

Court of Common Pleas of Philadelphia County
 Trial Division
Civil Cover Sheet

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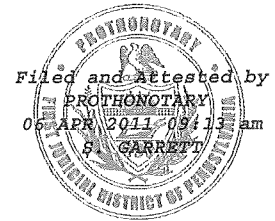
APRIL 2011

000468

E-Filing Number: 1104009015

PLAINTIFF'S NAME MICHELLE FORSYTH ADM		DEFENDANT'S NAME ARCHDIOCESE OF PHILADELPHIA	
PLAINTIFF'S ADDRESS ADMIN/ESTATE OF DANIEL NEILL 146 ALBERTS WAY LANGHORNE PA 19047		DEFENDANT'S ADDRESS 222 N. 17TH STREET PHILADELPHIA PA 19103	
PLAINTIFF'S NAME MARY NEILL		DEFENDANT'S NAME JUSTIN RIGALI	
PLAINTIFF'S ADDRESS 146 ALBERTS WAY LANGHORNE PA 19047		DEFENDANT'S ADDRESS 222 N. 17TH STREET PHILADELPHIA PA 19103	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		<p style="text-align: center;">FILED PROPROTHY APR 06 2011 S. GARRETT</p>	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>MICHELLE FORSYTH ADM, MARY NEILL</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY DANIEL F. MONAHAN		ADDRESS 300 N. POTTSTOWN PIKE STE. 210 EXTON PA 19341	
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SIGNATURE OF FILING ATTORNEY OR PARTY DANIEL MONAHAN		DATE SUBMITTED Wednesday, April 06, 2011, 09:13 am	

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MICHELLE FORSYTH,	:	COURT OF COMMON PLEAS
Administratrix of the Estate of DANIEL NEILL	:	
and MARY NEILL	:	PHILADELPHIA COUNTY,
146 Alberts Way	:	PENNSYLVANIA
Langhorne, PA 19047	:	
	:	
Plaintiffs,	:	
v.	:	CIVIL ACTION
	:	
ARCHDIOCESE OF PHILADELPHIA	:	JURY TRIAL DEMANDED
222 N. 17 th Street	:	
Philadelphia, PA 19103	:	_____ TERM, 2011
AND	:	
CARDINAL JUSTIN RIGALI	:	
222 N. 17 th 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

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Attorneys for Plaintiffs

MICHELLE FORSYTH,	:	COURT OF COMMON PLEAS
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222 N. 17 th Street	:	
Philadelphia, PA 19103	:	
	:	
Defendants.	:	

PLAINTIFFS' COMPLAINT

And now Plaintiffs, Michelle Forsyth, as the Administratrix of the Estate of Daniel Neill and Mary Neill, by and through their undersigned counsel, bring this Complaint and set forth as follows:

The Parties

1. Plaintiff, Michelle Forsyth is the sister and Administratrix of the Estate of Daniel Neill, deceased, and resides at 146 Alberts Way, Langhorne, PA 19047.

2. Plaintiff, Mary Neill is the mother of Daniel Neill, deceased, who is a survivor of the decedent under and by virtue of the laws of the Commonwealth of Pennsylvania, Const. Stat. § 2202 (a) and who resides at 4601 David Dr., Bristol, PA 19007.

3. 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. This Defendant is organized, exists and operates pursuant and by virtue of the laws of the Commonwealth of Pennsylvania.

4. Cardinal Justin Rigali is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who is the current Archbishop of the Archdiocese who was appointed Archbishop of the Archdiocese in 2003.

Facts

5. On January 21, 2011, the Philadelphia District Attorney’s Office issued a Grand Jury Report on abuse in the Philadelphia Archdiocese (“2011 Grand Jury Report”).

6. The 2011 Grand Jury Report establishes that the Archdiocese has a long history of sexual abuse of children by Archdiocese priests that was known, tolerated, and hidden by high church officials, up to and including Cardinal Anthony Bevilacqua and Msgr. Lynn. The Grand Jury Report states:

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.

