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IN THE CIRCUIT COURT
FOR PRINCE GEORGE'S COUNTY, MARYLAND

RS

JOHN DOE, RICHARD ROE, and MARK SMITH, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

ROMAN CATHOLIC ARCHBISHOP OF WASHINGTON, a corporation sole, d/b/a ROMAN CATHOLIC ARCHDIOCESE OF WASHINGTON,

Defendant.

SERVE ON:

Trac, the Registered Agent Company
401 E. Pratt Street, Suite 2424
Baltimore, Maryland 21202

Christopher Anzeidi
General Counsel
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Hyattsville, Maryland 20782

C-16-CV-23-004497

JURY TRIAL DEMANDED

Index No.:

CLASS ACTION COMPLAINT

Plaintiffs John Doe, Richard Roe, and Mark Smith, individually and on behalf of all others similarly situated (hereinafter collectively "Plaintiffs"), by and through their undersigned counsel and the law firms of Schochor, Staton, Goldberg, and Cardea, P.A. and Janet, Janet & Suggs, hereby sue Defendant Roman Catholic Archbishop of Washington, a corporation sole, d/b/a Roman Catholic Archdiocese of Washington (hereinafter "the Archdiocese," "Archdiocese of Washington" or "Defendant").

In support of their causes of action against Defendant, Plaintiffs state as follows:

INTRODUCTION

1. This is a class action for damages and declaratory relief maintained pursuant to Maryland Rule 2-231, section 5-117 of the Maryland Courts and Judicial Proceedings Article, and the common law of Maryland.

2. All three Plaintiffs are filing this action under pseudonyms because of the extremely sensitive nature of the conduct involved and damages suffered by those Plaintiffs and others who are similarly situated.

3. As detailed further herein, this action is being brought by the Plaintiffs, individually and on behalf of a proposed class defined as follows: "All persons (or their personal representatives, heirs, or assigns) who were subjected to one or more acts of sexual abuse or sexual misconduct as minors at any time from 1939 through the present, which were committed by agents, servants, or employees of the Archdiocese of Washington or who were otherwise under the direction, supervision, or control of the Archdiocese of Washington; or on premises owned by or subject to the control of the Archdiocese of Washington." (hereinafter, the "Class.") Excluded from the Class definition are Defendant, and any entity in which Defendant has a controlling interest, any current officers or directors of Defendant, and the legal representatives, heirs, successors, assigns, and spouses of Defendant, and members of the Maryland Judiciary, and their legal representatives, heirs, successors, assigns, and spouses.

4. Over at least the past 84 years, the negligent, grossly negligent, and willful and wanton conduct of the Archdiocese of Washington has caused incalculable harm to numerous Maryland children and their families, entitling them to civil discovery and damages for their calamitous suffering.

5. As Catholic Bishop Robert E. Barron recently wrote:

The Catholic Church, especially in the West, has been passing through one of the very

> worst crises in its history. The clergy sex abuse scandal has compromised the work of the Church in almost every way. It has adversely affected teaching, preaching, evangelization, and the recruitment of priests and religious; it has cost many billions of dollars, which could otherwise has supported the Church's mission; it has almost completely undermined the credibility of the Church's ministers; and of course, most terribly, it has deeply wounded many thousands of the most innocent, those the Church is specially charged to protect. Given the gravity of this crime, it is just that the Church should suffer.[1]

6. The members of the class on whose behalf this suit is brough are among the "most innocent" whom Defendant Archdiocese of Washington was "specially charged to protect," yet grievously failed to do so.

7. Defendant systemically betrayed the trust reposed in it, in violation of the civil and common law of Maryland, by repeatedly facilitating and permitting the sexual abuse of children and prioritizing its institutional interests and secular power over the physical, emotional, and spiritual well-being of the parishioners, including Plaintiffs and the Class Members, who made its operations, ministries, and mission possible.

8. Instead of protecting Plaintiffs from sexual abuse, the Archdiocese concealed and facilitated that abuse, choosing to act with care and solicitude toward the perpetrators rather than to protect and heal the Class Members.

PARTIES

9. All facts alleged in any part of this Complaint are alleged as to all relevant times, unless otherwise expressly specified.

10. Plaintiff John Doe (hereinafter sometimes "Doe" or "Plaintiff Doe") is a citizen of the State of Maryland and a resident of Montgomery County.

[1] Most Rev. Robert Barron, "Examining the Sexual Abuse Scandal with Biblical Eyes," *in Renewing Our Hope: Essays for the New Evangelization* (2020).

11. Plaintiff Richard Roe (hereinafter sometimes "Roe" or "Plaintiff Roe") is a citizen of the State of Maryland and a resident of Frederick County

12. Plaintiff Mark Smith (hereinafter sometimes "Smith" or "Plaintiff Smith") is a citizen of the State of Maryland and a resident of Queen Anne's County.

13. Doe, Roe, and Smith and all those similarly situated are referred to hereinafter collectively as the "Plaintiffs."

14. All references to "Plaintiffs" or "the Class" herein include Doe, Roe, and Smith and the members of the putative class for which certification is sought.

15. All references to "Named Plaintiffs" or "Class Representatives" herein include only Doe, Roe, and Smith.

16. Plaintiffs bring this action on behalf of themselves and all other similarly situated individuals who meet the following previously stated definition of the Class: "All persons (or their personal representatives, heirs, or assigns) who were subjected to one or more acts of sexual abuse or sexual misconduct as minors at any time from 1939 through the present, which were committed by agents, servants, or employees of the Archdiocese of Washington or who were otherwise under the direction, supervision, or control of the Archdiocese of Washington; or on premises owned by or subject to the control of the Archdiocese of Washington." (hereinafter, the "Class.") Excluded from the Class definition are Defendant, and any entity in which Defendant has a controlling interest, any current officers or directors of Defendant, and the legal representatives, heirs, successors, assigns, and spouses of Defendant, and members of the Maryland Judiciary, and their legal representatives, heirs, successors, assigns, and spouses.

17. At all relevant times, Defendant Archdiocese of Washington (sometimes hereinafter "Defendant" or "the Archdiocese") was a corporation sole with its principal place of business in Prince George's County, Maryland.

18. At all relevant times, the Archdiocese acted directly and through its agents, apparent agents, servants, employees, partners, joint venturers, joint enterprisers, and affiliated organizations. The foregoing include but are not limited to agents, servants, or employees of the Archdiocese or others subject to its direction, control, or supervision who sexually abused Plaintiffs (hereinafter "Perpetrators"); and other entities, priests, nuns, members of religious orders, clergy, administrators, employees, and actual or apparent agents of any of them.

19. All references to Defendant or the Archdiocese in this Class Action Complaint should be deemed to include all of the individuals and entities referenced in paragraph 18.

20. At all relevant times, the Archdiocese of Washington encompassed at least the District of Columbia and Maryland's Montgomery, Prince George's, St. Mary's, Calvert, and Charles counties.

21. The Archdiocese of Washington was created in 1939 out of the Archdiocese of Baltimore.

22. The Archdiocese operates and oversees parishes and missions, schools, religious orders, and other groups and entities.

23. At all relevant times, the Archdiocese is and was led by an Archbishop.

24. At all relevant times, the Archdiocese did business and otherwise acted as an organized religion affiliated with the Roman Catholic Church, under its own name and others as detailed below.

25. At all relevant times, the Archdiocese has, among other activities, ordained, hired, trained, retained, and supervised archdiocesan priests, members of religious orders, and other agents, servants, and employees, and owned and managed land, parishes, schools, and other affiliated entities in Maryland.

26. At all relevant times, the Archdiocese engaged in business and commercial

transactions within the State of Maryland, including the acquisition of property for investment purposes.

27. The Archdiocese engaged in business directly and by and through numerous other entities, including the parishes and schools within the Archdiocese and its agents, servants, partners, joint venturers, joint enterprisers, and affiliates.

28. At all relevant times, the Archbishop had sole and ultimate authority to dispose of the assets owned or controlled by the Archdiocese, including assets of all schools and parishes therein.

29. At all relevant times, the Archbishop has had sole and ultimate authority to hire and control individuals who serve or served as agents, servants, or employees of the Archdiocese of Washington or who worked at locations owned or managed by the Archdiocese.

30. At all relevant times, the Archdiocese has had ultimate control over activities on the properties within its jurisdiction, including any Catholic school or parish property within the Archdiocese.

31. At all relevant times, the Archdiocese, by and through its Archbishop, held title to property and was responsible for governance of archdiocesan entities—including parishes, churches, Catholic schools, and other Catholic entities within the Archdiocese—as well as of clergy and members of religious orders, including the Perpetrators.

32. At all relevant times, the Archdiocese has held authority and responsibility for training, education, ordination, employment, and placement of all clergy members within its jurisdiction.

33. At all relevant times, the Archdiocese has been responsible for monitoring and investigating the moral, ethical, psychological, educational, and emotional fitness of candidates for priesthood and ordained priests during their ministry in the Archdiocese of Washington.

34. At all relevant times, the Archdiocese has been responsible for supervising,

investigating, disciplining, removing, and recommending for laicization[2] clergy ordained within and transferred to its jurisdiction.

35. At all relevant times, the Archdiocese's appointment and retention of Perpetrators in positions in which they had contact with one or more Plaintiffs, were intended to, and had the effect of, causing the general public, Catholic parishioners, and anyone who came in contact with a Perpetrator to believe that he or she was trustworthy, of excellent moral character, participated in virtuous actions and behavior, and was safe for children to encounter.

36. At all relevant times, appointment and retention of personnel in positions within the Archdiocese in which they had contact with children, were intended by the Archdiocese to, and had the effect of, representing and affirming to the public that the individual could be trusted to comport themselves to societal standards in the presence of children, who would be safe and without risk of sexual assault by the individual.

37. At all relevant times, Plaintiffs, their parents and guardians, and their families relied on appropriate hiring, supervision, retention, and ordination of clergy by the Archdiocese in deciding whether and under what circumstances to spend time with or entrust their children to the supervision, custody, or care of members of the Archdiocese.

38. At all relevant times, the Archdiocese has held all or a substantial portion of its assets in a manner that is not subject to an express trust.

39. At all relevant times, the Archdiocese has held all or a substantial portion of its assets in a manner that is not subject to an implied trust.

40. At all relevant times, the Archdiocese has held and used a substantial portion of its assets for non-charitable purposes, e.g., for concealing clergy sexual abuse of children, for lobbying,

[2] Laicization is also referred to as "dismissal from the clerical state."

public relations, and other activities designed to downplay or conceal clergy sexual abuse and its involvement and accountability for that abuse, and for investment and profit-making activities for its own benefit, such as the acquisition of substantial property holdings through affiliated entities.

41. The Maryland Child Victims Act, other legal authorities, and public policy preclude applying the common-law doctrine of charitable immunity, or any statutory or common-law limitation on recovery to the extent of the Archdiocese's available insurance coverage.

JURISDICTION AND VENUE

42. The Court has general personal jurisdiction over Defendant, because it is a corporation sole with its principal place of business in Hyattsville, Maryland, in Prince George's County.

43. The Court also has specific personal jurisdiction over Defendant, because, among other reasons, the events at issue transpired in Maryland and Defendant committed the torts at issue in Maryland.

44. This Court has subject matter jurisdiction over this action because the amount of damages sought exceeds $75,000.

45. Venue of this proceeding lies in Prince George's County, Maryland under Md. Code Ann., Cts. & Jud. Proc. § 6-20, because, among other reasons, Defendant has its principal place of business in Prince George's County, Maryland and Plaintiffs' causes of action arose as a direct result of acts and omissions by the Defendant that occurred in Prince George's County, Maryland.

46. The venue of Prince George's County is convenient for the parties and witnesses and serves the interests of justice. Clergy are assigned and supervised by the Archdiocese, and all of the Archdiocese's evidence and witnesses on the clergy it assigns and supervises are located in Prince George's County.

47. Federal court jurisdiction does not lie under the Class Action Fairness Act, 28 U.S.C.

§ 1332(d) ("CAFA"), insofar as (a) greater than two-thirds of the proposed class are citizens of Maryland; (b) Defendant, a Maryland citizen, is the lone named defendant from which all relief is presently sought by the Class, and whose conduct forms the principal basis for the claims asserted herein; (c) the principal injuries resulted from the alleged conduct or related conduct of Defendant as alleged herein were incurred in Maryland; and (d) in the 3-year period preceding the filing of this action, no other class action asserting the same or similar factual allegations against Defendant was filed on behalf of Plaintiffs or other persons. *See* 28 U.S.C. § 1332(d)(1)(A). In the alternative, CAFA jurisdiction does not lie because at least two-thirds of the proposed Class, and Defendant, are citizens of Maryland. *See* 28 U.S.C. § 1332(d)(1)(B).

COMMON FACTUAL ALLEGATIONS

I. Awareness of the problem of child sexual abuse by personnel of the Archdiocese of Washington

48. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

49. From the earliest years of its founding to the present day, the Roman Catholic Church has known of the problem of sexual abuse of children by its agents or others subject to its oversight or control. For example:[3]

a. The *Didache*, a first-century Christian handbook, prohibited sex between adult men and boys.

b. The Elvira Synod, held c. 305–306 A.D., severely condemned sexual abuse of minors by member of the clergy, and commanded that "[t]hose who sexually abuse boys may not be given communion even when death approaches." (Canon 71.)

