words by their students/players.
2 These ugly words have no place in our society.

3 28. The incident at issue took place within two locker rooms used by the Mater Dei
4 football team, starting off in the freshman locker room and then moving to the varsity locker room.
5 The varsity locker room is perhaps one of the best-equipped and well-maintained high school locker
6 rooms in the country. Yet, on February 4, 2021, Mater Dei staff were nowhere to be found.
7 Teammate 2 was free to engage in a lengthy altercation with Plaintiff, while some teammates watched
8 and loudly incited violence, urging Teammate 2 to “get that N word” referring to the Plaintiff. No
9 one came to stop them.

10 29. Further, as clearly shown in the video of the violent incident, none of the teammates
11 watching acted like Bodies was abnormal. Some of the observers barely even bothered to look up
12 from their phones. The calmness and near indifference displayed by some of the players during this
13 brutal ritual indicates just how routine and frequently Bodies occurred.

14 30. After throwing multiple punches to Plaintiff’s face, and even though Plaintiff was
15 defenseless and unable to fight back, Teammate 2 continued his attack by violently punching Plaintiff
16 in the head for one last blow. Teammate 2 then backed away and stopped. He did so not because
17 Mater Dei coaches stepped in and stopped this brutal incident (because that unfortunately never
18 happened), but because Plaintiff was obviously injured, gripping both sides of his head. Plaintiff is
19 immediately heard on the video saying to Teammate 2 “I thought we were playing bodies,”
20 questioning why he had hit Plaintiff in the face/head. Teammate 2 responded with additional racial
21 slurs directed at Plaintiff.

22 31. Plaintiff walked to the bathroom located near the locker room and examined his
23 battered face in the mirror. As Plaintiff struggled to control the blood coming from cuts on both sides
24 of his face, teammates followed Plaintiff into the bathroom and warned him not to “snitch.”
25 Teammates even told Plaintiff to tell the trainers that he had slipped and hit his head on the sink.

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1 **III. Adding To The List Of Institutional Failures, Mater Dei's Coaches And Athletic**
2 **Trainers Utterly Failed To Address Plaintiff's Serious Injuries After The Assault**
3 **Ended.**

4 32. After failing to control the bleeding from his head, Plaintiff sought treatment from the
5 athletic trainers present at the school, Kevin Anderson ("Anderson") and Christine Dahle ("Dahle").
6 Unfortunately, the very people hired to tend to player's injuries largely ignored Plaintiff and instead
7 prioritized wrapping players who were about to return to the practice field. By itself, this reveals the
8 culture of Mater Dei and its focus on athletic success, rather than player safety. Rather than tending
9 to a boy who was literally bleeding from cuts to his head, and suffering from a traumatic brain injury
10 and broken nose, Anderson and Dahle spent their time wrapping ankles and wrists so players could
11 participate in practice.

12 33. For far too long, Plaintiff sat outside in the trainers area located within eyesight of
13 Anderson and Dahle and received next to no medical attention. A thoughtful student assistant, who
14 later sent Plaintiff a get-well-soon card, sympathetically brought replacements for the blood-soaked
15 gauze controlling his bleeding. Plaintiff largely sat by himself holding his head, struggling from his
16 head injury. Both of Plaintiff's eyes were cut and swollen, he had a broken nose, and had multiple
17 obvious contusions to his head, face and torso.

18 34. After an extended period of time, the student assistant finally brought Plaintiff into the
19 athletic trainers' office, where Plaintiff waited again for Anderson and Dahle to provide assistance.

20 35. Finally, Anderson approached Plaintiff within that office and asked Plaintiff what had
21 happened. Plaintiff told Anderson that he had fallen and hit his head on a sink, in an effort not to
22 "snitch." Anderson made a facial expression that clearly revealed he understood the obvious
23 impossibility of Plaintiff's story. On a most basic level, it is inconceivable that Plaintiff could suffer
24 injuries over both eyes, his nose, and his abdomen from falling and hitting his head on a sink. Plaintiff
25 would have had to repeatedly hit many sinks at multiple different angles to suffer the array of injuries
26 that he had.

