

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

FILED 25 MAR 13 1999

PEGGY NICHOLSON,)
)
Plaintiff,)

vs.)

Cause No. 052-9573

ROMAN CATHOLIC ARCHDIOCESE)
OF ST. LOUIS, an unincorporated)
association, and ARCHBISHOP)
RAYMOND BURKE, of the)
Archdiocese of St. Louis,)
MO,)

PETITION

JURY TRIAL DEMANDED

SERVE:)

Roman Catholic Archdiocese of St. Louis)
4445 Lindell Blvd.)
St. Louis, MO 63108-2333)

Archbishop Raymond Burke)
of the Archdiocese of St. Louis)
4445 Lindell Blvd.)
St. Louis, MO 63108-2333)

Defendants.)

Plaintiff, for her Petition against the Defendants named herein, alleges as follows:

NATURE OF PETITION

1. Defendants have knowingly covered up and concealed the sexual abuse of their minor parishioners by their employee Defendant Father William C. Poepperling. This cover up has allowed Defendant Poepperling to have access to and to sexually abuse numerous children, including Plaintiff.

2. Plaintiff brings this lawsuit in order to hold the Defendants responsible for the injuries they have caused and to protect other children from the pain of childhood sexual abuse.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Missouri common law. This Court has jurisdiction because Defendants Archdiocese and Archbishop, among other things, owned and operated Holy Guardian Angels parish near Chouteau, Missouri, where Defendant Poepperling was assigned and where Plaintiff was sexually abused, are licensed to do business or transact business in Missouri and have obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location for Holy Guardian Angels parish, where Defendant Poepperling served. Finally, all of the sexual molestation described herein occurred in the State of Missouri.

4. Venue is proper in St. Louis City under R. S. Mo. § 508.010 (2002), inasmuch as this is the location of Defendant Archdiocese's principal place of business.

PARTIES

5. Plaintiff is an adult woman and a resident of the State of California. Plaintiff was a minor at the time of the sexual abuse alleged herein.

6. At all times material, Defendant Archdiocese of St. Louis (hereinafter "Archdiocese") was and continues to be an unincorporated association doing business in Missouri with its principal place of business located at 4445 Lindell Blvd., St. Louis, Missouri 63108-2333.

7. Defendant Archbishop Raymond Burke (hereinafter "Archbishop") is a citizen of the State of Missouri and is the Archbishop of the Roman Catholic Archdiocese of St. Louis, in Missouri. The principal place of business of the Archdiocese is located at 4445 Lindell Boulevard, St. Louis, Missouri. Defendant Archbishop Burke is sued herein solely in his capacity as Archbishop of the Archdiocese.

8. Upon information and belief, Defendant Archdiocese was formed in 1847 out of the

Diocese of St. Louis, Defendant Archdiocese has approximately 700 priests working for it, and Defendant Archdiocese has approximately 550,000 Catholic members.

9 Defendant Fr. William C. Poepperling was a Roman Catholic Priest at Holy Guardian Angels parish in St. Louis, Missouri during the time of the abuse alleged herein.

10. At all times material hereto, Defendant Poepperling was under the direct supervision, employ and control of the Archdiocese and its representative the Archbishop. All acts of sexual abuse alleged herein took place during functions in which Defendant Poepperling had custody or control of Plaintiff in his role as a priest and authority figure.

11. Defendant Archdiocese and its representative the Archbishop provided training to Defendant Poepperling on how to perform the specific positions of a priest and a pastor. Defendant Archdiocese and its representative the Archbishop hired, supervised and paid assistants to Defendant Poepperling. At all times, Defendant Poepperling acted upon the authority of and at the request and/or permission of the Defendant Archdiocese and Defendant Archbishop.

12. Defendant Poepperling performed much of his work on the premises owned by Defendant Archdiocese. Further, when Defendant Poepperling traveled in the presence of children, Defendant Archdiocese paid for those trips and travel expenses incurred by Defendant Poepperling.

13. Defendant Archdiocese furnished tools and materials to aid and abet Defendant's conduct as alleged hereinafter.

14. At all times relevant, Holy Guardian Angels parish where Defendant Poepperling served was under the direct supervision, employ and control of Defendants Archdiocese and Archbishop.

15. Defendant Poepperling's conduct as alleged herein was undertaken while in the course and scope of his employment with Defendants Archdiocese and Archbishop.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

16. From approximately 1953 through approximately 1957, Defendant Poepperling befriended Plaintiff's family and visited the family home frequently. Plaintiff also was sent to the rectory where Defendant Poepperling resided, and where Poepperling sexually and physically assaulted Plaintiff on numerous occasions. Poepperling's sexual assault upon Plaintiff included but was not limited to forced sexual intercourse. Poepperling's physical assaults upon the Plaintiff included but were not limited to knocking Plaintiff unconscious and pushing her down a flight of stairs. Plaintiff was approximately four years old when the sexual and physical abuse began, and she was approximately eight years old when the sexual and physical abuse ended.