2011 Grand Jury Report at 1.

7. The 2011 Grand Jury Report establishes that the Archdiocese, through its Victims Assistance Program and internal Review Board, who are the agents of Cardinal Rigali, tolerates and actively conceals the sexual abuse of children by Archdiocese priests for the benefit of the Archdiocese.

8. Victims of sexual abuse were misled by the Archdiocese, Cardinal Rigali, and his agents, into believing that the Archdiocese's only interest in having the victims make contact with the Archdiocese's Victims' Assistance Coordinator was to help the victims get the help that they need. The actual reason that Cardinal Rigali requested that the victims contact the Archdiocese Victims' Assistance Coordinator was to obtain information to begin to prepare a defense against any claim and to conceal the sexual abuse from law enforcement and the public. Examples of public statements that Cardinal Rigali made that misled victims into believing that the Archdiocese was solely concerned with helping them -- as opposed to building a defense file or re-victimizing them -- include:

- a. "These changes have taken place over the past year as a part of our continuing efforts to be more responsive to the needs of victims. It is important to listen to the people who have been hurt and find out what they need. We listened and changed the way in which we respond" (News Release, Archdiocese of Philadelphia Revitalized Victim Assistance Program (Oct. 19, 2006),
- b. "I urge anyone who was abused in the past to contact our Victim Assistance Coordinators who can help begin the healing process. ... We must never forget the victims who have been harmed so terribly and we will continue to listen to them. We remain dedicated to strengthening programs of prevention." (The Catholic Standard Times, Cardinal Justin

Rigali, *National Sexual Assault Awareness, Child Abuse Month* (April 29, 2010),)

- c. "Parents who may have concerns or fears in these areas and who wish to discuss them are encouraged to call the Archdiocesan Victim Assistance Program at 1-888-800-8780." (The Catholic Standard Times, Cardinal Justin Rigali, *Continued Efforts to Protect Our Young People* (April 16, 2009),)
- d. "The archdiocese is now making every effort to listen carefully in order to better understand and appreciate your experience. In meeting personally with many of you, I have learned of the recurring problem that affects your lives. This trauma can present itself as flashbacks, anger, anxiety, and depression. Some of you have spoken of loneliness and isolation. If you have similar experiences, we want to help you build a peaceful life. Reaching out for help, especially to the church, can be difficult. Our newly revitalized Victim Assistance Program is available to you. If you wish, feel free to call. God bless you." (Cardinal Justin Rigali, Recording: *Cardinal Rigali's Audio Message about Victims' Assistance* (Feb. 19, 2011, 11:15 AM)),
- e. "Even prior to the Bishops' Charter, the Archdiocese was committed to offering counseling assistance to those bringing forth allegations of sexual abuse as minors, whether or not the allegations were determined to be credible. Currently, our Archdiocesan Assistance Coordinators are providing professional counseling for 41 individuals. From 1994 through 2003, an average of \$125,000 has been paid annually by the Archdiocese for this counseling. ... The Archdiocese continues to reach out to those who are victims of sexual abuse as minors by priests." (Cardinal Justin Rigali, *Letter on the John Jay College Study* (Feb. 26, 2004))
- f. "One lesson that I have learned in that many victims are reluctant to turn to the Church for assistance. The Archdiocese of Philadelphia has diligently worked to restructure and refocus efforts of victim assistance. We have attempted to reach out to victims in many ways including my radio messages and advisements in newspapers. ... It is my hope that after you read this brochure, you will share it with a friend." (Cardinal Justin Rigali, *Enhanced Efforts to Assist Victims of Clergy Sexual Abuse* (Sept. 1, 2007)).

9. The victim assistance coordinators “misled victims into believing that their discussions with the coordinators are protected by confidentiality.” They are not. Victims’ statements are shared throughout the Archdiocese and turned over to the Archdiocese’s attorneys. 2011 Grand Jury Report at 7.

