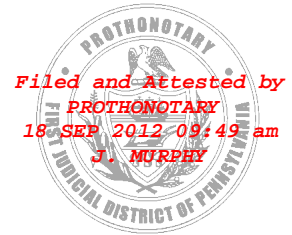


DANIEL F. MONAHAN
ATTORNEY AT LAW
Attorney I.D. No. 28557
7 Great Valley Parkway, Suite 290
Malvern, PA 19355
610-363-3888
dmonahan@JDLLM.com



MARCI A. HAMILTON
ATTORNEY AT LAW
Attorney I.D. No. 54820
36 Timber Knoll Drive
Washington Crossing, PA 18977
215-353-8984
hamilton02@aol.com

JEFFREY R. ANDERSON
ATTORNEY AT LAW
Attorney I.D. No. 310877
366 Jackson Street, Suite 100
St. Paul, Minnesota 55101
(651) 227-9990
jeff@andersonadvocates.com

Attorneys for Plaintiff

John Doe 197	:	COURT OF COMMON PLEAS
c/o Monahan Law Practice, P.C.	:	PHILADELPHIA COUNTY,
7 Great Valley Parkway, Suite 290	:	PENNSYLVANIA
Malvern, PA 19355	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	
	:	
ARCHDIOCESE OF PHILADELPHIA	:	JURY TRIAL DEMANDED
222 N. 17 th Street	:	
Philadelphia, PA 19103	:	
	:	
and	:	
	:	
CARDINAL JUSTIN RIGALI	:	NO. _____
222 N. 17 th Street	:	
Philadelphia, PA 19103	:	
	:	
and	:	
	:	
ARCHBISHOP CHARLES J. CHAPUT	:	
222 N. 17 th Street	:	

Philadelphia, PA 19103 :
and :
MSGR. WILLIAM LYNN :
c/o State Correctional Institution Waymart :
PO Box 256, Route #6 :
Waymart, PA 18472 :
and :
ST. MARK'S CATHOLIC SCHOOL :
1024 Radcliffe Street :
Bristol, PA 19007 :
and :
JOSEPH J. GALLAGHER :
222 N. 17th Street :
Philadelphia, PA 19103 :
Defendants. :

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, PA 19107
Telephone: 215-238-1701

DANIEL F. MONAHAN
ATTORNEY AT LAW
Attorney I.D. No. 28557
7 Great Valley Parkway, Suite 290
Malvern, PA 19355
610-363-3888
dmonahan@JDLLM.com

MARCI A. HAMILTON
ATTORNEY AT LAW
Attorney I.D. No. 54820
36 Timber Knoll Drive
Washington Crossing, PA 18977
215-353-8984
hamilton02@aol.com

JEFFREY R. ANDERSON
ATTORNEY AT LAW
Attorney I.D. No. 310877
366 Jackson Street, Suite 100
St. Paul, Minnesota 55101
(651) 227-9990
jeff@andersonadvocates.com

Attorneys for Plaintiff

John Doe 197
c/o Monahan Law Practice, P.C.
7 Great Valley Parkway, Suite 290
Malvern, PA 19355

Plaintiff,

v.

ARCHDIOCESE OF PHILADELPHIA
222 N. 17th Street
Philadelphia, PA 19103

and

CARDINAL JUSTIN RIGALI
222 N. 17th Street
Philadelphia, PA 19103

and

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY,
PENNSYLVANIA

CIVIL ACTION

JURY TRIAL DEMANDED

_____ TERM, 2012

NO. _____

ARCHBISHOP CHARLES J. CHAPUT :
222 N. 17th Street :
Philadelphia, PA 19103 :
and :
MSGR. WILLIAM LYNN :
c/o State Correctional Institution Waymart :
PO Box 256, Route #6 :
Waymart, PA 18472 :
and :
ST. MARK'S CATHOLIC SCHOOL :
1024 Radcliffe Street :
Bristol, PA 19007 :
and :
JOSEPH J. GALLAGHER :
222 N. 17th Street :
Philadelphia, PA 19103 :
Defendants. :
_____ :

COMPLAINT

Plaintiff John Doe 197, by and through his undersigned counsel, brings this Complaint and sets forth as follows:

The Parties

1. Plaintiff is an adult male individual who is a citizen and resident of a state other than Pennsylvania. The Plaintiff was the victim of a sex crime when he was a minor, and his identity is not pleaded in this Complaint in order to protect it. The identity of the Plaintiff will be made known to the Defendants by separate communication upon their agreement to maintain his identity as confidential with respect to the public record.
2. Defendant Archdiocese of Philadelphia (“Archdiocese”) was and continues to be a Roman Catholic organization and a non-profit religious corporation authorized to conduct business, and conducting business, in the Commonwealth of Pennsylvania with its principal

place of business located at 222 N. 17th Street, Philadelphia, Pennsylvania 19103. The Archdiocese is organized, exists and operates pursuant to and by virtue of the laws of the Commonwealth of Pennsylvania.

3. Msgr. William Lynn is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who was Secretary of Clergy for the Archdiocese under now deceased Cardinal Anthony Bevilacqua. Defendant Lynn is now incarcerated. Cardinal Bevilacqua was Archbishop of the Archdiocese from 1987 to 2003.

4. Cardinal Justin Rigali is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who was the Archbishop of the Archdiocese from 2003 to his retirement in 2011.

5. Archbishop Charles J. Chaput is the current Archbishop of the Archdiocese, having been appointed in 2011. He is joined as a defendant in this action because he is a party necessary for complete relief.

6. St. Mark's Catholic School is a Roman Catholic school, owned and operated by the Archdiocese of Philadelphia with its principal place of business at 1024 Radcliffe Street, Bristol, PA 19007. It is referred to in this complaint as St. Mark's.