[3] This case does not concern the propriety of any strictly religious procedures undertaken, or strictly religious penalties imposed, by the Church. The relief sought by Plaintiffs is purely secular. These examples are merely being provided to demonstrate the Church's longstanding knowledge of the problem of child sexual abuse.

c. The Penitential of Bede, dating from England in the eighth century, advises that clerics who sexually abused children should be penalized according to their rank.

d. In 1051, St. Peter Damian completed the *Book of Gomorrah*, which denounced clergy sexual abuse and advocated that those prone to abuse not be allowed to serve in religious ministry.

e. In 1178, Pope Alexander III and the Third Lateran Council decreed that priests who engaged in child sexual abuse were to be "dismissed from the clerical state or else confined to monasteries to do penance."[4]

f. As early as the 16th century, clerics who abused children were tried and punished in church courts, then handed over to secular authorities for trial and punishment.[5]

g. In 1570, for example, a church court in Florence convicted a priest of abusing a teenage choir boy. He was handed over to secular authorities, tried, and executed.[6]

h. As another example, in 1726 the Sacred Congregation for the Council of Trent sentenced a priest to the galleys for child sexual abuse and forbade him from celebrating mass.[7]

i. A decree by the Vatican, *Crimen sollicitationis*, was issued in 1922 and communicated in confidence to bishops worldwide, including the then-archbishop of the Archdiocese of Washington. *Crimen sollicitationis* specified procedures and noted penalties for clergy who solicited sex from others during the sacrament of confession. *Crimen sollicitationis* also made clear that the procedures and penalties therein applied to "the worst crime," which included "any obscene, external act, gravely sinful, perpetrated in any way by a cleric or attempted by him with youths of either sex," whether in or outside of confession. As punishment for these acts, *Crimen sollicitationis* specifically directed bishops to canon 2359, § 2 of the 1917 Code of Canon Law, which provided that clerics in sacred orders "who engage in a delict against the sixth precept of the Decalogue with a minor below the age of sixteen, or engage in . . . sodomy . . . are suspended, declared infamous, and are deprived of any office, benefice, dignity, responsibility, if they have such, whatsoever, and in more serious cases, they are to be deposed." Moreover, canons 2186–87 of the 1917 Code of Canon Law permitted bishops "in virtue of an informed conscience" to wholly or partially suspend clerics from office who were believed to have committed child

[4] Brendan Daly, Dismissal from the Clerical State, 11 *The Canonist* 31-54, *available at* https://www.tekupenga.ac.nz/wp-content/uploads/2020/09/Daly-Canonist11-Dismissal.pdf.

[5] *Id.*

[6] *Id.*

[7] *Id.*

sexual abuse, among other offenses.

j. In 1952, Father Gerald Fitzgerald, who founded the Servants of the Paraclete in 1947 (which specialized in the putative rehabilitation of sexually deviant priests) wrote to Bishop Robert Dwyer of Reno, NV that he was "inclined to favor laicization for any priest, upon objective evidence, for tampering with the virtue of the young." He noted that "real conversions will be found to be extremely rare," and "[m]any bishops believe men are never free from the approximate danger once they have begun. Hence, leaving them on duty or wandering from Archdiocese to Archdiocese is contributing to scandal or at least to the approximate danger of scandal."

k. In 1957, Fr. Fitzgerald wrote to Archbishop Edwin Byrne of Santa Fe that he thought it was imprudent to "offer hospitality [i.e., treatment] to men who have seduced or attempted to seduce little boys or girls." He added, ominously, that "if I were a bishop I would tremble when I failed to report them to Rome for involuntary laicization. Experience has taught us these men are too dangerous to the children of the parish and the neighborhood for us to be justified in receiving them here. … They should ipso facto be reduced to lay men when they act thus."

l. A 1961 Vatican Instruction of the Congregation of the Religious, entitled *Religiosorum institution*, mandated that candidates who have "sinned gravely" against the Sixth Commandment with a person of the same or the other sex is to be immediately dismissed, and also stated: "Advancement to religious vows and ordination should be barred to those who are afflicted with evil tendencies to homosexuality or pederasty, since for them the common life and the priestly ministry would constitute serious dangers."

m. The Decree on the Adaptation and Renewal of Religious Life, *Perfectae Caritatis*, approved by the Second Vatican Council and proclaimed by Paul VI on October 28, 1965, stated: "Since the observance of perfect continence touches intimately the deepest instincts of human nature, candidates should neither present themselves for nor be admitted to the vow of chastity, unless they have been previously tested sufficiently and have been shown to possess the required psychological and emotional maturity. They should not only be warned about the dangers to chastity which they may meet but they should be so instructed as to be able to undertake the celibacy which binds them to God in a way which will benefit their entire personality."

n. In 1971, the *Loyola Psychological Study of the Ministry and Life of the American Priest* was completed by Eugene Kennedy and colleagues under contract with the National Conference of Catholic Bishops (now the U.S. Conference of Catholic Bishops). The Loyola Study indicated that a substantial percentage of priests sampled were

psychosexually immature, lonely, and/or sexually active after ordination.[8]

o. In May 1985, the report *The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner* by Doyle et al. was provided to each bishop and archbishop of the National Conference of Catholic Bishops (now the U.S. Conference of Catholic Bishops).

50. The Archdiocese has also long been aware of the problem and danger of clergy sexual abuse among its personnel through numerous credible allegations against specific clergy, including those indicated on the Archdiocese's list of credibly accused clergy.[9] Its awareness includes the following:

a. The Archdiocese was aware of the papal decree *Crimen sollicitationis* and its substance, described above, at or around the time of its promulgation in 1922.

b. One or more confirmed cases of sexual abuse by its personnel occurred in the Archdiocese as early as the 1930s. For example, per the Maryland Attorney General's Report on Child Sexual Abuse Within the Archdiocese of Baltimore, Fr. James Lannon, who went on to serve on the Archdiocese of Washington, reportedly sexually abused a girl in the mid-1930s. The Report further notes that "[a]ccording to an internal document of the Archdiocese of Baltimore, the Archdiocese of Washington 'acknowledges a documented history of sexual impropriety with teenaged boys on [Fr. James Lannon's] part,' though [contradictorily] the Archdiocese of Washington stated that it first learned of Lannon's abuse in 1953. At that time, Lannon was temporarily removed from his duties, evaluated, and then returned to the ministry in 1954. Lannon was permanently removed in 1958."

c. On information and belief, the Archdiocese knew or should have known of the above-referenced concerns of Fr. Fitzgerald and the Servants of the Paraclete, to whom it sent offending priests for "treatment," that those priests who abused children were at significant risk for exploiting other children.

d. The Archdiocese was aware of the Vatican Instruction entitled *Religiosorum institution* and its substance, described above, at or around the time it was promulgated in 1961.

e. The Archdiocese was aware of the decree entitled *Perfectae Caritatis* and its substance, described above, at or around the time it was promulgated in 1965.

[8] https://www.usccb.org/sites/default/files/issues-and-action/child-and-youth-protection/upload/The-Causes-and-Context-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-in-the-United-States-1950-2010.pdf, at 66-74.

[9] *See* https://adw.org/about-us/resources/accused-clergy/.

f. The Archdiocese was aware of the *Loyola Psychological Study of the Ministry and Life of the American Priest* and its substance, described above, at or around the time it was promulgated in 1971.

g. In 1983, the St. Luke Institute in Suitland, Maryland began providing psychiatric and psychological services to archdiocesan priests, at the request of the Archdiocese, who were credibly accused of sexually abusing minors.

h. The Archdiocese was aware of the 1985 report by Doyle et al. and its substance, described above, at or around the time it was distributed to members of the National Conference of Catholic Bishops.

i. On May 30, 1986, the *Washington Post* reported the arrest of Rev. Peter M. McCutcheon for sexually abusing two teenage boys. McCutcheon was subsequently convicted.

j. The Archdiocese of Washington's own former Archbishop Theodore McCarrick reportedly had a long-standing history of sexual misconduct towards boys and seminarians. Reports about his misconduct were made to various authority figures in the Church generally and/or in the Archdiocese of Washington specifically at least as early as 1993, but he remained in public ministry until 2018. In a 2020 report,[10] the Holy See acknowledged that two other former Archdiocese of Washington archbishops, James Hickey and Donald Wuerl, each knew about McCarrick's misconduct many years earlier than 2018. However, neither archbishop took action that was sufficient to lead to McCarrick's removal. Donald Wuerl, the Archdiocese of Washington's archbishop from 2006 to 2018, in particular denied knowing about McCarrick's misconduct prior to McCarrick's removal from ministry even though the Holy See's report notes that Wuerl provided Nuncio Montalvo in 2004 with a signed statement documenting abuse by McCarrick. Amid mounting criticism of Wuerl's methods for handling priest abuse both in the Archdiocese of Washington and in his former role as the Bishop of the Diocese of Pittsburgh, Wuerl resigned from his role as archbishop in 2018.

51. The problem of sexual abuse of minors by priests and other archdiocesan personnel was known or should have been known to bishops who served in the Archdiocese of Washington from the outset of the Class Period.

[10] See https://www.vatican.va/resources/resources_rapporto-card-mccarrick_20201110_en.pdf.

52. The Archdiocese repeatedly allowed those who had been credibly accused to continue in their roles and ministry after a brief period of therapy, as indicated on the Archdiocese's list of credibly accused clergy.[11]

53. Pope Francis issued a public statement on or about August 20, 2018, regarding the child sexual abuse crisis within the Catholic Church, stating that the Church "must acknowledge our past sins and mistakes" and admitting the Church "showed no care for the little ones" and "abandoned them."

54. The patterns and practices of conduct of the Archdiocese with respect to clergy abuse of children, as further detailed below, contravened numerous policies, procedures, and practices of the Roman Catholic Church or the Archdiocese, which reflected the standard of care at the time but were systematically ignored and not enforced, including the following:

a. Canon 2359 § 2 of the Pio-Benedictine Code of Canon Law, in force from 1917 through the first day of Advent, 1983, which provided that priests "who engage in a delict against the sixth precept of the Decalogue with a minor below the age of sixteen, or engage in . . . sodomy . . . are suspended, declared infamous, and are deprived of any office, benefice, dignity, responsibility, if they have such, whatsoever, and in more serious cases, they are to be deposed."

b. Canon 2357, § 2 of the 1917 Code, which provides, "Whoever publicly commits the delict of adultery, or publicly lives in concubinage, or who has been legitimately convicted of another delict against the sixth precept of the Decalogue is excluded from legitimate ecclesiastical acts until he gives a sign of returning to his senses."

c. Canon 2404 of the 1917 Code, which prohibited abuse of ecclesiastical power and office (here, the concealment, coddling, and reckless assignments to ministry of abusive priests);

d. Canon 2209 of the 1917 Code, which prohibited "hiding the delinquent" who commits a delict (§ 7) and imputes responsibility for a delict to those who fail in office to prevent it (§ 6).

e. Canon 1387 of the 1983 Code, which prohibits solicitation of a sexual act by a priest during confession.

[11] *See* https://adw.org/about-us/resources/accused-clergy/.

f. Canon 1389 of the 1983 Code, which provides for punishment of "[o]ne who through culpable negligence illegitimately places or omits an act of ecclesiastical power, ministry or function which damages another person." (No bishop is known to have been punished under this canon, however.)[12]

g. Canon 1395 of the 1983 Code, which prohibits sexual conduct with those under sixteen.[13]

h. Canon 1717 of the 1983 Code, which requires a bishop to investigate information that "at least seems to be true of an offense" against Church policy.

i. Title V of the Holy Office instruction *Crimen sollicitationis*, as described above.

55. As the Vatican itself has admitted:

> The period between 1965 and 1983 (the year when the new Latin Code of Canon Law appeared) was marked by differing trends in canonical scholarship as to the scope of canonical penal law and the need for a de-centralized approach to cases with emphasis on the authority and discretion of the local bishops. A "pastoral attitude" to misconduct was preferred and canonical processes were thought by some to be anachronistic. A "therapeutic model" often prevailed in dealing with clerical misconduct. The bishop was expected to "heal" rather than "punish". An over-optimistic idea of the benefits of psychological therapy guided many decisions concerning diocesan or religious personnel, sometimes without adequate regard for the possibility of recidivism.[14]

(Emphasis added.)

II. Duties of the Archdiocese toward the class

56. At all relevant times, Perpetrators served as agents, employees, or servants of the Archdiocese, acting at all relevant times within the scope of their employment, or otherwise acted

[12] *See, e.g.*, Nat'l Review Board for the Protection of Children and Young People, *A Report on the Crisis in the Catholic Church in the United States* (2004), *available at* https://www.bishop-accountability.org/usccb/causesandcontext/2004-02-27-CC-Report.pdf.

[13] "If a cleric has otherwise committed an offense against the sixth commandment of the Decalogue with force or threats or publicly or with a minor below the age of sixteen, the cleric is to be punished with just penalties including dismissal from the clerical state if the case warrants it." (Can. 1395, § 2, 1983 Code).

[14] *See* https://www.vatican.va/resources/resources_introd-storica_en.html.

under the control, supervision, or management of the Archdiocese.

57. At all relevant times, the Archdiocese retained the right to control Perpetrators' activities as well as the activities of those responsible for Perpetrators' supervision, and Perpetrators served under the Archdiocese's management and supervision.

58. At all relevant times from their incardination or appointment within the Archdiocese, Perpetrators served as agents of the Archdiocese; took a vow of obedience to the Archdiocese; and/or acted under the direct supervision, control, and authority of the Archdiocese.

59. Because the Archdiocese was a public-facing religious institution dedicated to increasing the ranks of its believers, the Perpetrators were expected by the Archdiocese to perform certain acts and duties involving children, including but not limited to supervising children in their search for religious and spiritual understanding, teaching child parishioners to act in the manner consistent with the ideals of the Roman Catholic Church, and other acts consistent with their roles as spiritual mentors, leaders, and teachers.