10. The victims also were led to believe that by reporting their abuse to the Victims Assistance Program, their perpetrators would be identified to the authorities:

"The Archdiocese stands ready to assist you in humble service. I am willing to meet with you as I have met with others. Our Victims Assistance Coordinators offer both spiritual and mental health services. Any victim or those who wish to report an allegation of abuse - which will be communicated immediately to civil authorities - may contact an assistance coordinator at 215-587-3880 or PhilaVAC@adphila.org." (The Catholic Standard Times, Cardinal Justin Rigali, *With Sorrow and Hope* (Sept. 28, 2005)).

11. 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.

12. “[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.

13. 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, 43.

14. 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.

15. The Archdiocese has a long history of concealing the sexual abuse of children by its clergy.

16. Bishop Timothy Senior was the Archdiocesan (Secretary) Vicar for Clergy under Cardinal Rigali, and his agent.

17. Upon information and belief, Bishop Senior acted as the personnel director for priests under Cardinal Rigali.

18. It was Bishop Senior’s job to review all reports of abuse, to recommend action, and to monitor the abuser’s future conduct as the agent of Cardinal Rigali.

19. On information and belief, Bishop Senior assisted priests who he knew to have sexually abused children to obtain new assignments within the Archdiocese in order to conceal their criminal behavior with children and to protect the reputation of the Archdiocese as the agent of Cardinal Rigali.

20. At all times material hereto, Fr. Joseph J. Gallagher was a priest assigned to St. Mark Parish in Bristol, Pennsylvania.

21. Despite compelling evidence of child abuse and inappropriate behavior by Fr. Gallagher, Cardinal Rigali and his agents took no action to protect children from him and approved his continuing service in active ministry.

22. Fr. Gallagher was only removed from active ministry following the release of the facts reported in the 2011 Grand Jury Report.

23. The Archdiocesan Review Board is an advisory board which reviews cases of alleged child sex abuse for credibility for the Archdiocese and Cardinal Rigali.

24. The Review Board, acting as Cardinal Rigali's agent, rejected compelling evidence of child abuse by Fr. Gallagher, which permitted Gallagher to continue in active ministry, thereby placing children at risk.

25. Cardinal Rigali has controlled the Archdiocese's handling of child sex abuse as leader of the Archdiocese.

26. While the Archbishop of the Archdiocese, Cardinal Bevilacqua was insistent, in all cases involving the sexual abuse of minors by priests, that parishioners be lied to about the Archdiocese's knowledge about the abuse by the priest. Msgr. Lynn followed this policy.

27. A similar policy, with the same ends, has been followed and furthered by Cardinal Rigali and his agents.

28. The Archdiocese publicly promotes its victim assistance programs as solely intended 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, 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 and others in the Archdiocese.

29. The victims assistance program is advertised as though it operates on the principle of serving the best interests of the clergy sex abuse victim. Instead, it operates to protect the Archdiocese's interests first.

30. The Archdiocese misrepresented the purpose of the Review Board to the public, including the Plaintiff. The Archdiocese represented that the Review Board was a panel that insured that priests who had sexually abused children were not allowed to actively minister within the Archdiocese. The internal Archdiocese Review Board, regularly found allegations of sexual abuse of minors by priests as being "unsubstantiated" even when there was very convincing evidence that the accusations were true. The Archdiocese Review Board was motivated in finding reports of sexual abuse as "unsubstantiated" in order to protect the Archdiocese from the scandal that accompanied a substantiated report of childhood sexual abuse.

31. In approximately 1980 through 1981, Daniel Neill attended St. Mark parish in Bristol, Pennsylvania.

32. While attending St. Mark parish, the minor Daniel Neill was an altar boy who was responsible for assisting the priest with mass.

33. From approximately 1980 through 1981, Fr. Gallagher sexually abused Daniel Neill while he was functioning as an altar boy.