7. Joseph J. Gallagher is an individual and citizen of Philadelphia County, who was employed as a Roman Catholic priest in ministry within the Archdiocese until 2007 when he retired. From 1983 to 1990 he was assigned by the Archdiocese to St. Mark's. Defendant Gallagher continues to reside in the Philadelphia area and in 2011 was reported to assist regularly at parishes within the Archdiocese. He has been previously accused of sexual misconduct, and a section of the 2011 Philadelphia Grand Jury Report on sexual abuse within the Archdiocese discusses the information about him at pages 57 – 61.

Facts about the Archdiocese and Its Agents

8. In 2005 the Philadelphia District Attorney’s office released the Report of a Grand Jury which pertained to operations of the Archdiocese. It is referred to in this complaint as the 2005 Grand Jury Report. That report had investigated child sexual abuse by priests of the Archdiocese and documented that the Archdiocese covered up abuse, “To protect themselves from negative publicity or expensive lawsuits — while keeping abusive priests active — the Cardinals and their aides hid the priests’ crimes from parishioners, police, and the general public. They employed a variety of tactics to accomplish this end.” 2005 Grand Jury Report at 31. The primary goal of the Archdiocese was to “reduce the risk of ‘scandal’ to the Church.” 2005 Grand Jury Report at 34.

9. The 2005 Grand Jury Report stated that “Msgr. Lynn was handling the [abuse] cases precisely as his boss [Cardinal Bevilacqua] wished.” 2005 Grand Jury Report at 33. And “the Archdiocese’s primary goal in dealing with these cases was to reduce the risk of ‘scandal’ to the Church.” 2005 Grand Jury Report at 34.

10. Through Cardinal Bevilacqua, the Archdiocese seriously understated the number of accused priests in the Archdiocese and “misled the public when he [Bevilacqua] announced in April 2002 that no Philadelphia priest with accusations against him was still active in ministry — when in fact several still were. He certainly was not credible when he claimed before this Grand Jury that protecting children was his highest priority—when in fact his only priority was to cover up sexual abuse against children.” 2005 Grand Jury Report at 53-54. Through Bevilacqua, the Archdiocese “repeatedly was not forthright with the Grand Jury.” 2005 Grand Jury Report at 54. The 2011 Grand Jury Report, at 23, referred to one specific instance where the Archdiocese, through Cardinal Bevilacqua, affirmatively misrepresented information to the 2005 Grand Jury.

11. “[T]he abuses that Cardinal Bevilacqua and his aides allowed children to suffer – the molestations, the rapes, the lifelong shame and despair—did not result from failures or lapses, except of the moral variety. They were made possible by purposeful decisions, carefully implemented policies, and calculated indifference.” 2005 Grand Jury Report at 55.

12. The 2005 Grand Jury Report also stated that Vicar of Administration, Auxiliary Bishop Edward R. Cullen, now bishop emeritus of Allentown, PA, confirmed for the grand jury that the Secretary for Clergy was permitted to assign a priest accused of abuse of minors if there was no definitive proof of abuse, or if the priest was “rehabilitated” according to the standards of the Archdiocese, or if the allegations were sufficiently old that the statute of limitations had expired. 2005 Grand Jury Report at 152.

13. The Archdiocese responded publicly to the 2005 Grand Jury Report. Through its agents, using statements Archbishop Rigali knew at the time knew were false, but the falsity of which has only in 2012 become apparent, officials of the Archdiocese represented to the public that the content of the 2005 Grand Jury Report was not to be regarded as accurate. The agents of the Archdiocese publicly stated the report was “reckless rhetoric, dispensed from any burden of proof,” and “not responsible law enforcement.” (Both in the Response on page 5). Through Cardinal Rigali, the Archdiocese held a press conference portraying the Archdiocese, through statements known only in 2012 to have been false, about the extent of the cooperation by the Archdiocese with the 2005 Grand Jury and the commitment by the Archdiocese to protect children from sexual abuse. The tactics used by the Archdiocese in 2005 were deliberately misleading, and were used specifically to dissuade the public, including persons such as the Plaintiff, from pursuing legal action against the Archdiocese and other potential defendants.

14. In 2011, the Philadelphia District Attorney’s office issued a second Grand Jury Report on sexual abuse in the Archdiocese. It is referred to in this Complaint as the 2011 Grand Jury Report.

15. The 2011 Grand Jury Report further reported that the Archdiocese has a long history of sexual abuse of children by Archdiocese priests that was known, tolerated, and hidden by the agents of the Archdiocese, including high church officials up to and including Monsignor William Lynn and Cardinal Bevilacqua. Procedures supposedly implemented to help victims of sexual abuse were instead used to assist the abusive priests and the Archdiocese to avoid liability. Victims were assured by the Archdiocese, falsely, of confidentiality for statements made to the Archdiocese, but then the statements were used by counsel to build defenses for the Archdiocese and to impeach victims.

16. The 2011 Grand Jury Report states, at page 1:

“The present grand jury, however, is frustrated to report that much has not changed. The rapist priests we accuse were well known to the Secretary of Clergy, but he cloaked their conduct and put them in place to do it again. The procedures implemented by the Archdiocese to help victims are in fact designed to help the abusers, and the Archdiocese itself. Worst of all, apparent abusers – dozens of them, we believe – remain on duty in the Archdiocese, today, with open access to new young prey.”

17. The 2011 Grand Jury Report establishes that the Archdiocese, under Cardinal Rigali, had made small changes, but continued to tolerate, and to actively conceal, the sexual abuse of children by Archdiocese priests, and did so for the benefit of the Archdiocese.

“Prompted by the pressure of the prior grand jury report, the Archdiocese has in recent years revamped its policies for handling victims of clergy sexual abuse. Now, at least in some cases, the church reports abusers to law enforcement authorities, something that in the past never occurred. And the Archdiocese pays for counseling, and sometimes other expenses. Those are positive steps, if small ones.

We are very troubled, however, by what we learned about the church's procedures [which now] are burdened by misinformation and conflict of interest."

2011 Grand Jury Report at 7. See also, the 2011 Grand Jury Report at 23.

18. The victim assistance coordinators "mislead victims into believing that their discussions with the coordinators are protected by confidentiality." They are not. 2011 Grand Jury Report at 7.

