

and	:
CARDINAL JUSTIN RIGALI	:
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	:
BLESSED VIRGIN MARY CHURCH	:
1101 Main Street	:
Darby, PA 19023	:
	:
SAINT ANASTASIA CATHOLIC SCHOOL	:
3301 West Chester Pike	:
Newtown Square, PA 19073	:
and	:
JOHN H. MULHOLLAND	:
222 N. 17 th Street	:
Philadelphia, PA 19103	:
	:
Defendants.	:
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	:

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 Plaintiffs. 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.

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and

Jane Doe 190
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Malvern, PA 19355

Plaintiffs,

v.

ARCHDIOCESE OF PHILADELPHIA
222 N. 17th Street

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY,
PENNSYLVANIA

CIVIL ACTION

JURY TRIAL DEMANDED

_____ TERM, 2012

NO. _____

of Philadelphia, during the time period (1973 – 1977) when John H. Mulholland was assigned to that location. He served as an altar boy.

2. Plaintiff Jane Doe 190 is an adult female who is a citizen and resident of a state other than Pennsylvania. As a child she attended school at Saint Anastasia, operated by the Archdiocese of Philadelphia, during the time period (1968 – 1973) when John H. Mulholland was assigned to that location.

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. The Archdiocese is organized, exists and operates pursuant to and by virtue of the laws of the Commonwealth of Pennsylvania.

4. 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.

5. 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.

6. 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.

7. Blessed Virgin Mary Parish is a Roman Catholic Parish, within the Archdiocese of Philadelphia with its principal place of business at 1101 Main Street, Darby PA 19023. It is referred to in this complaint as BVM.

8. Saint Anastasia Catholic School is a Roman Catholic School operated by the Archdiocese with its principal place of business at 3301 West Chester Pike, Newtown Square, PA 19073. It is referred to in this complaint as St. Anastasia.

9. John H. Mulholland is an individual and, for all times pertinent to this complaint, was a citizen and resident of Philadelphia County, where he committed tortious acts. He was a Roman Catholic priest in ministry within the Archdiocese from 1965 until he was laicized on August 25, 2008. Among his assignments within the Archdiocese were BVM (during 1973 to 1977) and St. Anastasia (1968 – 1973). The 2005 Grand Jury Report includes information about him beginning at page 327. The first complaints to the Defendants about Defendant Mulholland being sexually inappropriate with children occurred in 1968, prior to his meeting either of the Plaintiffs.

Facts about the Archdiocese and Its Agents

10. 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.

11. 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.

12. 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.

13. “[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.

14. 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.

15. 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 Plaintiffs, from pursuing legal action against the Archdiocese and other potential defendants.

16. 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.

17. 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 Archdiocese 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.

18. 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.”

19. 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.

20. 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.

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

22. 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.

23. "[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.

24. 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.

25. 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 Plaintiffs, 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 Plaintiffs, 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.

26. 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.

27. During his criminal trial in the summer of 2012 for endangering the welfare of children, Defendant Lynn maintained that the bishops her served were the ones responsible for the children his actions endangered. Lynn claimed he was just following orders in taking the actions that endangered those children. The Plaintiffs, when each was a child, were among the children Defendants endangered. As a result, the Plaintiffs were each injured.

28. 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.

29. 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 Plaintiffs from initiating action to hold them accountable for the Plaintiffs' childhood sexual abuse and the sexual abuse of others.

Facts About the Plaintiffs and Their Respective Abuse by Mulholland

30. Defendant Mulholland was ordained as a Roman Catholic Priest in 1965.

31. Complaints about Mulholland's inappropriate conduct prompted Defendants to move Mulholland frequently, so as to conceal his sexual abuse of children and in order to facilitate his sexual abuse of children, including the Plaintiffs. His assignment history was:

- a. Assistant Pastor, St. Patrick Kennett Square PA 6/1965 – 6/1966
- b. Assistant Pastor, St. Joseph, Warrington PA 6/1966 – 6/1968
- c. Assistant Pastor, St. Anastasia, Newtown Square PA 6/1968 – 6/1973

- d. Assistant Pastor, Blessed Virgin Mary, Darby PA 6/1973 – 6/1977
- e. Assistant Pastor, Holy Child, Philadelphia (closed 1993) 9/1977 – 9/1982
- f. Assistant Pastor, Stella Maris, Philadelphia 9/1982 – 6/1987
- g. Parochial Vicar, St. Francis of Assisi, Norristown PA 6/1987 – 6/1996
- h. Parochial Vicar, Immaculate Conception, Levittown PA 6/1996 – 6/2002
- i. Chaplain, Immaculate Mary Home, Philadelphia 6/2002 – 9/2005
- j. Residence: St. Dominic, Philadelphia 6/2002 – 9/2005
- k. Leave of Absence, private residence 9/2005 – 8/2008

32. For over 35 years the Defendants ignored abuse reports about Defendant Mulholland. The first such complaint was made in 1968.