27 36. After discussing what happened, Anderson evaluated Plaintiff for a possible
28 concussion. Based on Plaintiff's subjective responses to the concussion test, and his clear injuries,
there was no doubt Plaintiff had suffered a traumatic brain injury.

1 37. Even though his bleeding would not stop, Anderson simply gave Plaintiff more gauze
2 to hold against his cuts. He left Plaintiff on a chair within the Sports Medicine Center (tent) clearly
3 neglecting a player with significant injuries. No physician was consulted, paramedics were not called
4 to the scene, and Plaintiff's parents were not notified. This kind of blatant disregard for Plaintiff's
5 safety and well-being is indefensible.

6 38. At one point, Plaintiff asked Anderson if there was anything Anderson could do to
7 stop the bleeding. Anderson decided to glue the edges of the lacerations together before placing steri-
8 strips along the lacerations. Unfortunately, Anderson connected the edges of the laceration so poorly
9 that the wounds created visible scars.

10 39. Shockingly, Anderson did not call Plaintiff's parents until approximately an hour and
11 30 minutes after the incident. On information and belief, Anderson spoke with administrative staff
12 at Mater Dei who told him not to call the paramedics and to delay contacting Plaintiff's parents. On
13 information and belief, Anderson knew how badly Plaintiff's injuries looked and that he was clearly
14 involved in a violent altercation. Thus, in an effort to shield its #1 ranked football team from scrutiny,
15 efforts were being made to downplay and/or cover up the latest incident caused by the athletic
16 department's toxic culture.

17 40. Immediately upon hearing from Anderson, Plaintiff's father drove to Mater Dei.
18 Plaintiff's father was horrified to see his son battered and bruised from what was clearly a beating.
19 When Anderson and Dahle explained what happened (that Plaintiff slipped and hit a sink hours ago),
20 Plaintiff's father pulled Anderson about 20 paces from where Plaintiff was sitting down to discuss
21 the matter privately. Anderson requested that Dahle join them. Anderson had no explanation for his
22 own inactions, and stumbled over his words trying to justify his gross mishandling of the situation.

23 41. Plaintiff's father quickly took Plaintiff to a nearby urgent care facility because of his
24 obvious injuries. Under the care and observation of medical professionals, Plaintiff was immediately
25 diagnosed with multiple injuries, including a traumatic brain injury. Plaintiff required additional care,
26 which included evaluations by multiple other doctors and various imaging studies.

27 42. Because it was readily apparent that Plaintiff's nose was broken, he was immediately
28 referred to an ENT specialist at CHOC. Advanced imaging studies revealed the extent of the nasal

1 fractures, and the necessity for immediate surgery. On February 10, 2021, Plaintiff underwent
2 surgery to repair and reconstruct his nose. The leaders of this Catholic institution that prides itself on
3 love, never called Plaintiff to express prayer or concern until his father complained to the
4 Administration and Coaches that they were failing to provide the compassion expected under these
5 circumstances.

6 43. Plaintiff was kept out of school for weeks while he recovered from his traumatic brain
7 injury and the surgery required to repair his nose. During this time he suffered from pain, slurred
8 speech, and cognitive dysfunction.

9 44. Because of the poor handling of his lacerations while at Mater Dei, Plaintiff now has
10 two defined scars above his eyes. Plaintiff is self-conscious of these scars and, in an attempt to cover
11 them up, changed his hair style and now wears more hats.

12 45. As described above, Plaintiff has suffered significantly from the traumatic effects of
13 this incident. Plaintiff has also suffered emotionally, and has attended multiple counseling sessions
14 in an effort to cope with the memories and emotional scars created by this incident.