17. Upon information and belief, Father Poepperling repeatedly threatened to kill Plaintiff if she told about the sexual abuse assaults. Father Poepperling also threatened to have Plaintiff institutionalized if she told about the sexual abuse assaults.

18. Upon information and belief, Father Poepperling also told Plaintiff that she was a wasted person, that she was the kind of person that assaults happened to, and that it would not happen to a good person.

19. Upon information and belief, Plaintiff's father was forced to leave the family due to the conduct and presence of Poepperling in the family home, and thereafter Poepperling frequently stayed at Plaintiff's home in her mother's bedroom.

20. The sexual abuse described herein occurred in the State of Missouri.

21. The actions of Defendant Poepperling were outrageous and utterly repugnant to a civilized society.

22. Defendants knew or should have known that their allowing Defendant Poepperling access to young children as part of his official duties after reports of impropriety involved an

unreasonable risk of causing emotional distress to Plaintiff and other similarly situated individuals.

23. The Defendants' actions in allowing Defendant Father Poepperling to continue holding himself out as a priest and father figure to his parishioners and young children with whom he came into contact, were outrageous and utterly repugnant to a civilized society. Defendants acted with depraved hearts knowing harm would occur, including the damages to Plaintiff described herein and other similarly situated children. Defendants knew or should have known this outrageous behavior would cause emotional distress to the families of the victims and the victims, including Plaintiff.

24. The sexual abuse of Plaintiff, and the circumstances under which the abuse occurred, caused Plaintiff to develop various psychological coping mechanisms and symptoms of psychological distress, including great shame, guilt, self-blame and depression. In addition, Plaintiff experienced dissociative amnesia where she repressed the memories of the abuse until approximately January of 2005. As a result of Plaintiff's repression of the memories of Defendant Poepperling's sexual abuse of the Plaintiff, Plaintiff was unable to know or have reason to know until approximately January of 2005 that she was a victim of sexual abuse committed upon her by Defendant Poepperling. The sexual abuse and exploitation of Plaintiff and the circumstances under which it occurred caused Plaintiff to develop various psychological coping mechanisms which made her incapable of ascertaining the resulting damages from that conduct.

25. Furthermore, upon information and belief, after learning of Defendant Poepperling and other agents' wrongful conduct, Defendants, by and through their agents, ratified the wrongful conduct described herein by failing to report it to law enforcement authorities, prospective parishioners, current parishioners, their families, victims, and the public. Further, Defendants' conduct communicated to Plaintiff and other victims that Defendants' conduct was proper and that

legal action was not necessary. Therefore, Defendants knew or should have known that their actions would silence Plaintiff and other victims, would prevent them from discovering their injuries, their complaints or possible other complaints or victims, and ultimately would exacerbate their emotional distress and trauma. Defendants should therefore be estopped from asserting any defense that Plaintiff's action is not timely, because Defendants individually and in concert with each other, fraudulently concealed the wrongfulness of Defendant Poepperling's and other priests' conduct and the causal relationship between the sexual abuse and the harm suffered by Plaintiff.

26. As a direct result of Defendants' wrongful 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; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT I
CHILD SEXUAL ABUSE AND/OR BATTERY -
DEFENDANT POEPPERLING**

27. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

28. Beginning in approximately 1953, Defendant Poepperling engaged in unpermitted, harmful and offensive sexual conduct and contact and physical abuse upon the person of the Plaintiff, a minor. Said acts were committed while Defendant Poepperling was acting within the course and scope of employment with the Archdiocese and/or Archbishop, were committed while Defendant Poepperling was a managing agent of the Archdiocese and/or Archbishop, and/or were ratified by the Archdiocese and/or Archbishop.

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

30. As a result of the above-described acts, 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; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT II
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS -
DEFENDANTS ARCHDIOCESE AND ARCHBISHOP**

31. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

32. Defendants intentionally failed to supervise, remove or otherwise sanction Defendant Poepperling after they had actual notice of his dangerous propensity to abuse children, and continued to place him in positions of authority over children and adolescents, including Plaintiff.

33. Defendants knew or should have known that Defendant Poepperling was unsuitable for the position which he held.

34. Defendants failed to adequately review and monitor the services which were provided by Defendant Poepperling, intentionally turning a blind eye to his misconduct.

35. Defendants intentionally failed to confront, remove or sanction Defendant Poepperling about known irregularities in his employment, including having children visit him in the rectory, spending unusual amounts of time with Plaintiff's family and having received reports

of impropriety from concerned and angry parents.