19. Victims' statements are turned over to the Archdiocese's attorneys. 2011 Grand Jury Report at 7.

20. The victims are pressured to sign releases for records the Archdiocese's coordinators and attorneys otherwise would not be able to see. "Victims are led to believe that these releases will assist the coordinators in helping them. The church's position, it appears, is that coordinators must uncover every fact in order to make a determination about whether to refer the case to law enforcement. But that is not true. . . The only rational explanation for such procedures is not to guarantee the victim's recovery, but to guard the church against what its highest officials repeatedly refer to as 'scandal.'" 2011 Grand Jury Report at 7-8.

21. "[V]ictims are virtually hounded to give statements. . . . The only possible reason for this tactic would be to use the statements as ammunition to impeach victims, in an effort to make them appear incredible. . . . Such procedures are, to state it softly, one-sided – and the side taken is not that of the victim." 2011 Grand Jury Report at 9.

22. The 2011 Grand Jury Report concludes that victim assistance programs cannot be successfully operated in the interest of victims "by the church itself." And that the Church is entitled to defend itself in the courts, "but it can no longer try to play both sides of the fence with its victims." 2011 Grand Jury Report at 11.

23. In February and May, 2011, the Archdiocese again responded publicly to the 2011 Grand Jury Report, as it had done for the report in 2005. The response by the Archdiocese was

again calculated to try to persuade victims, such as the Plaintiff, using false statements known only in 2012 to have been false, that the 2011 Grand Jury Report was not accurate. The Archdiocese in its public responses to the 2011 Grand Jury Report sought to dissuade victims, such as the Plaintiff, from initiating action against the Archdiocese and others responsible for abuse, and to persuade the public that the Archdiocese was not as irresponsible and callous as in fact it actually had been and continued to be. Among other things, documents were withheld from the Grand Jury even as the Archdiocese publicly claimed to have cooperated fully with the Grand Jury.

24. In June, 2012, Monsignor William Lynn, the second-highest ranked official of the Archdiocese, was convicted of felony child endangerment. Throughout his trial, the Archdiocese maintained that Lynn was innocent of the charges against him when the Archdiocese knew the assertion was false.

25. During the trial, which culminated in a guilty verdict against Lynn, substantial evidence was introduced that the Archdiocese has had, and maintains, a policy and practice of concealing sexual abuse and protecting priests who engage in abusive behaviors, while simultaneously representing to victims and the public that there was no basis for claims to be made against the Archdiocese. The Archdiocese continued to maintain, as it had in 2005 and 2011, that it did not endanger children. The Archdiocese made those public comments knowing its public comments were disingenuous, misleading, and false.

26. Msgr. Lynn maintained through his criminal trial for endangering the welfare of children during the summer of 2012, that he did not endanger children, but rather the bishops were the ones responsible. He was simply following orders.

27. The deliberately misleading tactics by the Archdiocese and other Defendants, which continue, are affirmative independent acts of fraudulent concealment by which the Defendants intend to dissuade and discourage persons such as the Plaintiff from initiating action

to hold them accountable for the Plaintiff's childhood sexual abuse and the sexual abuse of others.

Facts About the Plaintiff And His Abuse

28. As a child, Plaintiff attended the Archdiocese's school, St. Mark's, in Bristol, PA.

29. Defendant Gallagher was assigned to St. Mark's from 1983 to 1990.

30. While attending St. Mark's, Plaintiff served as an altar boy and encountered Joseph J. Gallagher. Defendant Gallagher was sexually inappropriate with Plaintiff. During one confession, held in the room behind the altar in the church when the Plaintiff was 12 years old, Defendant Gallagher questioned the plaintiff about masturbation, a topic Plaintiff was too young to know anything about. When Plaintiff asked what that was, Gallagher reached out and fondled Plaintiff's penis through his clothing and told him, "It's when you play with this," and continued to fondle the Plaintiff. Thereafter, Gallagher would hold confession in either the room behind the altar or in Gallagher's bedroom in the rectory. Gallagher would introduce the subject of masturbation into the confessional, and fondle the Plaintiff. Plaintiff was sexually abused by Gallagher in the church and in Gallagher's room in the rectory at St. Mark's Roman Catholic Church, with Gallagher using the method of introducing the topic of masturbation and fondling the Plaintiff as he did so.

31. Plaintiff as a child reported the abuse to the Mother Superior at St. Mark's. She did nothing to protect the Plaintiff, questioned whether he was lying, and if he knew what a lie was.

32. In 2007 the Archdiocese investigated another report about Gallagher and an agent of the Archdiocese called the Plaintiff in response to another report about Gallagher from another person. Plaintiff confirmed that there was "wrongdoing" at St. Mark's but gave no additional details and was not again called by anyone from the Archdiocese. In 2007 the Archdiocese continued to deny any wrongdoing.

33. Upon information and belief, Msgr. Lynn and the Archdiocese were also aware, or should have been aware, that Joseph J. Gallagher had sexually abused children prior to Defendant Gallagher sexually abusing the Plaintiff.

34. In 1963, Joseph J. Gallagher was ordained as a Roman Catholic Priest.

35. Upon information and belief, the Archdiocese concealed its knowledge that Joseph J. Gallagher had sexually abused, or been otherwise sexually inappropriate with, children prior to Gallagher sexually abusing Plaintiff.

36. Upon information and belief, including the factual findings published in the 2005 and 2011 Philadelphia Grand Jury Reports, the Archdiocese has a long history of concealing the sexual abuse of children by its clergy.

37. Upon information and belief, Msgr. Lynn acted as the personnel director for priests.

38. It was Msgr. Lynn's job to review all reports of abuse, to recommend action, and to monitor the abuser's future conduct.

39. Msgr. William Lynn assisted priests that Lynn knew had sexually abused children by helping those priests obtain new assignments within the Archdiocese in order to conceal their criminal activity. Specific details of his having done so are published in the 2011 Grand Jury Report at 43-53, and those details are incorporated into this complaint as if fully stated.

