

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

JANE DOE,)	
)	
Plaintiff,)	
)	NO. _____
v.)	
)	JURY DEMAND
CATHOLIC DIOCESE OF NASHVILLE)	
)	
and)	
)	
ST. ROSE OF LIMA CATHOLIC)	
CHURCH,)	
)	
Defendants.)	

COMPLAINT

Plaintiff Jane Doe respectfully states to the Court and Jury the following:

INTRODUCTION

1. Michael D. Lewis raped and sexually exploited Plaintiff when she was a child between 2014 and 2017.
2. Many of these criminal sexual assaults, countless in number, occurred on the property of the Catholic Diocese of Nashville, including the sacristy and parish offices of St. Rose of Lima Catholic Church in Murfreesboro, Tennessee.
3. At the time of Lewis’s sexual exploitation of Plaintiff, the Catholic Diocese of Nashville employed him as Director of Religious Education at St. Rose.
4. The Diocese has repeatedly claimed in public and in the media that it had no reason to know of Lewis’s sexual assaults of Plaintiff. This claim was knowingly false.

5. For years, parents and parish employees expressed their concerns, regarding what they witnessed of Lewis's inappropriate physical conduct with Plaintiff, to the Bishop of the Diocese, other diocesan officials, and the pastor of St. Rose.

6. The Diocese took no meaningful action to protect Plaintiff and put a stop to Lewis's crimes.

7. In fact, despite the Diocese's knowledge of Lewis's conduct concerning Plaintiff, it promoted him to business manager of St. Rose Parish.

8. Plaintiff deserves justice. The Diocese must be held accountable.

PARTIES, VENUE, AND JURISDICTION

9. Plaintiff Jane Doe is a 21-year old college student and resident of the State of Tennessee. Plaintiff respectfully requests that the Court permit her to file this Complaint under a pseudonym, due to the highly private and emotionally difficult nature of the allegations and the prospect of publicity that may intrude into deeply personal matters, and is filing a motion to this effect.¹

10. At the time of the events described in this Complaint, Plaintiff was a minor and a parishioner and altar server at St. Rose of Lima Catholic Church. She was also a student at St. Rose of Lima School during some of the events in this action.

11. Defendant Catholic Diocese of Nashville is a religious corporation with its principal offices at 2800 McGavock Pike, Nashville, Tennessee.

12. Defendant St. Rose of Lima Catholic Church (occasionally referred to herein as "St. Rose" or "parish") is a religious corporation or unincorporated association with its principal offices at 1601 North Tennessee Blvd., Murfreesboro, Tennessee.

¹ Plaintiff's identity is known to the Defendants.

13. At all relevant times, St. Rose was an alter ego of the Catholic Diocese of Nashville.

14. At all relevant times, employees of St. Rose were employees of the Diocese.

15. As used herein, the terms “the Diocese” and “diocesan” should be understood as including and referring to both Defendant Catholic Diocese of Nashville and Defendant St. Rose of Lima Catholic Church collectively.

16. At all relevant times, the Diocese did business as an organized religion affiliated with the Roman Catholic Church, under its own name and others, including Roman Catholic Diocese of Nashville, Diocese of Nashville, St. Rose of Lima Catholic Church (“St Rose” or “the parish”), and St. Rose of Lima School (“St. Rose School”).

17. At all relevant times, the Diocese acted directly and by and through its agents, servants, and employees, including but not limited to St. Rose, St. Rose School, the pastor and employees of the Diocese and parish identified herein, St. Cecilia Academy, and the Bishop and diocesan officials identified herein.

18. At all relevant times, the Diocese has, among other activities, hired and supervised employees, including Michael D. Lewis (“Lewis”), and owned and managed land, parishes, schools, and other affiliated entities in Tennessee.

19. At all relevant times, the Diocese has promulgated employment and personnel policies and procedures, including those that are ostensibly meant to safeguard the well being of children with whom diocesan employees come into contact.

20. The Diocese can be served via its religious leader, Bishop J. Mark Spalding, and the diocesan attorney, L. Gino Marchetti, Jr., among others.

21. Michael D. Lewis, who sexually assaulted Plaintiff, is approximately 42 years old and resides in Rutherford County, Tennessee.

22. Venue in Davidson County, Tennessee is proper pursuant to Tenn. Code Ann. §§ 20-4-102 and 20-4-104, as Defendant Catholic Diocese of Nashville maintains its principal office in Davidson County and a substantial portion of the acts and omissions giving rise to the action occurred in Davidson County, Tennessee.

23. This Court has jurisdiction over this matter pursuant to Tenn. Code Ann. § 16-10-101.

LEGAL RELATIONSHIPS

24. At all relevant times, Defendant Diocese employed Lewis in various roles at St. Rose, including Director of Religious Education and Business Manager.

25. At all relevant times, Defendant Lewis was an agent and employee of Defendant Diocese.

26. At all relevant times, Defendant Diocese had a fiduciary, confidential, and special relationship with Plaintiff throughout the period of her grooming and abuse at the hands of Lewis (2013–2017), as indicated by the following facts, among others detailed in this Complaint and which may become apparent during the course of discovery:

- a. Plaintiff was a child during the period Lewis raped and assaulted her (ages 13 through 17);
- b. Plaintiff was a child-parishioner of St. Rose during this entire period, where Lewis worked. Her mother was employed as a teacher at St. Cecilia Academy and was also a dedicated parishioner;

- c. Plaintiff attended St. Rose School from 2013–2014 and St. Cecilia Academy from 2014 to 2018;
- d. Plaintiff had a relationship with the Diocese that was distinctive from those of other parishioners. For example, she served as a student coordinator of religious education and as a student coordinator of altar server training, under the direct supervision of Lewis. She taught for years in parish Sunday school at St. Rose, known as the Parish School of Religion. She was an altar server and volunteered for other parish programs. She attended diocesan schools (St. Rose School and St. Cecilia Academy), and, in general, spent a significant percentage of her non-school hours in various diocesan sponsored activities.
- e. Moreover, Lewis maintained an inappropriate relationship with Plaintiff and her family for years, which the Diocese knew or should have known from reports of parishioners, parents, and diocesan employees, observations of Lewis's inappropriate touching of Plaintiff in public, and telephone records of Lewis's phone, which the Diocese issued to him.
- f. Plaintiff's family committed her to the care of the Diocese, including in her volunteer and child-employee duties and status as an invitee at St. Rose Church, and as a student at St. Rose School and St. Cecilia Academy.
- g. Plaintiff and her family reasonably trusted and had confidence in the integrity and fidelity of the Diocese, based on the Diocese's representations of its own moral integrity and trustworthiness, particularly as it pertained to the safety of children such as Plaintiff under its care.

27. At all times relevant herein, the Diocese encouraged and propagated the Roman Catholic tradition of encouraging parishioners and the surrounding community to have complete and unfailing faith in the Roman Catholic Church through the Diocese and its personnel.

28. At all relevant times, the Diocese fraudulently concealed information of Lewis's acts of sexual abuse against Plaintiff.

29. Plaintiff had a fiduciary relationship with the Diocese that created a duty on the part of the Diocese to disclose material facts and to not conceal material facts relating to Plaintiff's causes of action herein.

