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CHARLES D. SUSANO III
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KNOX COUNTY CIRCUIT,
CIVIL SESSIONS
AND JUVENILE COURTS

IN THE CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE

JOHN DOE,)
)
 Plaintiff,)
)
 v.)
)
 CATHOLIC DIOCESE OF KNOXVILLE))
)
 and)
)
 RICHARD F. STIKA,)
)
 Defendants.)

JURY DEMAND

CASE NO. 1-46-22

COMPLAINT

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

INTRODUCTION

1. Wojciech Sobczuk raped Plaintiff John Doe (“Plaintiff”) at Doe’s home on February 5, 2019.
2. Sobczuk also sexually harassed Plaintiff on numerous occasions at the Cathedral of the Most Sacred Heart of Jesus in Knoxville, TN (“the Cathedral”), where both worked.
3. At the time Sobczuk raped and sexually harassed Plaintiff, Plaintiff and Sobczuk were employees of the Diocese of Knoxville.
4. At the time Sobczuk raped and sexually harassed Plaintiff, Sobczuk was a seminarian of the Diocese of Knoxville.
5. Defendants the Diocese of Knoxville (“the Diocese”) and Bishop Richard F. Stika (“Stika”) knew prior to the time Sobczuk raped Plaintiff that Sobczuk posed a danger of committing sexual misconduct and sexual abuse against those with whom he came into contact, including Plaintiff.

6. Stika and the Diocese sought to intimidate Doe into remaining silent about what happened to him.

7. Stika and the Diocese scuttled an investigation into the incident to protect Sobczuk and the public image and wealth of the Diocese and Stika.

8. Since the rape, Stika has told or written numerous individuals either that no rape occurred, or, incredibly, that Plaintiff raped Sobczuk.

9. This lawsuit seeks to hold Stika and the Diocese accountable for their role in facilitating Sobczuk's abuse of Doe, intimidating Doe into silence, and defaming Doe to protect their public image.

PARTIES, VENUE, AND JURISDICTION

10. Plaintiff John Doe is a resident of the State of Tennessee. Plaintiff respectfully requests that the Court permit him 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.

11. Defendant Catholic Diocese of Knoxville is a religious corporation with its principal offices at 805 S. Northshore Drive, Knoxville, TN 37919.

12. 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 Knoxville, Diocese of Knoxville, and the Cathedral of the Most Sacred Heart of Jesus ("the Cathedral").

13. At all relevant times, the Diocese acted directly and by and through its agents, servants, and employees, including but not limited to the Bishop, the Cathedral and its rector, the diocesan officials identified herein, and Sobczuk.

14. At all relevant times, the Diocese has, among other activities, hired and supervised employees, including the Bishop and Sobczuk, and owned and managed land, parishes, schools, and other affiliated entities in Tennessee.

15. 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 diocesan employees.

16. At the time of the events described in this Complaint, Plaintiff was an employee of the Diocese.

17. At the time of the events described in this Complaint, Sobczuk was a seminarian in and an employee of the Diocese, acting at all times within the course and scope of his employment.

18. The Diocese can be served via its religious leader, Bishop Richard F. Stika.

19. Defendant Bishop Richard F. Stika (“Stika” or “Bishop”) is a resident of Knox County, Tennessee.

20. Stika became bishop of the Diocese of Knoxville in 2009.

21. Prior to becoming bishop of the Diocese of Knoxville, Stika served as a priest of the Diocese of St. Louis. At various times, he served as chancellor and vicar general to Cardinal Rigali, who was Archbishop of St. Louis until 2004.

22. For several years, Stika oversaw child and youth protection policies in the Archdiocese of St. Louis.

23. Stika has been associated with, or used as an alias, the name Richard Arthur Dinsmore or variants of that name.

24. At all relevant times, Stika acted as an actual or apparent agent, servant, or employee of the Diocese.

25. The Diocese is vicariously liable for all tortious conduct Stika is alleged herein to have committed.

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

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

LEGAL RELATIONSHIPS

28. At all relevant times, Stika was an employee of the Diocese.

29. At all relevant times, Sobczuk was an employee of Defendant Diocese.

30. At all relevant times, Plaintiff was an employee of the Diocese.

31. At all relevant times, Defendants had a fiduciary, confidential, and special relationship with Plaintiff.

32. Plaintiff had a relationship with Defendants that was distinctive from those of other parishioners and employees.

33. Plaintiff and reasonably trusted and had confidence in the integrity and fidelity of Defendants, based on their representations of their own moral integrity and trustworthiness.

34. At all relevant times, Defendants fraudulently concealed information of Sobczuk's acts of sexual abuse against Plaintiff.

35. Plaintiff had a fiduciary and special relationship with Defendants 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.

36. Sobczuk threatened Plaintiff not to reveal details of his rape and harassment.

37. Stika and the Diocese intimidated Plaintiff not to reveal details of his rape and harassment.

38. On information and belief, Defendants understood that Sobczuk had been accused of misconduct in professional and educational contexts prior to becoming a seminarian of the Diocese of Knoxville doing work at the Cathedral, but concealed this misconduct. On information and belief, this misconduct included sexual assault and sexual harassment.

39. Defendants also knew or should have known that Sobczuk was at risk of committing sexual abuse and misconduct, including the rape of Plaintiff, before Plaintiff encountered him.

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

41. At all times prior to and following the sexual abuse of Plaintiff committed by Sobczuk, Defendants have actively misrepresented, concealed and withheld material facts from the laity of the Diocese, including Plaintiff, regarding complaints and substantiated findings of Sobczuk committing misconduct of a sexual nature in the Diocese.

42. In fact, Defendants have on numerous occasions knowingly and falsely asserted that no rape occurred or that Plaintiff raped or groomed Sobczuk, not the other way around.

43. Defendants misrepresented, concealed and withheld these material facts with the intent of concealing the abuse, concealing their role in enabling sexual abuse, for the purpose of preserving Defendants' and Sobczuk's reputation.

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

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

46. As a result of Defendants' conduct as described herein, it is estopped from asserting any statute of limitation or statute of repose defenses which they may claim is applicable to this Complaint.

47. Applicable statute(s) of limitations are tolled because Defendants have purposefully concealed Sobczuk's sexual misconduct and sexual abuse from law enforcement, Plaintiff, members of the church and surrounding community, and other individuals who had the authority to stop the abuse and harassment from occurring, or intervene to stop the abuse and harassment once it began.

48. As a result of Defendants' actions, Plaintiff was unable to discover Defendants' causally connected and conspiratorial efforts to conceal their involvement in his sexual abuse by Sobczuk until alerted by a series of articles that began to be published on April 23, 2021 in an online Catholic magazine called *The Pillar*, described below in paragraphs 150–156. These articles—in combination with other reports from the spring and summer of 2021 mentioned in paragraph 158 on pervasive sexual misconduct among Polish priests and seminarians at a seminary Sobczuk attended before he met Plaintiff (SS. Cyril and Methodius, part of the Orchard Schools)—put Plaintiff on notice for the first time that the Diocese and Stika knew or should

have known of prior complaints of sexual misconduct against Sobczuk, or knew or should have known that Sobczuk posed a danger of sexually assaulting or harassing others before he was permitted to work at the Cathedral.

49. Plaintiff exercised reasonable diligence in investigating his claim but was unable to discover Defendants' concealment of their role in negligently hiring, supervising, and training Sobczuk until the publication of the series in *The Pillar* beginning on April 23, 2021. Plaintiff had no reason to suspect that Defendants had been negligent in their hiring, training, and supervision of Sobczuk until that time.

50. The statute of limitations and statute of repose are also tolled because Defendants breached their duty to Plaintiff by negligently failing to ameliorate the severe, disabling mental and emotional harm it knew or should have known that Plaintiff experienced because of rape and sexual abuse and harassment by Sobczuk.

51. By virtue of this continuing victimization of Plaintiff and breach of their fiduciary and special relationship with him—and by virtue of its acts after the rape that intimidated him into silence, as further described below—Defendants are estopped from raising the defenses of expiration of the statute of limitations or the statute of repose.