40. Msgr. Lynn's purposeful failure to remove pedophile priests caused Msgr. Lynn to be charged by the Philadelphia County District Attorney with endangering the welfare of a child, a felony of the third degree.

41. Msgr. Lynn did more than passively allow the molesters to remain in positions where they could continue to prey on children. When victims complained or scandal threatened, Msgr. Lynn recommended that the abusers be transferred to new parishes, where the unsuspecting faithful would not know to be wary and vigilant, and where the abusive clergymen

could go on exploiting their positions of trust and authority to pursue criminal activity by repeating the abusive acts which caused them to be moved by Lynn.

42. By Lynn's actions he assured offending priests of a continuing supply of child victims. As put by the 2011 Grand Jury Report, at 53, italics in the original, "abusive priests were able to secure victims and molest, sodomize, or rape them *because of* actions taken deliberately by Msgr. Lynn."

43. Protecting children was not Msgr. Lynn's priority, so for decades he made no reports of the criminal activity about which he was informed. Sexual assault of children was, for Lynn, an acceptable consequence of his priority to protect each of the offending priests.

44. As discussed in the 2011 Grand Jury Report at 23 – 24, Msgr. Lynn complied with and followed the policy established by Cardinal Bevilacqua while he was Archbishop of the Archdiocese, discussed in the 2005 Grand Jury Report at 36, that in all cases involving the sexual abuse of minors by priests, parishioners were to be lied to about the knowledge Archdiocese officials had about the abuse by priests.

45. The Archdiocese holds out its "Victims Assistance Program," falsely, as a program intended to assist victims.

46. In 1994, Msgr. Lynn, acting as Secretary for Clergy, and as part of the conspiracy to cover up abuse in the Archdiocese, compiled an internal list of 35 priests who were "guilty" of sexual abuse or who had been accused of child sex abuse.

47. Cardinal Bevilacqua ordered that list of 35 priest abusers be shredded. A handwritten note from the late Msgr. James E. Molloy described the Cardinal ordering that the list be shredded, which was done by Molloy, and witnessed by Joseph R. Cistone, now bishop of Saginaw, Michigan.

48. Vicar of Administration, Edward P. Cullen, participated in a meeting to discuss what to do with the list of 35 abuser priests, along with Bevilacqua, Molloy, and Lynn.

49. The Archdiocese publicly promotes its Victim Assistance Program as a way for victims of sexual abuse to get help when in fact, the victim assistance programs are used by the Archdiocese to gather information to give to its attorneys in order to discredit the victims, defend the Archdiocese against any claims and conceal the crimes of Archdiocese employees. According to the 2011 Grand Jury Report starting at 77, the Archdiocese “victim assistance coordinators” misled victims into believing that the victim’s discussions with the coordinators are protected by confidentiality, when in fact that is not the case. In fact, the victim assistance coordinators did not keep the victim’s statements confidential and instead turned the statements over to the attorneys for the Archdiocese.

50. Victim assistance coordinators also forced victims to sign releases for records in the possession of third parties, such as outside therapists and the military. The victims are led to believe that these releases will assist the coordinators in helping the victim. Instead, the records secured through the releases are turned over to Archdiocese attorneys and used to defend the Archdiocese against any claims by the victim. Specifically, the records were used by Archdiocese attorneys to build the defense that the statute of limitations had expired on the victim’s claim.

51. The victim assistance coordinators and others employed by the Archdiocese regularly encouraged victims to not report the incidents of sexual abuse to law enforcement. 2005 Grand Jury Report at 38 - 40; 2011 Grand Jury Report at 7 - 8, 77 - 83.

52. In March 2007, Plaintiff confirmed when an agent of the Archdiocese called him, that there had been “wrongdoing” at St. Mark’s. Unknown to the Plaintiff, the Archdiocese was investigating another complaint about Gallagher when the Plaintiff was called. After he confirmed “wrongdoing,” there was no report made about Gallagher and no follow-up with the Plaintiff. The Archdiocese made no acknowledgment that it had knowledge that Gallagher was dangerous to children prior to Plaintiff’s abuse by Gallagher.

53. According to the January 2011 Grand Jury Report, the Archdiocese maintains “secret archive files” which contain reports of priest sexual abuse of minors. These “secret archive files” contain evidence of criminal conduct of Archdiocese clergy that was and continues to be withheld from law enforcement. 2011 Grand Jury Report at 22 and 43; 2005 Grand Jury Report at 42 - 43.

54. According to Msgr. Lynn, the Archdiocese has a policy that it “does not make cash settlements [to victims] but does pay for therapy, especially when the priest has admitted guilt....” 2005 Grand Jury Report, Appendix, at D-27c.

55. The sexual abuse and exploitation of the Plaintiff and the circumstances under which it occurred caused Plaintiff to develop various psychological coping mechanisms, including not recognizing the extent of the injuries he experienced as a result of the sexual abuse, negligence and conspiracy described herein.

56. As a direct result of the wrongful conduct alleged herein, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs’ daily activities and obtaining the full enjoyment of life; has sustained and continues to sustain loss of earnings and earning capacity; and/or has incurred and continues to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT I - CHILDHOOD SEXUAL ABUSE AND VICARIOUS LIABILITY
Against Defendants Joseph J. Gallagher and Archdiocese of Philadelphia

57. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

58. Between 1983 and 1984, Joseph J. Gallagher engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiff in violation of Pennsylvania state law. Said conduct was undertaken while the Defendant Gallagher was an employee and agent of Defendant Archdiocese at Defendant St. Mark's, while in the course and scope of employment with Defendant Archdiocese, and/or was ratified by Defendant Archdiocese.