60. The Archdiocese is vicariously liable for all negligent acts and omissions of the Perpetrators complained of herein, including all inappropriate conduct, boundary violations, grooming, rape, sexual exploitation, and sexual misconduct, on at least the following grounds, among others that may be determined in the course of this litigation:

a. The Archdiocese expressly and impliedly ratified the conduct of Perpetrators, because, among other reasons, it failed to discipline and remove the Perpetrators, and failed to formulate and enforce policies and procedures, despite having knowledge of all material facts, where sexual abuse and exploitation by Perpetrators was known or reasonably foreseeable;

b. Perpetrators acted within the scope of their duties with respect to grooming, boundary violations, sexual misconduct, sexual abuse with respect to children ("the conduct") such that the Archdiocese is liable on the basis of respondeat superior, because, among other reasons:

    i. The conduct served the purposes of the Archdiocese, in that it permitted the Archdiocese to maintain its image and reputation and the illusion that its priests were observing the strictures of mandatory celibacy, by allowing

Perpetrators to act out sexually with children, who could be easily intimidated and would be much less likely to disclose sexual contact with priests than adults;

ii. The conduct was commonly performed by personnel of the Archdiocese, including Perpetrators;

iii. The conduct occurred incident to the Archdiocese's ministry to children;

iv. The conduct often occurred on property owned or controlled by the Archdiocese and was made possible by the Archdiocese's relationship with the Perpetrators;

v. Perpetrators had long-term, extensive relationships with the Archdiocese;

vi. The Archdiocese entrusted to Perpetrators its ministry to children;

vii. The conduct was foreseeable and expectable, for all the reasons stated in this Complaint;

viii. The conduct was tolerated as a regular practice of the Archdiocese;

ix. In engaging in the conduct, Perpetrators did not act for a purely personal purpose;

x. In engaging in the conduct, Perpetrators did not act to protect their interests;

xi. The conduct was not highly unusual or outrageous to the Archdiocese or those in leadership positions within the Archdiocese, because the conduct commonly occurred in the Archdiocese and was commonly committed by its agents, servants, and employees; and

xii. For other reasons as may be disclosed during this litigation.

61. All hiring, retention, and supervision of Perpetrators by agents of the Archdiocese was within the scope of employment of said agents, as it was part of their employment duties and responsibilities.

62. Perpetrators' abuse, exploitation, and misconduct was also made possible by the Archdiocese's failure to enforce existing policies and procedures regarding the supervision and discipline of Perpetrators, who were suspected or credibly accused of having committed sexual abuse, or who foreseeably could commit sexual abuse.

63. The Archdiocese implicitly and explicitly represented to the Plaintiffs, their parents, and other parishioners through actions and teachings that Perpetrators and other agents would act in the best interests of parishioners and would not pose a risk to children.

64. The Archdiocese encouraged Plaintiffs, their parents, and all parishioners to honor, revere, and obey Perpetrators and other agents because they were representatives of God. As the 1983 Code of Canon Law states: "The Christian faithful, conscious of their own responsibility, are bound by Christian obedience to follow what the sacred pastors, as representatives of Christ, declare as teachers of the faith or determine as leaders of the church." Can. 212 § 1.

65. Plaintiffs and their parents and guardians entrusted Plaintiffs' well-being to the Archdiocese and its agents, servants, and employees.

66. The Archdiocese undertook and otherwise had a corresponding duty to be solicitous toward and protective of the Plaintiffs in the exercise of its positions of trust, confidentiality, and moral authority.

67. At all relevant times, the Archdiocese had a policy of avoiding "scandal" or harm to its reputation and that of the Roman Catholic Church. It chose to protect its own reputation and the reputation of the Roman Catholic Church—and to give its parishioners and members of the public, including Plaintiffs, a false sense of security—rather than act to prevent foreseeable harm in the form of rape, sexual violence, and sexual abuse committed by agents operating within its jurisdiction, including Perpetrators. This permitted, promoted, and perpetuated foreseeable rape, sexual violence, and sexual abuse committed by Perpetrators and other agents against parishioners of the Archdiocese and other members of the public, including Plaintiffs.

68. At all relevant times, the Archbishop and his delegates had the right to control and oversee the operation of Catholic schools, parishes, seminaries, missions, members of Catholic religious orders engaged in ministry within the Archdiocese, and other ministries and organizations

within the Archdiocese.

69. At all relevant times, the Archdiocese, directly and through its actual or apparent agents, servants, and employees—including but not limited to the Archdiocese and archdiocesan priests and staff—undertook and otherwise owed a duty to parishioners of the Archdiocese, individuals present on its property, and members of the public, to exercise reasonable care to prevent and mitigate foreseeable harm caused by its actual or apparent agents, servants, and employees.

70. At all relevant times, the Archdiocese adopted or followed various policies and procedures—including the Code of Canon Law (1917) or the Code of Canon Law (1983), and the ecclesiastical laws, precepts, and other directives promulgated by the Holy See, the United States Conference of Catholic Bishops, the Archdiocese, and other governing bodies of the Roman Catholic Church—which prohibited child sexual abuse and required the Archdiocese to act affirmatively to prevent it, rather than facilitate it.

71. For most of the Class Period, the Archdiocese and its agents, servants, and employees were mandatory reporters of child sexual abuse under Maryland law.

72. Maryland specifically criminalized child abuse by statute in 1963.

73. By 1973 at the latest, the Archdiocese had a statutory duty to report child sexual abuse to proper authorities. *See* Md. Code Ann., Family Law § 5-705; 60 Op. Atty. Gen. 51.

74. The Archdiocese's statutory duty to report child sexual abuse extended to all members of the Class and existed for their benefit and protection.

75. At all relevant times, the Archdiocese undertook and otherwise owed a duty to protect children who participated in its ministry or were on its premises from the unreasonable risk of foreseeable physical or emotional harm on its premises.[15]

76. At all relevant times, the Archdiocese and its agents and employees undertook and otherwise owed a duty to the Class to provide a safe environment for children who were on its premises or encountering its agents, such as Perpetrators.

77. At all relevant times, the Archdiocese undertook and otherwise owed a duty to the Class to be solicitous toward and protective of children in the exercise of its positions of trust, confidentiality, and moral authority.

78. At all relevant times, the Archdiocese had a duty to act to prevent any unreasonable risk of physical or emotional harm it created or contributed to creating (such as allowing credibly accused clergy to remain in ministry to children) from taking effect.[16]

79. At all relevant times, the Archdiocese had the duty to control the conduct of its agents to protect children from sexual abuse.[17] In particular, the Archdiocese had the duty to protect children from priests, other archdiocesan personnel, and other individuals subject to its control, whom it knew or should have known had dangerous propensities to sexually abuse minors.

80. At all relevant times, the Archdiocese had the duty to not consciously or negligently misrepresent, by word or deed, that its agents posed no danger to minors when it knew or should have known they did.[18]

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[15] *See* Restatement (Second) of Torts § 314A.

[16] Restatement (Second) of Torts §§ 310–311, 313, 321.

[17] *See* Restatement (Second) of Torts § 319.

[18] *See* Restatement (Second) of Torts §§ 310–311, 313.

81. For the reasons stated herein, the Archdiocese violated all of the aforementioned duties during the Class Period, which caused damage to each Class Member.

III. Tortious patterns and practices of the Archdiocese.

82. At all relevant times, the Archdiocese engaged in a pattern or practice of failing to appropriately hire and/or assign ministries to church personnel, including priests, members of religious orders, and lay leaders, who posed a substantial risk to child safety.

83. At all relevant times, the Archdiocese engaged in a pattern or practice of failing to supervise seminarians, priests, others in religious life, and those in administrative positions to ensure appropriate boundaries were maintained with children to ensure their safety.

84. At all relevant times, the Archdiocese engaged in a pattern or practice of failing to train seminarians, priests, others in religious life, and those in administrative positions to maintain appropriate boundaries with children and other parishioners.

85. At all relevant times, the Archdiocese engaged in a pattern or practice of failing to adequately investigate and report allegations of sexual abuse of children and adults, including an abject failure to undertake any investigation in many circumstances.

86. At all relevant times, the Archdiocese maintained a pattern or practice of concealing credible reports of child sexual abuse from the public and law enforcement.

87. These problems were particularly widespread with respect to priests:

a. Despite its actual and constructive knowledge of the problem of child sexual abuse committed by Catholic clergy, the Archdiocese at all relevant times taught Plaintiffs and others to view priests, including priest Perpetrators, as alter Christus ("another Christ") and that a priest's religious status entitled him to special privileges exceeding freedoms a lay person would be allowed.

b. These teachings instructed Plaintiffs—to their great detriment—to give priests the highest respect and degree of reverence as representatives of God and deterred them from reporting sexual abuse to the Church or publicly, or frightened them into silence.

c. At all relevant times, the Archdiocese engaged in a pattern or practice of failing to

screen seminarians and other candidates for the priesthood or religious life for propensities to sexually abuse children.

d. At all relevant times, the Archdiocese engaged in a pattern or practice of transferring priests to other parishes or locations—or accepting incoming transfers of priests from other Diocese or Archdiocese—who had been credibly accused of sexual violence against children, without informing congregations of what the offending clergy had done and the danger they posed.

88. The Archdiocese has adopted and enforced numerous policies and procedures that prohibited or discouraged reporting of incidents of child sexual abuse or transparent and public communication to promote public safety through the prevention of child sexual abuse, in violation of the standard of care, including policies that:

a. Prohibit public criticism of it for serious wrongs;[19]

b. Prohibit members of the church from organizing against its institutional interests and power.[20]

c. Automatically excommunicate one who "falsely accuses a confessor before an ecclesiastical superior" of soliciting sex during confession. (Can. 1390, 1983 code)

d. Punish those who "injure[] the good reputation of another person" or who "furnish[] an ecclesiastical superior with any other calumnious denunciation of an offense." (Can. 1390, 1983 code).

89. At all relevant times, the Archdiocese created, fostered, and promoted a culture that

[19] *See* Can. 1369 (1983 Code) ("A person who uses a public show or speech, published writings, or other media of social communication to blaspheme, seriously damage good morals, express wrongs against religion or against the Church or stir up hatred or contempt against religion or the Church is to be punished with a just penalty."); Can. 1373 ("One who publicly either stirs up hostilities or hatred among subjects against the Apostolic See or against an ordinary on account of some act of ecclesiastical power or ministry or incites subjects to disobey them is to be punished by an interdict or by other just penalties.").

[20] *See* Can. 1374 (1983 Code) ("One who joins an association which plots against the Church is to be punished with a just penalty; one who promotes or moderates such an association, however, is to be punished with an interdict); Can. 1375 (1983 Code) ("Those who impede the freedom of ecclesiastical ministry or election or power, or the legitimate use of sacred goods or other ecclesiastical goods, or who grossly intimidate an elector, or the elected, or the one who exercises ecclesiastical ministry or power, can be punished with a just penalty.").

was permissive to acts of child sexual abuse, by declining to discipline or remove offending personnel and declining to promulgate or enforce effective policies and procedures to prevent child sexual abuse.

90. At all relevant times, the Archdiocese created, fostered, and promoted a culture in which personnel, children, and their families, were taught to believe that the Archdiocese, through its representatives, could not seriously err and required complete obedience to the Archdiocese and its personnel, particularly priests.[21]

91. At all relevant times, the culture created, fostered, and promoted by the Archdiocese had the effect of encouraging personnel subject to the control of the Archdiocese to engage in sexual abuse and exploitation without fear of exposure or discipline, and had the effect of intimidating victims into silence or misleading them into believing that the outrageous conduct to which they were subjected was not sexual abuse or was not serious in nature.

92. Plaintiffs, at all relevant times, had a fiduciary relationship with the Archdiocese that created a duty on the part of the Archdiocese to disclose material facts and to not conceal material facts pertinent to Plaintiffs' causes of action, including those set forth herein.

93. All of Plaintiffs' causes of action arise from conduct characterized by negligence, gross negligence, fraudulent concealment, fraud, and reckless and willful disregard for Plaintiffs' health and safety.

[21] *See, e.g.*, Baltimore Catechism No. 3 (1949) at ¶ 163 ("By the infallibility of the Catholic Church is meant that the Church, by the special assistance of the Holy Ghost, cannot err when it teaches or believes a doctrine of faith or morals. . . . It is unthinkable that an institution established by God for the salvation of souls could lead men into error and turn them away from God."); ¶ 455 ("Catholics should show reverence and honor to the priest because he is the representative of Christ Himself and the dispenser of His mysteries.")

94. The Archdiocese's tortious acts and omissions resulted in unjust enrichment of the Archdiocese, in that the Archdiocese was able to avoid, through wrongful means, legal accountability and payment of just compensation to Plaintiffs.

95. As a direct result of the negligent, grossly negligent, or reckless conduct of the Archdiocese and its agents, servants, volunteers and/or employees, including but not limited to Perpetrators, Plaintiffs have suffered serious and permanent physical, emotional, and financial injuries, including but not limited to:

a. Severe stress and attendant medical problems;

b. Emotional distress and anger;

c. Severe mental anguish and despair;

d. Severe anxiety, nervousness, fearfulness, and panic attacks;

e. Flashbacks, intrusive thoughts, and night terrors;

f. Post-traumatic stress disorder;

g. Depression;

h. Suicidal ideation;

i. Attempts at suicide;

j. Profound anger;

k. Irritability;

l. Harmful, disruptive, or distressing personality changes;

m. A loss of faith;

n. Ongoing humiliation, embarrassment, shame, and guilt;

o. Physical pain, nausea, and stress;

p. Sleeplessness, and night sweats;

q. A loss of enjoyment of life;

r. Extreme difficulty in trusting and interacting with others, including those in positions of authority and/or those in intimate relationships with Plaintiffs;

s. Extreme difficulty in participating in and enjoying intimate relationships;

t. A loss of earnings and earning capacity;

u. Damages for past expenses incurred as a result of psychological treatment;

v. Future damages for medical, health care, and psychological treatment; and

w. Other damages that may become apparent during the course of discovery or awarded by a jury.

