IN THE CIRCUIT COURT OF LINCOLN COUNTY
FORTY FIFTH JUDICIAL CIRCUIT
CIRCUIT JUDGE DIVISION I
STATE OF MISSOURI

JANE DOE AND JOHN DOE, on their own behalf and as next friends of their minor daughter, JANE DOE 119, Plaintiffs, vs. ARCHDIOCESE OF ST. LOUIS, a Non-Profit Corporation, and ARCHBISHOP ROBERT J. CARLSON of the Archdiocese of St. Louis, Defendants.	)	Cause No. 13L6-CC00092 **JURY TRIAL DEMANDED**

AMENDED PETITION

Plaintiffs, pursuant to Missouri Supreme Court Rule 55.33(a), file this Amended Petition as a matter of course, before a responsive pleading has been served by Defendants. Plaintiffs, for their Amended Petition against the defendants named herein, alleges as follows:

1. Plaintiffs bring this lawsuit in order to hold Defendants responsible for the injuries they suffered due to the sexual abuse perpetrated upon Jane Doe 119 by Father Jiang, a priest within the Archdiocese of St. Louis, and to protect other children from the pain of childhood sexual abuse.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Missouri common law. This Court has jurisdiction because Defendants Archdiocese of St. Louis, and Archbishop Robert Carlson, are licensed to do business or transact business in Missouri and have obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location for the Archdiocese of St. Louis. Finally, the sexual molestation described herein occurred in Lincoln County, within the State of Missouri.

3. Venue is proper in this Court under R.S.Mo. § 508.010 (4), because Plaintiff Jane Doe 119 was first injured in Lincoln County, within the State of Missouri.

PARTIES

4. Plaintiff Doe 119, is a minor female who is a resident of the State of Missouri. Plaintiff Jane Doe 119 was sexually, physically and emotionally abused by Father Xiu Hui "Joseph" Jiang. She is identified by the pseudonym Jane Doe 119 because she is a minor and was a minor at the time of the sexual abuse alleged in this petition. Plaintiff fears further psychological and emotional injury if her real name were publicly disclosed.

5. Defendant Archdiocese of St. Louis (hereinafter "Archdiocese"), was incorporated as a domestic non-profit corporation, incorporated and doing business in Missouri at the time Plaintiff was abused. Defendant Archdiocese is still a business incorporated and doing business in Missouri and has obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location.

6. Defendant Archbishop Robert Carlson (hereinafter "Archbishop") is a citizen of the State of Missouri and is the current Archbishop in charge of the Archdiocese of St. Louis which is located in St. Louis, Missouri, and encompasses much of Eastern Missouri. He is currently responsible for overseeing the day to day operations of the Archdiocese. Defendant Archbishop Carlson is sued herein in his official capacity as Archbishop of the Archdiocese of St Louis, and in his personal capacity for his involvement in this matter.

7. Father Xiu Hui "Joseph" Jiang was a Catholic Priest working as an Associate Pastor at the Cathedral Basilica within the Archdiocese of St. Louis at all times material here. Prior to living in St. Louis, Father Jiang lived in Saginaw Michigan and was a Catholic Deacon under the supervision of Defendant Archbishop Robert Carlson who was the Bishop there at the time. Prior to living in Michigan, Father Jiang lived in Ji Nan, China. Father Jiang has been charged criminally for his actions against Plaintiff and is currently awaiting trial in Lincoln County, Missouri.

8. Father Jiang abused Plaintiff Doe 119 while he was functioning in his role as a priest and authority figure to her.

9. Defendant Archdiocese and Archbishop at all times relevant to the allegations contained herein supervised and maintained control over Father Jiang. At all times relevant to the allegations of abuse contained in this petition, Father Jiang was employed by Defendant Archdiocese as a priest and Associate pastor. Additionally, Father Jiang was under the direct supervision, control and authority of Defendant Archdiocese and Archbishop Carlson during the period of abuse alleged herein.

10. Defendants provided training to Father Jiang on how to perform the specific responsibilities of Priest. Defendants hired, supervised, and paid remuneration to Father Jiang. At all times relevant to the issues in this lawsuit, Father Jiang acted upon the authority of and at the request or permission of Defendants Archdiocese and Archbishop.