30. Lewis repeatedly committed criminal acts of sexual violence against Plaintiff and commanded and threatened Plaintiff not to tell anyone about the abuse that he committed.

31. On information and belief, the Diocese understood Lewis had previously been accused of sexual misconduct at his prior posting, and concealed this misconduct by moving Lewis to St. Rose.

32. The Diocese also knew that Lewis was at risk of committing sexual abuse and misconduct toward children at St. Rose, before Plaintiff encountered him.

33. The Diocese concealed Lewis's abuse, sexual misconduct, and sexual harassment of Plaintiff and others, by hiding the abuse from parishioners; providing false information about his actions and moral character; quietly transferring Lewis to new postings to prevent further complaints and legal filings; failing to report Lewis's abuses to police, child protective services, and other appropriate authorities; and by failing to reach out to Lewis's prior victims, including Plaintiff, to disavow Lewis's behavior and offer aid to those he sexually abused.

34. At all times prior to and following the sexual abuse of Plaintiff committed by Lewis, the Diocese has actively misrepresented, concealed and withheld material facts from the laity of

the Diocese, including Plaintiff, regarding numerous complaints and substantiated findings of Lewis committing misconduct of a sexual nature in the Diocese.

35. Defendant misrepresented, concealed and withheld these material with the intent of concealing the abuse, concealing their role in enabling the sexual abuse of children and for the purpose of preserving the reputation of the Diocese and the Roman Catholic Church in general.

36. Further, the Diocese's concealment was meant to quiet and subdue complaints of sexual abuse and prevent valid legal filings against the entity.

37. The Diocese's fraudulent concealment of Lewis's abuse consisted of silence and affirmative acts that were intended to, and had the effect of, lulling Lewis's victims, including Plaintiff, into delay and prevent them from discovering their cause of action against the Diocese.

38. As a result of the Diocese's conduct as described herein, it is estopped from asserting any statute of limitation and/or statute of repose defenses which it may claim is applicable to this Complaint.

39. Applicable statute(s) of limitations are tolled because the Diocese has purposefully concealed Lewis's sexual misconduct and sexual abuse from law enforcement, Plaintiff and her family, members of the church and surrounding community, and other individuals who had the authority to stop the abuse from occurring, or intervene to stop the abuse once it began.

40. As a result of the Diocese's actions, Plaintiff was unable to discover the Diocese's causally connected and conspiratorial efforts to conceal their involvement in his sexual abuse by Lewis until September 29, 2020.

41. The statute of limitations and statute of repose are also tolled because the Diocese breached its duty to Plaintiff by negligently failing to ameliorate the severe, disabling mental and

emotional harm it knew or should have known that Plaintiff experienced as a result of rape and sexual abuse by Lewis.

42. By virtue of this continuing victimization of Plaintiff and breach of its fiduciary relationship with her, the Diocese is estopped from raising the defenses of expiration of the statute of limitations and expiration of the statute of repose.

43. Plaintiff will be wrongfully and unjustly prejudiced by the misrepresentations and concealment committed by the Diocese if the statute of limitations or statute of repose is invoked to bar her claim.

STATEMENT OF FACTS AND ALLEGATIONS

A. Lewis's Serial Rapes and Sexual Assaults of Plaintiff.

44. In November 2011, the Diocese hired Lewis as the Director of Religious Education for St. Rose.

45. Lewis was hired at the recommendation of Fr. John Sims Baker, who was good friends with St. Rose pastor Fr. Mark Sappenfield. Lewis served in that role until 2017.

46. On information and belief, Lewis engaged in some form of sexual misconduct at his prior post, St. Elizabeth Ann Seton Parish in Tennessee Ridge, Tennessee, which was a reason for his transfer to St. Rose.

47. The Diocese provided financial benefits to Lewis above and beyond his salary. For example, his six children attended St. Rose School at no cost. The Diocese also provided a housing stipend to Lewis.

48. Lewis ingratiated himself to and was a friend of the parish pastor, Fr. Sappenfield, with whom he would frequently dine and drink.

49. In 2013, Plaintiff was a 13-year old child enrolled in middle school at St. Rose School.

50. Lewis groomed Plaintiff for abuse beginning in the fall of 2013 through numerous means. For example, he befriended Plaintiff's mother, whom he helped obtain a marriage annulment. He served as Plaintiff's confirmation sponsor. He also spent a great deal of time at Plaintiff's home.

51. The Diocese was aware of all of these grooming behaviors before Lewis began sexually abusing Plaintiff.

52. Beginning in the spring of 2014, when Plaintiff was still 13, Lewis began sexually assaulting Plaintiff.

53. The abuse began with touching Plaintiff's knee, but escalated to putting his penis in Plaintiff's mouth and vaginally raping her, all of which were perpetrated on countless occasions from 2014 through 2017.

54. Lewis committed his sex crimes against Plaintiff in numerous locations, including the sacristy (fitting room) at St. Rose Church, the parish offices at St. Rose Church, and in storage closets at St. Rose Church. These offenses also occurred off-site, including at Lewis's house, in parking lots, and in Cullman, Alabama on a visit to a religious shrine that, on information and belief, was paid for by the Diocese.

55. Lewis plied Plaintiff with alcohol to facilitate his rape and sexual assault of her.

56. Plaintiff did not consent to Lewis's abuse and was incapable based both on her age and her traumatized and impaired state of mind of consenting to Lewis's abuse.

57. Lewis was observed by diocesan employees physically touching Plaintiff in inappropriate ways on diocesan property and at diocesan events, including at the Mass where Plaintiff was confirmed.

58. Lewis was observed by diocesan employees alone with Plaintiff at night on church property, including near the sacristy of the church and in the parish offices by diocesan employees.

59. The Diocese knew or should have known that Lewis was sexually abusing Plaintiff, because of his prior actions, observations of diocesan employees and parishioners, the nature of his behavior, and the length of time in which he committed these atrocious crimes against Plaintiff

B. Staff and Parishioners Report Lewis's Inappropriate Conduct to Church Authorities.

60. The Diocese knew of many instances of sexual harassment and inappropriate conduct toward other parish staff and parishioners by Lewis, which occurred before and during his sexual abuse of Plaintiff.

61. During 2012 and 2013, parish staff reported to Fr. Sappenfield their concerns about Lewis's relationship with Plaintiff's mother, which they regarded as inappropriately close.

62. Beginning in 2013, parish staff and parishioners expressed concerns to parish and diocesan leadership on numerous occasions about Lewis hugging and touching Plaintiff in public, and about Lewis isolating Plaintiff in the sacristy of the church and the parish office.

63. Sometime in 2013 or 2014, the Safe Environment Coordinator² at St. Rose held a meeting with Lewis, where she reiterated the Safe Environment policy that an adult should never be alone with a minor child.

64. Lewis responded by saying he would do what he wanted and he loved Plaintiff like a daughter. Lewis was not challenged and did not suffer any repercussions for his defiance.

65. In 2014, a parish employee examined records pertaining to Lewis's cell phone, which was issued to him by the Diocese. This employee found that Lewis had called and exchanged numerous text messages with Plaintiff, including pictures. These exchanges were often lengthy and some occurred late at night. This employee presented these text messages to Fr. Sappenfield, the pastor. Sappenfield said little more than that he would handle the issue.