15 **IV. Mater Dei's Coaches And Administration Were Dismissive Of The Assault And**
16 **Blamed And Punished Plaintiff.**

17 46. On the evening of the incident and the following morning, Plaintiff's father contacted
18 Coach Rollinson to confront him about what had occurred. Finally, Coach Rollinson returned the
19 call the next day. During the conversation, Coach Rollinson claimed he was unaware of the incident.
20 However, Coach Rollinson apologized to Plaintiff's father and said that he knew about Bodies, and
21 knew that his players frequently engaged in these activities. In fact, Rollinson dismissively said he
22 would be a millionaire if he got paid \$100 every time he heard about Bodies or other physical rituals
23 in which his players engaged. Plaintiff's father was shocked and disappointed that the coaching staff
24 not only knew of the hazing ritual, but that he treated this violence as nothing more than boys being
25 boys.

26 47. Making matters worse, Coach Rollinson told Plaintiff's father that this incident put
27 Coach Rollinson in a bind from a disciplinary perspective. Specifically, Coach Rollinson stated that
28 he had a problem because Teammate 2's father was one of Coach Rollinson's assistant coaches,

1 suggesting that Teammate 2 was somehow protected from discipline because of these politics. It is
2 inconceivable and unjustifiable that a renowned football program of national acclaim that is part of a
3 school that prides itself on “Honor, Glory, Love” failed to react to a problematic situation involving
4 a star player just because that player also happens to be the son of one of its coaches. This attitude
5 highlights not only Mater Dei’s desire to keep this incident quiet, but also its desire to win at all costs,
6 even to the physical detriment of the school’s young expendable players.

7 48. Thereafter, as Plaintiff was still recovering from his multitude of injuries, Dean
8 O’Hara (who is also an Assistant Coach of the football team) called Plaintiff’s father to discuss
9 punishment for Plaintiff. Even though Plaintiff was medically prohibited from attending school due
10 to his post-concussion symptoms and broken nose, Mater Dei officials attempted to suspend him less
11 than 24 hours after the brutal incident. Plaintiff’s father was rightfully outraged and objected to any
12 form of discipline for his son. The suspension was later rescinded, but Mater Dei’s calculated efforts
13 to take attention away from its own wrongdoing by placing blame on the Plaintiff unfortunately
14 continued. Plaintiff’s father attempted to meet with Principal Francis Clare to address the inequity
15 of the situation but Principal Clare refused and insisted that an investigation be completed in front of
16 a disciplinary committee. To this day, Principal Clare has never addressed the concerns raised by
17 Plaintiff’s parents, instead opting to be evasive and deflective.

18 49. Plaintiff’s parents continued to work with Mater Dei in an effort to resolve the
19 situation and expose the truth about what had occurred. School leadership failed to meaningfully
20 consider the environment under which Plaintiff was injured. School leadership showed little concern
21 for fixing the culture that caused Plaintiff’s serious injuries, nor would the school agree to take steps
22 to guarantee Plaintiff’s safety upon his return once his injuries healed.

23 50. In addition to trying to work with school officials, Plaintiff’s father also reported the
24 incident to the police. The police opened a criminal investigation, though Mater Dei staff largely
25 refused to cooperate or provide information to the detectives investigating the incident. Teammate
26 2’s father (an assistant football coach at Mater Dei) refused to allow the detectives to interview his
27 son and Assistant Principal Gutierrez refused to provide the police with requested information. Upon
28 information and belief, Coach Rollinson even told the detectives that he had no knowledge of Bodies,

1 or any form of hazing despite statements to the contrary made directly to Plaintiff's father right after
2 the incident.

3 51. Approximately 1 month after the incident, Plaintiff's father obtained a copy of the
4 video of the incident for the first time. Dean O'Hara had previously told Plaintiff's parents that Mater
5 Dei had searched the phones of those present at the time of the incident but no videos or photos were
6 found. This was obviously untrue, and further proof of Mater Dei's efforts to cover up what had
7 taken place.