11. Defendants Archdiocese and Archbishop furnished tools, materials, and other material support to aid and abet Father Jiang's misconduct as alleged in this petition.

12. Father Jiang's conduct as alleged herein was undertaken while in the course and scope of his employment with Defendants as a priest and Associate Pastor at Cathedral Basilica.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

13. Plaintiff Doe 119, first met Father Jiang when she was fifteen years old and she attended church with her family at the Cathedral Basilica in St. Louis. Father Jiang was an Associate Pastor at the church. At the time, Father Jiang was 25 years old.

14. Father Jiang was quickly drawn to Plaintiff Doe 119 and worked to build her family's trust. He was their priest and counselor for all things spiritual.

15. Father Jiang became close to Plaintiff's family such that he would regularly visit their home in Lincoln County, Missouri.

16. Father Jiang became very affectionate with Plaintiff. He would stroke her hair and hold her. He encouraged her to look "good" for him - like a young woman and not a child. He often bought her expensive gifts - like an expensive Coach purse. Plaintiff lost 25 pounds during this time and was upset about Jiang saying she should look like a woman and not a child. He told her that he was romantic and lonely.

17. Plaintiff parents told the minor Plaintiff that they were concerned that Father Jiang was too affectionate and too touchy with the minor Plaintiff. The minor Plaintiff told Jiang what her parents had said. Jiang then called Plaintiff parents and was defensive about his behavior. Jiang then stayed away from the family for a few months, and asked for a reassignment from the Cathedral Basilica. He told both Monsignor Pins, the Pastor of Cathedral Basilica, and Defendant Archbishop that he needed a reassignment. Father Jiang added that it was "personal."

18. Eventually Jiang returned to Plaintiffs' home crying and said "I'm back." He said that he could not stay away from the family. That same night, Jiang kissed the minor Plaintiff on the mouth and pinned her up against a wall.

19. Soon after he returned, Jiang started sending the minor Plaintiff's mother on errands to get him items so that he could be alone with the minor Plaintiff. He would then kiss plaintiff in a romantic way and tell her that he wanted to marry her. He soon manipulated her into sexual contact. He used scripture in order to convince the minor plaintiff that the contact was acceptable.

20. Eventually, Jiang touched the minor Plaintiff sexually. He touched her breasts and her genitals. He also used his hand to direct the minor Plaintiff's hands onto his genitals. Much of this activity happened in Plaintiffs' home, however a witness saw Defendant Jiang kissing Plaintiff on the mouth and touching her buttocks in the parking lot of the church rectory. Jiang also touched the minor Plaintiff in a romantic, sexual, cuddling manner in the church rectory.

21. During this sexual contact, Jiang manipulated Plaintiff by telling her that he had never been so close to anyone before. Also, from his residence on Archdiocese property, he sent

her texts, and emails that were sexual in nature. He directed the minor Plaintiff to set up a secret email account to receive his emails.

22. Upon information and belief, Defendants Archdiocese and Archbishop knew that Father Jiang was dangerous to children before the minor Plaintiff was abused. Jiang had been reassigned from China by the Pope for reasons unknown to Plaintiff. He was assigned to stay with Defendant Carlson for his Deaconate work in Saginaw Michigan, where Carlson was the Bishop at the time. When Defendant Carlson was appointed to become the Archbishop of St. Louis, Jiang moved with him. Jiang lived in the Bishop's private residence in St. Louis, and maintained a bedroom a few doors down from the Bishop. Jiang was soon ordained as a priest and was assigned to be the Associate Pastor at the Cathedral Basilica. Archbishop Carlson was supervising Jiang very closely.

23. Defendants Archdiocese and Archbishop failed to stop Father Jiang from engaging in sexual behavior or to notify children or their parents of Jiang's propensity to sexually abuse minors. As a result, Father Jiang was allowed unlimited access to the minor Plaintiff because Plaintiffs trusted that their parish priest was safe.

24. The actions of Defendants were outrageous and utterly repugnant to a civilized society.

25. Upon information and belief, Defendants Archdiocese and Archbishop knew, or were substantially certain, that allowing Father Jiang access to minors as part of his duties as a priest, would result in Father Jiang harming minors including Plaintiff Doe 119.

