



6. Venue is proper in this Court because the parties at the time of the allegations alleged herein resided in McHenry County and the actions alleged took place in McHenry County.

### **General Allegations**

7. At all times relevant hereto, Diocese operated the Parish which included two separate church facilities for worship.

8. At all times relevant hereto, Diocese employed Rios and Hermes.

9. At all times relevant hereto, Llavona was active in the Parish and participated in various Parish functions including Sunday worship, religious workshops and religious education.

10. Llavona has been a teacher for 13 years and since September, 2002, has been teaching at Maine West High School.

11. During the period from September 2005 to April 2006, Llavona served voluntarily as a member of the Religious Education Program at the Parish.

12. In this capacity, Llavona provided direction in teaching, supported and counseled in matters of the Hispanic religious education.

13. On Sunday September 24, 2006, Llavona attended Mass given by Rios; during which Mass, Rios made remarks that Llavona wished to comment upon.

14. On the next day, Llavona contacted Rios' private telephone line at the Parish office to make an appointment to discuss his concerns with Rios; at this time, he left a message on the answering machine.

15. That message was substantially as follows and was intended as private:  
Father Rios this is Angel Llavona. I attended Mass on Sunday and I have seen poor homilies, but yesterday broke all records. (the phone was then picked up by Rios)

16. On September 28, 2006, Llavona attempted to meet with Rios but was rebuffed in his attempts at conversation.

17. On his way home from that attempted meeting Llavona telephoned the rectory and left a message on the answering machine.

18. That message was substantially as follows and was intended as private:

Father Rios, this is Angel Llavona. I came to meet with you and you refused. I am available for dialogue with you. You always say you want people to tell you things in front of you, but today you ran away.

19. Upon information and belief, Rios broadcasted the recorded messages for the religious education student's parents that evening.

20. On October 1, 2006, Llavona was present at the first of two Masses at the Parish facility which provided Hispanic worship; Rios gave that Mass.

21. During the Mass, Rios said I have talked to a lawyer and he said this was ok.

22. He then broadcast the recordings of Llavona left on the answering machine for all parishioners to hear.

23. After playing the messages, Rios then commented "This is the person in charge of religious education here last year. That's why it is no surprise to me we had the kind of religious education we had. That's why we didn't get altar boys. What should we do, should we send him to Hell or to another Parish?"

24. Given Rios' comments and the broadcast of Llavona's voice, upon information and belief, it was apparent to the parishioners in attendance that the Rios' comments were directed at Llavona.

25. These circumstances caused Llavona immediate emotional distress, embarrassment and humiliation.

26. Upon leaving Mass, Llavona went to the other Parish building to speak to Hermes regarding the incident described above.

27. Hermes was either unable or unwilling to address Llavona's concerns at that time and promised a meeting to address the conduct described above.

28. Hermes was the Parish Pastor and as such was responsible for the supervision and direction of Rios.

29. Upon leaving this brief meeting Hermes, Llavona returned to the Parish facility for the second Hispanic Mass.

30. Llavona intended to observe whether Rios would repeat the conduct specified above.

31. Rios again made the remarks specified above in ¶21 and ¶23 and broadcast Llavona's answering machine message in the manner described in ¶ 22 above.

32. As a result of this second instance, Llavona suffered further emotional distress, embarrassment and humiliation.

33. On Monday, Hermes did not hold a meeting and upon Llavona's inquiry Hermes stated that Rios would not consent to a meeting and that Hermes was going to "let this one go".

34. As a result of the conduct alleged above, Llavona no longer felt comfortable attending Mass at the Parish and has changed Parishes; furthermore, as a result of the conduct alleged above, Llavona suffered emotional and continues to suffer emotional distress, embarrassment and humiliation.

35. At all time relevant hereto, Hermes and Rios had decision -making authority at Diocese and was acting on behalf of or as the alter-ego of Diocese.

36. Hermes and Rios were acting within the scope of their duties of employment at all relevant times herein.

37. Under the doctrine of Respondeat Superior, Diocese is responsible for Hermes and Rios' actions.

**Count I**  
**Breach of Fiduciary Duty**

38. Llavona hereby incorporates and realleges each and every allegation contained in paragraphs 1 through 37 above as though fully set forth herein.