66. Fr. Sappenfield's "response" consisted of a single meeting with Lewis, his wife, and his mother. They told Sappenfield that Lewis was a wonderful man and father, that he loved Plaintiff and wanted to help her, and that she was like family.

67. Fr. Sappenfield performed no additional investigation and took no action against Lewis.

68. Within approximately three months after this meeting, Fr. Sappenfield named Lewis as Business Manager of the parish. Lewis continued to serve as Director of Religious Education.

69. Lewis also received a raise at this time.

² The Safe Environment Program refers to employment-related policies and procedures of the Diocese of Nashville ostensibly meant to keep children safe from sexual abuse. Each parish has a Safe Environment Coordinator.

70. In 2015, Fr. Sappenfield took a leave of absence. Bishop Choby came to personally inform the staff and had a private meeting with Lewis. Lewis was then removed from his Business Manager role but remained the Director of Religious Education.

71. Fr. Nicholas Allen became pastor of St. Rose. Lewis quickly befriended him. They often went out for dinner or drinks together.

72. In 2015, Plaintiff was asked to become head of altar server training.

73. Lewis continued to spend a great deal of time alone with Plaintiff, often at night, including at the church office and sacristy, and would drive her home.

74. Lewis would often leave work around 2:30 pm to pick Plaintiff up from school to, allegedly, teach her how to drive. He would also attend her athletic team sports events at St. Cecilia and take her home.

75. Parishioners and staff continued to complain of this behavior. The Safe Environment Coordinator held another meeting with Lewis, Fr. Allen (the pastor), and parish staff, reiterating that he could not be alone with a minor for any reason per diocesan policy. Lewis again refused to comply and said that no one was going to tell him he couldn't be alone with Plaintiff. Neither Father Allen nor the Diocese took any action against Lewis.

76. In November 2015, Lewis made sexually inappropriate comments about a female staffer in front of that staffer and the pastor of St. Rose. In February 2016, that female staffer wrote a letter to parish leadership that included the following:

[D]uring my 9 month period at St. Rose I have been harassed and verbally abused by Michael Lewis, causing me to feel extremely uncomfortable and insecure in my work environment. This was expressed to my supervisor, however, that did not change the hostile nature of the environment consistent with the Equal Employment Opportunity Commission's definition of sexual harassment "Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." and with the Diocese of Nashville's definition that " when it has

the effect of substantially interfering with the exercise of duties associated with employment.” So much so that I would rather work away from the office or in the School Office. It should be duly noted that I am not the only victim of Michael Lewis’s comments and actions.

77. The Diocese took no action against Lewis in response to this letter.

78. Parents continued to complaint to Fr. Allen about the behavior of Lewis toward Plaintiff. They were often seen at church events with their arms wrapped around one another, without other members of either of their families present.

79. Fr. Allen asked the parents to give him eyewitness documentation, with as much detail as possible, and to provide the information to him, which he would then take to the Bishop.

80. Parishioners then sent letters to Fr. Allen, and a parish employee provided phone records of Lewis pertaining to his parish phone. Allen told this employee that he would be involving Deacon Hans Toecker and Gino Marchetti, general counsel for the Diocese.

81. On or about April 8, 2016, a licensed clinical psychologist who was a parishioner of St. Rose wrote and caused to be sent a letter to Bishop Choby, then Bishop of the Diocese of Nashville, out of concern for Plaintiff’s welfare.

82. This letter identified Plaintiff, described Lewis’s inappropriate demonstrations of physical affection and interest in Plaintiff, and asked that an investigation be opened into Lewis’s conduct. It included the following pertinent passages, among others:

- a. “Mr. Lewis does nothing to downplay or minimize his relationship with Plaintiff; rather, he seems almost to flaunt it. As a mother, seeing this type of behavior frightens and concerns me greatly. I would not allow my daughter to be around anyone who would appear to single her out so clearly, and with so little regard for how such attention appears to others.”
- b. “It is my sincere belief that the behavior I am seeing from Mr. Lewis, as regards [Plaintiff], is similar to the grooming behaviors associated with many child sexual abuse perpetrators. He appears to have ingratiated himself into her life as a ‘father figure.’”

- c. “In preparing to write this letter, I reviewed the Diocese of Nashville’s Code of Conduct for Church Personnel and the Diocese of Nashville’s Response to Allegations of Abuse of a Professional Relationship: A Statement of Policy. Based on what I personally have witnessed and heard from others, I believe that several of these policies are not being followed fully. Mr. Lewis does not maintain professional boundaries with either [Plaintiff’s mother] or her daughter, [Plaintiff]. Mr. Lewis allegedly has devised opportunities to be alone with [Plaintiff], at least in his car when traveling to events such as the recent Confirmation Mass.
- d. “I humbly request, Bishop Choby, that you, or your representative from the diocese, visit St. Rose Church and School. I ask that an investigation into all of these allegations, to include individual meetings with church personnel, occur. I ask that, should abuse of Mr. Lewis’ responsibilities and position be found, that appropriate action, to include the possibility of termination, occur.”

83. The Diocese’s sole response was to give Lewis a letter Marchetti had drafted instructing him to follow diocesan safe environment policies and follow professional standards set forth in the Diocese’s code of conduct.

84. Lewis refused to sign the letter and then resigned. He continued to work at the parish for six weeks following his decision to resign, however.

85. The Diocese did not investigate Lewis and never contacted Plaintiff or her family.

86. The Diocese failed to report Lewis’s conduct to any law enforcement or civil authorities.

87. The Diocese took no action to protect Plaintiff.

88. Lewis continued to abuse Plaintiff after he ceased employment at the Diocese.

89. The Diocese continued to maintain a personnel file on Lewis after he resigned that contained numerous complaints about his conduct.

D. Plaintiff comes to an understanding of her abuse and learns of the Diocese's prior knowledge of her abuse.

90. In 2017, Lewis's sexual assaults on Plaintiff ceased after her family cut off contact with him for controlling behavior. Plaintiff's family remained unaware of the sexual abuse Lewis had inflicted on Plaintiff.

91. From 2017 to 2019, Plaintiff experienced severe anxiety and panic attacks that, at the time, she did not understand were related to Lewis's sexual abuse. A reasonable person in Plaintiff's position at the time would not have attributed these symptoms to Lewis's sexual abuse.

92. In March 2019, Plaintiff learned from a family member that a priest of the Diocese had sexually abused a child and a deacon witnessed it and reported it.

93. After learning of this incident, Plaintiff remembered many instances and details of Lewis's sexual abuse that she had psychologically repressed, and for the first time was able to connect Lewis's conduct to her severe anxiety disorder and panic attacks. Plaintiff did not yet know until September 29, 2020, however, that she had a cause of action against the Diocese. Specifically, she did not know that (1) the Diocese knew of, and had received reports and complaints concerning, Lewis's conduct toward her and the danger Lewis posed to her well being, and (2) the Diocese had failed to act on this knowledge, investigate the matter, and report Lewis to civil authorities for known or suspected child abuse of Plaintiff.