26. Defendants' actions in allowing Father Jiang to continue to hold himself out as a priest and as an authority figure to minors within the church with whom he came into contact was

outrageous and utterly repugnant to a civilized society. This is especially true after Jiang reported to his parish supervisor that he needed to be reassigned for personal reasons.

27. Defendants acted with depraved indifference with respect to the harm they knew would occur to minors, including the damage to Plaintiff described herein.

28. Defendants knew or were substantially certain that this outrageous behavior would cause emotional distress to the families of the victims and the victims themselves, including Plaintiff.

29. Eventually the minor Plaintiff's mother discovered Plaintiff Doe 119's emails with Father Jiang. Plaintiffs John Doe and Jane Doe confronted Father Jiang about the abuse of their daughter and he admitted that it happened. Jiang told Plaintiffs John Doe and Jane Doe that he would report his wrongdoing to Archbishop Carlson. He then left their home and returned later that night and left a check for $20,000 on their car. He texted Plaintiff Jane Doe and explained that he left the money because of his "stupidity," and that he was sorry for what he did. He also called Plaintiff Jane Doe and left her a voice mail stating that he was leaving the country to return to China.

30. Archbishop Carlson soon called the Plaintiff parents and told them that Father Jiang had admitted wrongdoing. During the conversation, Plaintiff Jane Doe asked Carlson if Jiang would be removed from the priesthood and Archbishop Carlson responded that he would remove Jiang if he "had sex"with the child, but not for activities other than that. Archbishop Carlson then suggested that the Plaintiffs parents return to him the check that Father Jiang had left on their car.

31. Instead of giving the check to Defendant Archbishop, the Plaintiff parents, knowing that the check was evidence in the case, appropriately reported the case to the police and gave the check to the police.

32. As a direct and proximate result of Defendants' wrongful conduct, Plaintiffs have suffered, and continue to suffer, great pain in mind and body.

COUNT I
SEXUAL ABUSE AND/OR BATTERY
AGAINST ALL DEFENDANTS

33. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

34. In or between approximately 2009 and 2013, Father Jiang engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of the minor plaintiff.

35. Father Jiang's actions were willful, wanton or reckless for which punitive damages and/or an award for aggravating circumstances are appropriate.

36. Defendants Archdiocese and Archbishop are equally liable for the sexual contact perpetrated upon Plaintiff as an aider and abettor of Father Jiang's actions pursuant to Mo. Rev. Stat. §562.041.1.

37. Specifically, Defendants Archdiocese and Archbishop aided and abetted Jiang's crime by:

a. Upon information and belief, failing to disclose his prior crimes of sexual abuse against minors;

b. Upon information and belief, placing Jiang as a Priest, with knowledge that he had committed sexual misconduct in the past and giving him access and opportunity to commit the crime described herein.

c. Allowing Father Jiang to continue working as a priest in contact with minors after he reported to his supervisor that he needed to be reassigned due to "personal reasons," and the supervisor suspected wrongdoing on the part of the priest.

38. Therefore all Defendants are liable for the sexual abuse perpetrated against Plaintiff Doe 119 and are liable for the injuries resulting therefrom.

39. As a direct and proximate result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and all Plaintiffs have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT II
NEGLIGENT SUPERVISION
AGAINST ALL DEFENDANTS

40. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

41. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Jiang's dangerous and exploitive propensities and/or that he was an unfit agent, and despite such knowledge, defendants negligently failed to supervise Jiang's interactions with children, where he was able to commit the wrongful acts against the plaintiff.

42. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

43. As a result of the above-described acts, Plaintiff Doe 119 has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and/or all Plaintiffs have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT III
INTENTIONAL FAILURE TO SUPERVISE CLERGY
AGAINST ALL DEFENDANTS

44. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

45. At all times material, Defendants were the supervisors and employers of Father Jiang. Defendants had direct supervision and control over Father Jiang. Father Jiang was on the premises of the Archdiocese when he groomed Plaintiff and committed the crime of child enticement, and he was under the authority of the defendants.

