

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN
 TWENTY-THIRD JUDICIAL CIRCUIT
 STATE OF MISSOURI

B.D., J.S., and N.T.

Plaintiffs

vs.

ARCHDIOCESE OF ST. LOUIS,
 ARCHBISHOP MITCHELL T. ROZANSKI

Respondent

JURY TRIAL DEMANDED

Case No. _____

PETITION FOR DAMAGES

1. COME NOW the Plaintiffs, B.D., J.S., and N.T. ("Plaintiffs") and for their causes of action against Defendants allege as follows:

NATURE OF PETITION

2. Defendants Archdiocese of St. Louis ("Archdiocese") and Archbishop Mitchell T. Rozanski in his official capacity ("Archbishop") have knowingly enabled, covered up, and concealed that for multiple decades their employees sexually abused minors. Moreover, Defendants have covered up and concealed their own intentional misconduct in enabling this sexual abuse by exploiting the trusting and confidential relationship the Defendants encouraged and established with Plaintiffs while they were impressionable young children. This shameless cover-up spanned decades and allowed various clergy and other employees to access and sexually abuse numerous children, including Plaintiffs, and hindered Plaintiffs from discovering their causes of action against the Defendants for their negligent and intentional conduct.

3. Plaintiffs bring this lawsuit in order to hold the Defendants responsible for the injuries Defendants have caused and to protect other children from the pain of childhood sexual abuse.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiffs assert claims under Missouri common law. This Court has jurisdiction because Defendants Archdiocese and Archbishop 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 Missouri locations for their parishes, schools and other organizations set forth herein. All of the sexual molestation, harassment, abuse, and fraudulent activity described herein occurred in the State of Missouri.

5. Venue is proper in Jefferson County, Missouri under R. S. Mo. § 508.010, inasmuch as it is the location of first injury.

PARTIES

6. Plaintiff B.D. is an adult resident citizen of St. Clair, Missouri.

7. Plaintiff J.S. is an adult resident citizen of Villa Ridge, Missouri.

8. Plaintiff N.T. is an adult resident citizen of St. Clair, Missouri.

9. The Plaintiffs were minor residents of the State of Missouri at the time of the sexual abuse alleged herein.

10. Plaintiffs join their claims pursuant to Mo. R. Civ. P. 52.05 as they assert a right or rights to relief jointly, severally, or in the alternative in respect of or arising out of the same

transaction, occurrence or series of transactions or occurrences and questions of law or fact common to all of them will arise in the action.

11. At all times material, Defendant Archdiocese of St. Louis (hereinafter “Archdiocese”) was and continues to be a not-for-profit corporation doing business in Missouri with its principal place of business located at 20 Archbishop May Drive, St. Louis, Missouri.

12. Defendant Archbishop Mitchell T. Rozanski is a citizen of the State of Missouri and is the Archbishop of the Roman Catholic Archdiocese of St. Louis in Missouri and is sued solely in his capacity as an officer, director and / or chief executive officer of the Archdiocese of St. Louis. Given the official capacity in which he is sued, he is hereinafter referred to as “Archbishop” which term encompasses all Archbishops who officially supervised or failed to supervise the employee abusers set forth herein.

13. Archbishop was the supervisor of the abusers identified herein and at all times acted on behalf of or at the behest of the Archdiocese.

14. All of the perpetrators of sexual abuse upon Plaintiffs as set forth below at all times acted at the behest of, in the course and scope of employment of, and under the control of the Archdiocese and Archbishop.

15. For many decades, the Archdiocese has known of the sexual abuse perpetrated upon its young parishioners and children in the community by several of its employees, agents, servants, priests, reverends, brothers, nuns, teachers, chaplains, or other persons acting at the behest of, in the course and scope of employment of, and under the control of the Archdiocese and Archbishop. Defendants often transferred the perpetrators to a different location within the Archdiocese and/or

the Catholic Church or sent them away for treatment before returning them to unsupervised access to children. To the extent it published anything at all about this misconduct, the Defendants often came to the defense of the perpetrators even in the face of known convictions of sexual abuse.

16. For example, Father James L. Gummersbach was ordained in 1954. Father Gummersbach was employed at St. Patrick Parish in Rolla, Immaculate Conception in Union, St. Gregory in St. Ann, Immaculate Conception in St. Louis, Annunziata in Ladue, Immaculate Conception in Park Hills, St. Rose of Lima and St. Agnes in St. Louis, and Little Flower Parish in Richmond Heights. He was also a chaplain at St. Joseph Hospital in St. Charles, St. Louis Children's Hospital and Deaconess Hospital. Father Gummersbach admitted in a 1994 lawsuit that he abused boys in several parishes over decades. Moreover, in a sworn statement, he acknowledged that from his ordination in 1954 through the 1990's that "the only known action taken by the defendant archdiocese in response to the accusations that defendant Father Gummersbach had sexual contact with minors was to transfer Father Gummersbach and instruct him to obtain personal counseling." In 1999, a St. Louis jury awarded \$1.2 Million to a man who alleged that Father Gummersbach sexually abused him as a boy in the 1960s. Several other victims testified at the trial. While the verdict was overturned, the matter was resolved by settlement. Father Gummersbach was removed from the ministry in 1994 and laicized in 2006. The Archdiocese never told any Plaintiffs herein of its knowledge and coverup of abuse by Father Gummersbach and others.

17. Father Thomas "Tom" J. Graham was ordained in 1960. He taught at St. Thomas Aquinas High School from 1960-64 and was associate pastor at Good Shepherd Parish in Ferguson, Missouri from 1960 to 1966, St. Mary in Bridgeton, Missouri from 1966 to 1973, St. Pius V Parish

in St. Louis, 1973-75, the Basilica of St. Louis, King of France (Old Cathedral) from 1975 to 1980, and a chaplain at Nazareth Living Center in 2002 when he was placed on administrative leave after criminal charges. He was a pastor at St. Alban Roe Parish in Wildwood, Missouri from 1980 to 1989 and St. Bernadette Parish in Lemay, Missouri from 1989 to 1999. Father Graham sexually abused a minor in 1970 and was sentenced to 20 years in prison. Multiple other parishioners have come forth with claims of wrongful sexual conduct against Father Graham. The Archdiocese turned a blind eye to his problematic history of sexual abuse of minors dating back as far as 1966 until 2002 when it placed him on administrative leave and canonical suspension. Nonetheless, the Archdiocese never told any Plaintiffs herein of its knowledge and coverup of abuse by Father Graham and others.

