

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

MICHAEL W. TOOHEY,)	
)	
Plaintiff,)	
)	Cause No.
vs.)	
)	Division:
ARCHDIOCESE OF SAINT LOUIS)	
Serve:Rev. Monsignor Jerome Billing)	JURY TRIAL DEMANDED
10 Archbishop May Drive)	
St. Louis, MO 63119)	
Or Where Found)	
Service by Special Process Server)	
)	
Defendant.)	

PETITION

For his causes of action, plaintiff, states:

GENERAL ALLEGATIONS AS TO ALL COUNTS

1. This cause of action arose on July 26, 2019 in Saint Louis County.
2. Defendant Archdiocese of Saint Louis is a not for profit religious organization with its headquarters in Saint Louis County.
3. Plaintiff Michael W. Toohey is a Missouri citizen who was a member of the clergy from 1967 and voluntarily resigned from the clergy in 1972.

COUNT I-LIBEL

For Count I, plaintiff states:

4. On July 26, 2019 defendant published a list that alleged that plaintiff committed a substantiated claim of sexual abuse against a minor.
5. Further, defendant published a statement that plaintiff was “accused of

- behavior we can barely imagine.”
6. Defendant published that plaintiff “had a substantiated claim of sexual abuse of a minor against [him].”
 7. Defendant published that plaintiff was “removed from ministry.”
 8. Defendant claimed that its statements were the result of “a long and extensive investigation conducted by a third-party agency staffed with skilled investigators, formerly of the FBI and state law enforcement.”
 9. However, defendant never notified plaintiff of any such allegation, never asked plaintiff whether or not such an allegation was true or not and upon information and belief failed to conduct sufficient interviews, records or follow generally accepted investigatory protocol.
 10. Defendant refused to allow plaintiff access to any information or conduct an adverse investigation or present any information or defense to any such statement issued by the defendant.
 11. Defendant violated its own policies and procedures in the publishing of its statements.
 12. Defendant published these statements to 150,000 Saint Louis households by placing the statements in defendant’s newspaper, the St. Louis Review, and mailed it to all Catholics in Saint Louis, whether or not they requested the church newspaper sent to them, and further caused it to be published to countless others by directing it to news outlets and placing the libelous statements on the internet.
 13. Defendant’s above statements were materially false, patently false and

- libelous.
14. Defendant's knew or should have known that its published statements as aforesaid were false.
 15. Plaintiff notified defendant that its published statements were false, materially false and libelous.
 16. Despite notification, defendant continued to publish the aforesaid statements and such actions demonstrate actual malice and intent to defame plaintiff.
 17. As a direct and proximate result of defendant's libelous conduct, plaintiff harm to his reputation and garden variety loss of enjoyment of life.
 18. Defendant acted knew or reasonably should have known that its actions were likely to cause injury to persons.
 19. Defendant acted with an evil motive and in reckless disregard of the rights of others, including but not limited to, plaintiff.
 20. Defendant referred to its libelous actions as "cleansing" defendant and was an effort to improve its reputation at the expense of others, including plaintiff, and as a result, defendant sought to profit from its wrongful conduct.
 21. Defendant acted intentionally, recklessly and negligently in publishing the statements described herein.
 22. Plaintiff's Interrogatories Directed to Defendant are attached hereto as Exhibit 1.
 23. Plaintiff's Request for Production of Documents are attached hereto as Exhibit 2.

WHEREFORE, Plaintiff, Michael W. Toohy, prays for judgment against Defendant, Archdiocese of Saint Louis, in an amount in excess of this court's minimum jurisdiction that will fairly and reasonably compensate him for his injuries, costs herein, proceedings including an additional amount, as punitive damages, that will serve to punish defendant and to deter defendant and others that are similarly situated from like conduct and for such other and further relief as this Court deems just and proper.

COUNT II-LIBEL PER SE

For Count II of his Petition, plaintiff states:

24. By reference, plaintiff incorporates paragraphs one through twenty-three as if fully set out herein.
25. Defendant's published statements imputed that plaintiff committed sexual crimes and misconduct.
26. Defendant's published statements imputed that plaintiff was unfit to be a member of the Catholic clergy and church and that he was "removed" due to such unfitness from his profession, career and occupation.
27. Defendant acted knew or reasonably should have known that its actions were likely to cause injury to persons.
28. Defendant acted with an evil motive and in reckless disregard of the rights of others, including but not limited to, plaintiff.
29. Defendant referred to its libelous actions as "cleansing" defendant and was an effort to improve its reputation at the expense of others, including

plaintiff, and as a result, defendant sought to profit from its wrongful conduct.

30. Defendant acted intentionally, recklessly and negligently in publishing the statements described herein.

WHEREFORE, Plaintiff, Michael W. Toohey, prays for judgment against Defendant, Archdiocese of Saint Louis, in an amount in excess of this court's minimum jurisdiction that will fairly and reasonably compensate him for his injuries, costs herein, proceedings including an additional amount, as punitive damages, that will serve to punish defendant and to deter defendant and others that are similarly situated from like conduct and for such other and further relief as this Court deems just and proper.

COUNT III-SLANDER PER SE

For Count III, plaintiff states:

31. On July 26, 2019 and on a continuing basis, defendant by and through its archbishop Robert Carlson had a press conference and said that a number of former priests, including plaintiff were "accused of behavior we can barely imagine."
32. Defendant told the press and the public that plaintiff "had a substantiated claim of sexual abuse of a minor against [him]."
33. Defendant claimed that its statements were the result of "a long and extensive investigation conducted by a third-party agency staffed with skilled investigators, formerly of the FBI and state law enforcement."
34. However, defendant never notified plaintiff of any such allegation, never

- asked plaintiff whether or not such an allegation was true or not and upon information and belief failed to conduct sufficient interviews, records or follow generally accepted investigatory protocol.
35. Defendant refused to allow plaintiff access to any information or conduct an adverse investigation or present any information or defense to any such statement issued by the defendant.
 36. Defendant violated its own policies and procedures in the publishing of its statements.
 37. Defendant recorded these statements and allowed access to its statement and publication to countless members of the public, catholic church and plaintiff's friends and family.
 38. Defendant's statements were materially false, patently false and slanderous.
 39. Defendant's knew or should have known that its statements as aforesaid were false.
 40. Plaintiff notified defendant that its statements were false, materially false and libelous.
 41. Despite notification, defendant continued to allow access to the aforesaid statements and such actions demonstrate actual malice and intent to defame plaintiff.
 42. As a direct and proximate result of defendant's slanderous conduct, plaintiff harm to his reputation and garden variety loss of enjoyment of life.
 43. Defendant acted knew or reasonably should have known that its actions were likely to cause injury to persons.


44. Defendant acted with an evil motive and in reckless disregard of the rights of others, including but not limited to, plaintiff.
45. Defendant referred to its slanderous actions as “cleansing” defendant and was an effort to improve its reputation at the expense of others, including plaintiff, and as a result, defendant sought to profit from its wrongful conduct.
46. Defendant acted intentionally, recklessly and negligently in speaking the statements described herein.

WHEREFORE, Plaintiff, Michael W. Toohey, prays for judgment against Defendant, Archdiocese of Saint Louis, in an amount in excess of this court’s minimum jurisdiction that will fairly and reasonably compensate him for his injuries, costs herein, proceedings including an additional amount, as punitive damages, that will serve to punish defendant and to deter defendant and others that are similarly situated from like conduct and for such other and further relief as this Court deems just and proper.

ROSENBLUM, SCHWARTZ & FRY

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