39. At all times relevant hereto Diocese, Rios and Hermes owed fiduciary duties to Llavona.

40. These fiduciary duties arose from the parties' relationship as church, priest(s) and parishioner.

41. By the conduct alleged above the Diocese, Rios and Hermes breached such fiduciary duties to Llavona resulting in damages as identified above.

WHEREFORE, Plaintiff, Angel R. Llavona, requests that he be afforded the following relief

- a. Compensatory and other damages for the injuries which he has suffered in an amount of at least Fifty Thousand Dollars and No/100 (\$50,000.00) to be determined to be at trial;
- b. Punitive damages in the amount to be determined at trial; and
- c. Any such other relief as determined to be just and proper

**Count II**  
**Intentional Infliction of Emotional Distress**

42. Llavona hereby incorporates and realleges each and every allegation contained in paragraphs 1 through 37 above as though fully set forth herein.

43. The conduct as described above was truly extreme and outrageous.

44. Rios intended that the conduct would inflict severe distress or knew that there was a high probability that such conduct would cause such distress.

45. The conduct has caused Llavona severe emotional distress as described above.

WHEREFORE, Plaintiff, Angel R. Llavona, requests that he be afforded the following relief:

- a. Compensatory and other damages for the injuries which he has suffered in an amount at least Fifty Thousand Dollars and No/100 (\$50,000.00) to be determined to be at trial;
- b. Punitive damages in the amount to be determined at trial; and
- c. Any such other relief as determined to be just and proper

**Count III**  
**Defamation Per Se**

46. Llavona hereby incorporates and realleges each and every allegation contained in paragraphs 1 through 37 above as though fully set forth herein.

47. The remarks of Rios as identified in ¶23 above were untrue and defamatory.

48. The remark of Rios prejudiced Llavona or impute lack of ability in his profession, namely teaching.

WHEREFORE, Plaintiff, Angel R. Llavona, requests that he be afforded the following relief

- a. Compensatory and other damages for the injuries which he has suffered in an amount at least Fifty Thousand Dollars and No/100 (\$50,000.00) to be determined to be at trial;
- b. Punitive damages in the amount to be determined at trial; and
- c. Any such other relief as determined to be just and proper

**Count IV  
Defamation Per Quod**

49. Llavona hereby incorporates and realleges each and every allegation contained in paragraphs 1 through 37 above as though fully set forth herein.

50. The remarks of Rios as identified in ¶23 above were untrue and defamatory.

WHEREFORE, Plaintiff, Angel R. Llavona, requests that he be afforded the following relief

- a. Compensatory and other damages for the injuries which he has suffered in an amount at least Fifty Thousand Dollars and No/100 (\$50,000.00) to be determined to be at trial;
- b. Punitive damages in the amount to be determined at trial; and
- c. Any such other relief as determined to be just and proper

**Count V  
False Light**

51. Llavona hereby incorporates and realleges each and every allegation contained in paragraphs 1 through 37 above as though fully set forth herein.

52. The Rios' actions as described above placed Llavona in a false light before the public, specifically Rios impugned Llavona's reputation as a teacher and as a good catholic before his fellow parishioners.

53. The false light as described above would be highly offensive to a reasonable person.

54. Rios acted with actual malice in his conduct as identified in ¶16 through ¶33 above.

WHEREFORE, Plaintiff, Angel R. Llavona, requests that he be afforded the following relief

- a. Compensatory and other damages for the injuries which he has suffered in an amount at least Fifty Thousand Dollars and No/100 (\$50,000.00) to be determined to be at trial;
- b. Punitive damages in the amount to be determined at trial; and
- c. Any such other relief as determined to be just and proper

**Count VI  
Public Disclosure of Private Facts**

55. Llavona hereby incorporates and realleges each and every allegation contained in paragraphs 1 through 37 above as though fully set forth herein.

56. By engaging in the conduct described in ¶16 through ¶33 above, Rios caused the public disclosure of private facts.

57. The facts were private and not public facts.

58. The matter as disclosed would be highly offensive to a reasonable person.

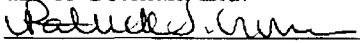
WHEREFORE, Plaintiff, Angel R. Llavona, requests that he be afforded the following relief

- a. Compensatory and other damages for the injuries which he has suffered in an amount at least Fifty Thousand Dollars and No/100 (\$50,000.00) to be determined to be at trial;
- b. Punitive damages in the amount to be determined at trial; and
- c. Any such other relief as determined to be just and proper

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Respectfully Submitted,

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By:   
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