94. Plaintiff subsequently sought psychological counseling, where she was diagnosed with post-traumatic stress disorder.

95. Plaintiff filed a police report with the Rutherford County Sheriff's Office against Lewis on or about January 9, 2020 for rape and sexual assault.

96. A grand jury indicted Lewis in June 2020 for offenses committed in connection with the sexual exploitation of Plaintiff.

97. On September 29, 2020, a former St. Rose parish employee sent Plaintiff a text message that stated, “Hey just FYI I don’t know if you’re aware but the diocese has many letters from that time concerned about your welfare with the person accused and many would be willing to speak to your detective as well.”

98. This was the first time Plaintiff understood that diocesan officials knew about Lewis’s misconduct toward her during the time she was being abused by him.

99. Neither the Diocese nor parish leadership has ever reached out to Plaintiff or her family to learn what she knew about Lewis, warn her about Lewis, ensure her safety, or offer her help.

100. As a direct and proximate result of the negligent, reckless, and/or intentional conduct of Defendants, Plaintiff has suffered injuries she would not otherwise have suffered, including the following:

- a. Physical pain;
- b. Ongoing humiliation, embarrassment, shame, and guilt;
- c. Emotional harm;
- d. Severe mental anguish and despair;
- e. A loss of faith;
- f. Severe anxiety, nervousness, fearfulness, and panic attacks;
- g. Flashbacks, intrusive thoughts and night terrors;
- h. Post-traumatic stress disorder;
- i. Depression;

- j. Suicidal ideation;
- k. Profound anger;
- l. Personality changes;
- m. Physical pain, nausea, and stress;
- n. Sleeplessness, and night sweats;
- o. A loss of enjoyment of life;
- p. Social isolation;
- q. Extreme difficulty in trusting and interacting with others, especially men;
- r. Extreme difficulty in participating in and enjoying intimate relationships;
- s. Other damages as may become apparent during the course of discovery.

101. This lawsuit seeks all compensatory damages available in Tennessee for Plaintiff's injuries.

102. This lawsuit seeks punitive damages for the acts described herein involving a conscious disregard for the known risk of harm posed to Plaintiff, which constitutes reckless conduct, and for the intentional and outrageous conduct described herein.

103. Tennessee's statutory cap on punitive damages is unconstitutional, including as held by the United States Court of Appeals for the Sixth Circuit in 2018 and Tennessee courts, including the Williamson County Circuit Court in 2019, and violates the right to a trial by jury enshrined in both the United States Constitution and the Tennessee Constitution.

104. In the alternative, Tennessee's statutory cap on punitive damages does not apply based on the exception set forth in Tenn. Stat. § 29-39-102(h)(2)

COUNT I
NEGLIGENCE

105. Plaintiff incorporates by reference all of the foregoing and following allegations as if fully set forth at length herein.

106. It has been the practice of the Diocese of Nashville, through its bishops, priests and other officials and agents, to conceal instances of child sexual abuse and complaints by victims.

107. The Diocese has zealously maintained secrecy concerning rampant child sexual abuse by diocesan clergy and employees by, among other tortious acts and omissions:

- a. Failing to disclose complaints to law enforcement officials, parishioners and the public;
- b. Maintaining secret archives and files of evidence of sex abuse, accessible only to the bishop and his designee;
- c. Destruction of incriminating documents and spoliation of evidence regarding sexual abuse by diocesan employees;
- d. Transferring sex offending clergy and other employees, including Lewis, to facilities in other locations where their pasts would not be known to parishioners, and the abusers would have a “fresh start” with a new group of vulnerable children;
- e. Threatening and coercing victims and their families to withdraw complaints and retract allegations of sexual abuse;
- f. Paying “hush money” to victims and their families, in exchange for promises of non-disclosure and confidentiality.

108. From 2014–2017, Plaintiff was raped, sexually molested, or otherwise abused and mistreated by Lewis on occasions too numerous to count.

109. These actions taken by Lewis were within the scope of his relationship with the

Diocese because they occurred or were made possible by that relationship (including the grooming of Plaintiff and other individuals that Lewis performed), and were ratified expressly or impliedly by the Diocese.

110. The Diocese, by and through its agents, servants, and/or employees, knew or reasonably should have known of Lewis's sexual interest in children and misconduct and abuse of children; and that Lewis was capable of committing immoral and criminal acts upon Plaintiff and other children.

111. At the time that Lewis abused Plaintiff, Plaintiff and her family were unaware of the Diocese's knowledge of Lewis's inappropriate behavior and sexual interest in children.

112. Plaintiff and her family were misled by the Diocese with regard to the Diocese's knowledge of Lewis's history and propensity for committing sexual abuse and misconduct.

113. After finding out about Lewis's interactions with Plaintiff, which were patently inappropriate, the Diocese actively took steps to protect Lewis, conceal the Diocese's own wrongdoing in supervising Lewis, and prevent Plaintiff and other victims of Lewis and the Diocese from filing civil lawsuit.

114. The Diocese had a duty to protect Plaintiff during the time that she was in their care or responsibility and owed Plaintiff, a minor child, a special duty to care for her as a reasonably prudent parent would care for her.

115. Plaintiff's care, welfare, and physical custody was entrusted to the Diocese while she was at St. Rose and St. Rose School, which were owned and managed by the Diocese, and while she was on other diocesan property or in the company of Lewis.

116. The Diocese ratified Lewis's conduct by declining to discipline him for his inappropriate conduct toward and sexual abuse of Plaintiff, and by enabling him through its

inaction to continue to rape and sexually abuse Plaintiff under the guise of offering spiritual guidance.

117. The Diocese operated a business where the church building was held open to the general public for the purpose of worship and church business.

118. Plaintiff was an invitee or licensee of St. Rose and its school and parish offices, and was allowed and encouraged to be in the church and on church property, and to go on Diocese- and church-sponsored trips.

119. As such, the Diocese also owed Plaintiff a duty to protect her against unreasonable physical harm including any harm foreseeably caused by a third party.³

120. The Diocese allowed Lewis to use the church property and were thus under a duty to exercise reasonable care so to control the conduct of Lewis and prevent him from intentionally harming others or from so conducting himself as to create an unreasonable risk of bodily harm to them.

121. The Diocese allowed Lewis onto its property and failed to warn Plaintiff of the danger Lewis posed. It thus exposed Plaintiff to Lewis's proclivity for sexual violence and thereby caused Plaintiff physical injury.

122. Before Lewis's sexual abuse of Plaintiff began, the Diocese knew or should have known that Lewis posed a serious risk to the physical safety to Plaintiff and other children.

123. It was foreseeable that Lewis would physically injure children such as Plaintiff, because, among other reasons, the Diocese knew or should have known that he had sexually abused children and otherwise committed sexual misconduct at one or more of his prior postings.

³ Restatement (Second) of Torts § 314A (1965).

124. Furthermore, the Diocese knew or had reason to know that Lewis sexually abused children, including Plaintiff, and caused them bodily harm. Plaintiff and other children were in danger of future harm and were helpless due to their age, Lewis' status as a person in parish leadership, and the physical and emotional injuries they suffered from Lewis's conduct, which was directly and proximately caused the Diocese's negligent, reckless, and intentional conduct described herein. The Diocese had a continuing duty to exercise reasonable care to prevent such further injury.