V. Timeliness of claims

96. Plaintiffs' causes of action are timely brought under the Maryland Child Victims Act of 2023.

97. Plaintiffs' causes of action are timely brought under the continuing violation doctrine, as the course of conduct of the Archdiocese described herein constitutes a continuing course of tortious conduct.

98. Plaintiffs' causes of action are also timely brought under the doctrine of fraudulent concealment, because Defendant had a special, confidential, or fiduciary relationship with the Plaintiffs, yet did not disclose facts material to their causes of action against the Archdiocese, that were necessary to put Plaintiffs on notice of the existence of a cause of action against the Archdiocese.

99. Specifically, the Archdiocese had a duty to notify, but failed to notify, Plaintiffs that it had engaged in a pattern of conduct of, at a minimum, (1) concealment of sexual abuse; (2) silencing of victims; (3) negligent training, retention, and supervision of its agents, including both Perpetrators and those responsible for hiring and supervising them—all of which directly and proximately caused or contributed to the sexual abuse Plaintiffs suffered from agents of the

Archdiocese and the resulting damages.

100. Plaintiffs were unaware they had a cause of action against the Archdiocese until the publication of the Maryland Attorney General's Report on Child Sexual Abuse in the Archdiocese of Baltimore (the "Report") as well as the announcement that the Maryland Attorney General was in the midst of a similar investigation of the Archdiocese of Washington, both of which brought Plaintiffs' attention to the types of tactics that Catholic dioceses are engaged in within the State of Maryland.

101. The Report, published in redacted form in April 2023, made numerous crucial findings, including the following:

a. "As the case descriptions in this Report make clear, from the 1940s through 2002, over a hundred priests and other Archdiocese personnel engaged in horrific and repeated abuse of the most vulnerable children in their communities while Archdiocese leadership looked the other way. Time and again, members of the Church's hierarchy resolutely refused to acknowledge allegations of child sexual abuse for as long as possible. When denial became impossible, Church leadership would remove abusers from the parish or school, sometimes with promises that they would have no further contact with children. Church documents reveal with disturbing clarity that the Archdiocese was more concerned with avoiding scandal and negative publicity than it was with protecting children."[22]

b. "Over 600 children are known to have been abused by the 156 people included in this Report, but the number is likely far higher."[23]

c. "Leaders of the Archdiocese repeatedly dismissed reports of abuse and exhibited little to no concern for victims. They failed to adequately investigate complaints and made no effort to identify other victims or corroborate alleged abuse. They transferred known abusers to other positions of equal authority and access to children. They focused not on protecting victims or stopping the abuse, but rather on ensuring at all costs that the abuse be kept hidden. The costs and consequences of avoiding scandal were borne by the victimized children."[24]

d. "[P]rior to 2002, known abusers were allowed to remain in ministry after

[22] Report at 9.

[23] Report at 9.

[24] Report at 11.

'treatment.'"[25]

e. "Our judicial system should provide a means for victims who have suffered these harms to seek damages from the people and institutions responsible for them. They should also have access to the discovery afforded parties in civil litigation in order to learn what the Church knew about their abuse and what might have been done to protect them."[26]

102. At all relevant times, Defendant 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 Archdiocese and its associated agents.

103. Plaintiffs, for all the reasons stated herein—including those specified in Count V: Breach of Fiduciary Duty—had a special and fiduciary relationship with the Archdiocese that created a fiduciary duty on the part of the Archdiocese to disclose material facts and to not conceal material facts pertinent to Plaintiffs' causes of action, including those set forth herein.

104. The Archdiocese fraudulently concealed information pertaining to clergy sexual abuse that was pertinent and essential to their claims, including their knowledge of and failure to take adequate measures to prevent abuse by clergy in general and the relevant perpetrator in particular.

105. The agents of the Archdiocese who sexually abused Plaintiffs often did so in a manner that carried with it an express or implied threat not to disclose their abuse to others.

106. The agents of the Archdiocese who sexually abused Plaintiffs often did so, at all relevant times, in a manner that was intended to or had the effect of concealing the true significance and meaning of the acts of sexual abuse (e.g., by misleading Plaintiffs that such acts were normal, an expression of genuine love and affection, or "God's will").

[25] Report at 18.

[26] Report at 20.

107. The Archdiocese knew or should have known that Perpetrators had previously been accused of sexually abusing children at prior postings or had propensities that disposed them to committing sexual abuse and concealed that knowledge from Plaintiffs.

108. The Archdiocese knew or should have known that Perpetrators were at risk of committing abuse before they abused Plaintiffs.

109. Information published by the Archdiocese indicated that transfers of sexually predatory clergy were to be celebrated and were the result of routine movement and assignment of clergy, when in fact the Perpetrators were often transferred due to their predatory behavior toward children.

110. As indicated above, at all relevant times, the Archdiocese concealed child sexual abuse by hiding the abuse from parishioners; providing false information about clergy members' prior actions, moral character, and reasons for transfers; quietly transferring clergy members to new postings to prevent further complaints and legal filings; failing to report abuses to police, child protective services, and other appropriate authorities; and by failing to reach out to prior victims, including Plaintiffs, to disavow sexually abusive behavior and offer aid and just compensation.

111. At all relevant times, the Archdiocese has actively misrepresented, concealed, and withheld material facts from the laity of the Archdiocese, including Plaintiffs, regarding numerous complaints and substantiated findings of clergy sexually abusing children on account of their ministry in the Archdiocese.

112. Defendant misrepresented, concealed, and withheld material facts, including all factual allegations above, 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 Archdiocese and the Roman Catholic Church in general.

113. Further, the Archdiocese's concealment was meant to quiet and subdue complaints

of sexual abuse and prevent valid legal filings against the entity, at all relevant times.

114. The Archdiocese's fraudulent concealment of Perpetrators' abuse consisted of silence and affirmative acts that had the purpose and effect of lulling victim-survivors, including Plaintiffs, into delay and preventing them from discovering their causes of action against the Archdiocese.

115. The Archdiocese had knowledge of its aforementioned constructive fraud and fraud in connection with its fraudulent concealment of Perpetrators' abuse, and expected and intended Plaintiffs to rely on its constructive fraud and fraud so as to trust that Perpetrators were safe with children and to not pursue claims against the Archdiocese arising from sexual abuse by the Perpetrators.

116. As a result of the Archdiocese's conduct as described herein, the entity is equitably estopped from asserting any defense that Plaintiffs' causes of action are time-barred.

117. Any defense that Plaintiffs' claims are time-barred is unavailing, because the Archdiocese has purposefully concealed its conduct pertaining to clergy sexual abuse from law enforcement, Plaintiffs and their families, members of the church and surrounding community, and other individuals who had the authority to stop the abuse from occurring.

118. As a result of the Archdiocese's actions, Plaintiffs have been unable to discover the Defendant's efforts to conceal its involvement in Plaintiffs' injuries that were sustained as a result of sexual abuse and misconduct by clergy and other agents of the Archdiocese, within applicable limitations periods.

119. Plaintiffs' causes of action also are not time-barred because the Archdiocese negligently failed to ameliorate the severe, disabling mental and emotional harm it knew or should have known that Plaintiffs experienced as a result of rape and sexual abuse by clergy and other agents of the Archdiocese.

120. By virtue of its continuing victimization of Plaintiffs and the aforementioned breach of its fiduciary, confidential, and special relationships with them, the Archdiocese is estopped from raising any defense that Plaintiffs' claims are time-barred.

121. Plaintiffs will be wrongfully and unjustly prejudiced by the misrepresentations and concealment committed by the Archdiocese if any defense that Plaintiffs' claims are time-barred is invoked.

122. Plaintiffs' causes of action are thus timely under the doctrines of fraudulent concealment, equitable estoppel, and equitable tolling.

123. Plaintiffs do not admit, and expressly deny, that any statute of limitations, statute of repose, laches, or similar principle operates to bar the claims herein, or any other cause of action that Plaintiffs possess against the Archdiocese.

PLAINTIFF JOHN DOE

124. Plaintiffs incorporate all preceding paragraphs as if fully set forth herein.

125. Plaintiff John Doe is an adult resident of Montgomery County, Maryland.

126. Doe brings this action on his own behalf and on behalf of all others similarly situated.

127. Doe was born in 1985. During the abuse described herein, he was a minor.

128. Plaintiff attended St. Martin of Tours Catholic Church and St. Martin of Tours Catholic School (collectively, "St. Martin") in Montgomery County, Maryland from the time he was approximately 4 or 5 years old.

129. Father Michael Mellone ("Mellone") was ordained as a priest for the Archdiocese of Washington.

130. From 1991 to 2003, Mellone served as the pastor, assistant pastor, and/or priest of St. Martin.

131. Deacon Lawrence Bell ("Bell") was ordained as a deacon in 1991. At all times relevant to the events alleged herein, Bell served as a deacon at St. Martin.

132. Bell and Mellone were perpetrators.

133. Beginning in approximately 5th grade, Mellone and Bell started to abuse Doe.

134. Mellone and Bell would abuse Doe at separate times, not together. However, they would engage Doe in the same types of sexual acts at similar times of Doe's life. Doe does not know whether either Mellone or Bell knew that the other was abusing him.

135. On the first occasion where Doe was abused by Father Mellone, Father Mellone touched Doe's genitals over his clothes in a school classroom.

136. On the first occasion where Doe was abused by Deacon Bell, Deacon Bell touched Doe's genitals over his clothes in a room connected to the altar.

137. The over-the-clothes sexual touching by Mellone and Bell occurred for approximately a couple months, and then it progressed to under-the-clothes touching.

138. At some of the early incidents of abuse, each of Mellone and Bell provided Doe with wine.

139. Eventually, each of Mellone and Bell began forcing Doe to insert his own penis into their mouths for oral copulation.

140. The abuse by Mellone and Bell would often happen when church staff, altar boys, or Doe were assisting in setting up the church for services.

141. Mellone told Doe that the abuse was God's will.

142. The abuse by both men occurred on a regular basis (approximately once a week, on average) for multiple years, always on property controlled by St. Martin and the Archdiocese.

143. Mellone and Bell each separately told Doe that no one would believe him if he told anyone about the abuse.

144. Plaintiff had been raised to honor and revere priests and clergy and had the belief instilled in him by the Archdiocese that priests and clergy, including Mellone and Bell, were representatives of God.

145. Plaintiff believed that the authority, direction, and instruction from the Catholic Church through the Archdiocese and its agents, including Mellone and Bell, was doctrinally infallible.

146. Plaintiff placed his trust and confidence in the Archdiocese and in Mellone and Bell, as its agents and employees, thereby placing the Archdiocese in a position of influence and superiority over him.

147. As a result of Bell and Mellone's conduct, Doe suffered the damages described in paragraph 95.

148. The Archdiocese knew or should have known that Bell and Mellone posed a danger to children before allowing them to minister in the Archdiocese and at St. Martin.

PLAINTIFF RICHARD ROE

149. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

150. Plaintiff Richard Roe is an adult resident of Frederick County, Maryland.

151. Roe brings this action on his own behalf and on behalf of all others similarly situated.

152. Roe served as an altar boy in the mid-1960s, roughly between the ages of 9 and 12, at St. Jerome Parish in Hyattsville, Prince George's County, Maryland.

153. Following a service, Roe was cleaning and organizing the sacristy behind the altar. A priest who just led the service invited Roe into his bedroom in the rectory, adjacent to the church, under the pretext of engaging in additional discussion about Roe's personal life. Once in the priest's quarters, the priest manipulated Roe to remove his clothing down to his underwear and get into the

priest's bed. The priest also removed his own clothing except his underwear and got into bed with Roe. Once together in the priest's bed, the priest began spooning Roe, with Roe's back and buttocks adjacent to the priest's chest and groin, respectively. The priest then wrapped his arm around Roe and started fondling him while discussing Plaintiff's home life. Roe froze in horror and felt trapped. The priest said, "I want to make you feel better. Doesn't that feel good?" Roe finally summoned the courage to get out of the priest's bed, got dressed and prepared to exit. Before leaving, the priest said they would "carry on the conversation" another time.

154. During this episode, the priest appeared comfortable, confident, and in no fear of being caught with a child in an area not typically open to the public, and especially children. This was so despite the presence of other clergy and church administrators in and around the rectory during the episode.

155. Roe was a lonely child who came from a dysfunctional home. As such, the priest recognized that Roe was particularly vulnerable to sexual abuse and exploitation under the guise of mentorship.

156. As a result of the priest's conduct, Roe suffered the damages described in paragraph 95.

157. The Archdiocese knew or should have known that this priest was a danger to children before he was placed at St. Jerome where he abused Roe.

158. Abuse by the priest of children such as Roe was foreseeable to the Archdiocese before he was accepted by the Archdiocese and placed at St. Jerome where he abused Roe.

PLAINTIFF MARK SMITH

159. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

160. Mark Smith is an adult resident of Quenn Anne's County, Maryland.

161. Smith brings this action on his own behalf and on behalf of all others similarly situated.

162. In the 1960s, Smith and his family were parishioners at St. Catherine Labouré Church in Wheaton, Montgomery County, Maryland. Smith attended elementary school at St. Catherine's.

163. In or about 1965, Smith (12 years old), Smith's older brother, and another family friend (both 13 years old) were asked to volunteer at an evening event for adults held in the auditorium of St. Catherine's school. The three boys were tasked with setting out tablecloths, snacks, and other miscellaneous tasks to help set up the event.

164. During the evening, before the event started, Fr. Robert J. Petrella approached the boys as they worked in the kitchen. Smith was alarmed to see Petrella. Smith previously observed Petrella monitoring children while they played on playgrounds during recess, and felt uneasy around Petrella.

165. Petrella said he was also assisting with the event and requested that the boys help inspecting and securing the school grounds. Petrella claimed that he needed to ensure event participants could only enter the school at the auditorium. As such, he asked the two older boys to inspect outside to ensure that all doors were locked except those leading to the auditorium. The older boys did as they were told, leaving Smith alone with Petrella.