59. Prior to or during the abuse alleged above, the Archdiocese knew, had reason to know, or were otherwise on notice of the unlawful sexual conduct of Defendant Gallagher and/or other priests within the Archdiocese. The Archdiocese failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by Gallagher, including, but not limited to, preventing or avoiding placement of Gallagher in functions or environments in which contact with children was an inherent part of those functions or environments. Furthermore, at no time during the periods of time alleged did the Archdiocese have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to ensure that they did not molest or abuse minors in the care of the Archdiocese, including the Plaintiff.

60. The statute of limitations on this claim is tolled until 2012, when Defendant Lynn was convicted of child endangerment for failing to report persons known to be dangerous to children. The statute of limitations is tolled because the Archdiocese fraudulently concealed its knowledge about Gallagher, falsely denied all wrongdoing as to Gallagher, failed to further investigate the wrongdoing Plaintiff reported, and Archdiocese officials had allowed Defendant Gallagher to continue functioning as a priest in St. Mark's and elsewhere in the Diocese, and permit him to function as a priest to this day. These actions by the Archdiocese, and its repeated denials of wrongdoing in its responses to the two grand jury reports, caused Plaintiff to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to the

Plaintiff. Such conduct deceived Plaintiff into understanding that Plaintiff had no claim or injury from the sexual contact. It was not until Defendant Lynn was convicted that Plaintiff could have learned that objective information existed which cast doubt on the repeated denials of the Archdiocese about Defendant Gallagher and other priests, indicating that abuse of the Plaintiff had occurred and were injurious to Plaintiff.

61. Archdiocese officials allowed Defendant Gallagher to continue to be a priest and permitted him to retire. These actions caused Plaintiff to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to the Plaintiff. Such conduct deceived Plaintiff into understanding that Plaintiff had no claim or injury from the sexual contact.

62. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against Defendants Gallagher and Archdiocese of Philadelphia, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT II - NEGLIGENCE
Against the Archdiocese of Philadelphia

63. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

64. The Archdiocese had a duty to protect the minor Plaintiff when he was entrusted to their care by Plaintiff's caregivers. Plaintiff's care, welfare, and/or physical custody were temporarily entrusted to the Archdiocese, and the Archdiocese voluntarily accepted the entrusted care of Plaintiff. As such, the Archdiocese owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

65. Defendant Archdiocese, by and through its agents, servants and employees, knew or reasonably should have known of Defendant Gallagher's dangerous and exploitive propensities and/or that Gallagher was an unfit agent. It was foreseeable that if the Archdiocese did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to the Archdiocese's care would be vulnerable to sexual abuse by Archdiocese employees, including Gallagher.

66. Defendants breached their duty of care to the minor Plaintiff by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of the Archdiocese, including Gallagher. Defendants further breached their duty of care by failing to warn the Plaintiff of the propensities of the perpetrator and by failing to provide a safe and secure environment for the Plaintiff.

67. The statute of limitations on this claim is tolled until 2012, when Defendant Lynn was convicted of child endangerment for failing to report persons known to be dangerous to children. The statute of limitations is tolled because the Archdiocese fraudulently concealed its knowledge about Gallagher, falsely denied all wrongdoing as to Gallagher, failed to further investigate the wrongdoing Plaintiff reported, and Archdiocese officials allowed Defendant Gallagher to continue functioning as a priest in St. Mark's and elsewhere in the Diocese, and

permit him to function as a priest to this day. These actions caused Plaintiff to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to the Plaintiff. Such conduct deceived Plaintiff into understanding that Plaintiff had no claim or injury from the sexual contact. It was not until Defendant Lynn was convicted that Plaintiff could have learned that objective information existed which cast doubt on the repeated denials of the Archdiocese about Defendant Gallagher and other priests, indicating that abuse of the Plaintiff had occurred and were injurious to Plaintiff.

68. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against Defendant, Archdiocese of Philadelphia, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT III - NEGLIGENT SUPERVISION
Against the Archdiocese of Philadelphia

69. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

70. The Archdiocese had a duty to provide reasonable supervision of its employee and agent, Defendant Gallagher.

71. It was reasonably foreseeable that employees and agents of the Archdiocese, including Defendant Gallagher, would sexually abuse children unless they were properly supervised.

72. The Archdiocese, by and through their agents, servants and employees, knew or reasonably should have known of the Defendant Gallagher's dangerous and exploitive propensities and/or that the Defendant Gallagher was an unfit agent. Despite such knowledge, Defendant Archdiocese breached its duty to provide reasonable supervision of the Defendant Gallagher who was in the position of trust and authority as Roman Catholic clergy, religious instructor, counselor, school teacher, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiff.

73. Said acts of sexual abuse occurred upon the premises of the Archdiocese.

74. The statute of limitations on this claim is tolled until 2012, when Defendant Lynn was convicted of child endangerment for failing to report persons known to be dangerous to children. The statute of limitations is tolled because the Archdiocese fraudulently concealed its knowledge about Gallagher, falsely denied all wrongdoing as to Gallagher, failed to further investigate the wrongdoing Plaintiff reported, and Archdiocese officials had allowed Defendant Gallagher to continue functioning as a priest. These actions by the Archdiocese, and its repeated denials of wrongdoing in its responses to the two grand jury reports, caused Plaintiff to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to the Plaintiff. Such conduct deceived Plaintiff into understanding that Plaintiff had no claim or injury from the sexual contact. It was not until Defendant Lynn was convicted that Plaintiff could have learned that objective information existed which cast doubt on the repeated denials of the Archdiocese about Defendant Gallagher and other priests, indicating that abuse of the Plaintiff had occurred and were injurious to Plaintiff.

75. As a result of the above-described conduct, Plaintiff has suffered, and continues to

suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against Defendant, Archdiocese of Philadelphia, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT IV – FRAUDULENT CONCEALMENT
Against The Archdiocese of Philadelphia, Cardinal Justin Rigali,
Msgr. William Lynn, Joseph J. Gallagher, St. Mark's Catholic School

76. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

77. Defendants Archdiocese, Cardinal Justin Rigali, Msgr. William Lynn, Joseph J. Gallagher, and St. Mark's, engaged in a policy of secrecy to protect the Archdiocese, as alleged above. When Plaintiff reported the incident of abuse to Mother Superior at St. Mark's, she did nothing to protect Plaintiff and to extend the policy of secrecy and to intimidate the Plaintiff from further reporting, she questioned whether he was lying and if he knew what a lie was. Doing so was an act of fraud in violation of Pennsylvania law.