18. Father Leroy Valentine was ordained for the Archdiocese of St. Louis in 1977. Father Valentine served at several different locations including Immacolata in Richmond Heights (1977), Mary Queen of Peace in Webster Groves (1981), St. Pius X in Glasgow Village (1982), St. Gabriel the Archangel in south St. Louis (1984), Immaculate Heart of Mary in south St. Louis (1988), St. Joseph in Farmington (1994), Sacred Heart in Elsberry (1994) and St. Thomas the Apostle in Florissant (1999). In 1995, Father Valentine was named in a lawsuit against the Archdiocese for sexual misconduct with a minor while Father Valentine was associate pastor of St. Pius X Parish in Glasgow Village in 1982, at which time he was placed on administrative leave. In 1998, the Archdiocese paid a settlement to three children who accused Father Valentine of sexual misconduct. Father Valentine was sent for treatment and transferred, but never completely removed from the ministry until 2013. Nonetheless, the Archdiocese never told any Plaintiffs herein of its knowledge and coverup of abuse by Father Valentine and others.

19. Michael S. McGrath was a St. Louis archdiocesan priest, ordained in 1975. He assisted in parishes in Florissant, Wentzville, Overland, Concord Village, Pagedale, Bridgeton, and was lead priest in Jennings. In 1993 the Archdiocese placed Father McGrath on leave and sent him for treatment for a year after the Archdiocese received an allegation of sexual misconduct but returned him to active ministry. In 1997 he was suspended again after a concerned priest reported that Father McGrath had taken a group of boys on a trip to New Orleans. The Archdiocese allowed and enabled Fr. McGrath to establish the Catholic Student Transportation Service under the auspices of the Archdiocese. He bought several buses with Church funds and used them to transport underage students across state lines to Illinois and elsewhere. He allowed them to drive and abused them while they drove. Approximately 21 lawsuits have been filed by people who alleged abuse by Father McGrath. Father McGrath was laicized in 2005. Nonetheless, the Archdiocese never told any Plaintiffs herein of its knowledge and coverup of abuse by Father McGrath and others.

20. Reverend James A. Beine was removed from ministry in 1977 as a result of allegations of sexual abuse and formally defrocked in 2005. He was convicted of possession of child pornography and sexual misconduct, and the St. Louis Circuit Attorney's office has received at least 36 complaints of child sexual abuse involving Father Beine. Upon information and belief, Father Beine moved to Illinois and changed his name to Mar James. Upon information and belief, the Archdiocese enabled him in his efforts to accept a position as a teacher, for which the Archdiocese gave a recommendation. Nonetheless, the Archdiocese never told any Plaintiffs herein of its knowledge and coverup of abuse by Father Beine and others.

21. Father Donald H. Heck abused an altar boy in 1990, and the Archdiocese of St. Louis sent him for treatment for stress and reassigned him. In 1991 he was indicted, convicted of sexual assault in 1992, and sentenced to four years imprisonment. He registered as a sex offender and died in 2015. The Archdiocese never told any Plaintiffs herein of its knowledge and coverup of abuse by Father Heck and others.

22. Father Hubert Creason was ordained in St. Louis in 1958. He served in a missionary apostolate in southern Missouri and then in 1960 was named assistant pastor of the old Ste. Louise de Marillac Parish in Jennings. In 1971 he became associate pastor of Mary, Queen of Peace Parish in Webster Groves and later became pastor of Ascension Parish in Normandy in 1978, Our Lady, Queen of Peace Parish in House Springs in 1983 and St. James in 1991. Amidst two legitimate allegations of sexual misconduct decades earlier, Father Creason resigned in 2002. The Archdiocese never told any Plaintiffs herein of its knowledge and coverup of abuse by Father Creason and others.

23. Father Kevin Hederman was ordained for the St. Louis archdiocese in 1975 and went on to serve as an assistant priest at a number of parishes. He was pastor of North American Martyrs parish and chaplain of Christian Brothers College High School in the 1990s. There, he was accused of sexually abusing a male high school student several years earlier. Reverend Hederman was subsequently sent out of the country to Belize. The Archdiocese took up collections from several of its parishes to support Father Hederman's work in Belize. In 2009 another man accused Father Hederman in a lawsuit of sexually abusing him when he was a high school student in St. Louis in the early 1990s. Father Hederman was removed from active ministry. Multiple other allegations of

sexual misconduct have been lodged against Father Hederman. The Archdiocese never told any Plaintiffs herein of its knowledge and coverup of abuse by Reverend Hederman and others.

24. Father Norman Christian is believed to have abused at least twelve parishioners between 1963 and 1986. Upon information and belief, he was sent to a treatment center run by the Servants of the Paracletes, a center designed for treatment and rehabilitation of catholic priests with personal difficulties in 1986. A personnel file believed to have been maintained by the Archdiocese noted that Father Christian took a boy to his room at the rectory and molested him 10 or 11 times. The Archdiocese removed him from active ministry in 1995 after at least 8 boys came forward with allegations of abuse. He was arrested in St. Louis in 2003 on sexual abuse charges and later named in several civil suits filed in 2004 and 2005. He was buried as a priest in good standing. The Archdiocese never told any Plaintiffs herein of its knowledge and coverup of abuse by Father Christian and others. One survivor of Father Christian's sexual abuse brings suit herein.

25. Father James P. Grady was a priest at Holy Innocents Catholic Parish. He worked at various other Archdiocese locations. He was arrested in 2009 after arranging via the internet to have sex with a 16-year-old girl at a secret location. Later indictment said child pornography was found on his computer. He was placed on a leave of absence from the Archdiocese. In 2010, he pleaded guilty to charges involving child pornography and an agreement to pay for sex with a 16-year-old child. He was sentenced to more than six years imprisonment, registered as a sex offender, and was laicized. The Archdiocese never told any Plaintiffs herein of its knowledge and coverup of abuse by Father Grady and others.

26. Several other employees, agents, servants, clergy, and others acting at the behest of the Archdiocese sexually abused Plaintiffs as set forth herein. Upon information and belief, the Archdiocese knew of and covered up the sexual abuse and deviant tendencies of not only these abusers but of the Archdiocese and Archbishop as well.

27. In September 2018, the Archbishop and Archdiocese promised to publish the names of clergy who had substantiated claims of sexual abuse of minors against them. The Archbishop and Archdiocese failed to release the names until July 26, 2019, when they released a list of 66 names of Archdiocese clergy whose sexual deviance and/or abuse was substantiated.

28. In September 2019, the Missouri Attorney General ("AG") referred 12 former clergy members for criminal prosecution as a result of sexual deviance. In its report dated September 13, 2019, the AG reported:

For decades, faced with credible reports of abuse, the church refused to acknowledge the victims and instead focused its efforts on protecting its priests. During this time, the responsibility for evaluating and responding to reports of abuse and misconduct was controlled by a small circle of priests in diocesan leadership and the bishops.

Lay members of the church were generally not informed of reports, much less allowed a role in dealing with them. The standard response to reports of abuse by church leadership was to move an offending priest into a short-term period of treatment and then reassign him to public ministry in a new parish. Members of an offending priest's old and new parishes were not notified of the reason for a transfer in these cases. At best, victims were offered limited counseling services to help recover from the abuse.