125. The Diocese's failure to exercise reasonable care increased the risk of harm to Plaintiff and other children. Families and children, including Plaintiff and her parents, relied on the Diocese and Lewis and suffered due to their reliance and the Diocese's breach of duty.

126. Finally, the Diocese was under a duty to exercise reasonable care to control Lewis as its servant even at times where he was acting outside of the scope of his employment—including those times when he sexually abused Plaintiff—so to prevent him from intentionally harming others.

127. The Diocese knew that it had the ability to control Lewis as its servant and knew or should have known of the necessity and opportunity to exercise its control over him.

128. The Diocese systematically breached its duty to Plaintiff in all of the aforementioned ways, and by:

- a. Transferring Lewis to a leadership position at St. Rose that involved extensive work with children, despite the fact that the Diocese knew or should have known that Lewis had abused and would likely continue abusing children.
- b. Enabling Lewis to have unrestricted access to children and placing him in a

position of trust and control despite knowing he had a propensity to sexually abuse Plaintiff and other children;

- c. Failing to warn Plaintiff, her family, other parishioners, and the community of Lewis's criminal sexual proclivities and the dangerous conditions his behavior created;
- d. Failing to properly monitor and supervise Lewis to prevent him from sexually abusing children, including Plaintiff;
- e. Failing to prevent Lewis from committing physical and psychologically abusive acts upon Plaintiff;
- f. Failing to properly adopt and enforce child sexual abuse reporting, prevention, intervention and investigation protocols within the Diocese and comply with applicable child sexual abuse reporting laws and other requirements;
- g. Failing to monitor for and subsequently investigate allegations of sexual, physical and psychological abuse committed by any employee, volunteer or agent of the Diocese;
- h. Failing to timely notify law enforcement, government, and child protection agencies of allegations of child sexual abuse against employees and other actual or apparent agents of the Diocese;
- i. Failing to provide a safe environment where children were not subjected to sexual and psychological abuse;
- j. Holding Lewis out as being an individual of moral and ethical repute;
- k. Failing to terminate Lewis's employment and failing to impose any

meaningful sanction on his behavior, after it knew or should have known that he had sexually abused one or more children and sexually harassed adult women;

- l. Failing to comply with statutes, rules, regulations, and ordinances enacted for one or more classes of persons that include Plaintiff (e.g., children, and victims of sexual abuse), enacted to prevent injuries of the type sustained by the Plaintiff, which imply a private right of action or impose liability under a negligence per se theory, including but not limited to statutes and regulations imposing a duty on the Diocese to report abuse committed by Lewis to law enforcement and state authorities;
- m. Negligent entrustment in permitting Lewis to use his position in the Diocese and property of the Diocese to engage in the sexual abuse, sexual torture, and assault and battery of children, including Plaintiff, when the Diocese knew or should have known that Lewis was likely to conduct himself or use property of the Diocese or parishes within the Diocese to abuse Plaintiff and other children;
- n. Acting negligently under legal theories articulated in Restatement (Second) of Torts §§ 310–11, 313, 314A, 319, and 321, among others.
- o. Violating policies and procedures that reflected the standard of care; and
- p. Other negligent acts and omissions that may be disclosed during the course of discovery.

129. Through each of these actions, the Diocese acted in reckless disregard of the safety of Plaintiff and knew or had reason to know of facts which would lead a reasonable person to

realize, not only that their conduct created an unreasonable risk of physical harm to Plaintiff and other children, but also that such risk was substantially greater than that which is necessary to make their conduct negligent.

130. It was reasonably foreseeable that if the Diocese did not adequately exercise the duty to provide reasonable care to children, including but not limited to Plaintiff, the children entrusted to their care would be vulnerable to sexual abuse by actual or apparent agents, servants, or employees of the Diocese, including Lewis.

131. The failure of the Diocese to protect Plaintiff from the foreseeable harm of Lewis's sexual, physical, and psychological misconduct was committed with negligence, gross negligence, wanton recklessness, or reckless indifference to Plaintiff.

132. Each of the aforementioned negligent acts and omissions committed by the Diocese directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 100.

WHEREFORE, Plaintiff demands judgment for damages against Defendants, in an amount exceeding the monetary jurisdictional limits of any and all lower courts that would otherwise have jurisdiction and to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT II NEGLIGENT HIRING

133. Plaintiff incorporates by reference each and every allegation set forth above and below as though fully set forth at length herein.

134. Defendant Lewis was, at all relevant times, the actual or apparent agent, servant, or employee of the Diocese.

135. At the time of all occurrences alleged herein, the Diocese was familiar with the acute problem of numerous Catholic priests and personnel sexually violating children within the Diocese and elsewhere.

136. The Diocese had the opportunity to construct, monitor and guide Lewis's training to become a director of religious education at St. Rose.

137. The Diocese knew or should have known during the period of Lewis's training that he was unfit to become a priest due to his sexual proclivities and the danger he posed to children.

138. The Diocese acted negligently in hiring Lewis by:

- a. Failing to perform adequate psychological screening or evaluation of Lewis to determine his fitness for a position of authority and for working with children, and his fitness to act as a spiritual mentor and teacher for children like Plaintiff;
- b. Failing to ensure that Lewis was taught proper techniques of establishing boundaries and limits to relationships to enable him to properly conduct counseling and confidential relationships with minor children;
- c. Failing to provide Lewis with an appropriate initial position that limited his exposure to minors until such time that he was known to be fit to minister to children; and
- d. Other negligent acts and omissions that may become apparent during the course of discovery.

139. In negligently hiring Lewis, the Diocese falsely signified that Lewis was a safe individual who would benefit others, advance children's well being, and would not pose a risk of harm or danger to children.

140. Further, before his placement at St. Rose, the Diocese knew or should have known

that Lewis had committed sexual misconduct and that it was foreseeable that Lewis would also commit sexual misconduct against individuals like Plaintiff if transferred to St. Rose.

141. Despite knowledge of prior incidents or allegations of child sexual abuse, the Diocese transferred Lewis to St. Rose and allowed him all of the authority and freedoms granted to the director of religious education there.

142. The Diocese's failure to protect Plaintiff from the foreseeable harm of Lewis's sexual, physical, emotional, and psychological abuse was as a result of negligence, gross negligence, wanton recklessness, or reckless indifference to Plaintiff.

143. Each of the Defendant's aforementioned negligent acts and omissions directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 100.

WHEREFORE, Plaintiff demands judgment for damages against Defendants in an amount exceeding the monetary jurisdictional limits of any and all lower courts that would otherwise have jurisdiction, in amounts to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT III

NEGLIGENT SUPERVISION and RETENTION

144. Plaintiff incorporates by reference each and every allegation set forth above and below as though fully set forth at length herein.

145. Supervision of agents, servants, and employees within the Diocese's control was mandatory and created an unqualified duty upon it.

146. The Diocese, directly and by and through its actual or apparent agents, servants,

and employees, undertook or otherwise had a duty to engage in reasonable supervision, monitoring, and retention of any employees, agents or representatives who interacted with children, held positions that brought them within close proximity of children, or accepted responsibility for children.