36. Defendants failed to act upon information gained during the course of their supervision of Defendant Poepperling.

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

38. At all times relevant, Defendants Archdiocese and Archbishop engaged in extreme and outrageous conduct, intended to cause harm or committed in reckless disregard of the probability of causing emotional distress and harm.

39. Defendants Archdiocese and Archbishop engaged in unconscionable and outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society. Defendants' conduct caused Plaintiff severe emotional distress of such a nature that no reasonable person in a civilized society could be expected to endure it.

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

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

42. 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; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT III
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS -
DEFENDANT POEPPERLING

43. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

44. Defendant Poepperling engaged in unconscionable, outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society.

45. Defendant Poepperling's actions and /or inactions were willful, wanton and reckless for which punitive damages and /or damages for aggravating circumstances are appropriate.

46. The emotional distress experienced by Plaintiff as a result of Defendant Poepperling's conduct is medically diagnosable and is of sufficient severity so as to be medically significant.

47. 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; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT IV
NEGLIGENCE -
ALL DEFENDANTS

48. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

49. Defendants had a duty to protect children served by their churches.

50. Upon information and belief, Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Defendant Poepperling's dangerous and

exploitive propensities and/or that he was an unfit agent, and despite such knowledge, Defendants breached their duty to protect Plaintiff when they failed to protect Plaintiff from the sexual abuse described herein.

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

52. As a direct result of the acts or omissions described 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; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT V
NEGLIGENT SUPERVISION, RETENTION, AND FAILURE TO WARN -
DEFENDANTS ARCHDIOCESE AND ARCHBISHOP**

53. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

54. Upon information and belief, Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Defendant Poepperling's dangerous and exploitive propensities and/or that he was an unfit agent, and despite such knowledge, Defendants negligently retained and/or failed to supervise Defendant Poepperling, who was in a position of trust and authority as a Roman Catholic priest and spiritual counselor, where he was able to commit the wrongful acts against the Plaintiff. Defendants failed to provide reasonable supervision of Defendant Poepperling, failed to use reasonable care in investigating Defendant Poepperling and failed to provide adequate warning to Plaintiff and her family of Defendant Poepperling's dangerous

propensities.

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

56. 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; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT VI
INTENTIONAL FAILURE TO SUPERVISE CLERGY -
DEFENDANT ARCHDIOCESE AND ARCHBISHOP**

57. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

58. At all times material, Defendants Archdiocese and Archbishop were the supervisors and employers of Defendant Poepperling.

59. Upon information and belief, Defendants were aware of previous sexual misconduct by clergy within their boundaries, including Defendant Poepperling, and knew that future harm was certain or substantially certain to result without proper supervision.

60. Defendants disregarded the known risk of sexual abuse.

61. Defendants' inaction caused injury to Plaintiff.

62. Plaintiff was sexually abused on property owned and operated by Defendant Archdiocese.

63. Defendants knew or should have known that inappropriate touching of young

children by their employees and /or designated agents would cause or was substantially certain to cause those children harm.

64. Despite the risk posed by Defendant Poepperling, Defendants continued to place Defendant Father Poepperling in positions in which he would have daily contact with children.

65. Despite the risk posed by Defendant Poepperling, Defendants ratified his actions of being alone with small children by approving and paying for his travel expenses and other expenses associated with outings with children.

66. By engaging in these actions, Defendants disregarded the risk posed by Defendant Poepperling to these children.

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

68. As a result of Defendants' failure to properly supervise Defendant Poepperling, Plaintiff was injured and 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; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

JURY TRIAL DEMANDED

69. Plaintiff demands a trial by jury on all issues triable in this case.

WHEREFORE, Plaintiff asks that this Court award judgment against Defendants as follows:

1. Awarding compensatory, statutory, punitive and treble damages in favor of Plaintiff against Defendants for damages sustained as a result of the wrongdoings of Defendants, together

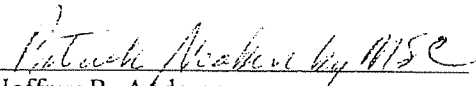
with interest thereon;

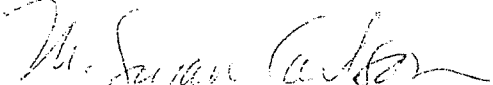
2. Awarding Plaintiff her costs and expenses incurred in this action, including reasonable allowance of fees for Plaintiff's attorneys, experts, and reimbursement of Plaintiff's and counsel's expenses;

3. Granting such other and further relief as the Court deems appropriate and just.

Respectfully submitted,

Dated: Aug 25, 2005


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