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

STATEMENT OF FACTS AND ALLEGATIONS

A. Sobczuk becomes a seminarian of the Diocese of Knoxville.

53. Wojciech (Wojtek) Kamil Sobczuk was born in Oswiecim (Auschwitz), Poland.

54. According to an interview Bishop Stika conducted of Sobczuk, Sobczuk entered the Society of Jesus (the Jesuit Order) in 2014.¹

55. In September 2016, Sobczuk took his first vows of poverty, chastity, and obedience in the Society of Jesus in Europe.

56. Sobczuk came to the United States in approximately 2018.

57. Sobczuk studied with the Jesuits at Loyola University of Chicago after emigrating.

58. Sobczuk was removed from the Jesuit novitiate program for sexual misconduct.

59. From 2017–2018, Sobczuk studied at the SS. Cyril & Methodius Seminary in Orchard Lake, Michigan. He was listed in the directory of the seminary as a student in theology and English as a second language.²

60. On information and belief, Sobczuk left the SS. Cyril & Methodius Seminary program as a result of sexual misconduct.

61. Sobczuk claimed in an interview with the Diocese of Knoxville, published as a podcast but since removed from the diocesan website, that Cardinal Stanislaw Dziwisz, Archbishop emeritus of Krakow and longtime secretary of Pope St. John Paul II, encouraged him to go to Knoxville for priestly formation.

62. In 2018, Sobczuk became a seminarian of the Diocese of Knoxville at the insistence of Defendant Bishop Richard Stika.

¹ See <https://www.youtube.com/watch?v=RsmZ0Q75-9M>.

² https://educationdocbox.com/Graduate_School/81623687-Ss-cyril-methodius-seminary-part-of-the-orchard-lake-schools-pictorial-directory.html.

63. In a podcast interview that was posed on the Diocese's website but has since been taken down, Sobczuk claimed that Cardinal Dziwisz connected him with Stika.

64. A number of Polish nationals have become seminarians of the Diocese of Knoxville over the past decade. Complaints of sexual impropriety have been made against several of these individuals.

65. Stika accepted Sobczuk as a seminarian notwithstanding that he did not receive the recommendation of the Diocese's Vocation Office or Vocation Director.

66. On information and belief, Sobczuk did not receive the recommendation of either because they believed he was not fit to become a priest, as he would be unlikely to live a celibate life and posed a danger of sexually harassing and sexually assaulting others.

67. After settling in Knoxville, Sobczuk began living in the Cathedral rectory with his then-spiritual advisor, Fr. Arthur Torres.

68. In 2018, the new Cathedral of the Sacred Heart was completed, at a cost of \$42 million.

69. In July 2018, Sobczuk was instituted as an acolyte at the Cathedral. He also instructed 4th grade students in music there.

70. In a 2019 Bishop's Appeal video, Stika described Sobczuk as "a gift from St. John Paul."³ This was a reference to Sobczuk's recommendation by Cardinal Dziwisz.

³ <https://www.youtube.com/watch?v=ikl9YgcACvM>.

71. Sobczuk attended a meeting with the Bishop and Tennessee Gov. Bill Lee in April 2019.⁴ The Bishop and Sobczuk sought Gov. Lee's intervention with respect to Sobczuk's immigration status.

72. Sobczuk traveled to the Vatican with the Bishop and Cardinal Rigali in December 2019.⁵

B. Sobczuk and John Doe

73. From December 2015 through August 2019, Doe worked as a musician at the Cathedral, and was an employee of the Diocese.

74. From at least January 2019 through August 2019, the Diocese employed Sobczuk as an assistant to the Bishop. Sobczuk's duties included driving Stika around to different parishes as an emcee and serving as the point of communication for parishes to which the Bishop was planning to travel.

75. On January 14, 2019, Doe was asked to play a morning children's mass at the Cathedral.

76. Sobczuk was serving as an acolyte at this mass.

77. Doe's co-worker was directing the choir and playing violin for this mass.

78. At the end of the mass Doe received a text message from this co-worker saying that the seminarian who helped celebrate mass (Sobczuk), liked his playing, played piano and guitar, and wanted to meet him.

⁴ <https://www.facebook.com/dioknox/photos/a.10151133263714016/10156312448329016/>.

⁵ <https://etcatholic.org/2020/01/bond-of-brothers/>.

79. Doe sent a text to Sobczuk, who quickly responded and said he wanted to meet Doe.

80. Sobczuk met Doe the following day in the conference room at the chancery, where Sobczuk worked. Sobczuk seemed kind to Doe and was very complimentary of his playing. They made plans to attend a dinner and a concert.

81. After that meeting with Sobczuk, Doe taught a class. During class, Sobczuk sent him a text message informing Doe that Sobczuk had told the Bishop about him and the Bishop had said he would make a good pianist. Sobczuk said he could make Doe music director of the Cathedral.

82. That night (January 15, 2019), the two met for dinner in downtown Knoxville and then went to a pub to hear some live music.

83. At the pub, Sobczuk told Doe he was gay, but to keep it a secret, otherwise he would be kicked out of the Church. He said he needed someone to confide in regarding his sexuality.

84. Doe felt bad for Sobczuk and wanted to be supportive. He felt flattered by Sobczuk's continued praise of his playing.

85. Over the next few weeks, Doe began to spend more and more time with Sobczuk, whom he considered a friend. Doe felt he could trust Sobczuk because he was in religious life.

86. Sobczuk would press Doe to be physically intimate with him. Doe resisted Sobczuk's advances, although was pressured into brief sexual touching and oral sex on isolated occasions. Doe did not feel particularly attracted to Sobczuk and was not interested in a sexual relationship with someone so forceful and aggressive.

87. On multiple occasions, Sobczuk pushed Doe up against a wall, placed his lips on Doe's lips, and touched him sexually without his consent.

88. Sobczuk also pressured Doe to have anal sex. Doe refused.

89. Sobczuk apologized for being forceful by saying that he was inexperienced sexually, and that Doe shouldn't tell anyone about what happened or Sobczuk would be kicked out of the Church and sent back to "anti-gay Poland."

90. Sobczuk also discussed secret relationships that priests of the Diocese were having with others and emphasized the importance of keeping his physical interactions with Doe a secret to avoid blackmail by clergy.

91. Doe continued to associate with Sobczuk because he felt bad for him as a gay seminarian, believed Sobczuk could be telling the truth in attributing his aggressive sexual behavior to inexperience. Doe felt pressure for professional reasons to be on good terms with him due to his obvious closeness with Stika, Doe's boss. Sobczuk also manipulated Doe by telling him that he was a good person and needed to be in Sobczuk's life as his friend to make Sobczuk a better person.

92. Sobczuk repeatedly pressured Doe to stay at the Cathedral rectory with him or at hotels in Knoxville. Doe refused.

93. Sobczuk conveyed purported comments from the Bishop praising Doe's piano and organ skills and said the Bishop was going to make him principal organist at the Cathedral.

94. The Bishop was aware that Sobczuk was attracted to Doe and was spending time with Doe.

95. On January 28, 2019, Sobczuk sent Doe an audio message from Stika, in which Stika said the following:

Hey [Doe], this is Bishop Stika. Uh, Wojtek tells me you're a good guy, um, so I told him, let's go out to dinner some night. That would be great. And the other question is, he tells me that you like presidential history. There was a man, unelected, who was the acting president of the United States for one day. Do you

know his name and what state he was from? Let's see how you do on that one. All right, thanks.

96. On February 5, 2019, Doe and Sobczuk had dinner in the early evening.

97. After dinner, Sobczuk went to celebrate mass with Cardinal Rigali.

98. Sobczuk planned to come over to Doe's home later.

99. Sobczuk drove to Doe's home using a car given to him by the Diocese.

100. Sobczuk arrived at Doe's home at about 10 pm, bringing a great deal of beer.

101. When Sobczuk arrived, Doe was starting some laundry and had just finished watching the State of the Union address. Doe had consumed a few beers before Sobczuk arrived.