29. Notwithstanding the Church's painfully delayed and untimely publication of substantiated abusers and the AG's exposure of the intentional conduct of the Archdiocese in causing this sexual abuse, the Archdiocese nonetheless never advised Plaintiffs, other parishioners,

or community members of their intentional misconduct in enabling and ultimately perpetrating the abuse on the Plaintiffs and other children similarly situated.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

30. Plaintiffs incorporate by reference as if set forth fully herein

31. Plaintiffs were children at the time of the events set forth in this Petition. They did not understand and could not comprehend the actions of the those who abused them. Moreover, they did not factually, nor could they legally consent to the abuse perpetrated by their abusers.

32. At all times material hereto, the abusers set forth herein (collectively “Abusers”) were employees, agents, or servants of and under the direct supervision and control of the Archdiocese and its representative the Archbishop. All acts of sexual abuse alleged herein took place during events in which the Abusers had custody or control of Plaintiffs in their role as a priest or other authority figure.

33. At all relevant times, the Archdiocese and Archbishop did not act in any manner to protect the young children of its parishes, churches, community, and other organizations within its ambit. To the contrary, the Archbishop and Archdiocese engaged in several decades of intentional misconduct in turning a blind eye to the sexual abuse by its priests and other employees. Instead of removing the Abusers from its employ and control and reporting the abuse to authorities as required by law, Defendants enabled and emboldened the Abusers to continue perpetrating horrific conduct upon Plaintiffs by giving Defendants’ employees, agents, and servants unfettered access to Plaintiffs and other children by reassigning the Abusers to other parishes or organizations, sending Abusers away for treatment for a short time, or otherwise failing to take any remedial action whatsoever. As

a result of the actions and inactions of the Archbishop and the Archdiocese, Plaintiffs and other children were abused.

34. As a result of misrepresentations made by and failures to disclose of the Defendants Archdiocese, Archbishop and the Abusers identified herein, and by virtue of the fact that Defendants held themselves out as the counselors and instructors on matters that were spiritual, moral, and ethical, Defendants had domination, custody, and influence over Plaintiffs.

35. In addition, by accepting the care, custody and control of the minor Plaintiffs, Defendants stood in the position of an in loco parentis relationship with the minor Plaintiffs. As a result of these special relationships between Plaintiffs, Defendants, and the Abusers, Plaintiffs trusted and relied upon Defendants to nurture and protect them while in Defendants' care and custody. The power imbalance between young children and Defendants increased the Plaintiffs' vulnerability to all Defendants.

36. Defendants held a position of trust and confidence in the care and supervision of Plaintiffs constituting a fiduciary relationship and a duty to disclose to Plaintiffs their knowledge of the sexual abuse occurring within the Archdiocese before and after the abuse identified herein and to disclose their own culpability in enabling and perpetrating said abuse.

37. At the time that the Abusers had unlawful sexual contact with Plaintiffs, all Defendants falsely represented to Plaintiffs that Defendants were providing spiritual counseling, comfort, mentorship and advice to Plaintiffs.

38. The actions of Defendants identified herein were outrageous and utterly repugnant to a civilized society.

39. Defendants Archbishop and Archdiocese knew or should have known that by allowing the Abusers access to young children as part of the Abusers' official duties after reports of impropriety involved an unreasonable risk of causing emotional distress to Plaintiffs and other similarly situated individuals.

40. The actions of the Archdiocese and Archbishop that enabled Abusers to continue to have access to children and hold themselves out as priests, father figures, or mentors to their parishioners and young children with whom they came into contact, were outrageous and utterly repugnant to a civilized society. All Defendants acted with depraved hearts knowing harm would occur, including the damages to Plaintiffs described herein and other similarly situated children. Defendants knew or should have known this outrageous behavior would cause emotional distress to the families of the victims and the victims, including Plaintiffs.

41. The sexual abuse of Plaintiffs and the circumstances under which the abuse occurred, caused one or more Plaintiffs to develop various psychological coping mechanisms and symptoms of psychological distress, including repression of memory, great shame, guilt, self-blame and depression. As a result, one or more Plaintiffs were unable to know or have reason to know that they were victims of sexual abuse committed upon them by the Abusers identified herein. The sexual abuse and exploitation of the Plaintiffs and the circumstances under which it occurred caused one or more Plaintiffs to develop various psychological coping mechanisms which made them incapable of ascertaining the resulting damages from that conduct.

42. Furthermore, upon information and belief, after learning of the wrongful conduct of Defendants and the Abusers identified herein, one, multiple, or all Plaintiffs were distinctly

injured for the first time or distinctly injured in addition to prior damage resulting from the actions and omissions of Defendants. Defendants individually and/or by and through its agents, ratified the wrongful conduct described herein by failing to report it to law enforcement authorities, the Plaintiffs, prospective parishioners, current parishioners, their families, victims, and the public.

43. Defendants' conduct in concealing their own culpability communicated to Plaintiffs and other victims that Defendants' conduct was proper and that legal action was not necessary. Defendants knew or should have known, that their actions would silence Plaintiffs and other victims, prevent them from discovering their injuries, their complaints or possible other complaints or victims, and ultimately exacerbate their emotional distress and trauma.

44. Defendants' conduct in misrepresenting the extent to which they knew of the Abusers' conduct prior to and after the abuse described herein prevented Plaintiffs from learning that they had a cause of action against Defendants.

45. By absconding or concealing themselves and/or by other improper acts, the Defendants Archdiocese and Archbishop prevented the commencement of this action for many years, and in many cases several decades.

46. Moreover, the improper acts of and concealment of the Archbishop and Archdiocese constituted a legal hindrance to and impairment of all Plaintiffs' ability to know of or maintain a cause of action against the Archdiocese and Archbishop.

47. As such, Plaintiffs' claims either did not accrue until within five years of the filing of this Petition or, in the alternative, they accrued and were tolled pursuant to the doctrine of

fraudulent concealment, repressed memory, and/or delayed discovery until within five years of the filing of this Petition.

48. Defendants therefore cannot succeed or assert, and/or are equitably estopped from raising, any defense that Plaintiffs' action is not timely because Defendants individually and in concert with each other fraudulently concealed the wrongfulness of the conduct set forth herein and the causal relationship of the harm suffered by Plaintiffs.

49. As a direct result of Defendants' wrongful conduct, 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; have sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

Sexual Abuse of B.D.

50. B.D. was born in 1985 and lived in Pea Ridge, Missouri, Franklin County, when he was sexually abused.

51. B.D. was a lifelong parishioner at St. Anthony Catholic Church ("St. Anthony Church"), located at all relevant times at 201 W Springfield Road, Sullivan, Missouri 63080. B.D. attended elementary school at St. Anthony Catholic School ("St. Anthony School"), located at 119 W Springfield Road, Sullivan, Missouri 63080.

52. St. Anthony Church and St. Anthony School were at all relevant times located in Franklin County.

53. At all relevant times, St. Anthony Church and St. Anthony School were under the direct supervision, employ and control of Defendants Archdiocese and Archbishop.