147. The Diocese, directly and by and through its actual or apparent agents, servants, and employees, knew or reasonably should have known of Lewis's sexual interest in children, his sexual, physical, emotional and psychological violence upon victims before Plaintiff, and that he was capable of committing sexual, physical, emotional and psychological violence against Plaintiff and others.

148. The Diocese failed to properly observe, supervise, and monitor areas and individuals where it was known, knowable, or foreseeable that vulnerable children could fall victims of sexual, physical, emotional and psychological abuse without proper supervision.

149. The Diocese systematically breached its duty to Plaintiff by:

- a. Failing to protect Plaintiff from abusive conduct by Lewis;
- b. Failing to properly monitor and supervise Lewis;
- c. Failing to properly supervise children in their care or monitor the whereabouts of children on diocesan property;
- d. Failing to institute an effective child sexual abuse reporting process, intervention protocols, investigative procedures, and procedures to follow upon a substantiated finding of abuse;
- e. Failing to prevent Lewis from committing psychologically and sexually abusive acts upon Plaintiff;
- f. Failing to monitor for and subsequently investigate acts of sexual, physical,

emotional and psychological abuse and immoral conduct committed by any employee including Lewis;

- g. Failing to provide a safe environment where children are protected from sexual abuse;
- h. Failing to promptly remove Lewis from all interaction with children, including Plaintiff, after initial allegations that Lewis was acting inappropriately with children;
- i. Failing to sufficiently punish, reprimand, remove or dissuade Lewis from continuing to sexually abuse children; and
- j. Other acts and omissions that may become apparent during the course of discovery.

150. The Diocese's negligent supervision, negligent retention, and negligent failure to protect Plaintiff from the foreseeable harm of Lewis's sexual, physical, emotional, and psychological abuse was a result of negligence, gross negligence, wanton recklessness, or reckless indifference to Plaintiff.

151. Each of the Diocese's aforementioned negligent acts and omissions relative to monitoring, supervision, and retention of Lewis directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 100.

WHEREFORE, Plaintiff demands judgment for damages against Defendants in an amount exceeding the monetary jurisdictional limits of any and all lower Courts that would otherwise have jurisdiction, in amounts to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT IV
NEGLIGENT TRAINING

152. Plaintiff incorporates by reference each and every allegation set forth above and below as though fully set forth at length herein.

153. At all times material to this action, the Diocese was responsible for the training and education of its employees, agents and/or representatives, and parishioners pertinent to the recognition of, monitoring for, and prevention of child sexual abuse.

154. Despite the Diocese's knowledge that sexual abuse of children was being perpetrated by its actual and apparent agents, servants, and employees (including Lewis), on its premises (including St. Rose), it failed to take preventative and reactive measures in the form of training to address systemic problems of training and supervision of clergy and parish staff.

155. The Diocese failed to sufficient train and educate with respect to Lewis's sexual abuse of children, including Plaintiff, by:

- a. Failing to educate and inform parishioners, clergy, and other members of the church that sexual abuse may have occurred or was at risk of occurring;
- b. Failing to educate and train church leaders, including vicars, bishops, diocesan administrators, and other supervisory personnel how to detect, prevent, monitor for, report and investigate child sexual abuse within the Diocese;
- c. Failing to educate and train employees, agents, servants and representatives, including priests, how to detect, prevent, monitor for and report child sexual abuse;
- d. Failing to educate and train priests and other members of the clergy how to establish appropriate boundaries and relationships with children;
- e. Failing to train Lewis how to maintain appropriate professional boundaries with

Plaintiff and other children; and

f. Other acts and omissions as may become apparent during the course of discovery.

156. The failure of the Diocese to protect Plaintiff from the foreseeable harm of Lewis's sexual, physical, emotional, and psychological abuse by providing sufficient training was as a result of negligence, gross negligence, wanton, recklessness, and/or reckless indifference to Plaintiff.

157. Each of the Defendants' aforementioned negligent acts and omissions with respect to training directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 100.

WHEREFORE, Plaintiff demands judgment for damages against Defendants in an amount exceeding the monetary jurisdictional limits of any and all lower Courts that would otherwise have jurisdiction, in amounts to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT V
BREACH OF FIDUCIARY DUTY

158. Plaintiff incorporates by reference each and every allegation set forth above and below as though fully set forth at length herein.

159. At all times material to this action, Plaintiff was entrusted by her parents to the Diocese.

160. The Diocese was required to provide Plaintiff with physical care and protection in the same capacity as a reasonably prudent parent.

161. The Diocese also maintained a fiduciary relationship of trust and confidence with

Plaintiff where the Diocese promised to and actively engaged in fostering, promoting and safeguarding Plaintiff's spiritual well-being.

162. The Diocese had a special, fiduciary relationship with Plaintiff. Plaintiff believed that the authority, direction and instruction from the Catholic Church through its leaders and authorities was doctrinally infallible.

163. The Diocese taught Plaintiff and others to view those in positions of authority at the parish as being entitled to special privileges exceeding freedoms an ordinary parishioner would be allowed. These teachings indicated Plaintiff to give Lewis a high degree of respect and obedience.

164. The Diocese confided the performance of their duty to Plaintiff to Lewis as its agent, employee and representative.

165. As an agent and representative of the Diocese, Lewis deepened and affirmed the Diocese's fiduciary relationship with Plaintiff because he singled Plaintiff out and spent time with her under the guise of providing Plaintiff with spiritual guidance or acting in his capacity as a diocesan employee.

166. Plaintiff placed his trust and confidence in the Diocese and in Lewis, as its agent and employee, thereby placing the Diocese in a position of influence and superiority over her.

167. In addition to the Diocese's duties *in loco parentis*, the fiduciary relationship between Plaintiff and the Diocese created an affirmative duty on the part of the Diocese to act in Plaintiff's best interest and to protect her, considering her age of minority and vulnerability at all times.

168. The Diocese was obligated to do the following, among other responsibilities it had toward Plaintiff:

- a. Prevent Lewis from being placed in a position where he could sexually assault and harass Plaintiff;
- b. Provide notice and warning to Plaintiff and her parents that Lewis had prior allegations against him and was reassigned due to those allegations;
- c. Provide notice and warning to Plaintiff and his parents that Lewis was acting inappropriately with Plaintiff in a manner suggesting he was committing or intended to commit sexual violence against Plaintiff;
- d. Intervene to prevent Lewis's sexual abuse of Plaintiff once it was discovered;
- e. Reach out to Plaintiff after the abuse ended to disavow Lewis's representations to Plaintiff that his abuse was in any way permissible;
- f. Otherwise exercise its control to prevent and intervene in Lewis's abuse of Plaintiff and ameliorate the devastating consequences of that abuse after it occurred;
- g. Disclose its own negligence and wrongdoing to Plaintiff, including its tortious conduct in placing Lewis in a position where he could sexually abuse Plaintiff, and in failing to act to prevent Lewis's sexual abuse of Plaintiff;
- h. Disclose to Plaintiff that she may have one or more causes of action against the Diocese;
- i. Timely address the devastating effects of Lewis's abuse on Plaintiff by offering or securing for Plaintiff emotional, spiritual, medical, and financial assistance, and holding Lewis meaningfully accountable; and
- j. Report Lewis's abuse to local and state law enforcement and regulatory authorities.