102. Sobczuk sat with Doe in the living room while Doe was playing the piano. Sobczuk sat in a folding chair to the right of the piano. They discussed music. Sobczuk located scores of popular songs in Doe's collection of sheet music, and Doe would play them.

103. The conversation turned more personal. Doe began talking to Sobczuk about a relationship he had been in that ended in 2017. Sobczuk offered kind and comforting words, praising Doe for being a good person.

104. Sobczuk's turn at being a shoulder to lean on, however, was short-lived. He used the opportunity to forcefully put his lips on Doe's face. Doe pushed him away. Doe said he needed to go outside and have a cigarette. Sobczuk followed him.

105. Doe said he needed to get laundry out of the dryer and fold it. Sobczuk followed him and continued to press himself against Doe, forcefully placing his lips on Doe's face.

106. Doe perceived that Sobczuk was becoming more aggressive. He pushed him away. For a period of time, they had a conversation at a distance. Doe thought this would send a message to Sobczuk that he was not interested in engaging sexually.

107. Trying to separate himself from Sobczuk, Doe went into his bedroom, but Sobczuk followed him. Doe sat at his desk, and Sobczuk sat on the bed. As they talked, Sobczuk constructed a quasi-theological argument for why they should have sex. Sobczuk claimed that the Catholic faith calls for sacrifices and to act like Jesus. Sobczuk claimed that he had been touched by God and that Doe should offer a sacrifice of his own by having sex with Sobczuk.

108. Sobczuk became angry when Doe resisted and pointed his finger to the bed next to him, telling Doe, “you will come to me.”

109. Sobczuk then came over to Doe and pulled him to a standing position. Sobczuk forcibly kissed Doe, more aggressively than ever before, then pulled Doe’s pants down and put Doe’s penis in his mouth without Doe’s consent.

110. Doe attempted to leave the room, but Sobczuk blocked his way.

111. Sobczuk is taller and larger than Doe.

112. Sobczuk, despite Doe’s protests, then pushed Doe to the bed in a prone position, pinned him down, and forcibly, painfully, anally raped him.

113. Doe did not consent in any way to the rape.

114. Sobczuk ordered Doe to take a shower with him after he stopped anally raping Doe. This was for the purpose of removing evidence of the rape.

115. Sobczuk told Doe what a wonderful experience he had had and that he was ready to have sex again. Doe said no. In shock and in pain, Doe laid down to bed. Sobczuk lied down next to him in the bed and insisted on sleeping there that night.

116. Doe woke up in the morning next to Sobczuk. Sobczuk tried to touch Doe, but Doe found his touch repulsive and refused. Sobczuk became angry when Doe wouldn’t “cuddle” with him. Doe demanded that Sobczuk leave. Finally, Sobczuk did.

117. Doe bled for three days after the rape.

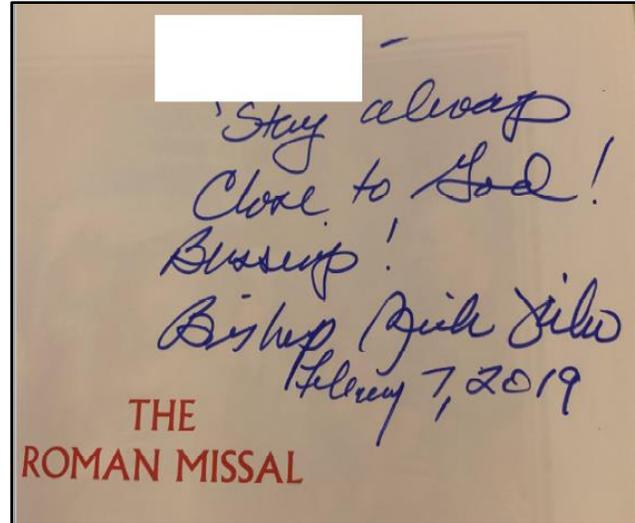
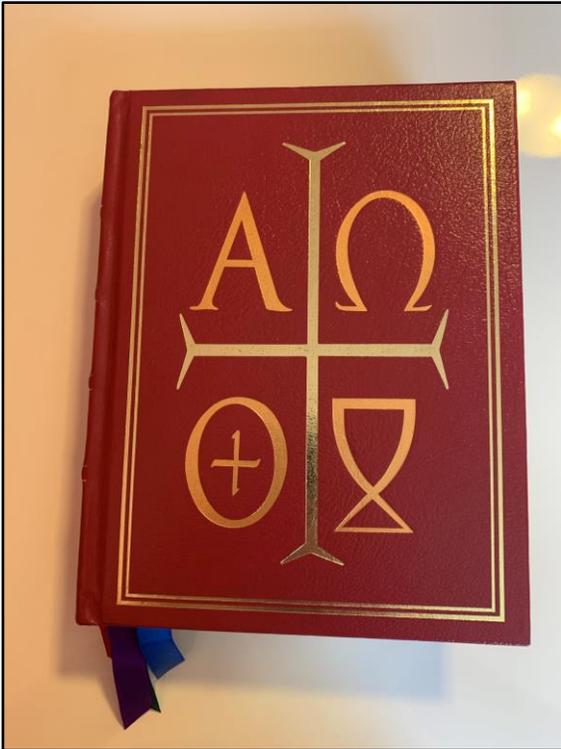
118. Traumatized and physically injured by the rape, Doe was physically and mentally unable to participate in a scheduled keyboard harmony class at his college on February 6, 2019.

119. Doe went to work on Sunday, February 10. He encountered Sobczuk there. Sobczuk pushed him up against a wall in the parish office and forcibly placed his lips on Doe's face. Doe pushed Sobczuk away.

120. Sobczuk stated that Stika had just given Sobczuk the assignment of director of music and liturgy for the Polish masses in the Diocese.

121. That same day, Sobczuk left an expensive missal (a Catholic prayer book) meant for Doe with a fellow employee, after searching for Doe. Sobczuk communicated that the missal was a present from Bishop Stika. The missal was inscribed by Stika with a date of February 7, 2019—two days after Sobczuk raped Doe. The inscription read, “[Doe], Stay always close to God! Blessings, Bishop Rick Stika.”

122. True and correct images of the missal and its inscription, with Doe's name redacted, are included immediately below:



123. Since Doe had never had a substantive conversation with Stika, and the missal was inscribed and given mere days after he was raped, the gift frightened Doe. He reasonably interpreted the gift of the missal and the inscription as a threat not to disclose what had happened to him.

124. Sobczuk continued to send harassing text messages to Doe.

125. On February 8, 2019, Sobczuk communicated to Doe that he would be moving into the Bishop's residence and that Rigali would become his spiritual director.

126. On February 11, 2019, Sobczuk moved into the Bishop's residence. The "reason" he gave for the move was that the Vicar General had received death threats from an individual living out of state. Sobczuk continued to live in the Bishop's residence for months thereafter, however.

127. Cardinal Justin Rigali, the former Archbishop of St. Louis with whom Stika served, also resided at the Bishop's residence while Sobczuk was there.

128. At various times, the Bishop represented to others that Sobczuk lived at the Bishop's residence so that Cardinal Rigali could give him lessons to improve his English and so that Stika could evaluate Sobczuk as a seminarian.