54. Father James Pavlik sexually abused B.D. between 1996 and 1999, when B.D. was 11 to 14 years old.

55. St. Anthony's full-time priest, Father Ted, often left his post to attend events – most often to attend St. Louis Rams games. When Father Ted was away, Father Pavlik served as the interim priest at St. Anthony Church. B.D. expects to learn the full identity of Father Pavlik during the course of discovery.

56. At St. Anthony Church, Father Pavlik brought B.D. to the church's office to discipline B.D., ostensibly. At St. Anthony, Father Pavlik forced B.D. to perform oral copulation on Father Pavlik and anally raped B.D. Father Pavlik also sexually abused B.D. in the bathroom, in the rectory, and in the confessional.

57. After confession, Father Pavlik frequently forced B.D. to perform oral copulation on Father Pavlik as penance.

58. Father Pavlik also took B.D. and B.D.'s peers on confirmation retreats. On one such retreat, Father Pavlik took B.D. to Holy Martyrs of Japan Church ("Holy Martyrs"), located at 8244 State Hwy AE, Sullivan, Missouri 63080, in Franklin County.

59. At Holy Martyrs, Father Pavlik took B.D. to the rectory, where he forced B.D. to perform oral copulation on him and anally raped B.D.

Sexual Abuse of J.S.

60. J.S. was born in 1960 and lived in Villa Ridge, Missouri, in Franklin County, when he was sexually abused.

61. From kindergarten to eighth grade, J.S. attended St. John the Baptist Gildehaus Catholic School ("St. John the Baptist"), located at 5579 Gildehaus Road, Villa Ridge, Missouri 63089 in Franklin County.

62. At all relevant times, St. John the Baptist was under the direct supervision, employ, and control of Defendants Archdiocese and Archbishop.

63. Father Joseph Lessard, whose full identity J.S. expects to learn during discovery, sexually abused J.S. between 1968 and 1974, when J.S. was between the ages of eight and fourteen years old.

64. Father Lessard was a visiting priest at St. John the Baptist under the auspices of the archdiocese. Father Lessard frequently visited and filled in when the full-time priest was away.

65. The first incident of sexual abuse occurred when St. John the Baptist's principal sent J.S. to the rectory to be disciplined for misbehaving.

66. At the rectory, Father Lessard forced J.S. to remove J.S.'s pants, fondled J.S.'s penis, performed oral copulation on J.S., and forced J.S. to perform oral copulation on Father Lessard.

67. Father Lessard sexually abused J.S. in the rectory at least three times.

68. On other occasions, Father Lessard came to J.S.'s family's farm to hunt.

69. J.S. was taught from a young age that hosting a priest is an honor for parishioners.

70. J.S. was instructed to accompany Father Lessard and show him the best areas to hunt.

71. While out hunting, Father Lessard fondled J.S.'s penis, performed oral copulation on J.S., and forced J.S. to perform oral copulation on Father Lessard.

72. Father Lessard also visited J.S.'s grandparents' property to fish.

73. J.S. was instructed to accompany Father Lessard and show him the best areas to fish.

74. While fishing, Father Lessard fondled J.S.'s penis, performed oral copulation on J.S., and forced J.S. to perform oral copulation on Father Lessard.

75. Father Lessard sexually abused J.S. while hunting and fishing at least 17 times.

Sexual Abuse of N.T.

76. N.T. was born in 1973 and lived in Londell, Missouri, in Franklin County, when she was sexually abused.

77. N.T. was a lifelong parishioner at St. Francis of Assisi Church ("St. Francis"), located at 1000 Luebbering Road, Luebbering, Missouri 63061 in Franklin County.

78. At all relevant times, St. Francis was under the direct supervision, employ and control of Defendants Archdiocese and Archbishop.

79. From approximately 1980 to 1981, when N.T. was approximately seven and eight years old, N.T. was abused by a priest at St. Francis. The priest ("N.T. Abuser") was in his 40s with a medium build, dark hair, and glasses. N.T. expects to learn the full identity of the priest during discovery.

80. From approximately 1980 to 1981, N.T. attended religion classes on weekday evenings at N.T. Abuser's house. N.T. Abuser taught the classes, which were attended by two other children, one of them being N.T.'s brother.

81. By the third class, N.T. Abuser began sexually abusing N.T. He brought N.T. to his bedroom in the house and told N.T. that he would teach her "how babies were made." N.T. Abuser forced N.T. to undress completely, fondled N.T.'s breasts and genitals, exposed his penis to N.T., forced N.T. to touch his penis, forced N.T. to perform oral copulation on him, and penetrated N.T.'s vagina with his penis.

82. N.T. Abuser's sexual abuse of N.T. occurred at least once or twice a week throughout the year.

CAUSES OF ACTION

COUNT I – Childhood Sexual Abuse

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

84. Abusers engaged in harmful sexual contact upon Plaintiffs. That contact was aided, abetted, and ratified by Defendants.

85. As a direct result of the Abusers' conduct and the conduct of the Defendants aiding, abetting, and ratifying these actions, Plaintiffs suffered severe medically diagnosable psychological injury, emotional distress, lost earnings and lost earning capacity, past and present medical and counseling expenses, and damaged emotional development causing Plaintiffs to engage in self – destructive and other harmful activities, including loss of hope and faith.

86. One or more Plaintiffs, because of various psychological coping mechanisms and the insidious long-term and late developing injuries, did not discover and/or could not ascertain the nature or extent of their injuries and could make no causal connection between their psychological sequelae and the abuse until recently. One or more Plaintiffs fully and completely repressed all memory of these events for an extended period of time. One or more Plaintiffs were prevented from ascertaining their cause of action against Defendants due to the Defendants' fraudulent concealment.

87. The Defendants' actions were intentional, willful, wanton, and reckless.

COUNT II – *Intentional Failure to Supervise Clergy*

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

89. At all times material, Defendant Archdiocese through Archbishop and his designees, was the supervisor and employer of the Abusers.

90. The Abusers, enabled by their employment with Defendants who at all relevant times had the right to control the Abusers, engaged in actions that were known by the Archdiocese and Archbishop. Said actions were matters over which the Archdiocese had both the power and the duty to control.

91. Defendants were aware of previous sexual misconduct by clergy within its boundaries, including the Abusers, and that future harm was certain or substantially certain to result without proper supervision and disregarded this known risk. Defendants caused one or more Abusers to be transferred from earlier assignments because of inappropriate touching of young boys and girls.

92. The Defendants subjected themselves to liability by retaining in their employ servants who, to their knowledge, were in the habit of conducting themselves in a manner dangerous to others.

93. Upon information and belief, the Archbishop and his designees as the Chief Executive Officer of the Archdiocese was a supervisor of the Abusers, all of whom worked for and under the auspices of or the apparent authority of the Archdiocese.

94. The Archbishop and his designees, including the Priests of the Archdiocese, had the duty to report to the Archdiocese unethical and/or inappropriate behavior of others including other priests.

95. The Archbishop and the Archdiocese each had the duty to report to the police, Department of Social Services or the proper legal authorities, suspicions that the children who came into contact with the Abusers might be abused.