166. Petrella then asked Smith to walk with him through the interior of the school, which was vacant and dark. While walking empty dark hallways, Petrella suddenly picked up Smith in a bear hug from behind and painfully rubbed his thick facial hair stubble against Smith's cheek. Petrella asked how much Smith weighed. "75 pounds," Smith responded. "You're much bigger than that!" Petrella replied. He escorted Smith to the school nurse's office under the pretext of verifying Smith's weight. Once there, Petrella turned on the light, lifted Smith into the air and fondled him

from behind. Smith immediately understood he was in danger.

167. Petrella then took out petroleum jelly from a cabinet. He knew exactly where to find it. Petrella undid Smith's belt, took down his pants and pushed Smith towards an examination table. Petrella dipped his fingers in petroleum jelly and proceeded to insert them into Smith's anus, inflicting extreme pain. Petrella again placed his cheek next to Smith's cheek while fondling him. Petrella then positioned Smith's chest on the examination table with his legs hanging over the edge at a 90 degree angle. The fondling became rougher, and Petrella calmly reassured Smith that "everything was fine" and he was "God's child." Petrella then raped Smith.

168. At some point, Smith's brother was heard coming down the hallway towards the nurse's office—the only office with a light on—calling for Smith. Hearing Smith's brother approach, Petrella immediately ceased raping Smith and let Smith get dressed. When Smith's brother reached the office, Petrella said "We're just about done," and told the boys he would finish inspecting the school by himself and they should return to the auditorium.

169. As a result of Petrella's conduct, Smith suffered the damages described in paragraph 95.

170. About a year after he assaulted Smith, Petrella was caught by an adult parishioner raping another child. The Archdiocese did not report the rape to authorities, did not inform the parishioners of what transpired, and did not investigate whether Petrella had other victims. Instead, upon information and belief, the Archdiocese sent Petrella to psychiatric treatment and evaluation, and then permitted him to return to the ministry.

171. Between the mid-1960s and 1988, the Archdiocese sent Petrella away three more times for treatment following allegations of abuse, allowing him each time to return to parish work.

172. In 1989, Petrella was permanently removed after more allegations of sexual abuse were reported.

173. In January 1997, Petrella was indicted and convicted for sexually abusing a 10-year-old boy in the late 1970s, when he was pastor at St. Thomas More Catholic Church. He was accused of molesting the boy during car trips from church to the boy's home from November 1977 to December 1978.

174. In April 2003, Petrella was finally laicized.

175. In June 2003, he admitted to sexually molesting three altar boys at St. Columbia Catholic Church in the late 1960s and early 1970s. He was convicted of unnatural and perverted sex practices against children.

176. According to the Archdiocese, Petrella abused at least 25 known victims.

177. Petrella was listed as credibly accused in 2018.

178. The Archdiocese knew or should have known that Petrella was a danger to children before he was placed at St. Catherine's where he abused Smith.

179. Abuse by Petrella of children such as Smith was foreseeable to the Archdiocese before he was accepted by the Archdiocese and placed at St. Catherine's where he abused Smith.

CLASS DEFINITION

180. Plaintiffs incorporate all preceding paragraphs as if fully set forth herein.

181. Plaintiffs seek to maintain this action as a class action on behalf of the Class, defined as follows: "All persons (or their personal representatives, heirs, or assigns) who were subjected to one or more acts of sexual abuse or sexual misconduct as minors at any time from 1939 through the present, which were committed by agents, servants, or employees of the Archdiocese of Washington or who were otherwise under the direction, supervision, or control of the Archdiocese of Washington; or on premises owned by or subject to the control of the Archdiocese of Washington.." (hereinafter, the "Class.") Excluded from the Class definition are Defendant and any entity in which Defendant has a controlling interest, any current officers or directors of Defendant,

and the legal representatives, heirs, successors, assigns, and spouses of Defendant, and members of the Maryland Judiciary, and their legal representatives, heirs, successors, assigns, and spouses.

182. The period from 1939 to the present is sometimes referred to herein as the "Class Period."

183. The 1939 start date of the class definition is chosen because the Archdiocese started in 1939. From the date of inception, the Archdiocese knew or should have known of the rampant and pervasive problem of sexual abuse against minors perpetrated by those within its ranks but did nothing to stop or curb the problem, and in fact took actions that enabled sexual abuse against minors to continue with no or minimal repercussions.

184. Plaintiffs reserve the right to maintain a class action under an amended definition as may be proposed in the future—such as one based on evidence of an earlier documented date of actual or constructive knowledge of the problem of sexual abuse by clergy and other personnel in the Archdiocese of Washington.

185. Plaintiffs reserve the right to maintain a class action under an amended definition as may be proposed or certified by the Court.

186. Plaintiffs reserve the right to substitute class representatives.

187. The interests of justice require that the action be maintained as a class action.

A. The Class satisfies Rule 2-231(b) as to numerosity, commonality, typicality, and adequacy.

188. The Class is so numerous that joinder of all members is impracticable, because, among other reasons, the Archdiocese's most recent list of credibly accused clergy, dating to 2018, contains 34 names. Nearly 70% of child sex offenders have between 1 and 9 victims, and at least

20% have 10 to 40 victims.[27] By way of example, as of 2006, there were at least 45 known victims of two convicted priests—Father Thoms S. Schaefer (20 known victims) and Father Robert J. Petrella (25 known victims).[28] The total number of Schaefer and Petrella's victims, moreover, is likely much larger than 45 because nearly 85% of child abuse victims never report their abuse.[29] As such, the Class vastly exceeds 40 members.

189. There are questions of law and fact common to the members of the Class that are susceptible to generalized, class-wide proof, the resolution of which will materially advance the litigation of the entire action. These common questions include but are not limited to the following:

a. Whether the Maryland Child Victims Act is constitutionally infirm;

b. Whether the caps on damages specified in the Maryland Child Victims Act apply to each incident of abuse or other tortious act or omission that occurs within a larger course of conduct;

c. Whether Plaintiffs' causes of action are time-barred;

d. Whether the common-law doctrine of charitable immunity or Maryland statutory law that purports to limit recovery against charitable organizations bars recovery against the Defendant beyond the limits of its applicable insurance coverage;

e. Whether the common-law doctrine of charitable immunity should be retained in actions against the Archdiocese of Washington involving child sexual abuse;

f. Whether the doctrine of fraudulent concealment/constructive fraud and the facts pled herein precludes a finding that Plaintiffs' claims are time-barred as a matter of law;

g. Whether the Archdiocese engaged in a pattern or practice of concealment of sexual abuse and sexual misconduct of its priests or other employees in violation of Maryland common law or statutory law;

h. Whether the Archdiocese engaged in a pattern or practice of failing to report incidents of sexual abuse and sexual misconduct of its priests in violation of

[27] https://www.indianaprevention.org/child-abuse-statistics.

[28] C. Murphy, *Quest to Heal Leads Abuse Victims to Face Old Demons*, Wash. Post (Mar. 20, 2006).

[29] https://www.indianaprevention.org/child-abuse-statistics.

Maryland common and statutory law;

i. Whether the Archdiocese engaged in a pattern or practice of tacitly tolerating sexual abuse and sexual misconduct of its priests in violation of Maryland common law;

j. Whether the Archdiocese engaged in a pattern or practice of exposing children to priests or other agents or employees of the Archdiocese who were known sexual predators, in violation of Maryland common law;

k. Whether the Archdiocese engaged in a pattern or practice of failing to properly screen, supervise, and discipline those priests whom it knew or should have known were engage or were likely to engage in acts of sexual abuse and misconduct in violation of Maryland common law;

l. Whether it was the policy of the Archdiocese to keep information regarding sexual abuse and sexual misconduct by archdiocesan priests against children, parishioners, and employees of the Archdiocese concealed from the priests, nuns, teachers, and employees with whom the perpetrators worked and from law enforcement authorities so that these individuals would be unable to take action to protect other victims from further abuse in violation of Maryland common law;

m. The time at which the aforementioned policies, patterns, or practices of the Archdiocese commenced or ended;

n. Whether or not Defendant's common policies, patterns, or practices caused or were capable of causing injury to class members; and

o. Whether or not Defendant's common policies, patterns, or practices resulted in foreseeable injuries or damages to class members.

190. Named Plaintiffs' claims are typical of the claims of the Class, because they arise from the same practices or course of conduct by the Archdiocese that gives rise to the claims of other class members and are based on the same legal theory.

191. Named Plaintiffs will adequately represent the interests of the Class, because the named Plaintiffs have no conflicts of interest with Class members and will prosecute the action vigorously on behalf of the Class.

192. Schochor, Staton, Goldberg and Cardea, P.A. and the undersigned counsel are adequate to represent the Class. The undersigned counsel have extensive experience in class action litigation, including specifically experience in litigation involving claims of sexual abuse:

a. *Doe v. Johns Hopkins Hospital Systems Corp.*, No. 24-C-13-001041 (Balt. City Cir. Ct.). Jonathan Schochor spearheaded that class action litigation from inception to completion. He filed the case as a class action, served as the Chairman of the Plaintiffs' Steering Committee, developed the case, and ultimately led a series of mediations culminating in a $190 million settlement for class members. At that time, it was reported to be the largest single perpetrator sexual assault settlement in U.S. history. It has also been reported to be the largest sexual abuse case in Maryland history.

b. *Doe v. Earl Bradley,* C.A. Nos. N10C–05–023 JRS, N10C–10–317 JRS in the Superior Court for Delaware, New Castle County. The pediatrician defendant, Earl Bradley, M.D., was convicted of sexually abusing hundreds of minor patients in Delaware. The firm was a leader in the class action litigation that followed, which culminated in a settlement for $123 million.

c. In addition to significant experience in sexual assault-related class action litigation, Schochor, Staton, Goldberg and Cardea, P.A. has experience in other mass tort class actions. The firm launched an extensive investigation into the waste management practices of Mountaire, a chicken processing plant in Millsboro, Delaware, which resulted in class action litigation, *Cuppels v. Mountaire Corp.*, C.A. No. S18C-06-009 in the Superior Court of the State of Delaware. After detailed and involved discovery, the firm was a leader in ongoing negotiations, ultimately achieving a $205 million settlement in 2021.

193. Janet, Janet and Suggs and the undersigned counsel are adequate to represent the Class. The undersigned counsel have extensive experience in class action litigation, including extensive experience in litigation that specifically concerns claims of sexual abuse, including but not limited to the following:

a. *Doe v. Johns Hopkins Hospital Systems Corp.*, No. 24-C-13-001041 (Balt. City Cir. Ct.). As Vice-Chair of Plaintiffs' Steering Committee in the class action, Janet, Janet and Suggs attorneys worked closely with Mr. Schochor on bringing the class action, which involved sexual abuse claims concerning the conduct of Dr. Nikita Levy, to its successful resolution.

b. *Tyndall v. University of Southern California*, No. BC705677 (Sup. Ct. Los Angeles Cnty.) (co-counsel in mass action involving sexual abuse claims related to the conduct of Dr. George Tyndall; represented 136 out of 702 plaintiffs (second largest of any firm), average of $1.2 million per claim, for a total of $852 million; historic settlement for sexual abuse case).

c. *Glibowski v. SCANA et al.*, No. 9:18-cv-00273-TLW (D.S.C.) (co-counsel in class action involving fraud against ratepayers by two South Carolina energy utilities, part of $2 billion global settlement).

d. *Jane Doe, et al. v. Regents of the University of California, et al.* (Sup. Ct. Los Angeles Cnty.), a lawsuit against UCLA for sexual abuse by Dr. James Heaps. Janet, Janet & Suggs and co-counsel reached a $243.6 million settlement with UCLA. This settlement, on behalf of 203 plaintiffs (of which JJS represented 27), was part of a larger group of settlements totaling nearly $700 million recovered from UCLA for their part in the sexual abuse, assault, and harassment of patients by Heaps.

e. *In re Behr Dayton Thermal Products, LLC*, No. 08-000326 (S.D. Ohio) (co-class counsel in toxic tort class action against Fortune 1000 corporations involving groundwater contamination, class certification affirmed on appeal, cert. denied, class action settlement preliminarily approved).

f. Co-class counsel in $19.5 million class-action settlement involving contamination claims arising from Nevada mining operations, against Atlantic Richfield Co. and BP America.

g. Co-class counsel in $10,017,000 class action settlement against Honeywell International involving hexavalent chromium soil contamination in Jersey City, New Jersey.

h. *John Doe No. 6 v. Pennsylvania State University*, No. 13-0336 (E.D. Pa.), an action on behalf of a survivor of abuse by Jerry Sandusky which resulted in a confidential settlement.

194. Janet, Janet & Suggs and the undersigned counsel also have significant experience prosecuting sexual abuse actions against the Archdiocese and Catholic dioceses in numerous other states. Five Janet, Janet & Suggs attorneys focus on sexual abuse claims, including an of-counsel attorney, Richard Serbin, who practices exclusively for Janet, Janet & Suggs, has been litigating child sexual abuse cases since 1987, and has represented over 300 survivors of clergy sexual abuse.[30]

195. The undersigned counsel and law firms will diligently and vigorously represent the interests of the named Plaintiff(s) and unnamed class members.

B. The action satisfies the requirements of Maryland 2-231(c)(1).

196. Maryland Rule 2-231(c)(1) is satisfied because, among other reasons, maintaining individual actions would risk inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for the party opposing

[30] *See* https://www.thedailybeast.com/the-crusader-who-exposed-pennsylvanias-sadistic-priests.

the class, as different courts may well make conflicting findings regarding the common issues identified above, including whether the action may be maintained under the Maryland Child Victims Act and whether charitable immunity applies.