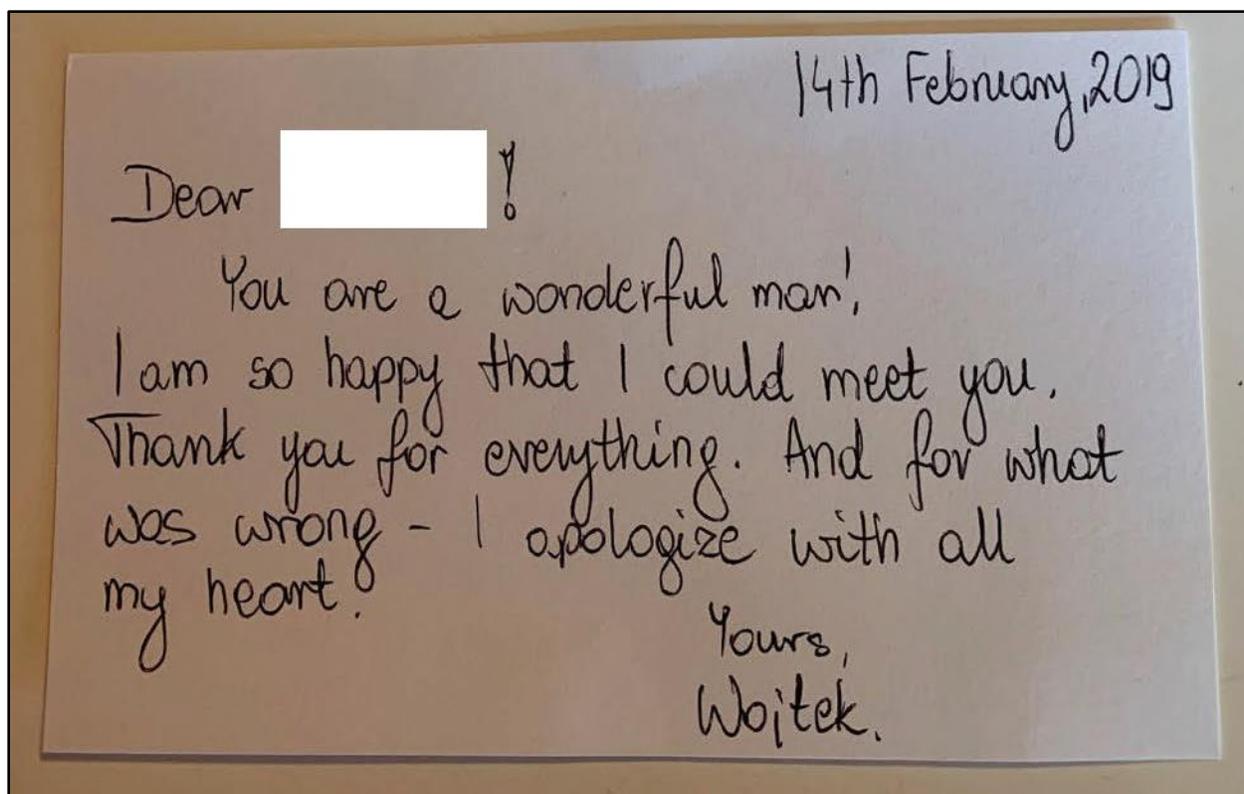
129. On February 13, 2019, Sobczuk came unannounced to Doe's house. He parked away from the house. He claimed to have driven the Bishop's car there. Sobczuk was enraged. He grabbed Doe by the arms and demanded that Doe be in contact with him. Doe was very frightened by this exchange.

130. On February 14, 2019, Doe played at a rehearsal for the Polish choir at the Cathedral. Sobczuk was not there, notwithstanding his recent appointment as music and liturgy director.

131. After the rehearsal, as Doe was about to get into his car, he saw Sobczuk driving toward him. Sobczuk parked, got out of his car, and walked up to him with a bottle of champagne and a card.

132. The card, dated February 14, 2019, read, "Dear [Doe], You are a wonderful man! I am so happy that I could meet you. Thank you for everything. And for what was wrong – I apologize with all my heart. Yours, Wojtek." (emphasis added).

133. A true and correct copy of the card, with Doe's name redacted, is included immediately below:



134. Sobczuk continued to pressure Doe to spend time with him and attend events with him. Sobczuk consistently played up his closeness with the Bishop and intimated he would be able to get Doe a better job at Catholic High School or St. Mary's parish in Oak Ridge, as both needed music teachers at the time.

135. Doe attempted to avoid Sobczuk as much as possible.

136. Sobczuk stalked and surveilled Doe at work.

137. On February 25, 2019, Doe contacted the Knoxville Police Department to report the rape committed by Sobczuk. The officer he spoke with said that if Doe filed a report, the church would come after Doe, Doe would lose his job, and it would be a he-said/she-said situation. Discouraged and fearful of the church—and unable to cope economically with the consequences of losing his job—Doe did not file a report.

138. In March 2019, Sobczuk told Doe that Stika wanted to have dinner with both of them. As Stika was Doe's boss, Doe felt he had little choice but to comply.

139. On March 29, 2019, Doe, Stika, and Sobczuk went to dinner.

140. Stika told Doe that he was very happy that Sobczuk and Doe were friends and that Sobczuk needed someone in this country to orient him.

141. Stika told Doe that he wanted to see Doe and Sobczuk continue their friendship. He seemed quite interested in this.

142. Stika told Doe that it would probably be best if Sobczuk and Doe communicated through Snapchat—a messaging service designed and marketed to allow messages and photos to “disappear” after they are viewed.

143. Stika said that Sobczuk now liked Iron and Wine after talking to Doe. Doe said, “oh yeah?” Stika rolled his eyes and replied, “Yeah, and he made me listen to it in the car for hours.”

144. At the end of dinner, Stika asked Doe if he had ever had any trouble with his co-workers. Doe felt constrained to answer no, given Sobczuk's relationship with the Bishop.

145. A true and correct image of a photograph taken at that dinner, with Doe's face redacted, is included immediately below:



C. Subsequent Events Involving Sobczuk and Defendants.

146. Doe was able to quit his job with the Diocese in August 2019.

147. Defendants sent Sobczuk to study at St. Meinrad School of Theology located in St. Meinrad, Indiana. Sobczuk remained in the Meinrad program until 2021, when he was removed from the program for sexual misconduct.

148. On August 22, 2020, Sobczuk assisted Bishop Stika and Cardinal Rigali at a mass celebrating the consecration of a hermit at the Cathedral.⁶

149. In February 2021, Sobczuk was photographed assisting in the celebration of Bishop Stika's 35th anniversary of his ordination at the Cathedral.⁷

⁶ <https://etcatholic.org/2020/11/the-faithful-life-of-a-hermit/>

⁷ <https://etcatholic.org/2021/02/bishop-stika-celebrates-35th-anniversary-of-priestly-ordination/>

150. On April 23, 2021, *The Pillar*, a Catholic news outlet, published an article⁸ entitled “Stika facing likely *Vos Estis* investigation,”⁹ detailing allegations of misconduct against Bishop Stika and an unidentified seminarian (Sobczuk). The article disclosed the following facts:

- a. “The Vatican has received multiple allegations of administrative misconduct against Bishop Richard Stika of Knoxville, and is expected to authorize an investigation under the terms of *Vos estis lux mundi*, *The Pillar* has learned.”
- b. “Complaints filed against the bishop allege that Stika impeded or restricted investigations into accusations of serial sexual misconduct by a seminarian who was living in his home, according to multiple sources in both the United States and Rome.”
- c. “In February, the seminarian was dismissed from seminary studies at an institution outside the diocese, but continues to be identified as a seminarian by the Knoxville diocese.”
- d. “The seminarian was dismissed from the seminary because of several allegations of sexual harassment or misconduct, which Stika characterized as ‘boundary violations.’”
- e. “After he was dismissed from the seminary, the seminarian moved into the episcopal residence shared by Stika and retired Cardinal Justin Rigali. The seminarian was appointed to a staff position as the bishop’s assistant, and given an office in the diocesan chancery.”
- f. “The day after the seminarian was dismissed from his seminary, Stika told priests in an email that he had entered ‘a two-year period of discernment. He will be assisting me at the Chancery as well as helping the Cardinal with daily activities.’”
- g. “Stika explained that he had permitted the seminarian to remain in formation for the diocese despite the misconduct accusations.”

⁸ https://www.pillaratholic.com/p/stika-facing-likely-vos-estis-investigation?utm_source=url.

⁹ “*Vos Estis*” refers to a reporting and investigative process established by Pope Francis to receive and evaluate allegations of misconduct by bishops.