169. As a fiduciary to Plaintiff, Lewis was duty-bound to protect Plaintiff from harm while she was in his care, speak to her truthfully and without purposeful manipulation, and

establish an appropriate relationship with Plaintiff as a supervisor and spiritual mentor. Lewis breached his duty by, among other acts and omissions, raping, sexually abusing, and manipulating Plaintiff, and failing to disclose the wrongfulness of his conduct to Plaintiff.

170. The Diocese was or should have been aware that Lewis made misrepresentations to Plaintiff concerning the nature of his sexual abuse, and that he was using the Diocese's special relationship with its parishioners, invitees, and the wider community to influence Plaintiff and others into believing that the abuse was a necessary and allowable thing required or sanctioned by God, the Catholic faith, or a Catholic theology of love.

171. The Diocese's ratification of and silence about Lewis's sexual abuse breached its duty to Plaintiff and fraudulently concealed Plaintiff's claims against the Diocese.

172. Plaintiff had no reason to suspect that the Diocese entered a scheme of concealment and fraud with Lewis. Plaintiff believed that the Diocese would not tolerate conduct that was truly wrong, sinful and illegal and that Lewis would not commit such wrongful acts.

173. Plaintiff was under no obligation to search for wrongdoing by the Diocese where she reasonably believed the Diocese would uphold their duties to act in Plaintiff's best interest and keep her safe.

174. The Diocese breached its fiduciary duties to Plaintiff for all the reasons previously stated.

175. By breaching its fiduciary duties, the Diocese directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 100.

WHEREFORE, Plaintiff demands judgment for damages against Defendants in an amount exceeding the monetary jurisdictional limits of any and all lower Courts that would otherwise have jurisdiction, in amounts to be determined upon trial of this action, together with

interest, costs, and any other appropriate relief.

COUNT VI
CONSTRUCTIVE FRAUD

176. Plaintiff incorporates by reference each and every allegation set forth above and below as though fully set forth at length herein.

177. As described above, the Diocese had a fiduciary and confidential relationship of trust and confidence with Plaintiff.

178. Plaintiff's position in the relationship with the Diocese was one of subordinate weakness and dependence, whereas the Diocese was in a position of superior knowledge and influence. Accordingly they did not deal on equal terms.

179. The Diocese betrayed the fiduciary duty owed to Plaintiff as a result of the relationship of trust and confidence, by failing to inform Plaintiff of Lewis's dangerous nature, transferring Lewis (whom it knew or should have known posed a risk to child parishioners and children present on church property) to St. Rose, and by later failing to remove Lewis after he was hired at St. Rose.

180. The Diocese also betrayed the fiduciary duty owed to Plaintiff as a result of the relationship of trust and confidence, by failing to inform Plaintiff she had one or more causes of action against the Diocese for its misfeasance and nonfeasance concerning the retention and supervision of Lewis and mishandling of complaints against Lewis.

181. Further, the Diocese held itself out as an institution that would protect vulnerable children. Its failure to investigate, punish and remove Lewis, and failure to protect the community from and seek to remedy the effects of his sexual abuse and misconduct, are examples of a course

of conduct that had the intent and effect of deceiving and misleading Plaintiff and the public about the Diocese's focus on the protection of children and the well-being and safety of its parishioners and the communities it purported to serve.

182. The Diocese had an accumulation of critical knowledge of the sexual abuse of children by its employees and clerics, including Lewis, which it kept from Plaintiff, her parents and the public.

183. Further, as mentioned above, the Diocese had specific knowledge that Lewis had committed sexual misconduct prior to his placement at St. Rose, but still falsely assured parishioners, including Plaintiff and her parents, and the general public that Lewis was of sufficient moral and ethical representative of the Diocese.

184. Lewis betrayed the fiduciary duty owed to Plaintiff as a result of a relationship of trust and confidence and conspired with the Diocese, by holding himself out as a moral and ethical individual and a representative of God while engaged in the systematic rape and sexual abuse of Plaintiff.

185. The Diocese's aforementioned constructive fraud directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 100.

WHEREFORE, Plaintiff demands judgment for damages against Defendants, in an amount exceeding the monetary jurisdictional limits of any and all lower courts that would otherwise have jurisdiction and to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT VII
FRAUD

186. Plaintiff incorporates by reference each and every allegation set forth above and

below as though fully set forth at length herein.

187. The Diocese appointed Lewis as Director of Religious Education at St. Rose in 2011 and retained him in that position until he left in 2017. In so doing, the Diocese held Lewis out and affirmatively represented that Lewis was fit to serve at the church on behalf of the Diocese and was a person of good moral character and an appropriate person to provide children with spiritual guidance, mentoring, and supervision.

188. Plaintiff is informed and believes that in addition to this appointment, the Diocese published or caused to be published information for parishioners and the general public indicating that Lewis's transfer to St. Rose was a normal or routine re-assignment and that Lewis was a safe and qualified employee.

189. Additionally, with the knowledge of the Diocese, Lewis held himself out as a pious and fit person who would obey the policies and procedures of the Diocese and would uphold the requisite moral and ethical values and protect the safety of children.

190. The representations made by the Diocese concerning Lewis's fitness to serve as associate pastor of St. Rose were false.

191. At all times material herein, the Diocese by and through its agents and employees, knew or should have known that these representations were false.

192. The Diocese, directly and by and through Lewis and its leaders, agents and employees, made the following misrepresentations of fact, among others as set forth in this complaint and as may be disclosed during formal discovery in this action:

- a. That Lewis was fit to serve as a minister to young people;
- b. That Lewis was an appropriately trained employee who had agreed to comply with the policies, procedures, and code of conduct of the Diocese;

- c. That the Diocese had no knowledge or reason to know of Lewis' sexual abuse of Plaintiff and misconduct toward other parishioners and parish staff.

193. The Diocese engaged in extreme and outrageous conduct by appointing and retaining Lewis in a leadership role at St. Rose and representing that he was fit to serve the community while concealing and withholding information about his history of sexual misconduct from the members of St. Rose, including Plaintiff, her peers, and her parents.

194. Even after discovering that Lewis sexually abused Plaintiff at St. Rose and committed sexual misconduct against other individuals, the Diocese concealed Lewis's actions and chose not to investigate his conduct, make findings, impose appropriate discipline, and report to law enforcement.

195. Further, the Diocese concealed the abuse so as to not subject itself to legal action, "scandal," loss of financial support, or embarrassment due to the heinous nature of Lewis's crimes.

196. The Diocese's aforementioned fraud directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 100.

WHEREFORE, Plaintiff demands judgment for damages against Defendants, in an amount exceeding the monetary jurisdictional limits of any and all lower courts that would otherwise have jurisdiction and to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT VIII

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

197. Plaintiff incorporates by reference each and every allegation set forth above and below as though fully set forth at length herein.