197. Plaintiffs do not admit—and, in fact, deny—that the doctrine of charitable immunity applies to any claim at issue in this action. However, if the Archdiocese asserts charitable immunity as a defense, the action satisfies Maryland Rule 2-231(c)(1) on the basis that adjudications with respect to individual members of the class would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests if charitable immunity is deemed to apply, for reasons including the following:

a. If charitable immunity applies, the Archdiocese would be entitled to immunity for third-party tort claims under the Maryland doctrine of charitable immunity, except to the extent of available insurance coverage.

b. The limits of the Archdiocese's liability insurance would be eroded in an arbitrary fashion, based on which plaintiffs were able to resolve their causes of action first against the Archdiocese.

c. The Archdiocese's liability insurance is likely a wasting policy that is depleted by the costs of defense of claims.

d. Given the number of claims at issue in this action, the available insurance coverage for the Archdiocese is expected to be rapidly depleted. The result may be that only the earliest-filed cases have access to the Archdiocese's insurance coverage.

C. The action satisfies the requirements of Maryland Rule 2-231(c)(3).

198. The action may also be maintained as a class action under Maryland Rule 2-231(c)(3), because the requirements of predominance and superiority are satisfied.

199. Common questions of law or fact, including those identified in paragraph 189 above, predominate over individual questions, such as those pertaining to individual damages.

200. Resolution of common questions of law or fact, including those identified in

paragraph 189 above, will materially advance the termination of the action as a whole and the individual claims of all class members.

201. Common questions of law or fact, including those identified in paragraph 189 above, are a significant part of the individual claims.

202. The proposed class is sufficiently cohesive to warrant adjudication by representation.

203. A class action is superior to other available methods for the fair and efficient adjudication of the controversy, for reasons including the following:

a. The proposed class action is the most efficient means of resolving common questions of law and fact, which will materially advance the termination of the litigation.

b. If charitable immunity applies, resolving issues on a classwide basis will reduce the cost of defense, allowing for greater compensation for individual class members from a limited pool of insurance.

c. Individual class members do not have an interest in controlling the prosecution of the action as to common, class-wide issues, and will be able to control the prosecution of follow-on proceedings to resolve individualized aspects of their claims.

d. Individual class members who wish to litigate their claims individually may opt out of the class, and, at any rate, will be able to present claims related to individual issues once the class phase of the case is completed.

e. It is desirable to concentrate litigation of claims in this forum since the Defendant's principal place of business is in the forum.

f. It is also desirable to concentrate litigation of the claims in this forum, because the Class Members either suffered sexual abuse in this venue or were injured as a result of a common course of conduct of the Archdiocese, explained above, that occurred primarily in this venue.

g. Plaintiffs anticipate no substantial difficulties in managing this class action in this Court, particularly when compared to available alternatives (e.g., the litigation of hundreds or thousands of individual claims against the Archdiocese, which arise from a common course of conduct).

D. The action satisfies the requirements of Maryland Rule 2-231(e).

204. In the alternative, it is also appropriate to maintain the action as a class action with

respect to particular issues, including each and every common question of law and fact identified in paragraph 189 above, which is incorporated here by reference.

205. Maintaining the action as a class action with respect to common questions of law and fact—including but not limited to the constitutionality of the Maryland Child Victims Act and the applicability of charitable immunity—will permit the efficient and material advancement of all claims arising from sexual abuse by employees, servants, or agents of the Archdiocese.

206. In addition, should the Court find it appropriate, the class can be divided into subclasses pursuant to Md. Rule 2-231(e).

COUNT I: NEGLIGENCE, NEGLIGENCE PER SE, AND PREMISES LIABILITY

207. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

208. During the Class Period, Plaintiffs were anally or orally raped, sexually molested, or otherwise sexually abused by Perpetrators.

209. These actions taken by Perpetrators were within the scope of their relationship with the Archdiocese, because they occurred or were made possible by that relationship (including the grooming of Plaintiffs and other children that Perpetrators performed under the guise of parish and community ministry) and were ratified expressly or impliedly by the Archdiocese.

210. The Archdiocese, by and through its agents, servants, and/or employees, knew or reasonably should have known of Perpetrators' sexual interest in children and misconduct and abuse of children; and that Perpetrators were capable of committing immoral and criminal acts upon Plaintiffs.

211. The Archdiocese had a duty to protect Plaintiffs during the time they were in the Archdiocese's care, custody, or responsibility and owed Plaintiffs a special and fiduciary duty to care for them as a reasonably prudent parent would care for them.

212. Plaintiffs' care, welfare, and physical custody was entrusted to the Archdiocese while they were on the property of schools, parishes, or other locations subject to the management or control of the Archdiocese, and while they were in the company of Perpetrators.

213. The Archdiocese ratified Perpetrators' conduct by declining to discipline them for their sexual abuse and exploitation of Plaintiffs, and by enabling Perpetrators through its inaction to continue to rape, abuse, and torture children under the guise of offering spiritual guidance to children.

214. The Archdiocese operated a business where parishes, school buildings, and other properties within its controls were held open to the general public for the purpose of worship and church business.

215. Plaintiffs were invitees or licensees and were allowed and encouraged to be in archdiocesan churches and on church property, and to go on Archdiocese- and church-sponsored trips.

216. As such, the Archdiocese also owed Plaintiffs a duty to protect them against unreasonable physical harm including any harm foreseeably caused by a third party, including Perpetrators.[31]

217. The Archdiocese allowed Perpetrators to use its properties, and thus owed a duty to Plaintiffs to exercise reasonable care so to control the conduct of Perpetrators and prevent them from intentionally harming others or from so conducting themselves as to create an unreasonable risk of bodily harm to Plaintiffs.

218. The Archdiocese failed to warn Plaintiffs of the danger Perpetrators posed.

[31] Restatement (Second) of Torts § 314A (1965).

219. The Archdiocese knew or should have known that Perpetrators posed a serious risk to the physical safety of Plaintiffs before the time that each Plaintiff was sexually abused or exploited.

220. It was foreseeable that Perpetrators would physically injure children such as Plaintiffs, because, among other reasons, the Archdiocese knew or should have known that they had previously sexually abused or exploited children, committed sexual misconduct, or committed other misconduct.

221. Furthermore, the Archdiocese knew or had reason to know that Perpetrators sexually abused children, including Plaintiffs, and caused them bodily harm. Plaintiffs and other children were in danger of future harm and were helpless due to their age, Perpetrators' statuses, and the physical and emotional injury they suffered as a result of Perpetrators' abuse of them. The Archdiocese had a continuing duty to exercise reasonable care to prevent such further injury.

222. The Archdiocese's failure to exercise reasonable care increased the risk of harm to Plaintiffs and other children. Families and children, including Plaintiffs and their parents, relied on the Archdiocese and Perpetrators and suffered due to their reliance and the Archdiocese's breach of duty.

223. The Archdiocese was under a duty to exercise reasonable care to control Perpetrators as their servants even at times when they were acting outside of the scope of their employment—including those times when they sexually abused Plaintiffs—so as to prevent them from causing harm or further harm.

224. The Archdiocese knew that it had the ability to control Perpetrators and knew or should have known of the necessity and opportunity to exercise its control over them.

225. The Archdiocese failed to follow and adopt appropriate policies and procedures, including those identified above, to control the conduct of its employees, including Perpetrators.

226. The Archdiocese, through its agents, servants, or employees, including but not limited to Perpetrators, and employees of the Archdiocese who worked with Perpetrators, witnessed, knew, or should have known of—and should have reported to superiors and law enforcement—sexual abuse committed by Perpetrators against children.

227. During the time Perpetrators served as archdiocesan agents, the Archdiocese did not adequately investigate, report, or discipline them, or warn parishioners or the community of the danger they posed.

228. The Archdiocese maintained a secret archive (otherwise known as a *sub secreto* or Canon 489 file) containing material pertaining to allegations against certain Perpetrators, in which materials related to and supporting allegations of child sexual abuse were wrongly kept hidden from the public and Plaintiffs.

229. By allowing Perpetrators to serve as archdiocesan agents, the Archdiocese should have realized that it had created an unreasonable risk of physical harm to parishioners at its parishes. The Archdiocese did not exercise reasonable care to prevent the risk from taking effect.

230. The Archdiocese knew and expected that the pastors and parishioners of those parishes would rely on its misrepresentations and be lulled into a false sense of security regarding Perpetrators, and thus would be without the knowledge that Perpetrators' presence created an unreasonable risk and danger of physical harm and emotional distress.

231. The Archdiocese never reasonably sought to control the conduct of Perpetrators so as to protect Plaintiffs, despite knowing the Perpetrators had dangerous propensities to physically and sexually abuse minors.

232. The Archdiocese systematically breached its duty to Plaintiffs in all of the aforementioned ways, and by:

a. Transferring Perpetrators to positions of active ministry where they encountered children, despite the fact that the Archdiocese knew or should have known that

Perpetrators had abused and would likely continue abusing children;

b. Enabling Perpetrators to have unrestricted access to children and placing them in a position of trust and control despite knowing they had a propensity to sexually abuse children;

c. Failing to warn Plaintiffs, their families and other parishioners, and the community of Perpetrators' criminal sexual proclivities and the dangerous conditions their behavior created;

d. Failing to properly monitor and supervise Perpetrators to prevent them from sexually abusing children, including Plaintiffs;

e. Failing to prevent Perpetrators from committing physical and psychologically abusive acts upon Plaintiffs;

f. Failing to properly adopt and enforce child sexual abuse reporting, prevention, intervention, and investigation protocols within the Archdiocese 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 Archdiocese;

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 Archdiocese;

i. Failing to provide a safe environment where children were not subjected to sexual and psychological abuse;

j. Holding Perpetrators out as being ethically and morally reputable and safe for children to encounter;

k. Failing to remove Perpetrators from parish property and positions of active ministry, after it knew or should have known that they had sexually abused one or more children or were in danger of doing so;

l. Failing to comply with statutes, rules, regulations, and ordinances enacted for one or more classes of persons that include Plaintiffs (e.g., children, victims of sexual abuse), enacted to prevent injuries of the type sustained by the Plaintiffs, which imply a private right of action or impose liability under a negligence per se theory, including but not limited to statutes and regulations criminalizing sexual abuse and exploitation or imposing a duty on the Archdiocese and its agents to report abuse committed by Perpetrators to law enforcement and state authorities;

m. Negligent entrustment in permitting Perpetrators to exercise ministries for, and use property of, the Archdiocese or parishes within the Archdiocese to engage in the

sexual abuse, sexual torture, and assault and battery of children, including Plaintiffs, where the Archdiocese knew or should have known that Perpetrators were likely to conduct themselves or use property of the Archdiocese or parishes within the Archdiocese to abuse Plaintiffs 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 internal policies and procedures that reflected the standard of care, including those set forth *supra*;

p. 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; and

q. Other negligent acts and omissions that may be disclosed during the course of discovery.

233. Through each of these actions, the Archdiocese acted in reckless disregard of the safety of Plaintiffs and knew or had reason to know of facts which would lead a reasonable person to realize, not only that its conduct created an unreasonable risk of physical harm to Plaintiffs and other children, but also that such risk was substantially greater than that which is necessary to make their conduct negligent.

234. It was reasonably foreseeable that if the Archdiocese did not adequately exercise the duty to provide reasonable care to children, including but not limited to Plaintiffs, the children entrusted to its care would be vulnerable to sexual abuse by actual or apparent agents, servants, or employees of the Archdiocese, including Perpetrators.

235. The failure of the Archdiocese to protect Plaintiffs from the foreseeable harm of Perpetrators' sexual, physical, and psychological misconduct was committed with negligence, gross negligence, wanton recklessness, or reckless indifference to Plaintiffs.

236. Each and every tortious act and omission of the Archdiocese enumerated herein directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

237. The Archdiocese acted with actual malice and engaged in conduct motivated by evil motive, intent to injure, ill will, or fraud in the aforementioned respects, which directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

WHEREFORE, Plaintiffs demand judgment for damages against the Archdiocese, 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: GROSS NEGLIGENCE

238. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

239. The Archdiocese knew and had reason to know that the sexual assaults and misconduct by Perpetrators were performed under the guise of parish and community ministry.

240. The Archdiocese transferred and installed Perpetrators to positions of active ministry within the Archdiocese without warning parishioners or the community of the priests' behavior or taking steps to monitor either priest, despite the fact that the Archdiocese knew or should have known that each priest had abused and would likely continue abusing children.

241. The Perpetrators were permitted by the Archdiocese to exercise their clerical faculties and ministry and use property of the Archdiocese or parishes within the Archdiocese to engage in the sexual abuse of children, including Plaintiffs, where the Archdiocese knew and should have known that the Perpetrators were likely to use property and resources of the Archdiocese or parishes within the Archdiocese to abuse Plaintiff and other children.

242. The Archdiocese declined to discipline Perpetrators for their sexual abuse of children, and enabled them, through its inaction, to continue to abuse and exploit children under the guise of offering spiritual and moral guidance.

243. The Archdiocese knowingly failed to remove Perpetrators from parish property and positions of active ministry, even though it knew and should have known they had abused or were likely to sexually abuse one or more children.

244. The Archdiocese knowingly failed to promulgate and enforce guidelines for child protection.

245. The Archdiocese knowingly failed to enforce existing rules for clerical discipline and child protection, including those referenced above.

246. The Archdiocese was utterly indifferent to Plaintiffs' safety and consciously disregarded Plaintiffs' welfare.

247. The Archdiocese routinely exposed children, including Plaintiffs, to sexually abusive individuals, including the Perpetrators, and ratified Perpetrators' conduct by failing to discipline, sanction, remove, or admonish them appropriately.

248. It was reasonably foreseeable that if the Archdiocese failed to warn and protect Plaintiffs from the Perpetrators, the Plaintiffs would be vulnerable to and would suffer sexual abuse by the Perpetrators.