8 **V. Plaintiff's Parents Make The Decision To Withdraw Plaintiff From Mater Dei,**
9 **Leading to Further Retaliation From The School.**

10 52. Not surprisingly, Plaintiff's parents became disenchanted by Mater Dei's failure to
11 show the compassion it so clearly preached. Sickened by its failure to "embrace equity, justice, and
12 peace" as described in their definition of "Love" when referring to Mater Dei's motto, Plaintiff's
13 parents decided to remove Plaintiff from Mater Dei. Plaintiff's parents withdrew him from the school
14 in late February 2021, expressly citing safety concerns.

15 53. After starting classes at his new high school, Plaintiff intended to join an athletic team
16 once he was medically cleared. As part of that process, however, Plaintiff's parents became aware
17 that the transfer paperwork from Mater Dei indicated that Plaintiff was transferred with a disciplinary
18 restriction on file with the California Interscholastic Federation ("CIF"). This act of retribution made
19 Plaintiff ineligible to participate in athletics at his new school.

20 54. Plaintiff's father attempted to resolve the issue with CIF, and also reached out to Mater
21 Dei concerning the disciplinary restriction. Despiciously, Mater Dei staff told Plaintiff's father that
22 had Plaintiff remained at Mater Dei, he would not have been restricted from participating in Mater
23 Dei sports. In sum, because Plaintiff withdrew from Mater Dei and left the school out of safety
24 concerns, Mater Dei knowingly took steps to prevent Plaintiff from participating in sports at his new
25 school.

26 55. Understandably, Plaintiff's parents wanted Plaintiff to resume his regular life
27 activities, including sports, as soon as he was medically, emotionally and physically able to play.
28 Plaintiff was clearly struggling from the emotional impacts of the trauma he suffered at Mater Dei.

1 Returning to sports, where he could interact with teammates and friends, was a big part of the healing
2 process. Fortunately, the principal of Plaintiff's new school was able to partially resolve the
3 vindictive situation created by Mater Dei administration with CIF, which allowed Plaintiff to
4 participate in some remedial activities.

5 **FIRST CAUSE OF ACTION**
6 **NEGLIGENCE**
7 **(Against All Defendants)**

8 56. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
9 paragraphs of this Complaint as if fully set forth herein.

10 57. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein,
11 the Diocese owned, operated, maintained, controlled, and staffed Mater Dei. The Diocese and Mater
12 Dei promoted Mater Dei High School as a safe place where students could obtain a high quality and
13 safe education, while engaging in athletic competitions of the highest level.

14 58. Upon information and belief, Plaintiff alleges that, in hiring its administrators,
15 coaches, and athletic personnel at Mater Dei, Defendants gave these employees full power, control,
16 and authority to provide coaching, supervision, and other athletic services to Mater Dei's students.

17 59. Defendants' conduct, actions, and omissions (through its employees) served to create
18 an environment in which hazing, assault, and violence amongst minor athletes was not only accepted,
19 but encouraged by administrators, coaches, and coaching staff who failed to supervise their athletes
20 and sought to cover up hazing rituals that have infected this nationally celebrated football program.
21 As set forth herein, school administration, coaches, coaching staff, and other athletic personnel failed
22 to act so as to protect students from obviously troubling and improper behavior that endangered
23 countless student athletes.

24 60. Students have a right to a safe, secure, and peaceful school environment. Defendants
25 failed to acknowledge and correct unsafe conditions, and promoted hazing and violent physical
26 altercations through Defendants' refusal to supervise or acknowledge the dangerous behaviors
27 exhibited by the Mater Dei football team.

28 61. Defendants had and have a duty to protect students, including Plaintiff, who are
entrusted to Defendants' care. Defendants owed Plaintiff, as a child at the time, a special duty of

1 care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults
2 dealing with children owe to protect them from harm. Defendants were required, but failed, to
3 provide adequate supervision and failed to be properly vigilant in ensuring that such supervision was
4 sufficient to ensure the safety of Plaintiff and others. As a student at Mater Dei, Defendants clearly
5 had a special relationship with Plaintiff and the other young students at the school.