96. The Archbishop and Archdiocese each had the duty to report to the police, Department of Social Services or the proper legal authorities, its suspicions that children who came into contact with the Abusers might be abused.

97. The Archbishop and Archdiocese each failed in their duties to supervise the actions of the other by failing to report the sexual misconduct they observed and/or of which they had notice.

98. Each of the Defendants disregarded the known risk of sexual abuse.

99. Defendants' inaction caused injury to Plaintiffs.

100. One or more Plaintiffs were sexually abused on the property owned and operated by Defendant Archdiocese and/or was abused on premises that the Abusers were allowed on solely due to their status as priests or employees, servants, or agents of the Archdiocese.

101. Defendants Archbishop and Archdiocese knew or should have known that inappropriate touching of young children by their employees and/or designated agents would cause or was substantially certain to cause those children harm.

102. Despite the risk posed by the Abusers, Defendants continued to place them in positions in which they would have daily contact with children.

103. Despite the risk posed by the Abusers, Defendant Archdiocese and Defendant Archbishop ratified the actions of being alone with small children by approving and paying for travel expenses and other expenses associated with outings with children.

104. By engaging in these actions, Defendant Archdiocese and Archbishop disregarded the risk posed by the Abusers to these children.

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

106. One or more Plaintiffs, because of various psychological coping mechanisms and the insidious long-term and late developing injuries, did not discover and/or could not ascertain the nature or extent of their injuries and could make no causal connection between their psychological sequelae and the abuse until recently. One or more Plaintiffs fully and completely repressed all memory of these events for an extended period of time. One or more Plaintiffs were prevented from ascertaining their cause of action against Defendants due to the Defendants' fraudulent concealment.

107. As a result of Defendants' failures to properly supervise, Plaintiffs were injured and have suffered, and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress that are medically diagnosable and significant, 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; have sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT III – *Negligent Failure to Supervise Children and Report Sexual Abuse*

108. Plaintiffs incorporate the foregoing paragraphs of this Petition as if fully set forth herein.

109. Defendants had a duty to protect children served by their churches from known risks of harm and pursuant to Mo. Rev. Stat. Ann. § 210.115, to report sexual abuse of minors.

110. As set forth herein, since Defendants knew that the Abusers had a sexual propensity to abuse minors, the injuries inflicted upon Plaintiffs were foreseeable.

111. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of the Abusers' dangerous propensities to sexually violate children.

112. Defendants had a duty to protect children commensurate with the risk of harm.

113. Since Defendants knew many of the Abusers were predators, Defendants had reasonable cause to believe that Plaintiffs were being sexually abused.

114. Defendants breached their duty to protect Plaintiffs when they failed to supervise them, placing them with known predators.

115. Defendants' actions and/or inactions were willful, wanton, and reckless.

116. As a direct result of defendants' wrongful conduct, Plaintiffs' memories were repressed and 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/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

117. One or more Plaintiffs, because of various psychological coping mechanisms and the insidious long-term and late developing injuries, did not discover and/or could not ascertain the nature or extent of their injuries and could make no causal connection between their psychological sequelae and the abuse until recently. One or more Plaintiffs fully and completely repressed all memory of these events for an extended period of time. One or more Plaintiffs were prevented from ascertaining their cause of action against Defendants due to the Defendants' fraudulent concealment.

COUNT IV - *Negligence Per Se*

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

119. Defendants violated one or more statutes or regulations.

120. Plaintiffs were at all relevant times members of the class of persons intended to be protected by the statute or regulation.

121. Plaintiffs' injuries are the kind the statute or regulations were designed to prevent.

122. Defendants' violations of the statutes or regulations were the proximate cause in whole or in part of Plaintiffs' injuries herein.

COUNT V – Breach of Special Relationship/Duty

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

124. As set forth herein, since Defendants knew that the Abusers had a sexual propensity to abuse minors, the injuries inflicted upon Plaintiffs were foreseeable.

125. As a result of Plaintiffs being minors at the time of the sexual abuse, and by Defendants undertaking the care and guidance of the then-minor, vulnerable Plaintiffs, Defendants held a position of empowerment over Plaintiffs.

126. Defendants, by holding out themselves, the parishes and religious institutions at which the Abusers served, as safe and secure institutions and holding themselves out as shepherds and leaders of the Roman Catholic Church, solicited and/or accepted this position of empowerment. Defendants entered into a special, confidential, custodial, and/or fiduciary relationship with Plaintiffs.

127. Plaintiffs reposed trust and confidence in all Defendants as their spiritual guides, authority figures, teachers, mentors and confidantes.

128. As a fiduciary or confidante to Plaintiffs, Defendants had a duty to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of Defendants' agents, including Abusers. As their caretaker, confidante and fiduciary, each Individual Defendant owed Plaintiffs the duty of trust and loyalty, and the duty to work solely for their benefit. Moreover, Defendants had a duty to disclose to Plaintiffs and others the wrongful nature of the abuse.

129. Defendant Archdiocese breached its duties to Plaintiffs and abused its position of trust and confidence for its own personal gain, including without limitation, the following:

- a. Defendants used Plaintiffs' dependency and innocence as a child to prevent them from recognizing that the abuse was wrongful and threatened their security, their parents' love, and their everlasting soul if they told anyone of the abuse.
- b. Defendants accomplished this end by enforcing the secrecy around the acts and/or by teaching Plaintiffs that the acts were normal or necessary to the relationship.
- c. Keeping known pedophiles in the presence of children such that they would be allowed to molest Plaintiffs.
- d. Hiding the fact of the previous abuse from any individuals who might intervene including parents, state authorities, parishes, and parishioners.
- e. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support.
- f. Violating their duties of care imposed by their status as in loco parentis to the children over whom they exercised dominion and control.
- g. Failing to abide by their own internal, secular policies and procedures concerning removal, sanction, or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures.
- h. Ratifying the abuse by Abusers by continuing to pay their travel expenses, allowing outings with and access to children including Plaintiffs to continue, and hiding the fact of their abuse from other individuals or organizations that might intervene to protect the

children under their care, custody and/or control after reports of abuse were made.

- i. Failing to warn Plaintiffs' families of the possibility of sexual abuse.

130. Defendant Archbishop breached his duties to Plaintiffs and abused his position of trust and confidence for his own personal gain and advancement, including without limitation, the following:

- a. The Archdiocese and its employees, servants, and agents knew that individual priests and other employees were having inappropriate physical contact with children.

- b. During therapy ordered by the Archbishop and/or Archdiocese, one or more Abusers admitted to being sexually attracted to children.

- c. Even while still in therapy, one or more Abusers began sexually abusing other children.

- d. Despite extensive knowledge of abuse by the Abusers, the St. Louis Archdiocese did not remove them from ministry promptly or at all.

- e. After allegations of abuse became known to the Archdiocese about one or more Abusers, they were sent away for treatment, the Archdiocese and/or Archbishop placed or continued to place them at an Archdiocese-sponsored ministry with access to children.