198. The Diocese intentionally engaged in extreme and outrageous conduct by:

- a. Falsely representing to its parishioners, Plaintiff, and the general public that Lewis was an individual with whom children, including Plaintiff, could safely interact;
- b. Allowing Lewis to spend time alone with Plaintiff on repeated occasions;
- c. Failing to prevent Lewis from sexually abusing Plaintiff despite reasonable knowledge that Lewis was or would attempt to do so;
- d. Failing to stop Lewis from continuing to abuse Plaintiff despite the Diocese's knowledge that the abuse was occurring;
- e. Placing Lewis at St. Rose, allowing him access to new, unsuspecting child victims;
- f. Knowingly failing to inform Plaintiff that Lewis's conduct was immoral and a crime, and failing to denounce his actions; and
- g. Other tortious acts and omissions as may become apparent during the course of discovery.

199. The Diocese knew that there was a high probability that placing or maintaining the employment of Lewis at St. Rose would result in the sexual abuse of parishioner children, including Plaintiff.

200. As a result of the Diocese's intentional conduct, Plaintiff suffered severe emotional distress over a period of years and continues to suffer today.

201. Plaintiff has experienced and currently experiences severe depression, stress-induced chronic illness arising from the abuse, PTSD, violent and intrusive thoughts, nightmares, flashbacks, fear and mistrust of authority figures, and inability to engage in normal, healthy emotionally and physically intimate relationships.

202. The Diocese's aforementioned actions and extreme and outrageous conduct directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 100.

WHEREFORE, Plaintiff demands judgment for damages against Defendants, in an amount exceeding the monetary jurisdictional limits of any and all lower courts that would otherwise have jurisdiction and to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT IX

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

203. Plaintiff incorporates by reference each and every allegation set forth above and below as though fully set forth at length herein.

204. The Diocese had a duty to Plaintiff to, among other things, avoid inflicting emotional distress on her, and to take affirmative steps to avoid having Lewis inflict emotional harm on her.

205. The Diocese breached this duty by:

- a. Falsely representing to its parishioners, Plaintiff, and the general public that Lewis was an individual with whom children, including Plaintiff, could safely interact;
- b. Allowing Lewis to spend time alone with Plaintiff on repeated occasions;
- c. Failing to prevent Lewis from sexually abusing Plaintiff despite reasonable knowledge that Lewis was or would attempt to do so;
- d. Failing to stop Lewis from continuing to abuse Plaintiff despite the Diocese's

knowledge that the abuse was occurring;

- e. Knowingly failing to investigate Lewis, failing to inform Plaintiff that Lewis's conduct was immoral and a crime, and failing to denounce his actions; and
- f. Other tortious acts and omissions as may become apparent during the course of discovery.

206. The Diocese either knew or should have known that there was a high probability that placing or retaining Lewis at St. Rose would result in the sexual abuse of parishioner children.

207. Furthermore, the Diocese's repeated, patterned behavior of turning a blind eye to Lewis's inappropriate conduct with Plaintiff was negligent.

208. As a result of the Diocese's negligent conduct, Plaintiff suffered severe emotional distress over a period of years and continues to suffer today.

209. Plaintiff has experienced and currently experiences severe depression, PTSD, violent and intrusive thoughts, nightmares, flashbacks, fear and mistrust of authority figures, and inability to engage in normal, healthy emotionally and physically intimate relationships.

210. The Defendant's aforementioned negligent conduct directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 100.

WHEREFORE, Plaintiff demands judgment for damages against Defendants, in an amount exceeding the monetary jurisdictional limits of any and all lower courts that would otherwise have jurisdiction and to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT X

AIDING AND ABETTING

211. Plaintiff incorporates by reference each and every allegation set forth above and below as though fully set forth at length herein.

212. Lewis repeatedly performed wrongful acts of sexual abuse against Plaintiff over a period of years and caused him severe physical and emotional injury.

213. The Diocese aided Lewis in battering Plaintiff and committing fraud against Plaintiff by:

- a. Hiring and retaining Lewis and thereby giving him the benefit of a respected and revered position in the Church that prevented parishioners and community members from questioning, confronting or challenging his actions;
- b. Knowingly allowing Lewis to have continuous and repeated access to children, including Plaintiff, despite the fact that the Diocese had received widespread reports of his misconduct;
- c. Acknowledging that Lewis was behaving in a highly inappropriate manner toward Plaintiff and still socializing and cordially communicating with him instead of voicing their disdain, displeasure and condemnation of his actions;
- d. Purposefully refusing to report Lewis's abuse to the police or civil authorities and thereby ratifying his actions;
- e. Purposefully and knowingly giving Lewis repeated access to children whom, he would foreseeably sexually abuse, including Plaintiff; and
- f. Other acts and omission that may become apparent during the course of discovery.

214. The Diocese knew of the criminal, immoral, wrongful and abhorrent nature of Lewis's actions, yet acted in concert with Lewis to protect the reputation of the Diocese and to insulate itself from legal liability.

215. The Diocese knowingly and substantially aided Lewis in his endeavor to sexually abuse Plaintiff by refusing to terminate and discipline him, and consistently placing him in circumstances in which he could prey on Plaintiff.

216. The Diocese knowingly cooperated with Lewis's efforts to continue his abusive behavior and purposefully concealed Lewis's abuse over a period of years, ratified his actions, and provided him with the ability to continue sexually abusing Plaintiff in the same manner.

217. On information and belief, each time Lewis committed subsequent sexual abuse and harassment, the Diocese removed him from the parish and placed him with a new congregation. These transfers had the effect of purposefully and intentionally providing Lewis with a "fresh start" at each church where he was assigned instead of subjecting him to the questions or challenges from the parishioner parents of the children that he violated and/or local authorities.

218. The Diocese assisted Lewis by refusing to reprimand, punish, remove and/or report him and knowingly provided him with the ideal venue, environment and atmosphere to commit horrific sexual abuses against Plaintiff.

219. But for the Diocese's aid and assistance, Lewis would not have sexually abused Plaintiff. The Diocese's concealment of Lewis's abusive behavior, failure to discipline and fire Lewis, and failure to report Lewis, effectively shielded Lewis from repercussions or moral reproach and greatly assisted him in sexually abusing Plaintiff under the guise of conducting parish business.

220. Each of the aforementioned actions of the Diocese in aiding and abetting Lewis's battery of Plaintiff and concealment of the illegal and immoral nature of his actions directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 100.

221. WHEREFORE, Plaintiff demands judgment for damages against Defendants, in an amount exceeding the monetary jurisdictional limits of any and all lower courts that would otherwise have jurisdiction and to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

222. That proper process issue and be served upon the Defendants, and the Defendants be required to appear and answer this Complaint within the time required by law;

223. That the Plaintiff be awarded fair and reasonable damages, including compensatory damages in an amount to be determined by the jury;

224. That the Plaintiff be awarded the costs of trying this action;

225. That this action be heard by a jury;

226. That costs of this action be taxed to the Defendants;

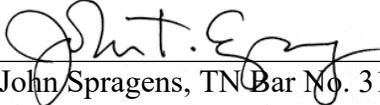
227. That prejudgment interest be awarded to the Plaintiff;

228. That the Plaintiff be awarded any and all such other and further relief as the Court deems proper; and,

229. That Plaintiff's right to amend this Complaint be reserved.

Dated: September 27, 2021

Respectfully submitted,


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