6 62. Defendants were required but failed to exercise careful supervision of the moral
7 conditions in their school. Despite priding itself on traditions of “Honor, Glory, and Love,” Mater
8 Dei turned a blind eye to the tradition of violence ingrained in its football team.

9 63. Defendants had a duty to and failed to adequately train and supervise all coaches,
10 coaching staff, athletic trainers, advisors, administrators, mentors, athletic personnel and staff to
11 create a positive and safe educational environment. Such specific obligations include training to
12 perceive, report and stop inappropriate hazing and violence by other student athletes. Defendants
13 owed Plaintiff a duty to institute reasonable measures to protect Plaintiff and other minor athletes in
14 their charge from the risk of hazing, assault, and violence by other student athletes by properly
15 warning, training, or educating the Diocese’s and Mater Dei’s staff members about the dangers of
16 such activities.

17 64. Defendants breached their duty of care to Plaintiff by failing to supervise student
18 athletes on the Mater Dei football team while the student athletes were on campus for athletic events
19 and practices. Defendants had knowledge of the hazing rituals that had become ingrained in the
20 football team. The failure of Defendants to supervise student athletes was a common occurrence, as
21 shown by the fact that not a single football player present in the locker during the incident batted an
22 eye at the ritual that resulted in Plaintiff’s numerous injuries.

23 65. The lack of supervision by Defendants included, but is not limited to, failing to have
24 any member of the staff in the locker rooms during breaks between practice sessions, ignoring reports
25 of Bodies or other hazing rituals being conducted, failing to reprimand and discipline student athletes
26 who are found to have engaged in hazing or violence, and failing to enact, emphasize, and enforce
27 the rules necessary to protect students from serious bodily injury.

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1 authorized, requested, commanded, participated in, or ratified the hazing.” Pen. Code § 245.6, subd.
2 (d).

3 73. By failing to prevent the rampant use of Bodies by its players and the hazing of
4 Plaintiff, Defendants created a risk of serious bodily injury contemplated by California Penal Code §
5 245.6, and, as a result, unreasonably and wrongfully exposed Plaintiff and other minor athletes to
6 serious bodily injury.

7 74. Plaintiff was a member of the class of persons for whom the protection of California
8 Penal Code § 245.6 was enacted, as Plaintiff was a student of Mater Dei, a school in the State of
9 California.

10 75. The physical and emotional injuries resulting from the incident were the type of
11 injuries that California Penal Code § 245.6 was designed to prevent.

12 76. Furthermore, Defendants ratified and authorized the hazing and participation in
13 Bodies by (1) failing to warn students about risks and threats of great bodily injury involved in hazing;
14 (2) failing to supervise student-athletes to prevent acts of hazing; (3) failing to discipline student-
15 athletes who participated in hazing rituals; (4) failing to inform, or concealing from, Plaintiff’s parents
16 and the parents of other student athletes the pervasive reality of existing hazing rituals at Mater Dei
17 such as Bodies; (5) and covering up and/or condoning the use of Bodies or other hazing rituals
18 amongst players on the Mater Dei football team.

19 77. As a result, Defendant’s failure to exercise due care toward Plaintiff and prevent a
20 violation of California Penal Code § 245.6 constitutes negligence per se.

21 78. As a direct and proximate result of Defendants’ breaches, Plaintiff has suffered injury,
22 pain and suffering, and significant emotional distress. This includes expenses for medical doctors,
23 psychologists, and therapists to examine, treat, and care for him, all to Plaintiff’s general, special, and
24 consequential damage in an amount to be proven at trial. In no event are Plaintiff’s economic and
25 non-economic damages less than the minimum jurisdictional amount of this Court.