34. In 1980, Daniel Neill reported the sexual abuse to the St. Mark's parish school principal, who called Daniel a liar and threatened Daniel that his family would be disgraced if he persisted in making his report of sexual abuse.

35. After he reported the abuse to St. Mark's, Gallagher continued to sexually abuse Daniel Neill

36. The Archdiocese, its Cardinals, and their agents were aware or should have been aware that Fr. Gallagher had sexually abused children prior to Gallagher sexually abusing Daniel Neill.

37. In 2006, Archdiocesan victim assistance coordinator Louise Hagner received an allegation about Father Gallagher from a 44-year-old man who said that Father Gallagher had touched his penis during a school trip when the boy was in second grade. That victim also told Ms. Hagner that Father Gallagher questioned him about masturbation during confession.

38. The Review Board found the 44-year-old's allegation unsubstantiated, because of a one-year discrepancy in the story: "The victim alleges that Reverend Gallagher abused him during a bus trip in 1968 or 1969 but Reverend Gallagher did not arrive at that parish until 1970."

39. On October 15, 2007, 36-year-old Daniel [aka "Ben" the pseudonym by which Daniel Neill is referred to in the 2011 Grand Jury Report] reported to an Archdiocese victim assistance coordinator, Louise Hagner, that Rev. Joseph J. Gallagher had repeatedly fondled him when he served as an altar boy at St. Mark Parish in Bristol, Pennsylvania.

40. Gallagher fondled the boy during outings in the priest's car, at the priest's mother's house, upstairs in the rectory, in a utility room in the sacristy, and in a loft in the church. The priest also hit the boy.

41. The first Daniel was molested was when Father Gallagher took the boy to buy supplies for a St. Patrick's Day party at school. After buying a disco ball, green party vests, plates, and cups, the priest stopped at his mother's house. There he took the boy upstairs to a pink, frilly bedroom. The priest unbuckled the boy's belt, pulled down his pants, and fondled his genitals. After less than two minutes, Gallagher pulled up the boy's pants and started to leave

the room. But as Daniel was refastening his pants, Gallagher returned, pulled the child's pants down again, bent him over at the waist, and stuck his finger in the boy's anus.

42. Daniel related the abuse in detail, describing the house and the priest's sister who he met at the house. He said that she was mentally retarded, which was true.

43. After the initial incident, Father Gallagher began to fondle Daniel in the church when he served as an altar boy.

44. Daniel told the Archdiocese investigator that Fr. Gallagher always insisted on hearing the altar boy's confession before Mass, and that the priest would ask during confession if the child had a problem with masturbation. Daniel told the investigator that he saw Father Gallagher take other boys off for confession as well.

45. The priest once taught Daniel what a "blow job" was; but when the boy looked horrified, Father Gallagher told him to leave.

46. Later, Fr. Gallagher punched Daniel in the sacristy after the boy refused the priest's instructions to fondle his genitals.

47. Daniel Neill told Ms. Hagner that Father Gallagher discussed masturbation during confession.

48. Daniel Neill provided the names of other altar boys who could confirm some of what he told Ms. Hagner.

49. Ms. Hagner, as the agent of the Archdiocese and Cardinal Rigali, interviewed the victim twice – once by phone and once in person. The Archdiocese investigator questioned him three times. Daniel Neill patiently repeated the details of his abuse each time.

50. The investigator questioned several of the other former altar boys. While none of

them said they were molested by Father Gallagher, one confirmed seeing the priest shake Daniel until he cried.

51. Several others confirmed that Father Gallagher always asked boys during confession if they had a problem with masturbation.

61. One former altar boy refused to be interviewed, but told the investigator: “There were improper relationships” between Father Gallagher and St. Mark’s students.

62. Another altar boy stated to the investigator that back when they were in school, they went to the priest’s mother’s house.