249. The foregoing conduct by the Archdiocese pled in this count constituted such gross negligence as to indicate a wanton disregard of the rights of others, including Plaintiffs.

250. Each of the aforementioned grossly negligent acts and omissions committed by the Archdiocese directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

251. The Archdiocese acted with actual malice and engaged in conduct motivated by evil motive, intent to injure, ill will, or fraud in the aforementioned respects, which directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

WHEREFORE, Plaintiffs demand judgment for damages against the Archdiocese, 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

252. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

253. Supervision of agents, servants, employees, and other personnel within the Archdiocese's control was mandatory and created an unqualified duty upon it.

254. At all relevant times, the Archdiocese, 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.

255. Perpetrators were, at all relevant times, the actual or apparent agents, servants, or employees of the Archdiocese.

256. The Archdiocese was familiar with the problem of numerous agents sexually violating children within the Archdiocese.

257. The Archdiocese was responsible for the Perpetrators' supervision and retention at all relevant times.

258. The Archdiocese knew or should have known before placing Perpetrators in positions where they came into contact with children that they were unfit to serve in their respective roles because they had sexually abused children previously or were at risk of sexually abusing children in the future.

259. Despite actual or constructive knowledge of prior incidents or allegations of child sexual abuse, and of the reasonable likelihood that Perpetrators might abuse children in the future, the Archdiocese placed or transferred Perpetrators into positions of active ministry and allowed them all the freedoms granted them in association with those positions.

260. The Archdiocese knew or reasonably should have known of Perpetrators' sexual interest in children and their capacity to commit sexual, physical, emotional, and psychological violence against Plaintiffs and other children.

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

262. The Archdiocese systematically breached its duty to Plaintiffs in the aforementioned ways, and by:

a. Failing to protect Plaintiffs from abusive conduct by Perpetrators;

b. Failing to properly monitor and supervise Perpetrators;

c. Permitting Plaintiffs to spend extended periods of time alone with Perpetrators;

d. Failing to properly supervise children in their care or monitor the whereabouts of children on archdiocesan property;

e. Failing to perform adequate screening of Perpetrators prior to their placement within the Archdiocese to ensure they were fit to minister to children;

f. Failing to appropriately place Perpetrators upon hiring and failing to monitor them to ensure the safety of children;

g. Failing to institute or follow a child sexual abuse reporting process, intervention protocols, investigative procedures, and procedures to follow upon a substantiated finding of abuse;

h. Failing to prevent Perpetrators from committing physically and psychologically abusive acts upon Plaintiffs;

i. Failing to monitor for and subsequently investigate acts of sexual, physical, emotional, and psychological abuse and immoral conduct committed by any

employee, including Perpetrators;

j. Failing to provide a safe environment where children were protected from sexual abuse;

k. Failing to promptly remove Perpetrators from all interaction and exposure to children, after having actual or constructive notice that Perpetrators sexually assaulted a child;

l. Failing to sufficiently punish, reprimand, remove, or dissuade Perpetrators from continuing to sexually abuse children;

m. Transferring Perpetrators to various parishes in an effort to minimize complaints, knowledge, and repercussions of their actions; and

n. Other acts and omissions that may become apparent during the course of discovery.

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

264. Each and every tortious act and omission of the Archdiocese enumerated herein directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

265. The Archdiocese acted with actual malice and engaged in conduct motivated by evil motive, intent to injure, ill will, or fraud in the aforementioned respects, which directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

WHEREFORE, Plaintiffs demand judgment for damages against the Archdiocese 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

266. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

267. At all relevant times, the Archdiocese 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.

268. Despite the Archdiocese's knowledge that sexual abuse of children was being perpetrated by its actual and apparent agents, servants, and employees (including Perpetrators), on its premises, it failed to take preventative and reactive measures in the form of training to address systemic problems of formation, training, and supervision of clergy.

269. The Archdiocese failed to sufficiently train with respect to Perpetrators' sexual abuse of children, including Plaintiffs, by:

a. Failing to ensure that Perpetrators were taught proper techniques of establishing boundaries and limits to relationships to enable them to properly conduct counseling and confidential relationships with minor children;

b. Failing to effectively train church leaders, including vicars, bishops, archdiocesan administrators, and other supervisory personnel, how to detect, prevent, monitor for, report and investigate child sexual abuse within the Archdiocese;

c. Failing to effectively train archdiocesan employees, agents, servants and representatives, including priests, how to detect, prevent, monitor for and report child sexual abuse;

d. Failing to effectively train priests and other members of the clergy how to establish appropriate boundaries and relationships with children while providing them Catholic ministry and other services;

e. Failing to effectively train archdiocesan employees, agents, and servants, including priests, how to respond to actual, alleged, or threatened child abuse so as to protect children; and

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

270. The failure of the Archdiocese to protect Plaintiffs from the foreseeable harm of Perpetrators' sexual, physical, emotional, and psychological abuse by providing sufficient training

was a result of negligence, gross negligence, wantonness, recklessness, and/or reckless indifference to Plaintiffs.

271. Each and every tortious act and omission of the Archdiocese set forth herein directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

272. The Archdiocese acted with actual malice and engaged in conduct motivated by evil motive, intent to injure, ill will, or fraud in the aforementioned respects, which directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

WHEREFORE, Plaintiffs demand judgment for damages against the Archdiocese 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

273. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

274. The Archdiocese had a special, confidential, and fiduciary relationship with each Plaintiff.

275. Plaintiffs were entrusted by their parents or guardians to the Archdiocese.

276. The Archdiocese was required to provide Plaintiffs with physical care and protection in the same capacity as a reasonably prudent parent.

277. The Archdiocese also maintained a fiduciary relationship of trust and confidence with Plaintiffs, in which the Archdiocese promised to engage in, and did actively engage in, fostering, promoting, and safeguarding Plaintiffs' well-being.

278. Plaintiffs believed that the authority, direction, and instruction from the Archdiocese was doctrinally infallible.

279. The Archdiocese taught Plaintiffs and others to view priests, including priest Perpetrators, as *alter Christus* ("another Christ") and that a priest's religious status entitled him to special privileges exceeding freedoms a lay person would be allowed.[32] These teachings instructed Plaintiffs to give priests the highest respect and degree of reverence as representatives of God.

280. The Archdiocese confided the performance of their duty toward Plaintiffs to Perpetrators and other agents.

281. As agents of the Archdiocese, Perpetrators deepened and affirmed the Archdiocese's fiduciary relationship with Plaintiffs because they singled Plaintiffs out and spent time with them under the guise of providing Plaintiffs with moral and spiritual guidance.

282. Plaintiffs placed their trust and confidence in the Archdiocese and in Perpetrators, as its agents and employees, thereby placing the Archdiocese in a position of influence and superiority over Plaintiffs.

283. In addition to the Archdiocese's duties *in loco parentis*, the fiduciary relationship between Plaintiffs and the Archdiocese created an affirmative duty on the part of the Archdiocese to act in Plaintiffs' best interest and to protect them, considering their age of minority and vulnerability.

284. The Archdiocese was obligated to do at least the following, among other responsibilities it had toward Plaintiffs:

a. Prevent Perpetrators from being placed in a position where they could abuse Plaintiffs and other minor children;

b. Provide notice and warning to Plaintiffs and their parents that Perpetrators had prior allegations of childhood sexual abuse against them and were reassigned due to those allegations;

[32] This doctrine is reflected in *Catechism of the Catholic Church*, ¶¶ 1542-48.

c. Intervene to prevent Perpetrators' sexual abuse of Plaintiffs once it was discovered;

d. Reach out to Plaintiffs after the abuse ended to disavow Perpetrators' representations to Plaintiffs that the abuse was in any way allowable;

e. Otherwise exercise its control to prevent and intervene in abuse of Plaintiffs and address Plaintiffs' abuse by Perpetrators after it occurred;

f. Disclose its own negligence and wrongdoing to Plaintiffs, including its tortious conduct in placing Perpetrators in a position where they could sexually abuse Plaintiffs, and in failing to act to prevent Perpetrators' sexual abuse of Plaintiffs;

g. Disclose to Plaintiffs that they may have one or more causes of action against the Archdiocese;

h. Timely address the devastating effects of Perpetrators' abuse on Plaintiffs by offering or securing for Plaintiffs emotional, spiritual, medical, and financial assistance, and holding Perpetrators meaningfully accountable;

i. Ensure its agents maintained appropriate relationships and boundaries with Plaintiffs;

j. Protect Plaintiffs from harm by Perpetrators; and

k. Other acts and omissions that may become apparent during the course of discovery.

285. The Archdiocese was aware that Perpetrators made misrepresentations to Plaintiffs concerning the nature of the sexual abuse they committed.

286. The Archdiocese was aware Perpetrators used the Archdiocese's special relationship with its parishioners, invitees, and the wider community to influence children 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 or hierarchical acceptance of the legitimate actions of a Catholic priest.

287. The Archdiocese's continued affirmative acts, ratification of, and silence about Perpetrators' sexual abuse breached its duty to Plaintiffs and fraudulently concealed Plaintiffs' claims against them.

288. Plaintiffs had no reason to suspect that the Archdiocese entered a scheme of concealment and fraud with Perpetrators. Plaintiffs believed that the Archdiocese would not tolerate

conduct that was truly wrong, sinful, and illegal and that as agents of the Archdiocese, Perpetrators would not commit such wrongful acts.

289. Plaintiffs were under no obligation to search for wrongdoing by the Archdiocese where they reasonably believed the Archdiocese would uphold its duties to act in Plaintiffs' best interests and keep them safe.

290. The Archdiocese breached its fiduciary duties to Plaintiffs for all the reasons previously stated.

291. Each breach of its fiduciary duties directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

292. The Archdiocese acted with actual malice and engaged in conduct motivated by evil motive, intent to injure, ill will, or fraud in the aforementioned respects, which directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

WHEREFORE, Plaintiffs demand judgment for damages against the Archdiocese 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

293. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

294. As described above, the Archdiocese had a fiduciary and confidential relationship of trust and confidence with Plaintiffs.

295. Plaintiffs' position in the relationship with the Archdiocese was one of subordinate weakness and dependence, whereas the Archdiocese was in a position of superior knowledge and influence; hence, Plaintiffs and the Archdiocese did not deal on equal terms.

296. The Archdiocese betrayed the fiduciary duty owed to Plaintiffs as a result of the relationship of trust and confidence, by, among other tortious acts and omissions, failing to inform Plaintiffs of Perpetrators' dangerous propensities, transferring Perpetrators (who they knew or should have known posed a risk to child parishioners and children present on church property) to parishes where they preyed on unsuspecting victims, and failing to remove Perpetrators after their placement.

297. The Archdiocese held itself out as an institution that would protect vulnerable children.

298. The Archdiocese's failure to investigate, punish, and remove Perpetrators, 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 Plaintiffs and the public about the Archdiocese's focus on the protection of children and the well-being and safety of its parishioners and the communities it purported to serve.

299. The Archdiocese had and has an accumulation of critical knowledge of the sexual abuse of children by their employees and clerics, including Perpetrators, which it kept from Plaintiffs, their parents and guardians, and the public.

300. Further, as mentioned above, the Archdiocese had specific knowledge that Perpetrators sexually abused children in seminary or prior placements, but still falsely assured parishioners, Plaintiffs and their parents, and the general public through explicit and implicit representations that Perpetrators were moral and ethical representatives of the Archdiocese.

301. Perpetrators betrayed the fiduciary duty owed to Plaintiffs and conspired with the Archdiocese, by holding themselves out as moral and ethical individuals and representatives of God while engaged in the systematic rape, sexual abuse, and sexual torture of Plaintiffs and other children.

302. The Archdiocese had knowledge of the aforementioned acts and omissions constituting constructive fraud and expected and intended Plaintiffs to rely on said acts and omissions.

303. The Archdiocese's aforementioned constructive fraud directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

304. The Archdiocese acted with actual malice and engaged in conduct motivated by evil motive, intent to injure, ill will, or fraud in the aforementioned respects, which directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

WHEREFORE, Plaintiffs demand judgment for damages against the Archdiocese, 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

305. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

306. The Archdiocese appointed Perpetrators to positions within the Archdiocese and expressly and impliedly represented that Perpetrators were fit to conduct Catholic ministry at the locations to which they had been assigned, were clerics of good moral character, and were appropriate persons to be around and interact with minors.

307. The Archdiocese published or caused to be published false information for parishioners and the general public indicating that Perpetrators' transfers to other locations after abusing children was a normal or routine re-assignment or was done for reasons of "health."

308. With the knowledge of the Archdiocese, Perpetrators held themselves out as pious and fit clerics who would obey the orders of the Archdiocese, would uphold requisite moral and ethical values, and would protect the safety of children.

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

310. The express and implied representations made by the Archdiocese and the Perpetrators concerning Perpetrators' fitness to serve in their ministries were false.

311. The Archdiocese, directly and by and through Perpetrators and other agents, servants, and employees, made the following additional express or implied misrepresentations of fact, among others as set forth in this complaint and as may be disclosed during formal discovery in this action:

a. Perpetrators were fit to serve as agents of the Archdiocese, despite the fact that the Archdiocese knew or should have known of their proclivities to sexually abuse and exploit children;

b. Perpetrators had never before been accused of child sexual abuse;

c. Perpetrators would not abuse their authority and power to sexually abuse children; and

d. The Archdiocese had no knowledge or reason to know of Perpetrators' sexual abuse of children and that its transfers of Perpetrators were motivated by legitimate needs and goals of the Archdiocese or other needs of the Perpetrators, such as their "health."

312. Perpetrators also represented that sexual abuse being committed by themselves was allowable because Perpetrators were representatives of God, and the Archdiocese made no efforts to disavow Perpetrators' statements or abusive actions.