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1 **THIRD CAUSE OF ACTION**
2 **NEGLIGENT FAILURE TO TRAIN, WARN OR EDUCATE**
3 **(Against all Defendants)**

4 79. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
5 paragraphs of this Complaint as if fully set forth herein.

6 80. Defendants owed Plaintiff a duty to take reasonable measures to protect Plaintiff and
7 other minor children in their charge from the risk of hazing or otherwise engaging in violent
8 altercations with fellow teammates by properly warning, training, or educating the Plaintiff and other
9 minors about avoiding the associated risks.

10 81. Since Bodies was permitted to become part of the football program at Mater Dei,
11 Defendants had the duty to warn, train, and educate its players to avoid serious injuries that could,
12 and did, result from this ritual.

13 82. Defendants breached their duty to take reasonable measures to protect Plaintiff and
14 other minor children in their charge, from the risk of harm from engaging in the pre-arranged hazing
15 events such as the failure to properly warn, train, or educate Plaintiff and other minor children in their
16 charge about preventing such encounters and resulting injuries.

17 83. Defendants breached their duty to take reasonable measures to protect Plaintiff and
18 other minor children in their charge from the risk of injury and harm by failing to supervise, by failing
19 to have its employees end the use of Bodies within the football program, and by failing to stop players
20 from participating in these violent encounters.

21 84. As a direct and proximate result of Defendants' breaches, Plaintiff has suffered injury,
22 pain and suffering, and significant emotional distress. This includes expenses for medical doctors,
23 psychologists, and therapists to examine, treat, and care for him, all to Plaintiff's general, special, and
24 consequential damage in an amount to be proven at trial. In no event are Plaintiff's economic and
25 non-economic damages less than the minimum jurisdictional amount of this Court.

26 **FOURTH CAUSE OF ACTION**
27 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
28 **(Against all Defendants)**

85. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
paragraphs of this Complaint as if fully set forth herein.

1 86. The behavior and actions described herein were intentional, and Defendants knew or
2 should have known that emotional distress would likely result therefrom. This includes, but is not
3 limited to, Defendants being fully aware how often Bodies was taking place amongst its student
4 athletes, yet choosing to do nothing to stop this dangerous activity, and acting in an outrageous
5 manner after Plaintiff’s injuries were brought to their attention.

6 87. Defendants’ actions and inactions, including their conscious disregard of known
7 hazing activities and/or arranged altercations amongst their students, was shocking and inexcusable.
8 Furthermore, the conduct described throughout this complaint, including the attitude and
9 dismissiveness of Coach Rollinson in terms of the dangers created by Bodies, was outrageous. This
10 is especially true in light of the fact that the administration and coaches at Mater Dei valued the
11 school’s status as a nationally recognized football powerhouse over the health and safety of its minor
12 athletes.

13 88. Defendants’ conduct exceeded all bounds of decency and is utterly intolerable in a
14 civilized society, particular given Defendants’ ratification and condoning of Bodies and the resulting
15 physical violence that occurs between minor athletes.

16 89. As set forth herein, Plaintiff suffered severe emotional distress as a result of
17 Defendants’ conduct.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief against Defendants:

1. For past, present, and future general damages in an amount to be determined at trial;
2. For past, present, and future special damages, including but not limited to medical expenses, and others in an amount to be determined at trial;
3. For cost of suit;
4. For interest as allowed by law;
5. For such other and further relief as the Court may deem proper.

DATED: November 23, 2021

GREENBERG GROSS LLP

By: 

Brian L. Williams
Jemma E. Dunn
Bailee B. Pelham

JEFF ANDERSON & ASSOCIATES
Michael Reck
Hagerey Mengistu

Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in this action.

DATED: November 23, 2021

GREENBERG GROSS LLP

By:



Brian L. Williams
Jemma E. Dunn
Bailee B. Pelham

JEFF ANDERSON & ASSOCIATES
Michael Reck
Hagerey Mengistu

Attorneys for Plaintiff