63. When the Archdiocesan investigator interviewed Father Gallagher, the priest denied ever hearing confessions in the sacristy or the loft, even though several former altar boys confirmed that he did. At first, he flatly denied Daniel’s allegations. By the end of the interview, however, his answers were more evasive: “I have no picture of that” and “I can’t say it happened” and “I’m right to the best of my knowledge.”

52. Despite Daniel Neill’s obvious credibility, the corroboration of other witnesses, the allegation the year before by someone with no connection to Daniel, and the lies of Father Gallagher, the Archdiocesan Review Board ruled Daniel’s allegations unsubstantiated.

53. “Bishop Timothy Senior, then Vicar for Clergy, concurred with the Review Board’s recommendation, as did Auxiliary Bishop Daniel Thomas. Cardinal Rigali accepted the recommendation on July 3, 2008.”

54. On July 24, 2008, Ms. Hagner, speaking for the Archdiocese, informed Daniel Neill that his report that Fr. Gallagher had sexually abused Daniel was found to be unsubstantiated and not credible, despite Daniel Neill providing significant corroboration for his report.

55. Even though almost every former altar boy told the investigator that Father Gallagher always brought up masturbation with children in the confessional, only three Review Board members thought it necessary to restrict him from hearing children's confessions.

56. At the time that Daniel Neill reported that he had been sexually abused by Fr. Joseph Gallagher, Archdiocesan investigator Brian Smith aggressively pursued Daniel, requiring Daniel to give at least three statements regarding the sexual abuse that were used by the Archdiocese Review Board to improperly find that Daniel Neill's report was unsubstantiated and not credible.

57. On June 6, 2009, Daniel Neill committed suicide because of, and as a direct result of, the Archdiocese misrepresenting the true purpose of the Archdiocese Review Board which found his report of sexual abuse as being unsubstantiated and not credible.

58. On information and belief, Daniel contacted Fr. Mooney to tell him about the abuse.

59. Ms. Hagner's notes from a June 15, 2009, telephone call with Daniel's mother state: "She is doing as well as she can. She keeps questioning why. He was really hurt when the AOP [Archdiocese of Philadelphia] did not substantiate the charges. He had so many disappointments in his life. She wants to meet with Father Mooney because he did not respond to Ben's emails of several years ago telling him about the abuse."

60. There is no indication that the victim assistance coordinator did anything to facilitate a meeting between Daniel's mother and Fr. Mooney.

61. Though retired, Fr. Gallagher has been a regular assistant at St. Jerome, St. Timothy in Philadelphia, and St. Thomas Aquinas in Croyden.

62. Following release of the 2011 Grand Jury Report, Father Gallagher was removed from active ministry by Cardinal Rigali.

63. On information and belief, parishioners were not informed about the allegations against Fr. Gallagher until Cardinal Rigali removed him from active ministry in response to the 2011 Grand Jury Report.

64. As a direct result of the wrongful conduct alleged herein, Daniel Neill suffered 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; suffer spiritually; was prevented from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and/or has incurred expenses for medical and psychological treatment, therapy, and counseling.

COUNT I - CIVIL CONSPIRACY TO ENDANGER CHILDREN
Plaintiff Michelle Forsyth, Administratrix v. Archdiocese of Philadelphia, and
Cardinal Justin Rigali

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

66. Defendants Archdiocese and Cardinal Justin Rigali, and their agents acted with a common purpose and conspired to endanger the welfare of children in violation of Pennsylvania law.

67. The overt acts committed in pursuance of the common purpose to endanger the welfare of children include, but are not limited to:

- a. Defendants Archdiocese and Cardinal Justin Rigali, and their agents maliciously ensured that the internal Archdiocese Review Board, that is responsible for

determining whether sexual abuse reports against a clergy member are credible, regularly found allegations of sexual abuse of minors by priests as being “unsubstantiated” even when there was very convincing evidence that the accusations were true.