46. Some of Jiang's inappropriate sexual contact occurred on Archdiocese property. For example, he kissed the minor Plaintiff on the lips and grabbed her buttocks in the parking lot of the church rectory.

47. Jiang sexualized the relationship with the minor plaintiff while he was on Archdiocese property.

48. Jiang was only permitted to enter Plaintiffs' home because he was a priest. Plaintiffs would not have allowed a stranger to infiltrate their family and their home but for the fact that he was clergy of the Roman Catholic Archdiocese. Accordingly, the sexual abuse of the

minor Plaintiff occurred at a location where the priest only had access because he was a priest. Defendants are liable for his behavior there.

49. Jiang used the chattels of the Archdiocese to groom and abuse the minor plaintiff. Defendants provided his clerical garb and other items which allowed Jiang to commit his abuses. Jiang wore clerical garb to Plaintiffs' home, he used his bible in their home, and he used other items provided by the Archdiocese there during his manipulation of Plaintiffs.

50. Defendants knew and had reason to know that they had the ability to control Jiang while he was in Plaintiffs' home.

51. Upon information and belief, Archbishop Carlson gave Jiang permission to perform mass in Plaintiffs' home.

52. Bishop Herman instructed Jiang to go to Plaintiffs' home to pray over the family, provide spiritual counseling, and to hold confession there. Jiang followed orders, and did go to the home and performed confession in the minor Plaintiff's bedroom.

53. Archbishop Carlson often called Jiang while Jiang was in Plaintiffs' home.

54. One time, an acquaintance of Plaintiffs' family reported to the Archdiocese that Jiang was babysitting the minors in Plaintiff's family. The friend found this to be inappropriate behavior by a priest and so she reported the incident to the Archdiocese. Leaders at the Archdiocese opened an investigation into Jiang to review the complaint. When the investigation was opened, Archbishop Carlson immediately called Jiang, while he was at Plaintiffs' home, and told him to leave the house and stay away from Plaintiffs' family until the investigation cleared him. When the investigation was complete, Jiang did return to the family's home and continued to abuse the minor plaintiff. Accordingly, the Defendants knew or should have known of the

necessity and opportunity for exercising such control, and the Defendants did exercise the control they had.

55. The Archdiocese and the Archbishop had significant ability to control Jiang at the location of the sexual abuse and they exerted that ability.

56. Upon information and belief, Defendants were aware of previous sexual misconduct by clergy within their diocese, including Jiang, and that future harm was certain or substantially certain to result without proper supervision.

57. Defendants disregarded the known risk of sexual abuse.

58. Defendants' inaction caused injury to the plaintiff.

59. Plaintiff was harmed in her home and Jiang initiated the harm upon her on the property owned and operated by defendants.

60. Defendants knew or should have known that inappropriate touching of individuals by their employees and/or designated agents would cause or was substantially certain to cause those individuals harm.

61. Despite the risk posed by Jiang, defendants continued to place him in positions in which he would have contact with minors.

62. By engaging in these actions, defendants disregarded the risk posed by Jiang to individuals who came to him for spiritual guidance.

63. Defendants actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

64. As a result of the above-described acts, Plaintiff Doe 119 has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical

manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and all Plaintiffs have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT IV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST ALL DEFENDANTS

65. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

66. Defendants intentionally failed to supervise, remove, or otherwise sanction Father Jiang after they had notice of his dangerous propensity toward children, and continued to place him in a position of trust with juveniles, including Plaintiff. Defendants knew or were substantially certain that Jiang was unsuitable for the position he held. Defendants failed to adequately review and monitor Father Jiang's conduct.

67. Jiang asking for a re-assignment, combined with the Defendants' knowledge and encouragement of Jiang's inappropriate and dangerous relationship with the Plaintiffs shows that Defendants' conduct was intended only to cause extreme emotional distress to the victim.

68. Defendants intentionally failed to confront, remove, or sanction Father Jiang about known irregularities in his activities within the scope and course of his employment, including spending unusual amounts of time with Plaintiff.

69. Defendants engaged in unconscionable and outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society. Defendants' conduct caused

Plaintiff severe emotional distress of such a nature that no reasonable person in a civilized society could be expected to endure.