- f. Defendants enforced secrecy around sexual improprieties of one or more Abusers by placing the reputation of the Church over the safety of the children.

- g. After certain allegations were released about certain Abusers, the Archdiocese released statements suggesting that the Abusers were innocent of wrongdoing despite criminal convictions and other indicia of reliability of the accusations.

h. At all relevant times, Defendant Archbishop and Archdiocese were mandated reporters under Missouri law. Defendants Archdiocese and Archbishop did not report the Abusers' sexual improprieties to the appropriate authorities after receiving reasonable suspicion that one or more of them may abuse children.

i. Defendant's actions in failing to report were part of an ongoing fraudulent scheme to prevent parishioners, children and the public from knowing that one or more Abusers were predators.

j. Defendant kept more than one pedophile in the presence of children such that they would be allowed to molest one or more Plaintiffs.

k. One or more Abusers were eventually prosecuted for their crimes in perpetrating sodomy and other sexually deviant acts on young children. Representatives of the Archdiocese, in fact, sent letters of support to the Prosecutor seeking leniency for one or more Abusers, often after knowing for years that one or more Defendants had been abusing children. These acts were in furtherance of a fraudulent scheme to prevent parishioners, children and the public from knowing that one or more Abusers were known predators.

l. Defendants hid the fact of the previous abuse from any individuals that might intervene including parents, state authorities, parishes, and parishioners by falsely, often by representing that one or more Abusers were individuals of character and safe to be with children at the same time that it received reports of abuse, sent one or more Abusers to counseling and treatment, then returned them to ministry and access to children, made misleading statements to the press with the intention that the public would be duped, failed

to report actions to the proper authorities even though they were mandated reporters, and tried to influence the prosecution of one or more Abusers.

m. Defendants failed to provide a safe environment for the children who relied upon them for their care, nurture and support.

n. Defendants failed to warn Plaintiffs' families of the possibility of sexual abuse.

131. Defendants violated their duties of care and duty to warn imposed by their status as in loco parentis to the children over whom they exercised dominion and control. Defendant Archdiocese failed to abide by its own internal, secular policies and procedures concerning removal, sanction or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures.

132. Defendant Archbishop ratified the abuse by the Abusers by continuing to place one or more of them in parishes even after receiving multiple reports of sexual misconduct, sending one or more of them to treatment by placing them at other ministries and schools, paying travel expenses, allowing outings with and access to children including Plaintiffs to continue, moving them from parish to parish and hiding the fact of the abuse from other individuals or organizations that might intervene to protect the children under their care, custody and/or control after reports of abuse were made.

133. Abusers breached their fiduciary duties to Plaintiffs and abused their position of trust and confidence for their own personal gain, including without limitation, the following:

- a. Engaging in sexual misconduct with the Plaintiffs.
- b. Representing to one or more Plaintiffs that the actions were appropriate and

were part of their spiritual growth and counseling.

c. Making sexual contact an implicit and/or explicit condition to the continuance of care, nurture, support and spiritual guidance.

d. Silencing the children abused by threatening them, making them live in secret shame, fear and degradation while then ministering to them psychologically, emotionally and spiritually.

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

135. As a direct result of Defendants' breach of their duties and special relationship with Plaintiffs, Plaintiffs have suffered, and continue to suffer great pain of mind and body, repressed memories, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have been prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VI – *Fraud and Conspiracy to Commit Fraud*

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

137. Defendants Archbishop and Archdiocese knew or should have known of the sexual misconduct and other inappropriate behavior of their agents, including Abusers as described herein.

138. Defendants engaged in trickery, deceit and acts of deluding Plaintiffs and those who were in a position to act on Plaintiffs' behalf while they were minors.

139. Defendants misrepresented, concealed or failed to disclose information relating to sexual misconduct of their agents, including engaging in willful acts intended to deceive as set forth herein.

140. At all relevant times, Defendant Archbishop and Archdiocese were mandated reporters under Missouri law. Defendants Archdiocese and Archbishop did not report Abusers' sexual improprieties to the appropriate authorities after receiving reasonable suspicion that they may abuse children.

141. Defendant's actions in failing to report were part of an ongoing fraudulent scheme to prevent parishioners, children and the public from knowing that one or more Abusers were predators.

142. Defendants kept one or more known pedophiles in the presence of children allowing the Abusers to molest Plaintiffs.

143. Defendants Archdiocese and Archbishop maintained publicly that the Priests of the Archdiocese were appropriate, well-trained and men of excellent character who were above reproach and safe role models who nurtured, trained, and formed the character of children.

144. Defendants Archdiocese and Archbishop expressly and impliedly made these representations.

145. At the time that these representations were made, the Archdiocese and Archbishop had a pattern and practice of sending priests who had abused children to the St. Luke Institute in Silver Spring, Maryland or other treatment facilities for perpetrating and sexually deviant priests, then returning them to ministry, including ministry with children.

146. The Archdiocese and Archbishop had a pattern and practice of moving perpetrating priests from location to location to protect the perpetrating priests from criminal penalties and civil lawsuits.

147. Although the Archdiocese and Archbishop owed the children and parents of the Archdiocese duties commensurate with their position, the Archdiocese and Archbishop kept from the parents information concerning the Abusers that would affect their decisions regarding whether to allow their children to be alone with them, including information that one or more Abusers were known to abuse children.

148. In the face of the special knowledge that the Archdiocese and Archbishop had as well as the special relationship they had with the parishioners and children of the Archdiocese, the Archdiocese and Archbishop refused to provide information to parishioners and their children about the hidden dangers that were posed by one or more Abusers.

149. Defendants Archdiocese and Archbishop intentionally represented that Abusers were fit for the ministry including his ministry with children, even after having actual knowledge that they exhibited paraphilia and engaged in boundary violations with children.

150. Defendant Archdiocese and Archbishop followed a policy that hampered investigation into allegations of sexual misconduct by its priests.

151. Defendant Archdiocese and Archbishop failed or refused to take reports by parishioners and even employees of the abuses of one or more Abusers, even after publishing a website encouraging parishioners to come forward if they have allegations of sexual abuse.

152. Defendant Archdiocese ignored reports that the Abusers were engaging in inappropriate sexual activity with children.

153. Defendant Archdiocese and Archbishop deliberately failed to warn or inform Parishioners, family members or any other individuals or organizations about Abusers using their children for their own sexual gratification, instead encouraging parishioners, including the small children, to maintain relationships with them.

154. Defendants deliberately misled its parishioners and the public in its communications regarding one or more Abusers.

155. Defendant Archdiocese and Archbishop hid the abuses of Abusers preventing investigation into them and covering up the allegations, making them accessories before, during and after the fact in the following particulars without limitation:

a. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support;

b. Violating their duties of care imposed by their status as in loco parentis to the children over whom they exercised dominion and control;

c. Failing to abide by their own internal, secular policies and procedures concerning removal, sanction or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures;

d. Ratifying the abuse by Abusers by continuing to employ and support them and granting them unfettered access to children, giving them positions requiring supervisory duty over children, moving them from posting to posting to avoid being

“caught” abusing children, giving them positions requiring their contact with children after having gained actual knowledge that they had a propensity to abuse children and failing to report and/or hiding the fact of his abuse from other individuals or organizations that might intervene to protect the children under their care, custody and/or control.

