

1 *Joe R. San Agustin*
2 *PO Box 1855*
3 *Hagatna, GU 96932*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

FILED
DISTRICT COURT OF GUAM

FEB 21 2018 *[Signature]*

JEANNE G. QUINATA
CLERK OF COURT

5 ~~DAVID J. LUJAN~~
6 ~~GLORIA LUJAN~~
7 ~~LUJAN & WOLFF LLP~~
8 ~~DNA Building, Suite 300~~
9 ~~238 Archbishop Flores Street~~
10 ~~Hagatna, GU 96910~~

[Handwritten signature]

13 BT)
14 Plaintiff)
15)
16 VS)
17)
18 JOE R. SAN AGUSTIN)
19 Aka Andrew San Agustin)
20 ROMAN CATHOLIC ARCHDIOCESE)
21 OF AGANA, a Corporation Sole)
22 DOE ENTITIES 1-5 and DOE)
23 INDIVIDUALS 6-50)
24 Defendants)

CIVIL ACTION NO. 17-00040

ANSWER

PRO SE

JURY TRIAL DEMANDED

27 **I. ADMISSIONS AND DENIALS**

28 **I. JURISDICTION AND VENUE**

29 #1. Defendant neither affirms nor denies #1 of the Complaint, as he has no personal
30 information to guide himself with.
31

32 #2. Defendant neither affirms nor denies #2 of the Complaint, as he has no personal
33 information to guide himself with.
34

35 #3. Defendant neither affirms nor denies #3 of the Complaint, as he has no personal
36 information to guide himself with.
37

38 **II. PARTIES**

39 #4. Defendant affirms that his name is Joe R. San Agustin, formerly known as [Father] Andrew
40 San Agustin, but neither affirms nor denies that the Plaintiff described therein in the
41 Complaint is B.T, as he has no knowledge of that. Defendant denies that he sexually molested
42 and abused BT. Defendant neither denies nor affirm that BT is currently 65 years old.
43

44 #5. Defendant affirms certain statements and denies certain statements, but generally is
45 without knowledge or information sufficient to form a belief as to the truth of each and every
46 statement in #5. Defendant denies that he knows who DOES 1-5 or DOES 6-50 are.
47

ORIGINAL

1 #6. Defendant affirms certain statements and denies certain statements. He affirms that he
2 was a member of the Catholic clergy, but not at all times. Defendant affirms that he had been
3 a priest at Saipan, and a teacher at Mt. Carmel School. Defendant denies that he is liable,
4 directly or indirectly, in whole or in part, for the wrongful acts complained herein.
5

6 #7. Defendant is without knowledge or information sufficient to form a belief as to the truth of
7 each and every statement in #7. Defendant denies any knowledge of who these DOES 1-5 or
8 DOES 6-50 are, and denies any collusion with them.
9

10 #8, Defendant affirms certain statements and denies certain statements made in this #8, but
11 generally is without knowledge or information sufficient to form a belief as to the truth of each
12 and every allegation in #8. Defendant denies engaging in, participating with, joining in or
13 conspiring with others in tortious and unlawful activities, nor ratified the acts of other
14 defendants as described in the Complaint.
15

16 III. INTRODUCTORY ALLEGATIONS

17 #9. Defendant affirms certain statements and denies certain statements made in #9 of the
18 Complaint, but generally is without knowledge or information sufficient to form a belief as to
19 the truth of each and every statement made in #9.
20

21 #10. Defendant affirms certain statements and denies certain statements made in #10 of the
22 Complaint, but generally is without knowledge or information sufficient to form a belief as to
23 the truth of each and every statement made in #10.
24

25 #11. Defendant affirms certain statements and denies certain statements made in #11 of the
26 Complaint, but generally is without knowledge or information sufficient to form a belief as to
27 the truth of each and every statement made in #11.
28

29 #12. Defendant affirms certain statements and denies certain statements made in #12 of the
30 Complaint, but generally is without knowledge or information sufficient to form a belief as to
31 the truth of each and every statement made in #12. Defendant affirms that he was a school
32 teacher at Mt. Carmel School in Saipan.
33