- h. “A Knoxville priest told *The Pillar* he believes that Stika has impeded or restricted investigations into the seminarian’s misconduct, even after the diocesan review board recommended a formal investigation this month. Complaints filed under the auspices of *Vos estis lux mundi* allege the same.”
- i. “*The Pillar* spoke with sources close to the seminary at which he studied, who said the Knoxville seminarian had been accused numerous times of sexual harassment and misconduct.”
- j. “In addition to the alleged misconduct at his seminary, the seminarian has been accused of sexually assaulting an employee of a Knoxville parish. That accusation was first made known to diocesan officials in 2019, while the seminarian was residing with Stika and being evaluated as a seminary candidate. Stika told *The Pillar* that the allegation ‘came to me . . . and I looked into it.’ The bishop said he concluded the allegation was baseless and ‘we put it to rest.’”
- k. Stika dismissed the matter as a “personnel issue.” He told *The Pillar*: “If you run that story you’re going to be embarrassed in a couple days,” Stika told *The Pillar*, “because we followed the process, the procedure, the review board was involved, the initial thing was a personnel issue . . . and I handled it.”

151. This article, which mentions numerous allegations of sexual harassment and misconduct against Sobczuk, was the first indication to Plaintiff that the Diocese and Stika knew or should have known that Sobczuk posed a danger to co-workers, including Plaintiff, because of his history of or propensity to sexually abuse coworkers.

152. An April 29, 2021 article in *The Pillar*, entitled, “Stika accepted deacon accused of misconduct; Knoxville priests criticize 'pattern' of leadership,” stated that Stika “accepted a transitional deacon for parish ministry, even after the deacon was dismissed from seminary because of sexual misconduct allegations. Bishop Richard Stika reportedly intended to ordain the

deacon a priest, despite objections from both Knoxville’s diocesan priests and psychological experts.”¹⁰

153. The April 29, 2021 article was focused on a cleric other than Sobczuk; however, the article referred to Sobczuk in stating, “Several priests have accused Stika of impeding investigations into that seminarian’s conduct, a charge which Stika denies.”¹¹

154. A May 17, 2021 article in *The Pillar*, entitled “Knoxville Bishop Replaced Investigator in Seminarian Probe,”¹² established that Stika interfered with the investigation of Sobczuk’s rape of John Doe. It disclosed the following facts concerning the matter:

- a. “Bishop Richard Stika of Knoxville, Tennessee, sidelined an investigator appointed to scrutinize allegations of sexual assault and misconduct committed by a diocesan seminarian. The bishop told *The Pillar* he intervened because he did not believe the investigator appointed by a diocesan review board was competent for the task, and that he is convinced of the seminarian’s innocence.”
- b. “‘I have been fighting in the diocese rumors about [the seminarian]...I’ve been constantly fighting these battles because I know he is innocent,’ Stika said of the seminarian.”
- c. “In a May 10 interview, Stika also told *The Pillar* that he continued to classify the student as a diocesan seminarian after he was dismissed from seminary studies, because changing that classification could have negatively affected the seminarian’s immigration status.”
- d. “The seminarian came to the United States while a student member of a religious community. When he left the community, Stika accepted him in 2019 for formation as a diocesan seminarian. Stika told *The Pillar* he accepted the seminarian after a strong recommendation from a prominent cardinal in the seminarian’s home country. But while the seminarian was living with Stika in 2019, still being evaluated for formal acceptance in the diocese, he was accused

¹⁰ https://www.pillaratholic.com/p/stika-accepted-deacon-accused-of?utm_source=url.

¹¹ *Id.*

¹² https://www.pillaratholic.com/p/knoxville-bishop-replaced-investigator?utm_source=url.

of sexually assaulting an employee at the diocesan cathedral, a charge he denied. Stika told *The Pillar* he and the cathedral's rector investigated the matter personally, and, satisfied that the allegation was untrue, Stika sent the seminarian for studies at a seminary outside the diocese."

- e. "While in seminary, the seminarian was accused of sexual misconduct at least three times, in incidents which Stika called 'boundary issues.' Sources close to the seminary said the incidents consisted of sexual harassment or assault of other seminarians. The seminarian was dismissed from his seminary in February 2021."
- f. "After the seminarian was dismissed from studies, Stika told priests he had been appointed to assist the bishop with chancery duties during a 'discernment period.' The bishop told *The Pillar* April 22 he remained formally a seminarian of the diocese. The seminarian initially lived in Stika's house after he was dismissed, but subsequently moved in with a chancery employee."
- g. The diocesan review board investigating the sexual assault of John Doe by Sobczuk appointed George Prosser, a retired law enforcement investigator, to look into the allegations against the seminarian. Prosser, who had been inspector general of the Tennessee Valley Authority, was recommended by a diocesan attorney, and had conducted several prior investigations for the diocese.
- h. Stika dismissed Prosser as an investigator because, reportedly, "he was asking too many questions."
- i. Stika replaced Prosser with a retired police officer, Chris Manning.¹³ "Manning told *The Pillar* in April that his investigation consisted only of interviewing the accused seminarian, because he was told by other members of the review board that neither the alleged 2019 victim nor the seminarians were willing to be interviewed. He conceded that he had not made efforts to contact them personally."
- j. "Stika told *The Pillar* that while Manning's investigation is not concluded, the seminarian is no longer considered a seminarian for the diocese. 'The only reason I considered him a seminarian [after dismissal] was until he got his immigration papers,' Stika said. 'So now he's been accepted by another school... and now that he's got all his immigration [sorted out], he's no longer considered a seminarian.'

¹³ An important detail not mentioned by *The Pillar* is that Christopher Manning is the father of Fr. Christopher Manning, a priest of the Diocese of Knoxville.

‘It doesn't mean he's not my friend,’ the bishop added. The seminarian is eligible to reapply to the diocese in two years, Stika said.”

- k. “One priest in the diocese was threatened last month with canonical penalties after he raised concerns about the 2019 allegation against the seminarian, several diocesan priests told *The Pillar*. When asked, the bishop did not deny he had threatened canonical penalties, but said it was because of a combination of factors, and not only because the priest had raised concerns about the seminarian.”
- l. “As to the seminarian, the bishop said, ‘I think he’s innocent. And he has suffered greatly.’”

155. A May 22, 2021 profile of Stika in *The Pillar*, entitled “Bishop Stika wants 'the whole story' ahead of Vatican investigation,”¹⁴ disclosed the following facts:

- a. “Stika at first said the complaints were untrue; that procedures and policies had been followed completely. Eventually he told me that he had removed an investigator looking into the case, because, he said, he’d asked too many questions and caused confusion. The bishop replaced the investigator with a retired police officer whose investigation consisted only of interviewing the accused seminarian.”
- b. Complaints made to the Vatican stated that “Stika has a pattern of inappropriate relationships with young men — not necessarily sexual, but inappropriate, and public, and a source of scandal. Some of those relationships have involved international trips, selfies posted on social media, and excessive gifts — in one case, even a car, priests said. Several priests referred to those relationships as ‘grooming.’ The most recent of those relationships involved the recently dismissed seminarian, but there were others before that, priests told [the reporter].”
- c. “Stika said he has not had an inappropriate relationship with the recently dismissed seminarian. He said he had invited him to live in the bishop’s house so he could better evaluate him. He explained that he replaced an investigator reviewing the seminarian’s alleged misconduct because the investigator was bungling things, and because he ‘knew’ in his heart, he said, ‘that [seminarian] was absolutely innocent.’”