156. Defendants knew that they misrepresented, concealed, or failed to disclose information they had the duty to disclose relating to sexual misconduct of its agent.

157. Defendants had superior knowledge or information not within the fair and reasonable reach of Plaintiffs and failed to disclose that information.

158. Defendants knew of the existence of the torts of sexual abuse and failure to supervise.

159. Defendants used deception to conceal these torts from Plaintiffs and those who were in a position to act on behalf of Plaintiffs while they were minor.

160. Plaintiffs relied upon that deception and concealment, remaining ignorant that torts were committed upon them.

161. The fact that Abusers had in the past and/or would in the future be likely to commit sexual misconduct with another minor was a material fact that, if known, would have influenced Plaintiffs and their family’s decision whether to allow them to attend and participate in activities at church and with Defendants’ agent in church sanctioned and/or sponsored activities.

162. Upon information and belief, Defendants, in concert with each other, with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would

misrepresent, conceal, and fail to disclose information relating to the sexual misconduct of Abusers, prohibiting public scrutiny or investigation into their acts of sexual misconduct.

163. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

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

165. As a direct result of Defendants' fraud and conspiracy, 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; have been prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VII – *Fraudulent Misrepresentation*

166. Plaintiffs incorporate the foregoing paragraphs of this Petition as if fully set forth herein.

167. Defendants Archdiocese and Archbishop engaged in ongoing misrepresentation regarding the status of Abusers.

168. The Defendant Archdiocese by and through its agents and administrators, represented that Abusers were priests or other officials with whom children could be trusted. The Defendants engaged in fraudulent misrepresentations as set forth herein.

169. At all relevant times, Defendants Archbishop and Archdiocese were mandated reporters under Missouri law. Defendants Archdiocese and Archbishop did not report Abusers' sexual improprieties to the appropriate authorities after receiving reasonable suspicion that Abusers may abuse children.

170. Defendants' actions in failing to report were part of an ongoing fraudulent scheme to prevent parishioners, children and the public from knowing that Abusers were predators.

171. Defendants kept one or more known pedophiles in the presence of children such that they would be allowed to molest Plaintiffs.

172. Defendants hid the fact of the previous abuse from any individuals that might intervene including parents, state authorities, parishes, and parishioners by falsely representing that one or more Abusers were individuals of character and safe to be with children at the same time that it received reports of abuse, sent one or more Abusers to counseling and treatment then returned them to the ministry, made misleading statements to the press with the intention that the public would be duped, failed to report Abusers' actions to the proper authorities even though they were mandated reporters, and tried to influence the prosecution of one or more Abusers.

173. Defendants failed to provide a safe environment for the children who relied upon them for their care, nurture and support.

174. Defendant Archbishop ratified the abuse by the Abusers by continuing to place one or more of them in parishes even after receiving multiple reports of sexual misconduct, sending one or more of them to treatment by placing them at other ministries and schools, paying travel expenses, allowing outings with and access to children including Plaintiffs to continue, moving them from

parish to parish and hiding the fact of the abuse from other individuals or organizations that might intervene to protect the children under their care, custody and/or control after reports of abuse were made.

175. Defendants continued to hold the Abusers out to the community of the faithful and its parishioners as safe, secure parish priests and mentors.

176. Abusers, by holding themselves out as priests and other officials in good standing, falsely represented to the Plaintiffs that they intended to help, protect and instruct them.

177. One or more Abusers, by indicating the abuse was part of spiritual counseling, mentoring and advice, falsely represented to the Plaintiffs that the acts in which they engaged were part of God's will and plan and for the Plaintiffs.

178. One or more Abusers, by telling Plaintiffs that they would lose their church, family, and soul (and other such coercive, fraudulent misrepresentations) if they told of the actions that occurred in the sacristy and elsewhere, defrauded the plaintiff.

179. All Defendants knew such statements were false at the time they were made.

180. The Archdiocese and Archbishop intentionally hid from parents and others that one or more Abusers had abused children in the past.

181. Plaintiffs believed the statements so made by defendants were true and reasonably relied, to their detriment, upon them. They moreover capitulated to the very trust in the Archdiocese and Abusers instilled in them by their families and all Defendants such that Defendants' silence constituted fraudulent misrepresentation.

182. As a result of Defendants' fraudulent misrepresentations, Plaintiffs have been injured. Each and every one of his injuries caused by the sexual abuse by defendants has been exacerbated by this additional violation of the plaintiff's trust.

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

184. The fact that Defendants' agents, including Abusers had in the past and/or would in the future be likely to commit sexual misconduct with minors at the parish to which he was assigned would have been a material fact in Plaintiffs and their families' decisions whether to associate with the Abusers.

185. Plaintiffs justifiably relied upon Defendants for information relating to sexual misconduct of Defendants and their agents. Plaintiffs further relied upon Defendants to ensure their safety while in the Defendants' care and custody.

186. As a direct result of Defendants' wrongful conduct, 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; have been prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VIII – *Constructive Fraud*

187. Plaintiffs incorporates all paragraphs of this Petition as if fully set forth herein.

188. Defendants Archdiocese and Archbishop, by holding Abusers out as a reliable, trustworthy shepherd, representative, and leader of the Roman Catholic Church, solicited and/or accepted a position of power. This position of trust prevented the Plaintiffs or those in charge of their safety from effectively protecting them and Defendants thus entered into fiduciary and/or confidential relationships with Plaintiffs.

189. As fiduciaries and/or confidantes to Plaintiffs, Defendants had a duty to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of Defendant agents.

190. Defendant had prior knowledge of past allegations of abuse and/or sexual impropriety with children involving some or all Abusers.

191. Defendants had a duty to protect Plaintiffs and others from known perpetrators by warning them and others of the abuse, abusive propensities, and/or preventing Abusers from accessing young children in their role with the Church.

192. Defendants failed to disclose information regarding Abusers' abusive tendencies and history of inappropriate and sexually abusive relationships with children, or to prevent the priests from unfettered access to children.

193. Defendants failed to disclose their knowledge of Abusers' history of using their position as priest and counselor, the church properties, and the church resources and status to attract and gain access to unsupervised time with children.

194. Defendants actively represented that some or all Abusers were capable counselors, brothers, priests, and mentors when they knew some or all Abusers had a propensity to sexually abuse children in the past.