- b. The Defendants Archdiocese and Cardinal Justin Rigali, and their agents, maliciously concealed known incidents of childhood sexual abuse within the Archdiocese, including sexual abuse by Fr. Gallagher.
- c. Defendants Archdiocese and Cardinal Justin Rigali, and their agents, implemented programs and procedures 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 used to further conceal the identity and illegal activities of predatory priests from law enforcement, parishioners and the public.
- d. When a report that an Archdiocese priest had sexually abused a child was made to the Defendants Archdiocese, and Cardinal Justin Rigali, and their agents, maliciously transferred the clergymen to new parishes, where the unsuspecting parishioners were unaware that the priest was an abuser. As a result, on a significant number of occasions, the priest sexually abused children at the new parish.
- e. When a report that an Archdiocese priest had sexually abused a child was made to the Archdiocese, Defendants Archdiocese, Cardinal Justin Rigali, and their agents, maliciously concealed that information from parishioners, including

Plaintiff. As a result, on a significant number of occasions, the priest sexually abused children at the new parish.

- f. Instead of protecting Archdiocese children, including the Plaintiff, from sexual abuse by known predator priests and other agents and employees, Defendants Archdiocese and Cardinal Justin Rigali, and their agents, instead shielded abusive clergy from criminal detection, shielded the Archdiocese hierarchy from scandal, and shielded the Archdiocese from financial liability.
- g. Victim assistance coordinators, including but not limited to Louise Hagner, 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 would 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.
- h. The victim assistance coordinators, including but not limited to Louise Hagner, employed by the Archdiocese regularly discouraged victims from reporting the sexual abuse by a priest to law enforcement.
- i. Defendants Archdiocese, Cardinal Justin Rigali, and their agents, maintained “secret archive files” containing reports of priest sexual abuse of minors which was withheld from law enforcement.
- j. Defendants Archdiocese and Cardinal Justin Rigali, and their agents, in cases involving the sexual abuse of minors by priests, maliciously lied to parishioners about the Archdiocese’s knowledge about the abuse by the priest.

k. Upon information and belief, the Defendants Archdiocese and Cardinal Justin Rigali, and their agents, destroyed documents that were evidence of criminal sexual conduct of children.

68. Said acts were committed with malice and with the intention that the welfare of children within the Archdiocese be endangered.

69. Daniel Neill or his representative, did not discover, nor could he have discovered through the use of reasonable diligence, the conspiracy described herein until 2011.

70. As a direct result of the wrongful conduct alleged herein, Daniel Neill suffered 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; suffer spiritually; was prevented from performing Daniel Neill's daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and/or has incurred expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff, demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, and Cardinal Justin Rigali, 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 – FRAUDULENT CONCEALMENT
Plaintiff Michelle Forsyth, Administratrix v. Archdiocese of Philadelphia and
Cardinal Justin Rigali

71. 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.

72. Defendants Archdiocese and Cardinal Justin Rigali, and their agents, engaged in a policy of secrecy to protect the Archdiocese and lured Daniel Neill into divulging private

information for the Archdiocese's legal and other benefit, without informing Daniel Neill that his private information could and would be used to aid them in fighting him and other victims in court, and therefore committed fraud in violation of Pennsylvania law.

73. "The procedures implemented by the Archdiocese to help victims are in fact designed to help the abusers, and the Archdiocese itself."

74. Defendants Archdiocese and Cardinal Justin Rigali, and their agents, engaged in a policy of misrepresenting the nature of the Archdiocese Review Board.

75. The Archdiocese Review Board, which is responsible for determining whether sexual abuse reports against a clergy member are credible for the Archdiocese and Cardinal Rigali, regularly found allegations of sexual abuse of minors by priests as being "unsubstantiated" even when there was very convincing evidence that the accusations were true.

76. The Archdiocese Review Board was motivated in finding reports of sexual abuse as "unsubstantiated" in order to protect the Archdiocese and Cardinal Rigali from the scandal that accompanied a substantiated report of childhood sexual abuse.