70. Defendants' actions and omissions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate. Plaintiff suffered a medically significant distress as a result of Defendants' actions as set forth in this petition.

71. After they knew all of the information about Jiang, including allegations of inappropriate conduct with regard to Plaintiffs' family, the Defendants had a choice to re-assign Jiang like he asked, to fire Jiang which would have been appropriate, or to avoid controversy and encourage Jiang to keep doing what he was doing. Defendants chose to avoid controversy and the consequence of that choice was harm to the Plaintiffs. In that way, they intended "only to cause extreme and emotional distress to the victim" because the alternative was harm to the Archbishop and the Church's reputation.

72. As a result of the above described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities in obtaining a full enjoyment of life; has sustained loss of earnings and earning capacity; and all Plaintiffs have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT V

BREACH OF FIDUCIARY DUTY
AGAINST ALL DEFENDANTS

73. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

74. By committing the acts and omissions described herein, Defendants breached their fiduciary duty to Plaintiffs.

75. Defendants maintained a fiduciary relationship with Plaintiffs as a matter of law in that they had a parishioner to clergy relationship. At all times, Plaintiffs were in a subservient position to Father Jiang and Defendants and Jiang had a special relationship with the minor Plaintiff and her family by virtue of her role at the church. This relationship is of confidence, trust and care as a matter of law.

76. Defendants breached their fiduciary duty to Plaintiffs in that they failed to protect against child sexual abuse.

77. As a result of the above described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities in obtaining a full enjoyment of life; has sustained loss of earnings and earning capacity; and all Plaintiffs have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VI
ATTEMPTED TAMPERING WITH EVIDENCE
AGAINST ARCHBISHOP CARLSON

78. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

79. Archbishop Carlson, in suggesting that the minor Plaintiff's parents return Father Jiang's check to him, committed the criminal offense of attempted tampering with physical evidence pursuant to R.S.Mo §575.100 in that he sought to alter, destroy, suppress or conceal a record, document or thing with purpose to impair its verity, legibility or availability in an official proceeding or investigation.

80. Archbishop Carlson's actions were willful, wanton or reckless for which punitive damages and/or an award for aggravating circumstances are appropriate.

81. As a direct and proximate result of the above-described acts, Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; were prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; and have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VII
ATTEMPTED INTENTIONAL SPOILATION
AGAINST ARCHBISHOP CARLSON

82. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

83. Jiang's actions in abusing Plaintiff created a potential civil lawsuit.

84. After jiang reported his misconduct to Defendant Archbishop, Defendant Archbishop was aware that pending litigation was probable.

84. Archbishop Carlson, in suggesting that the minor Plaintiff's parents return Father Jiang's check to him, attempted to intentionally spoliate evidence, indicating fraud and a desire to suppress the truth.

85. It was Carlson's intent to interfere with or disrupt or defeat the potential lawsuit.

86. Had Carlson been successful in his attempt to hide the check evidence, Plaintiffs' ability to prosecute the underlying suit would have been severely prejudiced. The check proves Jiang's consciousness of guilt for the sexual abuse he committed. Plaintiffs must prove that Jiang committed the abuse as a necessary element of proving the Archdiocese's liability. Therefore, without the check, Plaintiffs would lack a key piece of evidence in showing the Defendants liability for Jiang's behavior.

87. Carlson's request for Plaintiff mother to return the check was a substantial step toward the commission of spoilation.

88. Had Carlson succeeded in his attempted spoilation, Plaintiffs would have suffered damages in that they would likely not have been able to prosecute Jiang criminally or sue the Archdiocese. This is the result that Carlson intended.

JURY TRIAL DEMANDED

89. The plaintiffs demand a trial by jury on all issues triable in this case.

WHEREFORE, the plaintiff asks that this Court award judgment against Defendants as follows:

1. Award compensatory and punitive damages in favor of the plaintiffs against Defendants for damages sustained as a result of the wrongdoing of Defendants, together with interest thereon;

2. Award the plaintiffs their costs and expenses incurred in this action;

3. Grant such other and further relief as the Court deems appropriate and just.

Dated:

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing has been sent by U.S. Mail postage prepaid on this 8th day of November, 2013 to the following attorneys for Defendants:

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