¹⁴ https://www.pillaratholic.com/p/bishop-stika-wants-the-whole-story?utm_source=url

156. A September 22, 2021 report in *The Pillar*, entitled, “Vatican verdict looms for Knoxville bishop,”¹⁵ disclosed the following facts:
- a. “A report on Knoxville’s Bishop Rick Stika is under review at the Vatican’s Congregation for Bishops, months after multiple allegations of administrative and personal misconduct triggered an investigation into Stika’s leadership.”
 - b. “Vatican sources tell *The Pillar* that a Vatican-ordered investigation was conducted over the summer, and that a decision is expected soon on whether Stika will remain in ministry as diocesan bishop.”
 - c. “Among other things, Stika is accused of sidelining an investigator appointed to scrutinize allegations of sexual assault and misconduct committed by a former diocesan seminarian, with whom the bishop is alleged to have an inappropriately close relationship.”
 - d. “The bishop told *The Pillar* in April that the charge against him was ‘fake news.’ And last month, while Stika remained under investigation, he took the former seminarian on a vacation — a 10-day road trip along with Cardinal Justin Rigali.”
 - e. “An investigation into Stika’s leadership was ordered in May, and conducted by Archbishop Joseph Kurtz of Louisville. The complaints made against Stika include his interference in the investigation of sexual misconduct, an imprudent relationship with the former seminarian, and a longstanding pattern of inappropriate relationships, which some priests of the diocese have called ‘grooming.’”
 - f. “In an interview, Stika told *The Pillar* that an investigator initially appointed to the case had exceeded his mandate, causing confusion in the diocese by ‘asking all these questions about [the seminarian], to people who had no idea who he was and what he was doing.’”
 - g. “The seminarian, who was dismissed from seminary studies after he was accused of serial sexual harassment at the institution where he studied, was also accused of

¹⁵ https://www.pillaratholic.com/p/vatican-verdict-looms-for-knoxville?utm_source=url

sexually assaulting a former parish staffer in the Knoxville diocese. Stika told *The Pillar* he intervened only because he ‘knew in [his] heart’ that the seminarian is ‘absolutely innocent.’”

157. Defendants’ conduct relative to Sobczuk and John Doe has been covered in other news outlets as well.¹⁶

158. Plaintiff also became aware during the spring and summer of 2021 of news reports, links to which are provided in a footnote, documenting pervasive sexual misconduct at SS. Cyril and Methodius Seminary in Orchard Lake, Michigan, which Sobczuk had attended before he met Plaintiff.¹⁷

159. Defendants never reached out to Doe to inform him that an investigation of Sobczuk was taking place.

160. Defendants never reached out to Doe to learn what had happened to him.

161. Defendants never offered any resources to Doe to help mitigate his damages.

162. Defendants never interviewed any witnesses regarding Sobczuk’s conduct besides Sobczuk himself.

163. Notwithstanding the numerous allegations of abuse and harassment against Sobczuk, Stika and Rigali took a summer vacation with Sobczuk during August 2021.

¹⁶ See, e.g., <https://catholicherald.co.uk/big-trouble-in-little-knoxville-misconduct-cases-bring-systemic-cultural-weaknesses-into-sharp-focus/>.

¹⁷ See <https://newsbeezer.com/polandeng/kingdom-a-report-of-sexual-abuse-at-a-polish-seminar-in-orchard-lake-marcin-gutowski-behind-the-scenes-of-the-formation/>; <https://www.churchmilitant.com/news/article/seminarian-sex-trafficking>; <https://www.freep.com/story/news/education/2021/07/01/ss-cyrl-methodius-seminary-orchard-lake-to-close/7831847002/>; <https://www.clickondetroit.com/news/local/2021/07/02/s-s-cyrl-and-methodius-seminary-to-close-after-more-than-a-decade/>; <https://www.theoaklandpress.com/2021/07/05/ss-cyrl-methodius-seminary-closing/>; <https://www.churchmilitant.com/news/article/the-long-goodbye>.

164. Sobczuk's LinkedIn page indicates he is currently enrolled in a Bachelor of Philosophy program at St. Louis University and a Master of Divinity program at Franciscan University of Steubenville.

C. Stika's false representations regarding Doe and what Sobczuk did to him.

165. Stika has repeatedly claimed that John Doe raped Sobczuk, rather than the other way around:

- a. On the afternoon of August 25, 2021, at Aubrey's restaurant, located at 481 South Illinois Avenue, Oak Ridge, Tennessee, Stika said to a priest of the Diocese of Knoxville that Doe was the aggressor and had raped Sobczuk;¹⁸
- b. On January 14, 2022, Stika again said to a priest of the Diocese of Knoxville that John Doe had raped Sobczuk;
- c. On November 11, 2011, Stika wrote an email to a journalist that read, in full:

Former seminarian was a victim of one anonymous posting that went viral. It had to do apparently with a man who groomed him. The man was 7 years older. The was the anonymous posting.

The deacon from another diocese.

The former priest.

Diocese is in strong financial shape.
All this is backed up by evidence.

The rest I can explain. Off the cuff. This material is off the cuff.

166. By "former seminarian," Stika intended to identify Sobczuk.

167. By "a man who groomed him," Stika intended to identify Doe and was understood as identifying Doe.

¹⁸ Plaintiff did not learn that this statement had been made until October 20, 2021.

168. A true and correct copy of the email, with the recipient's name and email address redacted, can be seen immediately below:

From: Bishop Rick Stika <rfs@dioknox.org>
Sent: Thursday, November 11, 2021 4:02 PM
To: < >
Subject: Re:

Former seminarian was a victim of one anonymous posting that went viral. It had ti do apparently a man who groomed him. The man was 7 years older. The was the anonymous posting.

The deacon from another diocese.

The former priest.

Diocese is in strong financial shape.
All this is backed up by evidence.

The rest I can explain. Off the cuff. This material is off the cuff.

169. Stika has claimed to other priests and personnel of the Diocese of Knoxville over the past year that John Doe, not Sobczuk, was the perpetrator, or that no rape occurred.

170. Stika has repeatedly made the claim that Doe raped Sobczuk, and the claim that no rape occurred, knowing they were false or with reckless disregard for their truth or falsity.

171. Stika has repeatedly falsely represented what happened to Doe and the Diocese's response.

- a. In the April 23, 2021 article published in *The Pillar*, Stika is quoted as saying "that the allegation [that Sobczuk raped Doe] 'came to me and...I looked into it.' The bishop said he concluded the allegation was baseless and 'we put it to rest.'"
- b. In the aforementioned May 17, 2021 article published in *The Pillar*, Stika was quoted as saying, "I have been fighting in the diocese rumors about [the seminarian]...I've been constantly fighting these battles because I know he is innocent."
- c. In the May 17, 2021 article published in *The Pillar*, Stika claimed that he and the rector of the Cathedral personally investigated the allegation that Sobczuk raped Doe and concluded it was untrue. In fact, this investigation never occurred.

- d. In a May 22, 2021 article published in *The Pillar*,¹⁹ Stika claimed “that he replaced an investigator reviewing the seminarian’s alleged “because he ‘knew’ in his heart, he said, ‘that [seminarian] was absolutely innocent.’”

172. Numerous individuals, including Doe’s then-current and prospective professional colleagues, read the foregoing statements by Stika and understood them to mean that Sobczuk had not committed any misconduct against Doe.

173. Stika made the aforementioned representations knowing that they were false or with reckless disregard for their truth or falsity.

174. All of the foregoing misrepresentations were made for the benefit of the Diocese, to preserve its reputation and wealth.

D. Damages

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

- a. Physical pain and injury;
- b. Economic losses associated with decreased professional opportunities on account of the Bishop’s public statements concerning Doe and Sobczuk;
- c. Ongoing humiliation, embarrassment, shame, and guilt;
- d. Emotional harm;
- e. Severe mental anguish and despair;
- f. Severe anxiety, nervousness, fearfulness, and panic attacks;
- g. Flashbacks, intrusive thoughts and night terrors;

¹⁹ https://www.pillaratholic.com/p/bishop-stika-wants-the-whole-story?utm_source=url

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

176. If Defendants had not been negligent, Sobczuk would not have been in a position to groom and sexually assault Plaintiff.

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

178. 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.

179. 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.