78. Accordingly, Plaintiff was injured by the Archdiocese's affirmative acts of concealing its actual purpose, and in having him disclose information regarding the sexual abuse of Plaintiff by Defendant Gallagher only so that information could be challenged, the Plaintiff's veracity rejected by persons in authority over him, and the Plaintiff as a child intimidated from

again reporting Defendant Gallagher.

79. Plaintiff did not discover, nor could he have discovered through the use of reasonable diligence, the fraudulent misrepresentation described herein until 2012, when Msgr. Lynn was convicted, and Msgr. Lynn's own contention that a conspiracy to endanger children existed within the Archdiocese.

80. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff, demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, Cardinal Justin Rigali, Msgr. William Lynn, Joseph J. Gallagher, St. Mark's Catholic School, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT V - CIVIL CONSPIRACY TO ENDANGER CHILDREN
Against the Archdiocese of Philadelphia, Cardinal Justin Rigali,
Msgr. William Lynn, Joseph J. Gallagher, St. Mark's Catholic School

81. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

82. Defendants Archdiocese, Cardinal Justin Rigali, Msgr. William Lynn, Joseph J. Gallagher, and St. Mark's Catholic School, acted with a common purpose and conspired with

others to endanger the welfare of children, including the Plaintiff, in violation of Pennsylvania law.

83. In Pennsylvania, there is an implied civil cause of action for endangering the welfare of children by a child whose welfare was endangered.

84. Also in Pennsylvania, there is a civil cause of action for negligence per se for violating the endangering the welfare of children statute.

85. Plaintiff has standing to bring this claim because he was one of the children who was sexually abused as a result of the Defendants' conspiracy to endanger the welfare of children.

86. As was true of Cardinal Bevilacqua before him, Cardinal Rigali was appointed by The Holy See to be Archbishop of Philadelphia.

87. The Holy See contends it is a separate and independent entity from the Archdiocese, and has no control over the Archdiocese as to its operations. In practice, the Archdiocese and its officials have some discretionary latitude but are answerable to The Holy See.

88. The organization now known as the United States Conference of Catholic Bishops (referred to in this Complaint as the USCCB), and its predecessors, contend that it too is a separate and independent entity from the Archdiocese, and has no control over the Archdiocese as to its operations. In practice, the Archdiocese and its officials have some discretionary latitude but are theoretically required to operate within the guidelines established by USCCB. As a practical matter the USCCB contends it has no authority over the Archdiocese or other Defendants, and that they answer to only The Holy See in a limited respect but otherwise operate independently.

89. In his capacity as Archbishop, Cardinal Rigali controlled the Archdiocese and believed The Holy See's assertions that he was answerable to only The Holy See. In fact,

Cardinal Rigali and the Archdiocese are answerable not only to The Holy See, but in certain matters are answerable also to state and federal governmental authorities.

90. Through its Archbishop, the Archdiocese has control of all seminaries operating within the area it comprises. It trains agents for its operation. It does so within the methods and procedures authorized by The Holy See, and remains responsible to The Holy See for those operations.

91. Among the documents which clarify the responsibilities of seminaries operating with the Archdiocese is the August 15, 1990, publication by Pope John Paul II of an apostolic constitution on Catholic higher education entitled *Ex corde Ecclesiae*. The Apostolic Constitution described, in detail, the relationship between the Holy See and its educational institutions such as seminaries.

92. As described by the Catholic Church Extension Society, each seminary is answerable, ultimately, to The Holy See's Congregation for Catholic Education, which establishes the admissions requirements and curricula to ensure that seminary candidates are properly prepared.

93. The Holy See has delegated to its Congregation for the Clergy and its Congregation for Religious various responsibilities with respect to the standard, morals, and obligations of clergy qualification. With respect to seminarians and clergy qualification, the Archdiocese is responsible to The Holy See through those groups, which are authorized by the Pope to act on his behalf.

94. Since 1971, the Archdiocese and its officials were also required, with respect to seminarians and clergy, to adhere to the Program of Priestly Formation (PPF) promulgated by the collective Bishops of the United States and also approved by The Holy See.

95. Cardinal Rigali, and each other official of the Archdiocese, as well as seminarians within the area of the Archdiocese, are answerable in all respects to the Holy See and its leader,

the Pope, and in certain other respects, which are not ecclesiastical, to federal and state governmental authorities. The conduct described in this cause of action relates to the Defendants' responsibilities to federal and state governmental authorities, not to matters of church doctrine protected by the First Amendment.

96. The Archdiocese is obligated to make a periodic report to The Holy See, through its designees, outlining the status of, and any problems with, clergy.

97. The Defendants operate within policies and standards proscribed by the Holy See that dictate how sexual abuse of children by Archdiocese employees, including its clergy and seminarians within its area of authority, will be handled. This aspect of the operations of the Archdiocese are employment and business policies, not practices within religious freedoms protected by the First Amendment.

98. Among other things, the Holy See mandates, and the Defendants have elected to adopt and utilize, certain procedures and absolute secrecy by all involved on pain of immediate removal from the organization (by means of excommunication). The Defendants have also elected to permit the Holy See to retain the power at all times to conduct the inquisition of any particular the case itself. The Defendants further accept that the operating requirements of The Holy See admits no deviations from its mandates. Through its mandated policies, the Holy See is an integral part of the day-to-day handling of cases of child sex abuse by clergy, even though The Holy See and the Defendants contend that The Holy See is an independent entity from the Archdiocese, and that the Archdiocese operates independently of the Holy See, at least as to matters involving employment and business policies.