195. Defendants actively developed a plan and a strategy for keeping Abusers' abusive tendencies away from public light, a plan which included:

- a. Misrepresenting the safety of leaving a child alone with Abusers;
- b. Failing to warn Plaintiffs of the propensity of the Abusers to sexually abuse children;
- c. Moving some or all Abusers from parish to parish following reports of sexual misconduct;
- d. Failing to report any of the Abusers' sexual misconduct or other behaviors involving minors to law enforcement or state authorities.
- e. Aiding and abetting Abusers' abuse;
- f. Encouraging one or more Abusers to sexually abuse the Plaintiffs;
- g. Failing to take any action to stop the abuse it knew was occurring;
- h. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support
- i. Violating its duties of care imposed by its status as *in loco parentis* to the children over whom it exercised dominion and control and the parents who entrusted their most precious possessions, their children;

j. Enforcing the secrecy around the acts and/or teaching Plaintiffs that the acts were normal or necessary to the relationship;

k. Hiding the fact of the previous abuse from any individuals that might intervene, including parents, state authorities, parishes and parishioners;

l. Failing to abide by its own internal, secular policies and procedures concerning removal, sanction, or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures;

m. Failing to abide by its own internal, secular policies and procedures concerning investigation and/or reporting of their agents and employees, knowing that the individuals whom they serve rely upon those rules, policies and procedures;

n. Representing that the Abusers were clergy or other agents of the Archdiocese in good standing.

196. Plaintiffs justifiably relied upon Defendants for information relating to sexual misconduct of Defendants' agents. Plaintiffs and their families further relied upon defendants to ensure the safety of children in the Defendants' care and custody.

197. Defendants' actions and/or inactions were willful, wanton, and reckless such that punitive damages are appropriate.

198. As a direct result of Defendants' wrongful conduct, 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; and will continue to be prevented from performing their daily activities and

obtaining the full enjoyment of life; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT IX – *Intentional Infliction of Emotional Distress*

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

200. Defendants intentionally failed to supervise, remove or otherwise sanction some or all Abusers after they had actual notice of their dangerous propensities to abuse children and continued to place them in positions of authority over children and adolescents, including Plaintiffs.

201. Defendants knew or should have known that Abusers were unsuitable for the positions they held.

202. Defendants failed to adequately review and monitor the services which were provided by Abusers, intentionally turning a blind eye to misconduct directed at children.

203. Defendants intentionally failed to confront, remove, or sanction Abusers about known irregularities in employment.

204. Defendants failed to act upon information gained during the course of their supervision of Abusers.

205. Defendants intentionally failed to supervise the children within their care, custody or control from coming in contact with the known risk presented by Abusers.

206. At all times relevant, Defendant Archdiocese was in a fiduciary and/or confidential relationship with Plaintiffs. Instead of acting in the best interest of Plaintiffs, as required when one is in a fiduciary status, Defendant Archdiocese held out the Abusers with known histories of child sexual abuse as appropriate individuals with whom Plaintiffs should interact.

207. Defendants Archdiocese and Archbishop allowed and/or encouraged its agents to turn a blind eye toward sexual abuse of minors in furtherance of its policy of covering up these crimes.

208. Moreover, Defendants Archdiocese and Archbishop aided, abetted, and ratified the conduct of Abusers, who at the behest of Defendants held themselves out as moral teachers, guides, and religious authorities, as well as kind and caring surrogate father figures and mentors for Plaintiffs with the titles of legitimacy and trust Defendants bestowed upon them.

209. Abusers' teachings and positions within the Archdiocese juxtaposed against their sexual impropriety with Plaintiffs created a psychological and emotional conundrum for the young Plaintiffs. Plaintiffs could not process the value-laden messages in these contradictory acts, causing Plaintiffs to develop psychological dysfunction that resulted in his inability to discern or discover his injury and its cause.

210. The actions of Abusers were taken intentionally to cause such emotional distress as to prevent the Plaintiffs from revealing and/or understanding the import of the abuse, with reckless disregard as to the probable injuries that would result.

211. Abusers had a fiduciary and/or confidential relationship with Plaintiffs by virtue of their roles as priests, mentors, father figures, and authority figures to the young Plaintiffs. The power imbalance between Defendants and Plaintiffs increased Plaintiffs' vulnerability.

212. Abusers engaged in unconscionable, outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society. Said actions included without limitation, engaging in inappropriate sexual contact with Plaintiffs, using their role as a priest or

other position to require Plaintiffs' silence either directly or indirectly, intentionally creating for Plaintiffs a psychological and moral disconnect that would ensure the silence of the Plaintiffs, and using their position of trust and confidence with Plaintiffs for their own personal and sexual gratification.

213. Upon information and belief, Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Abusers' dangerous and exploitative propensities and/or that they were unfit agents, and despite such knowledge, Defendants and Abusers breached their duty to protect Plaintiffs when they failed to protect Plaintiffs from the sexual abuse described herein.

214. Abusers' actions and/or inactions were willful, wanton, and reckless such that punitive damages and/or damages for aggravating circumstances are appropriate.

215. The emotional distress experienced by Plaintiffs as a result of Abusers conduct is medically diagnosable and is of sufficient severity so as to be medically significant.

216. At all times relevant, Defendant Archdiocese and Archbishop engaged in extreme and outrageous conduct, intended to cause or committed in reckless disregard of the probability of causing emotional distress and harm. Additionally, or in the alternative, the conduct of Defendants and Abusers was extreme and outrageous and committed with the sole purpose of inflicting emotional distress upon Plaintiffs.

217. Defendants Archdiocese and Archbishop engaged in unconscionable, outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society.

Defendants' conduct caused Plaintiffs severe emotional distress of such a nature that no reasonable person in a civilized society could be expected to endure it.

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

219. Plaintiffs suffered medically significant and diagnosable distress as a result of Defendants' actions as set forth in the Background Facts Applicable to All Counts.

220. As a result of the above-described conduct, Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress that is medically diagnosable and significant, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have been prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT X – *Aiding and Abetting*

221. Plaintiffs incorporate all paragraphs of this petition as if set forth fully herein.

222. The Archdiocese and Archbishop at all relevant times had the right to control the Abusers set forth herein.

223. Furthermore, the Archdiocese and Archbishop at all relevant times countenanced, approved, aided, abetted, and encouraged as principal the tortious acts of its employees (Abusers), of committing sexual abuse and battery, intentional infliction of emotional distress, breach of special relationship and fiduciary duty, fraud, fraudulent misrepresentation, fraud, and intentional infliction

of emotional distress. The Archdiocese and Archbishop are vicariously liable for all wrongful acts and omissions of the Abusers set forth herein.

JURY TRIAL DEMANDED

224. Plaintiffs demand a trial by jury on all issues triable in this case.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks that this Court award judgment against Defendants as follows: Awarding compensatory, statutory, punitive and any and all damages as allowed by law in favor of Plaintiffs against Defendants for damages sustained as a result of the wrongdoings of Defendants, together with interest thereon; Awarding Plaintiffs their costs and expenses incurred in this action; and granting such other and further relief as the Court deems appropriate and just.

Dated: July 24, 2024

Respectfully Submitted,

/s/ D. Todd Mathews

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