180. 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
DEFAMATION

181. Plaintiff incorporates by reference paragraphs 1–180 as if set forth in full herein.

182. On multiple occasions, described above, Stika made statements about Plaintiff, verbally and in writing, described in paragraphs 165–174, which exposed him to wrath, public hatred, contempt, and ridicule, and deprived him of the benefits of public confidence and social interaction. These statements also negatively affected Plaintiff's current and prospective professional opportunities as a church musician.

183. Stika also made statements to *The Pillar*, described in paragraphs 165–174, that implied that Plaintiff was lying in claiming that Sobczuk assaulted and harassed him.

184. Stika made all the aforementioned statements to persons other than the Plaintiff, verbally or in writing, who understood their defamatory meaning and that they referred to the plaintiff.

185. Stika knew the statements were false before communicating them or was recklessly indifferent to their truth or falsity.

186. In the alternative, Stika was negligent or reckless in failing to determine if the statements were true before communicating the.

187. Stika made the aforementioned statements for the benefit of the Diocese of Knoxville and within the course and scope of his employment with the Diocese of Knoxville, because the statements were intended to avoid negative publicity for the Diocese, preserve its

reputation and that of one of its employees (Sobczuk), and avoid the cost and expense of litigation.

188. The Diocese is liable for Stika's defamatory statements.

189. Stika's conduct in making these statements was characterized by oppression, fraud, actual malice, or wanton, reckless or willful misconduct.

190. As a direct and proximate result of Stika's and the Diocese's defamation, Plaintiff has suffered emotional harm, economic loss, and injury to his reputation.

191. All of the aforementioned statements put Plaintiff before the public in a false light in a manner that would be highly offensive to a reasonable person.

192. Stika's statements were particularly outrageous and harmful to Plaintiff because Plaintiff was raped by Sobczuk.

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 NEGLIGENCE

193. Plaintiff incorporates paragraphs 1–180 as if set forth fully herein.

194. In 2019, Plaintiff was raped, sexually assaulted, and sexually harassed by Sobczuk.

195. The Diocese, by and through its agents, servants, and/or employees, including Stika, knew or reasonably should have known that Sobczuk was at risk of sexually assaulting and was capable of committing immoral and criminal acts upon Plaintiff.

196. At the time that Sobczuk abused Plaintiff, Plaintiff was unaware of the Diocese's and Stika's knowledge of Sobczuk's prior inappropriate sexual behavior and misconduct.

197. Plaintiff was misled by the Diocese and Stika with regard to the Diocese's knowledge of Sobczuk's history and propensity to commit sexual abuse and misconduct.

198. After finding out about Sobczuk's rape of Plaintiff, the Diocese and Stika actively took steps to protect Sobczuk, conceal the Diocese's own wrongdoing in supervising Sobczuk, and prevent Plaintiff from filing a lawsuit.

199. The Diocese owed Plaintiff a special duty of care as its employee.

200. The Diocese had a duty to protect Plaintiff from reasonably foreseeable dangers posed by its agents, including Sobczuk; by foreseeable dangers on its property (including Sobczuk); or by use of its property or chattel, including the Diocesan car Sobczuk drove to rape Plaintiff.

201. The Diocese had a duty to warn Plaintiff, then its employee, about reasonably foreseeable dangers posed by its agents, including Sobczuk; posed by foreseeable dangers on its property (including Sobczuk); or posed by use of its property or chattel, including the diocesan car Sobczuk drove to Plaintiff's house to rape and harass him.

202. The Diocese ratified Sobczuk's conduct by declining to discipline him for his inappropriate conduct toward and sexual abuse of Plaintiff.

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

204. Plaintiff was an invitee or licensee of the Diocese.

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

bodily harm to them.

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

207. Before Sobczuk's sexual abuse of Plaintiff began, the Diocese knew or should have known that Sobczuk posed a serious risk to the physical safety to Plaintiff.

208. It was foreseeable that Sobczuk would physically injure Plaintiff, because, among other reasons, the Diocese knew or should have known that he had committed sexual misconduct at one or more of his prior postings.

209. Furthermore, the Diocese knew or had reason to know that Sobczuk sexually abused individuals, including Plaintiff, and caused them bodily harm.

210. The Diocese had a continuing duty to exercise reasonable care to prevent further injury to Plaintiff.

211. The Diocese's failure to exercise reasonable care increased the risk of harm to Plaintiff from Sobczuk.

212. The Diocese had a duty to Plaintiff to exercise reasonable care to control Sobczuk as its agent 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.

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

214. The Diocese, directly and through its agents, including Stika, systematically breached its duty to Plaintiff in all the aforementioned ways, and by:

- a. Placing Sobczuk in a position of trust and control despite knowing he had

- a propensity to sexually abuse and harass Plaintiff;
- b. Failing to warn Plaintiff of Sobczuk's criminal sexual proclivities and the dangerous conditions his behavior created;
 - c. Failing to properly monitor and supervise Sobczuk to prevent him from sexually abusing and harassing others, including Plaintiff;
 - d. Failing to prevent Sobczuk from committing physical and psychologically abusive acts upon Plaintiff;
 - e. Failing to properly adopt and enforce sexual abuse reporting, prevention, intervention and investigation protocols within the Diocese and comply with applicable sexual abuse reporting laws and other requirements;
 - f. Failing to monitor for and subsequently investigate allegations of sexual, physical and psychological abuse committed by any employee, volunteer or agent of the Diocese;
 - g. Failing to timely notify law enforcement agencies of allegations of sexual abuse against employees and other actual or apparent agents of the Diocese;
 - h. Failing to provide a safe environment where employees were not subjected to sexual and psychological abuse and harassment;
 - i. Holding Sobczuk out as being an individual of moral and ethical repute;
 - j. Failing to terminate Sobczuk'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 individuals, including Plaintiff;
 - k. Failing to comply with statutes, rules, regulations, and ordinances enacted for one or more classes of persons that include Plaintiff, 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 Sobczuk to law enforcement and state authorities;
 - l. Negligent entrustment in permitting Sobczuk to use his position in the

Diocese and property of the Diocese (including the Cathedral premises and a Diocesan automobile) to sexually abuse Plaintiff, when the Diocese knew or should have known that Sobczuk was likely to conduct himself or use property of the Diocese or parishes within the Diocese to abuse Plaintiff;

- m. Acting negligently under legal theories articulated in Restatement (Second) of Torts §§ 310–11, 313, 314A, 319, and 321, among others.
- n. Violating policies and procedures that reflected the standard of care; and
- o. Other negligent acts and omissions that may be disclosed during the course of discovery.

215. Through each of these negligent acts and omissions, 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 that its conduct created an unreasonable risk of physical harm to Plaintiff, but also that such risk was substantially greater than that which is necessary to make their conduct not negligent.

216. It was reasonably foreseeable that if the Diocese did not adequately exercise reasonable care toward Plaintiff, that Plaintiff would be vulnerable to sexual abuse by actual or apparent agents, servants, or employees of the Diocese, including Sobczuk.

217. The failure of the Diocese to protect Plaintiff from the foreseeable harm of Sobczuk's misconduct was committed intentionally, fraudulently, maliciously, or recklessly.

218. Each of the aforementioned tortious acts and omissions committed by the Diocese directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 175.

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 III

NEGLIGENT SUPERVISION and RETENTION

219. Plaintiff incorporates paragraphs 1–180 as if set forth fully herein.

220. The Diocese owed a special duty of care to Plaintiff as an employee and an invitee.

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

222. The Diocese, directly and by and through its actual or apparent agents, servants, and employees, including Stika, undertook or otherwise had a duty to engage in reasonable supervision, monitoring, and retention of its employees, agents or representatives, including Sobczuk.

223. The Diocese owed a special duty of care to Plaintiff as an employee and an invitee.

224. The Diocese, directly and by and through its actual or apparent agents, servants, and employees, knew or reasonably should have known Sobczuk posed a risk of committing sexual, physical, emotional and psychological violence against Plaintiff and others.

225. It was reasonably foreseeable to the Diocese that Plaintiff could fall victim to sexual assault committed by Sobczuk.