99. In 1962, The Holy See released the confidential document, Instruction on The Manner of Proceeding in Cases of Solicitation, (The heading of the document says "From the Supreme and Holy Congregation of the Holy Office To All Patriarchs, Archbishops, Bishops and Other Diocesan Ordinaries 'Even of the Oriental Rite'") (Hereinafter referred to as "*Crimen*

Sollicitationis”).

100. The document contains instructions, which the Defendants chose to accept, regarding the handling of child sex abuse by clergy. It permits no discretion in the handling of such cases. According to the document itself, it is an “instruction, ordering upon those to whom it pertains to keep and observe it in the minutest detail.” *Crimen Sollicitationis* at paragraph 24.

101. Because the Defendants accepted it as mandatory, the *Crimen Sollicitationis* requires the Archdiocese to conceal incidents of childhood sexual abuse by priests, employees or agents of the Archdiocese.

102. Because the Defendants accepted it as mandatory, the *Crimen Sollicitationis* requires the Defendants to adopt employment and business practices that keep in “secret archives” any documents that evidence childhood sexual abuse by a priest, employee or agent of the Archdiocese.

103. Because the Defendants accepted it as mandatory, the *Crimen Sollicitationis* requires them to keep completely secret from law enforcement all information relating to childhood sexual abuse by a priest, employee or agent of the Archdiocese.

104. The defendants accepted as mandatory the *Crimen Sollicitationis* and adopted as their own its priority, above that of protecting children, to avoid scandal to any part of the world-wide Roman Catholic Church, of which the Archdiocese is a member.

105. Because the Defendants adopted as their own The Holy See’s proposal to use secrecy and avoiding scandal to the Church as their highest priority, the employment and business practices of the Archdiocese, which all Defendants accepted, endangered the welfare of children.

106. The Defendants combined to act with a common purpose to do illegal acts, and to do lawful acts by unlawful means and for the unlawful purpose of maintaining secrecy about crimes against children. Accepting the recommendations of The Holy See and the United States

Conference of Catholic Bishops as their own, the Defendants took overt acts to pursue the common purpose of secrecy and protecting priests, all of which caused damage to the Plaintiff.

107. In February, 2012, Defendant Lynn filed with the criminal court of Philadelphia County a document which stated, “that an overarching Archdiocesan conspiracy existed in Philadelphia in the 1990s.” Defendant Lynn asserted that among the persons engaged in that conspiracy, which he contended was to endanger children, were Cardinal Bevilacqua, Bishop Joseph Cistone, and Monsignor James Malloy.

108. In 2012, Defendant Lynn was convicted of endangering children.

109. Among the overt acts committed in pursuance of the common purpose to endanger the welfare of children recommended by The Holy See, and adopted by the Defendants, were:

- a. The Defendants Archdiocese, Cardinal Rigali, Msgr. William Lynn, Joseph J. Gallagher, and St. Mark’s maliciously concealed from the Plaintiff known incidents of childhood sexual abuse within the Archdiocese, including incidents of childhood sexual abuse by Defendant Gallagher.
- b. The concealment directly injured Plaintiff because prior incidents of sexual abuse by Defendant Gallagher were hidden from Plaintiff, and Defendant Gallagher was able to gain unsupervised access to Plaintiff and to others as a result.
- c. This concealment also directly injured Plaintiff because the concealment recommended by The Holy See, and accepted by the Defendants, created a false public impression that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not, and were known by the Defendants to not be safe to be around children. This false impression, which the Defendants each deliberately fostered, caused the

Plaintiff and his family to allow Defendant Gallagher to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

- d. Defendants implemented programs and procedures of The Holy See and the USCCB that were misrepresented to the public as providing help to victims of childhoods sexual abuse by clergy, but were instead maliciously used to develop information to protect the Archdiocese from liability for its misconduct in handling predatory priests, and which were used by all Defendants to further conceal the identity and illegal activities of predatory priests from law enforcement, parishioners and the public. The Archdiocese victims assistance program was proposed by the USCCB and adopted by the Defendants, but its true purpose was concealed by the Defendants. That concealment directly injured Plaintiff because the concealment by the Defendants created a false public impression that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not, and were known by the Defendants to not be safe around children. This caused the Plaintiff and his family to allow Defendant Gallagher to gain access to the Plaintiff and ultimately sexually abuse the Plaintiff.
- e. When a report that an Archdiocese priest had sexually abused a child was made to the Archdiocese, Defendants Archdiocese, Cardinal Justin Rigali, and Msgr. William Lynn maliciously transferred the clergymen, including Defendant Gallagher, to a new parish or other new assignment, where the unsuspecting parishioners, including Plaintiff, had no idea of the need to be on their guard as to abusive acts by Gallagher. As a result, Defendant Gallagher gained the advantage of unsupervised access to Plaintiff and used that

advantage to sexually abuse the Plaintiff. The Defendants adopted as their own the mandates of The Holy See that rather than report known crimes, it was preferable that priests, employees and agents of the Archdiocese were to be secretly transferred to new parishes when they were discovered to have sexually abused parish children.

- f. Instead of protecting children within the area of the operations of the Archdiocese, including the Plaintiff, from sexual abuse by known predator priests and other agents and employees, including Defendant Gallagher, Defendants Archdiocese, Cardinal Justin Rigali, Msgr. William Lynn, and St. Mark's instead shielded abusive priests and other agents and employees from criminal detection, shielded the Archdiocese hierarchy from scandal, and shielded the Archdiocese from financial liability. The Defendants adopted as their own the proposal by The Holy See to shield abusive priests, employees and agents of the Archdiocese from criminal liability. These acts of shielding directly injured Plaintiff because prior incidents of sexual abuse by Defendant Gallagher were hidden from Plaintiff, and Defendant Gallagher was able to gain unsupervised access to Plaintiff as a result. These acts of shielding also directly injured Plaintiff because the concealment by the individual Defendants, each a person in authority with respect to the Plaintiff, challenged and dismissed as false the Plaintiff's own report of abuse, as well as created a false public impression that priests, deacons and seminary students within the Archdiocese, including Defendant Gallagher, were safe around children, when they, in fact, were not safe, and were known by the Defendants to not be safe to be around children. This caused the Plaintiff and his family to allow Defendant Gallagher to gain unsupervised access to the Plaintiff and

ultimately sexually abuse the Plaintiff, and caused the Plaintiff to not report further his abuse when his report of abuse was challenged and dismissed by the Defendants.

