

Attachments

1 Attachment IT-1

2 CAUSE OF ACTION NO. 5- INTENTIONAL INFLICTION OF EMOTIONAL
3 DISTRESS

4 26. Plaintiffs reallege and incorporates by reference paragraphs 1 thru 5 of plaintiffs' First
5 Cause of Action and paragraphs 7 thru 11 of Plaintiffs' Second Cause of Action and further
6 paragraphs 13 thru 17 of Plaintiffs' Third Cause of Action and Paragraphs 19 thru 25 of
7 Plaintiffs' Fourth Cause of Action as though fully set forth herein.

8 27. Defendant Joseph Illo and Defendant Fr. Francis Joseph, a.k.a. Fr. Francis Arakal, in
9 response to the report of sexual misconduct of Defendant Francis Joseph, a.k.a. Fr. Francis
10 Arakal, by Plaintiff Amber Lomas on September 11, 2001, libeled and slandered Plaintiff
11 Kathleen Machado's name and reputation with regard to her chastity, mental capacity and
12 personality.

13 28. In addition, Defendants Joseph Illo and Defendant Fr. Francis Joseph, a.k.a. Fr. Francis
14 Arakal in response to the report of sexual misconduct of Defendant Francis Joseph, a.k.a.
15 Fr. Francis Arakal by Plaintiff Amber Lomas, began a systematic campaign of harrassment
16 of Plaintiff Kathleen Machado, personally and by further directing their, agent, employees
17 and assigns, to harrass, intimidate, disrupt, manipulate, control with malice, oppression and
18 fraud, in and during church services as well as denying Plaintiffs Kathleen Machado,
19 Amber Lomas and Rachel Lomas, membership and participation in St. Joseph's Parish and
20 threats of dismissal and dismissals from all church ministries and educational/recreational
21 activities. Further, Fr. Joseph Illo published to third persons disparaging/false/slander
22 statements, namely, that Plaintiff Kathleen Machado was "mentally ill" and "interested in
23 having sex with him." Defendant Fr. Joseph Illo, had knowlege of Plaintiff Machado's
24 susceptibility to having peaceful access to St. Joseph's Catholic church where Plaintiff was
a member and Plaintiff's further susceptibility to being accepted in the church community
by other members. Further, Defendant, Fr. Joseph Illo, wrote letters to certain members of
the St. Joseph's Parish community, urging, directing, commanding and threatening loss of
membership/ministry duties if the members to whom the letters were directed to withhold
support, care, ministry, and further ostracize Plaintiff Machado from
membership/participation in the church community. As such Defendant Fr. Josph Illo
abused his power as a priest and the authority of the office of the priesthood to further the
outrageous acts so stated in this paragraph. Further, when the illegal acts regarding the
allegations of sexual abuse were finally reported to the Hughson Police, Fr. Illo sent
personal letters to the police, and by inuendo further disparaged and made untrue
statements about the plaintiffs and each of them directly and indirectly to the authorities in
an attempt to influence a nuetral criminal evaluation/investigation of the circumstances
surrounding the allegation of sexual abuse by Fr. Arakal.

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1 30. The activities of the Defendants named in paragraphs 27 & 28, constitute outrageous
2 conduct, and were done in retaliation and as part of a "cover up" for the illegal acts of
3 Defendants Fr. Illo, and Fr. Arakal, and were done with malice, fraud and oppression and
4 with the intent to injure the reputation and caused severe emotional distress to the Plaintiff.

5 31. Defendants, Fr. Richard Ryan, Bishop Steven Blaire and The Roman Catholic Bishop
6 of Stockton, a.k.a. the Diocese of Stockton, employ, direct, supervise, control and had
7 knowlege of and/or notice and are the principal and agent of Fr. Joseph Illo and Fr. Joseph
8 Francis' outrageous conduct, stated in paragraph 27-30 and are vicariously liable for the acts
9 of Defendants Illo and Arakal. Further, each and every named defendant in this paragraph
10 further ratified the illegal, extreme and outrageous conduct on the part of defendant Fr. Illo
11 and Fr. Arakal, as so alledged in this 5th cause of action for intentional infliction of
12 emotional distress.

13 32. Plaintiff prays for:

14 A. Compensatory Damages, California Civil Code Section 3333;

15 B. Punitive Damages, California Civil Code Section 3294.

16 C. General damages for pain and suffering according to proof.
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