226. The Diocese, directly and by and through its agents, including Stika, systematically breached its duty to Plaintiff by:

- a. Failing to protect Plaintiff from abusive conduct by Sobczuk;

- b. Failing to properly monitor and supervise Sobczuk;
- c. Failing to institute an effective sexual abuse reporting process, intervention protocols, investigative procedures, and procedures to follow upon a substantiated finding of abuse;
- d. Failing to prevent Sobczuk from committing psychologically and sexually abusive acts upon Plaintiff;
- e. Failing to monitor for and subsequently investigate acts of sexual, physical, emotional and psychological abuse and immoral conduct committed by any employee including Sobczuk;
- f. Failing to provide a safe environment for employees;
- g. Failing to promptly remove Sobczuk from all interaction with employees, including Plaintiff, after receiving allegations that Sobczuk was acting in a sexually inappropriate manner;
- h. Failing to sufficiently punish, reprimand, remove or dissuade Sobczuk from continuing to behave in a sexually inappropriate manner; and
- i. Other acts and omissions that may become apparent during the course of discovery.

227. It was reasonably foreseeable that if the Diocese did not adequately exercise reasonable care toward Plaintiff, that Plaintiff would be vulnerable to sexual abuse by actual or apparent agents, servants, or employees of the Diocese, including Sobczuk.

228. The failure of the Diocese to protect Plaintiff from the foreseeable harm of Sobczuk's misconduct was committed intentionally, fraudulently, maliciously, or recklessly.

229. Each of the Diocese's aforementioned tortious acts and omissions relative to monitoring, supervision, and retention of Sobczuk directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 175.

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

230. Plaintiff incorporates paragraphs 1–180 as if set forth fully herein.

231. At all relevant times, the Diocese was responsible for the training and education of its employees and agents regarding the recognition of, monitoring for, and prevention of sexual abuse.

232. At all relevant times, the Diocese knew there was a significant risk that its employees could be sexually assaulted by other of its actual and apparent agents, servants, and employees (including Sobczuk).

233. Despite the Diocese’s knowledge of the risk that its employees could be sexually assaulted by other of its actual and apparent agents, servants, and employees (including Sobczuk), it failed to take preventative and reactive measures to address systemic problems of training and supervision of clergy, seminarians, and parish staff.

234. The Diocese, directly and by and through its agents, including Stika, failed to sufficient train and educate with respect to Sobczuk’s sexual abuse by:

- a. Failing to educate and inform parishioners, clergy, employees, and other members of the church that sexual abuse may have occurred or was at risk of occurring;
- b. Failing to educate and train supervisory personnel how to detect, prevent, monitor for, report and investigate sexual abuse within the Diocese;
- c. Failing to educate and train employees, agents, servants and representatives, including Plaintiff and Sobczuk, how to detect, prevent, monitor for and report

sexual abuse;

- d. Failing to educate and train personnel, including Sobczuk, how to establish professionally appropriate boundaries and relationships;
- e. Failing to train Plaintiff how to recognize and respond to protect himself against sexual abuse and sexual harassment; and
- f. Other acts and omissions as may become apparent during the course of discovery.

235. The failure of the Diocese to act so as to protect Plaintiff from the foreseeable harm of Sobczuk's misconduct was committed intentionally, fraudulently, maliciously, or recklessly.

236. Each of the Diocese's aforementioned negligent acts and omissions relative to monitoring, supervision, and retention of Sobczuk directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 175.

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

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

237. Plaintiff incorporates paragraphs 1–180 as if set forth fully herein.

238. The Diocese, directly and by and through its agents, including Stika, intentionally engaged in extreme and outrageous conduct by:

- a. Falsely claiming that Plaintiff's claims of sexual abuse were "baseless" or

otherwise without merit;

- b. Falsely claiming it had investigated Plaintiff's claims;
- c. Falsely claiming that Plaintiff raped Sobczuk;
- d. Seeking to intimidate Plaintiff into not pursuing his claims;
- e. Falsely representing to its parishioners, Plaintiff, and the general public that Sobczuk was an individual with whom parishioners and employees could safely interact;
- f. Failing to prevent Sobczuk from sexually abusing Plaintiff despite reasonable knowledge that Sobczuk was or would attempt to do so;
- g. Placing Sobczuk at the Cathedral, allowing him access to unsuspecting victims, including Plaintiff; and
- h. Other tortious acts and omissions as may become apparent during the course of discovery.

239. The Diocese knew that there was a high probability that placing or maintaining the employment of Sobczuk would result in employees suffering some form of sexual misconduct.

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

241. 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 extreme difficulty in engaging in normal, healthy emotionally and physically intimate relationships.

242. The Diocese's aforementioned tortious acts and omissions, which constituted extreme and outrageous conduct, directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 175.

243. Defendants' conduct was committed intentionally, fraudulently, maliciously, or recklessly.

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 VI

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

244. Plaintiff incorporates paragraphs 1–180 as if set forth fully herein.

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

246. The Diocese, by and through its agents, including Stika, breached this duty by:

- a. Falsely claiming that Plaintiff's claims of sexual abuse were "baseless" or otherwise without merit;
- b. Falsely claiming it had investigated Plaintiff's claims;
- c. Falsely claiming that Plaintiff raped Sobczuk;
- d. Seeking to intimidate Plaintiff into not pursuing his claims;
- e. Falsely representing to its parishioners, Plaintiff, and the general public that Sobczuk was an individual with whom parishioners and employees could safely interact;
- f. Failing to prevent Sobczuk from sexually abusing Plaintiff despite reasonable knowledge that Sobczuk was or would attempt to do so;
- g. Placing Sobczuk at the Cathedral, allowing him access to unsuspecting victims,

including Plaintiff; and

- h. Other tortious acts and omissions as may become apparent during the course of discovery.

247. The Diocese either knew or should have known that there was a high probability that placing or retaining Sobczuk at the Cathedral would result in the sexual abuse of parishioners or personnel, such as Plaintiff.

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

249. Plaintiff has experienced and currently experiences severe depression, PTSD, violent and intrusive thoughts, nightmares, flashbacks, fear and mistrust of authority figures, and extreme difficulty in engaging in normal, healthy emotionally and physically intimate relationships.

250. The Defendants' aforementioned tortious conduct directly and proximately caused Plaintiff to sustain severe and permanent damages as described in paragraph 175.

251. Defendants' acts and omissions were committed intentionally, fraudulently, maliciously, or recklessly.

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.

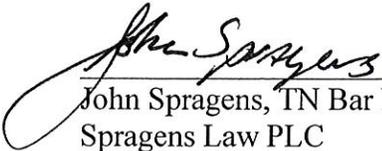
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

252. 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;

253. That the Plaintiff be awarded fair and reasonable damages, including compensatory damages in an amount to be determined by the jury;
254. That the Plaintiff be awarded the costs of trying this action;
255. That this action be heard by a jury;
256. That costs of this action be taxed to the Defendants;
257. That prejudgment interest be awarded to the Plaintiff;
258. That the Plaintiff be awarded any and all such other and further relief as the Court deems proper; and
259. That Plaintiff's right to amend this Complaint be reserved.

Respectfully submitted,



John Spragens, TN Bar No. 31445
Spragens Law PLC
311 22nd Avenue North
Nashville, TN 37203
Phone (615) 983-8900
Fax (615) 682-8533
john@spragenslaw.com

By Permission
JST-TN BPR 025094

Local counsel for Plaintiff

Patrick Thronson (*to apply pro hac vice*)
JANET, JANET & SUGGS, LLC
Executive Centre at Hooks Lane
4 Reservoir Circle, Suite 200
Baltimore, Maryland 21208
Phone: (410) 653-3200
Fax: (410) 653-9030
pthronson@jjsjustice.com

Lead counsel for Plaintiff

COST BOND

We hereby acknowledge ourselves as surety for the costs, taxes and damages in this cause in accordance with T.C.A. § 20-12-120.


John Spragens

By *Perkins*
JST-TN BAR-025094