77. On July 24, 2008, the Archdiocese, via Ms. Hagner, informed Daniel Neill that his report that Fr. Gallagher had sexually abused Daniel was found to be unsubstantiated and not credible, despite Daniel Neill providing significant corroboration for his report.

78. On June 6, 2009, Daniel Neill committed suicide because of, and as a direct result of, the Archdiocese misrepresenting the nature of the Archdiocese Review Board which found his report of sexual abuse as being unsubstantiated and not credible.

79. Daniel Neill met with an Archdiocese's victims assistance counselor in order to obtain assistance with the serious psychological, social, and physical problems that he has experienced following his abuse by Fr. Gallagher.

80. On information and belief, the victims assistance coordinator represented that she/he was there to assist Daniel Neill and required that Daniel Neill's communications to him/her must be confidential.

81. On information and belief, the victims assistance counselor did not keep the information confidential and instead reported Daniel Neill's "confidential" communications to the Archdiocese's attorneys as well as others in the Archdiocese.

82. On information and belief, the victims assistance counselor acted on behalf of the Archdiocese and Cardinal Rigali, for the purpose of obtaining information that would aid the Archdiocese in defending any lawsuit brought by Daniel Neill or any other victim, in avoiding public disclosure of its cover up of child sex abuse, and in aid of avoidance of criminal charges.

83. Accordingly, Daniel Neill was injured by the Archdiocese and Cardinal Rigali's concealment of its actual purpose in having him disclose information regarding the sexual abuse of Daniel Neill by Fr. Gallagher.

84. Daniel Neill, or his representative, did not discover, nor could have discovered through the use of reasonable diligence, the fraudulent misrepresentation described herein until approximately February 2011.

85. As a direct result of the wrongful conduct alleged herein, Daniel Neill suffered 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; suffer spiritually; was prevented from performing Daniel Neill's daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and/or has incurred expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff, demands judgment for compensatory and punitive damages

against Defendants, Archdiocese of Philadelphia and Cardinal Justin Rigali, 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 III – WRONGFUL DEATH ACTION
Mary Neill v. Archdiocese of Philadelphia and Cardinal Justin Rigali

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

87. Plaintiff Mary Neill is the sole remaining survivor of the decedent under Commonwealth of Pennsylvania, Cons. Stat. § 2202 (a) as the mother of the decedent Daniel Neill.

88. The decedent, Daniel Neill, did not bring an action for personal injuries during his lifetime, and no other action for the death of the decedent has been commenced against the defendant.

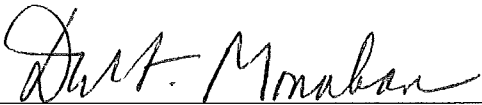
89. As a direct and proximate result of the conspiracy and fraud described herein, Plaintiff Mary Neill has suffered the damages also described herein.

90. Plaintiff Mary Neill brings this suit and claims all damages to which she is entitled for Daniel Neill's wrongful death, including but not limited to pecuniary benefits, including net earnings they would have received from the decedent in support of his family for shelter, food, clothing, medical care, education, and recreation; the pecuniary value of the services, society, and comfort that he would have given to the family, including the monetary value of such services as guidance, tutelage, and damages for reasonable hospital, nursing and medical care for Daniel Neill's funeral expenses of administration necessitated by reason of Daniel Neill's death.

WHEREFORE, Plaintiff, demands judgment for damages against Defendants,

Archdiocese of Philadelphia and Cardinal Justin Rigali, 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: 4-5-11

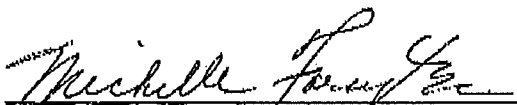
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VERIFICATION

I, Michelle Forsyth, verify that I am the Administratrix of the Estate of Daniel Neill and one of the Plaintiffs and that the facts set forth in the foregoing Plaintiffs' 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.


Michelle Forsyth

Dated: 4/5/11