34 #13. Defendant affirms certain statements and denies certain statements made in #13 of the
35 Complaint, but generally is without knowledge or information sufficient to form a belief as to
36 the truth of each and every statement made in #13. Defendant denies that he extended an
37 invitation to BT to vacation with him in Guam.
38

39 #14. Defendant affirms certain statements and denies certain statements made in #14 of the
40 Complaint, but generally is without knowledge or information sufficient to form a belief as to
41 the truth of each and every statement made in #14. Defendant denies that he embarked on a
42 scheme, and extended an invitation to BT to vacation with him, offering to purchase airline
43 tickets for BT and her sister.
44

45 #15. Aside from the statement that my mother was ill at the time (which Defendant has no
46 knowledge of), Defendant denies this paragraph in its entirety.
47

1 #16. Defendant denies this in its entirety, insofar as it relates to actions attributed to him.
2 Insofar as it relates to acts experienced by BT, Defendant lacks knowledge or information
3 sufficient to form a belief as the truth of each and every allegation.
4

5 #17. Defendant denies this in its entirety
6

7 #18. Defendant denies this in its entirety, insofar as it relates to actions attributed to him.
8 Insofar as it relates to actions of DOES 1-50, Defendant lacks knowledge or information
9 sufficient to form a belief as the truth of each and every allegation.
10

11 #19. Defendant lacks knowledge or information sufficient to form a belief as the truth of each
12 and every allegation.
13

14 #20-27. Defendant is silent on these ##s as they are definitions and/or descriptions of sexual
15 criminal offenses, as defined by the Guam Code Annotated.
16
17

18 **IV. FIRST CAUSE OF ACTION**

19 #28. Defendant neither affirms nor denies this #28 of the Complaint.
20

21 ##29-31. Defendant denies these ##s in their entirety.
22

23 ##32-33. . Defendant denies any misconduct he committed upon BT. Insofar as physical harm
24 she allegedly endured, Defendant lacks knowledge or information sufficient to form a belief as
25 to the truth of each and every allegation.
26

27 #34. Defendant denies having acted with malice, oppression and/or fraud, by allegedly
28 engaging in the conduct described in the Complaint.
29
30

31 **V. SECOND CAUSE OF ACTION**

32 #35. Defendant neither affirms nor denies this #35 of the Complaint.
33

34 #36-40. Defendant neither affirms nor denies these ##s, as these are directed primarily to
35 Defendants Archdiocese of Agana and DOES 1-50. Insofar as these ##s make reference to
36 Defendant Joe R. San Agustin as having committed sexual abuse of BT, Defendant denies them
37 in their entirety.
38

39 **VI. THIRD CAUSE OF ACTION**

40 #41. Defendant neither affirms nor denies this #35 of the Complaint.

41 #42. Defendant denies the allegation that he was ever given custody and care of BT to vacation
42 with him at any time,
43

44 #43. Defendant denies the allegation that he used his authority to identify other vulnerable
45 victims, manipulate his authority to procure compliance, and to coerce them not to report.
46

47 #44. Defendant denies the allegation that he had “sexually abusive exploitative propensities”,
48 and that he was an unfit agent.
49

1 #45. Defendant denies the allegation that other minors were victims of his.

2
3 #46. Defendant denies any misconduct he committed upon BT. Insofar as physical harm she
4 allegedly endured, Defendant lacks knowledge or information sufficient to form a belief as to
5 the truth of each and every allegation.

6
7 #47. Defendant denies having acted with oppression and/or fraud, by supposedly engaging in
8 the alleged conduct described in the Complaint.

9
10 **VII. FOURTH CAUSE OF ACTION**

11 #48. Defendant neither affirms nor denies this #48 of the Complaint.

12 #49-52. Defendant neither affirms nor denies these ##s, as these are directed primarily to
13 Defendants Archdiocese of Agana and DOES 1-50. Insofar as these ##s make reference to
14 Defendant Joe R. San Agustin as having committed sexual abuse of BT, Defendant denies them
15 in their entirety..

16
17 **VIII. FIFTH CAUSE OF ACTION**

18 #53. Defendant neither affirms nor denies this #53 of the Complaint.