313. The Archdiocese had knowledge of the falsity of the aforementioned misrepresentations and expected Plaintiffs would rely on said misrepresentations.

314. The Archdiocese engaged in extreme and outrageous conduct by representing that the Perpetrators were fit to serve the community, while concealing and withholding information about their risks or histories of sexual misconduct from the members of parishes in the Archdiocese, including Plaintiffs and their families.

315. Even after discovering that Perpetrators sexually abused children, including Plaintiffs, the Archdiocese concealed Perpetrators' actions and facilitated their transfers to other parishes without proper investigations, findings, or repercussions for Perpetrators.

316. The Archdiocese concealed the abuse so as to not subject itself to legal action.

317. The Archdiocese's aforementioned acts of fraud directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

318. The Archdiocese acted with actual malice and engaged in conduct motivated by evil motive, intent to injure, ill will, or fraud in the aforementioned respects, which directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

WHEREFORE, Plaintiffs demand judgment for damages against the Archdiocese, 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: CIVIL CONSPIRACY

319. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

320. Defendant acted in concert with Perpetrators and others to conceal allegations and evidence of sexual, physical, emotional, and psychological assaults and abuse of minors from the public that occurred in churches and other locations by Perpetrators.

321. The Archdiocese hid information of Perpetrators' sexual abuse to benefit itself as an entity and to limit "scandal," negative publicity, and legal action by those who were abused or their families.

322. Perpetrators' sexual abuse of children was self-serving, not in accordance with the interests of the Archdiocese, and was outside of the scope of their official duties for the Archdiocese. Perpetrators conspired with the Archdiocese for their own benefit, to avoid prosecution, and to be able to continue to sexually abuse children without intervention.

323. The Archdiocese's aforementioned acts of concealment were not limited only to Perpetrators, but also included concealment of other priests' sexually abusive behavior within the Archdiocese—so much so that concealment of sexual abuse was standard procedure.

324. Plaintiffs are informed and believe that the Archdiocese and Perpetrators conspired and acted with common design to allow Perpetrators to continue to sexually abuse parish children, including Plaintiffs, by transferring Perpetrators to different parishes on a regular basis, after Perpetrators were accused of abuse at their prior stations.

325. After transferring Perpetrators, the Archdiocese encouraged each congregation to accept Perpetrators as competent, moral, and safe clerics, while concealing the reason for their transfers and their proclivity for sexually abusing children.

326. Instead of punishing, reprimanding, or correcting Perpetrators, the Archdiocese continued to provide Perpetrators with employment, compensation, benefits, living quarters, and the support of archdiocesan leaders, thereby ratifying their tortious conduct, including their sexual abuse and exploitation of Plaintiffs.

327. The Archdiocese knew that Perpetrators' conduct constituted a breach of duty, and still gave Perpetrators substantial assistance that allowed them to continue to conduct themselves in a manner that caused severe harm to Plaintiffs.

328. When considered separately, the Archdiocese's substantial assistance to Perpetrators constituted a breach of duty to Plaintiffs in and of itself, because it assisted Perpetrators in accomplishing a tortious action that resulted in physical harm.

329. The Archdiocese and the Perpetrators also conspired or sought to conspire with certain individuals in law enforcement to keep acts of abuse quiet and out of the public eye.

330. These policies, practices, and conspiratorial acts endangered numerous children and were made with the knowledge that such actions would cause the repeated commission of a variety of intentional and negligent torts.

331. The Archdiocese and Perpetrators conspired to publicly deny responsibility for and conceal the immoral and sexually abusive crimes committed by Perpetrators against children and did so with the coordination of various officials within the Archdiocese and within the greater whole of the Catholic Church.

332. Both the Archdiocese and Perpetrators each had a duty and responsibility to laity of the Archdiocese, and the neighborhoods and communities where Perpetrators lived and work, to report Perpetrators, and others that might reasonably be expected to cause harm to children, to police, district attorneys, and child welfare authorities, and remove Perpetrators from service that allowed them access to children—but refused or otherwise failed to do so.

333. The Archdiocese declined to remove Perpetrators and thereby created foreseeable risk to the children Perpetrators came into contact with through their assignments.

334. The Archdiocese undertook overt acts in furtherance of the common scheme, including but not limited to the following:

a. Concealing the sexual assaults committed by Perpetrators at the time they were committed;

b. Publishing false information that transfers of priests, including priest Perpetrators, were normal and done in due course instead of being responsive to child sexual

abuse;

c. Refusing to report the sexual assaults to the proper civil and police authorities;

d. Allowing Perpetrators to live freely in the community without informing parishioners of their actions and proclivities;

e. Transferring Perpetrators to new locations without warning parishioners or the public of the threats they posed;

f. Making affirmative representations regarding Perpetrators' fitness for employment in positions that include working with children, while failing to disclose negative information regarding their sexual misconduct;

g. Concealing Perpetrators' actions from survivors of past abuse, including Plaintiffs, and thereby causing delay to their legal claims and additional injuries and harm;

h. Tacitly approving known instances of sexual child abuse by its priests by enabling them to continue to abuse children by reassigning known pedophiles and sexual predators to positions in which they would have contact with minor children;

i. Failing to report its priests who were known pedophiles and sexual predators to a governmental agency as it was obligated to do by law;

j. Failing to properly screen, supervise, and discipline its priests to protect children in the Archdiocese, after becoming aware that pedophilia and sexual abuse by priests were serious problems within the Archdiocese;

k. Granting pedophiles and sexual predators unsupervised access to minor children in its schools and parishes;

l. Actively concealing from the public, including parents of actual and potential victims, the fact that children in the Archdiocese were being exposed as a captive audience to pedophiles and sexual predators, thus depriving parents of the opportunity to take steps to protect their children from additional incidents of abuse;

m. Convincing those child sexual abuse victims and their families who did complain that they have no legal recourse and that they must accept small monetary settlements that have no relation to the abuse suffered, pastoral counseling, and psychological counseling;

n. Coercing and swearing victims to secrecy; and

o. Other overt acts that may be disclosed during the course of discovery.

335. The Archdiocese entered into this conspiracy with the common purpose of concealing from the public the nature and scope of sexual abuse of minors committed by Perpetrators while they were in the service or employ of the Archdiocese.

336. The Archdiocese held Perpetrators out as trustworthy, moral, ethical, and law-abiding with the common purpose of delaying or preventing individuals from reporting sexual abuse to authorities, and concealing victims' cause of action until the civil statute of limitations expired.

337. It was essential for the Archdiocese to engage in such a conspiracy because doing so allowed Perpetrators and the Archdiocese to retain their positions of authority, trust, respect, and influence within their respective communities and, with respect to the Archdiocese, on the national and international stage.

338. By engaging in this conspiracy, the Archdiocese directly caused and perpetuated the commission of various torts, including assault, sexual abuse, fraud, and other torts and wrongful acts against Plaintiffs and many other innocent vulnerable children.

339. The Archdiocese intentionally entered into agreements of complicity and performed the actions set forth above, which agreements were passed on from one leader to the next successor.

340. Actions of the Archdiocese with Perpetrators form a legal cause of a single and indivisible harm to Plaintiffs. Accordingly, the Archdiocese is subject to liability to Plaintiffs for the entire harm suffered.

341. The above-described purposeful and overt acts undertaken in furtherance of the conspiracy effectively protected Perpetrators as child predators within the Catholic Church and caused further abuse of innocent children, including Plaintiffs.

342. Each of the Archdiocese's aforementioned conspiratorial acts and omissions directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

343. The Archdiocese acted with actual malice and engaged in conduct motivated by evil motive, intent to injure, ill will, or fraud in the aforementioned respects, which directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

WHEREFORE, Plaintiffs demand judgment for damages against the Archdiocese, 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: AIDING AND ABETTING

344. Plaintiffs incorporate all preceding paragraphs by reference as though fully set forth at length herein.

345. Perpetrators repeatedly performed wrongful acts of sexual abuse against Plaintiffs over a period of years and caused them severe physical and emotional injury.

346. The Archdiocese aided Perpetrators in sexually abusing, exploiting, and defrauding Plaintiffs by:

a. Appointing Perpetrators to positions of ministry within the Archdiocese, thereby giving them the benefit of respected and revered positions in the Church that prevented parishioners and community members from questioning, confronting, or challenging the Perpetrators' and the Archdiocese's actions;

b. Knowingly allowing Perpetrators to have continuous and repeated access to children, including Plaintiffs, despite the fact that they were known to have sexually abused children before;

c. Acknowledging amongst the Archdiocese's own clerics that Perpetrators were sexually abusing children and still participating in cordial communications, exchanges, and correspondence with them instead of voicing its disdain, displeasure, and condemnation of Perpetrators' actions;

d. Purposefully refusing to report Perpetrators' abuse to the police or civil authorities and thereby ratifying the Perpetrators' actions;

e. Transferring Perpetrators on a habitual basis each time it was discovered that they had sexually abused children;

f. Purposefully and knowingly giving Perpetrators repeated access to children whom they would foreseeably sexually abuse, including Plaintiffs; and

g. Other acts and omissions that may become apparent during the course of discovery.

347. The Archdiocese knew of the criminal, immoral, wrongful, and abhorrent nature of Perpetrators' actions, yet acted in concert with Perpetrators to protect the reputation of the Catholic Church and the Archdiocese and to insulate itself and the Perpetrators from legal liability.

348. The Archdiocese knowingly and substantially aided Perpetrators in their endeavor to sexually abuse children by refusing to remove them from active ministry and consistently placing them in archdiocesan parishes and other ministries where they had access to children upon whom they preyed.

349. The Archdiocese knowingly cooperated with Perpetrators' efforts to continue their abusive behavior and purposefully concealed Perpetrators' abuse over a period of years, ratified their actions, and provided them with the ability to continue sexually abusing children in the same manner.

350. Furthermore, each time Perpetrators committed subsequent sexual abuse of children, the Archdiocese removed them from the parish and placed them with a new congregation. These transfers had the effect of purposefully and intentionally providing Perpetrators with a "fresh start" at each church where they were assigned instead of subjecting them to scrutiny or legal actions.

351. The Archdiocese assisted Perpetrators by refusing to meaningfully reprimand, punish, remove, or report them, and knowingly provided them with the ideal venue, environment, and atmosphere to commit the same horrific sexual abuses at each new church they were assigned to.

352. But for the Archdiocese's aid and assistance, Perpetrators would not have sexually abused Plaintiffs. The Archdiocese's ordination of Perpetrators, placement of them into active ministry, concealment of their abusive behavior, failure to remove Perpetrators from ministry,

failure to report Perpetrators, and persistent transfers after their abuses were discovered effectively shielded Perpetrators from repercussions or moral reproach and greatly assisted them in sexually abusing children under the guise of being Catholic priests.

353. Each of the aforementioned actions of the Archdiocese in aiding and abetting Perpetrators' battery of Plaintiffs and concealment of the illegal and immoral nature of their actions directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

354. The Archdiocese acted with actual malice and engaged in conduct motivated by evil motive, intent to injure, ill will, or fraud in the aforementioned respects, which directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

WHEREFORE, Plaintiffs demand judgment for damages against the Archdiocese, 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: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

355. Plaintiffs incorporate all preceding paragraphs by reference as though fully set forth at length herein.

356. The Archdiocese intentionally engaged in extreme and outrageous conduct by, among other tortious acts and omissions:

a. Falsely representing to its parishioners, Plaintiffs, and the general public that Perpetrators were safe to be around children, despite actual or constructive knowledge that they abused or were at risk of abusing children;

b. Placing Perpetrators in positions and ministries in which interaction with children were common, despite knowing the Perpetrators the had previously sexually abused children at prior postings or during seminary training (or was at risk for doing so);

c. Failing to prevent Perpetrators from sexually abusing Plaintiffs despite reasonable knowledge that Perpetrators would continue to abuse children;

d. Failing to stop Perpetrators from continuing to abuse Plaintiffs despite the Archdiocese's knowledge that the abuse was occurring;

e. Removing Perpetrators from one parish and placing them in another parish, allowing them access to new, unsuspecting child victims; and

f. Knowingly failing to inform Plaintiffs and their church communities that Perpetrators were removed due to abusive behavior or risk and denouncing the Perpetrators' actions.

357. The Archdiocese knew that there was a high probability that placing Perpetrators in a position of active ministry would result in the sexual abuse of children.

358. The Archdiocese's repeated, patterned behaviors as described above were so extreme that it went beyond all possible bounds of decency and should be regarded as intolerable in civilized society.

359. Each of the Archdiocese's aforementioned tortious acts and omissions constituted extreme and outrageous conduct that directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

360. The Archdiocese acted with actual malice and engaged in conduct motivated by evil motive, intent to injure, ill will, or fraud in the aforementioned respects, which directly and proximately caused Plaintiffs to sustain severe and permanent damages as described in paragraph 95.

WHEREFORE, Plaintiffs demand judgment for damages against the Archdiocese, 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, Plaintiffs, on behalf of themselves and all others similarly situated, for each and all of their causes of action, respectfully request that this Court:

A. Certify this case as a Plaintiff class action pursuant to Rule 2-231(c)(1), 2-231(c)(3), or 2-231(e);

B. Appoint Plaintiffs as Class Representatives;

C. Appoint Plaintiffs' Counsel as Class Counsel;

D. Enter a judgment against Defendant finding that it is liable to Plaintiffs and all others similarly situated;

E. Award compensatory and punitive damages in excess of $75,000, with the exact amount to be determined at trial;

F. Award the costs and expenses of this action, including attorneys' fees;

G. Award prejudgment and postjudgment interest;

H. Award all other relief requested in this Complaint; and

I. Award all other appropriate relief.

JURY DEMAND

Plaintiffs demand trial by jury.

Dated: October 1, 2023

Respectfully submitted,

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