- g. “Victim assistance” coordinators in the Archdiocese also forced victims to sign releases for records in the possession of third parties, such as outside therapists and the military. This practice was required by the Defendants of the “victim assistance” coordinators. The victims were led to believe that their releases would assist the coordinators in helping the victim. Instead, the records secured through the releases were turned over to Archdiocese attorneys and used to defend the Archdiocese and other Defendants against any claims by any victim.
- h. The “victim assistance” coordinators employed by the Archdiocese regularly discouraged victims from reporting to law enforcement the sexual abuse by a priest.
- i. Defendants also accepted the employment and business practice proposed by The Holy See to maintain “secret archive files” containing reports of criminal sexual abuse by any priest, employee and other agent within the area of or responsible to the Archdiocese. Those “secret archive” files were withheld from law enforcement. Those “secret archive” files were also periodically ordered to be destroyed, to maintain their secrecy and prevent them from being reported to law enforcement. These acts of concealing evidence of criminal sexual conduct of priests, employees and other agents of the Archdiocese directly injured Plaintiff because prior incidents of sexual abuse by Defendant Gallagher were hidden from Plaintiff, and Defendant Gallagher was able to use the practice of secrecy to gain unsupervised access to Plaintiff

as a result. Maintaining the secret files and concealing evidence of criminal conduct of priests, employees and other agents of the Archdiocese also directly injured Plaintiff because the concealment by the Defendants created the public impression, known by Defendants to have been false, that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not and were known to not be safe around children. This caused the Plaintiff and his family to allow Defendant Gallagher to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

- j. In cases involving the sexual abuse of minors by priests, employees and other agents of the Archdiocese, Defendants maliciously lied to parishioners about the knowledge within the Archdiocese about the abuse. The Defendants' lies involving criminal sexual conduct of priests, employees and other agents directly injured Plaintiff because prior incidents of sexual abuse by Defendant Gallagher were hidden from Plaintiff and Defendant Gallagher was able to use the secrecy promoted by the lying to gain unsupervised access to Plaintiff as a result. As a consequence of the Defendants having adopted the secrecy proposed by The Holy See for purposes related to sexual abuse, Defendants elected to lie to parishioners about what the Archdiocese knew of sexually abusive priests, employees and other agents. The USCCB also supported the practice of lying to those within the Archdiocese. These lies also directly injured Plaintiff because the concealment by the Defendants created a public impression, known by Defendants to be false, that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not. This caused the Plaintiff and his family to allow

Defendant Gallagher to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

- k. Defendants accepted a recommendation from the USCCB to operate an internal Archdiocese Review Board, supposedly responsible for determining whether sexual abuse reports against a clergy member were credible. However, to honor the priority of secrecy adopted by recommendation of The Holy See, the Defendants adopted a practice, derived from that commitment to secrecy, to conclude, no matter what the facts were, that allegations of sexual abuse of minors by priests, employees and agents were “unsubstantiated.” This practice by Defendants was malicious, and was used even when there was very convincing evidence that the accusations were true. The USCCB accepted the priority of the Defendants to favor secrecy over disclosure so that subsequent reports would appear more positive than was in fact the case, and so all Defendants, as well as the USCCB and The Holy See could falsely claim a “progress” which did not exist.
- l. Upon information and belief, the Defendants destroyed documents that were evidence of criminal sexual conduct against children. This was done to honor the proposal by The Holy See to favor secrecy over reporting criminal conduct, and to favor the practice by the USCCB to claim openness, for public relations purposes, but to in fact operate by maintaining the traditional secrecy associated with matters relating to sexual abuse within the Archdiocese. The Defendants’ acts of destroying evidence of criminal sexual conduct of priests, employees and other agents directly injured Plaintiff because prior incidents of sexual abuse by Defendant Gallagher were hidden from Plaintiff and Defendant Gallagher was able to gain unsupervised access to Plaintiff as a

result. Maintaining the secret files and concealing evidence of criminal conduct of priests, employees and other agents also directly injured Plaintiff because the concealment by the Defendants created the public impression, known by Defendants to be false, that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not and it was known they were not safe around children. This caused the Plaintiff and his family to allow Defendant Gallagher to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

110. The actions alleged in this Complaint were committed with malice and with the intention that the welfare of children within the Archdiocese be endangered by being subordinated to the priority of secrecy proposed by The Holy See and the USCCB and adopted by the Defendants as their operating policy for employment and business practices.

111. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, Cardinal Justin Rigali, Msgr. William Lynn,

Joseph J. Gallagher, St. Mark's Catholic School, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

Dated: 9.17.12

BY: 

DANIEL F. MONAHAN, ESQUIRE

7 Great Valley Parkway, Ste. 290

Malvern, PA 19355

610-363-3888

dmonahan@JDLLM.com

MARCI A. HAMILTON, ESQUIRE

36 Timber Knoll Drive

Washington Crossing, PA 18977

215-353-8984

hamilton02@aol.com

JEFFREY R. ANDERSON, ESQUIRE

366 Jackson Street, Suite 100

St. Paul, Minnesota 55101

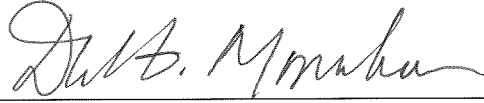
(651) 227-9990

jeff@andersonadvocates.com

Attorneys for Plaintiff

VERIFICATION

I, Daniel F. Monahan, Esquire, verify that I am the attorney for the Plaintiff and that the facts set forth in the foregoing Plaintiff's Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



Daniel F. Monahan, Esquire

Dated: 9.17.12