19 ##54-57. Defendant neither affirms nor denies these ##s, as these are directed primarily to
20 Defendants Archdiocese of Agana and DOES 1-50. Insofar as these ##s make reference to
21 Defendant Joe R. San Agustin as having committed sexual abuse of BT, Defendant denies them
22 in their entirety.

23
24 **IX. SIXTH CAUSE OF ACTION**

25 #58. Defendant neither affirms nor denies this #58 of the Complaint.

26 #59. Defendant denies all allegations that he (collectively with Agana Archdiocese and DOES 1-
27 50) "... invited, counseled, encouraged and induced the Catholic community of Guam and
28 Saipan... especially children (specifically BT and her sister), to go on vacation with him,
29 without supervision", which allegedly resulted in BT being sexually abused by him.

30 Defendant denies that he (collectively with Agana Archdiocese and DOES 1-50), "...
31 entered into a fiduciary and/or confidential relationship with its parishioners... specifically
32 with minor BT..."

33
34 #60. Defendant denies the allegation that he (collectively with others) caused the parents of
35 BT to vacation with him to Guam from Saipan, leading to her alleged assault by Defendant.

36
37 #61. Defendant denies the allegation that he (collectively with others) breached his fiduciary
38 relationship by engaging in the alleged wrongful acts described in the Complaint.

39
40 #62. Defendant denies any misconduct he committed upon BT. Insofar as physical harm she
41 allegedly endured, Defendant lacks knowledge or information sufficient to form a belief as to
42 the truth of that allegation.

43
44 #63. Defendant denies having acted with malice, oppression and/or fraud, by allegedly
45 engaging in the conduct described in the Complaint

46
47 **X. DEMAND FOR RELIEF**

48 Defendant agrees that all punitive damages requested by Plaintiff shall be proven at trial

XI. REQUEST FOR JURY TRIAL

Defendant agrees for a request for Jury Trial.

II. AFFIRMATIVE DEFENSES

1. The manner of serving the Defendant with the Summons and Complaint was insufficient because the "Proof of Service" page was neither signed nor dated by the Designated Server on the copy that he gave me, upon serving the Complaint. The document he had me sign (but did not provide a copy for me) had a different Civil Case Number. I might have been duped into signing for another service.

2. Assumption of Risk. Assuming the sexual assault did occur (which it did not), the Plaintiff, as well as the Plaintiff's mother in granting her consent for the Plaintiff to vacation (have fun) with the Defendant (notwithstanding his stature or trustworthiness), could and should have known of the possibility of physical harm (including sexual assault) to the Plaintiff.

3. Contributory/Comparative Negligence. Such possible risk - freely consented to - constituted contributory and/or comparative negligence on the part of the Plaintiff. No evidence or proof was offered by the Plaintiff in the Complaint that the Plaintiff was coerced into going on vacation with the Defendant.

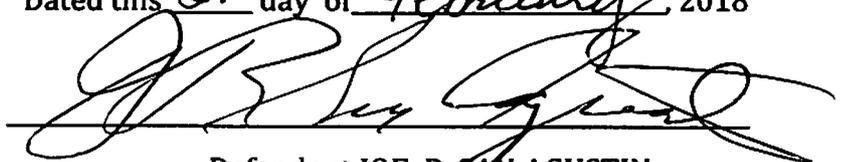
After the first time the sexual assault took place, Plaintiff should have taken every precaution to prevent yet another assault, by complaining to the Defendant's mother (at whose house the assaults took place), or by staying away from the Defendant, and alone in a room.

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III. COUNTER CLAIMS

While Plaintiff alleges that she suffered great pain of mind and body, emotional pain, shock, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, as a direct result of the alleged assault, thus entitling her to exemplary and punitive damages in the amount of Five Million Dollars (\$5M), Defendant similarly makes the same claim as a direct result of Plaintiff's false accusation - resulting in embarrassment, shame, smearing of my character, distrust among my friends, relatives, and colleagues - and tremendous pain and suffering to my wife and family - and therefore also entitling the Defendant to similar exemplary and punitive damages, in the amount the Court may reasonably adjudge.

Dated this 21 day of February, 2018



Defendant JOE R. SAN AGUSTIN
PO Box 1855
Hagatña, GU 96932
18-B Calle Duenas Street
Toto Gardens, Toto, GU 96911