33. Mulholland’s particular interest was involving children in sadomasochistic activities which included nudity, inappropriate touching, and completely inappropriate actions no parent would permit their child to undergo.

34. In July, 1968, Defendant Mulholland wrote a letter in which he detailed his participation with a 15 year old male parishioner being disciplined by Mulholland by being stripped naked, “hung by his ankles with his hands tied up tight with a light rope or heavy cord going from his wrists and under his crotch and ending in a loop around his well-known privates (struggling could be painful). He was pulled up high and a low charcoal fire was shoveled under him, then wet leaves put on the fire — heat and smoke right up his body — an old Apache torture.... Little brother now obeys.”

35. The letter itself, handwritten by Mulholland to a boy in his parish, from the files of the Archdiocese, appears at appendix D-22 to the 2005 Grand Jury Report. It describes Mulholland’s inappropriate interactions with three boys from St. Patrick, his first assignment within the Archdiocese.

36. In September, 1968, Mulholland acknowledged having written that letter and

another (in the same vein) that a parent had complained about. Other than move Defendant Mulholland frequently, Defendants did nothing about limiting Mulholland's contact with children.

37. As a child, Plaintiff Jane Doe 190 attended St. Anastasia, in Newtown Square, PA from 1st through 8th grades, during the period in which Defendant Mulholland was assigned to St. Anastasia.

38. In 1971 Plaintiff Jane Doe 190 was a small child. Defendant Mulholland determined Jane Doe 190 needed to be punished. To punish her he isolated himself with her and inserted his fingers into her vagina. Jane Doe 190 continues to have damage from her interactions with Mulholland.

39. By 1971 Defendants had for three years been doing nothing to limit Mulholland's access to children in response to complaints about Mulholland.

40. As a child, Plaintiff John Doe 195 attended BVM, in Drexel, PA, during the period in which Defendant Mulholland was assigned to BVM. During his time at Blessed Virgin Mary, Plaintiff John Doe 195 served as an altar boy. He met Mulholland in 1973, and Mulholland continued to have contact with him after he left BVM and had been transferred to Holy Child in 1977. From 1973 to 1982 Plaintiff John Doe 195 had contact with Mulholland.

41. Mulholland's sexual contact with John Doe 195 took place in three locations: at his mother's house in Bucks County, PA; at his house in Mystic Island, NJ; and at Holy Child Parish in North Philadelphia. His last sexual contact with Mulholland was 1982.

42. By 1973 Defendants had for five years been doing nothing to limit Mulholland's access to children in response to complaints about Mulholland.

43. By 1982 Defendants had for fourteen years been doing nothing to limit Mulholland's access to children in response to complaints about Mulholland.

44. At his mother's house, Defendant Mulholland desired that a group of altar boys

which included John Doe 195 discipline Mulholland by urinating on Defendant Mulholland. He also desired the boys use a pulley system in the detached garage to “torture” Mulholland as he directed.

45. At his home in Mystic Island, NJ, Defendant Mulholland desired that a group of altar boys which included John Doe 195 discipline Mulholland by urinating on Defendant Mulholland. He also desired them to hang him from the ceiling, naked, and paint his body.

46. Mulholland desired to have a picture of himself hanging, naked and painted, and requested that John Doe 195 take such a picture. Mulholland provided an instant camera to enable John Doe 195 to take the picture, which John Doe 195 did.

47. Mulholland also slept in the same bed with John Doe 195 while Mulholland had himself handcuffed.

48. When Defendant Mulholland was transferred from BVM to Holy Child Parish, he gave John Doe 195 a “key” that unlocked a “torture belt” that he was wearing as underwear.

49. Defendant Mulholland told John Doe 95 that he was Mulholland’s Master and that John Doe 195 “held the power.”

50. In 2004 the Archdiocesan Review Board reviewed the complaints about Mulholland and did nothing to correct his behaviors. By 2004 Defendants had for 36 years been doing nothing to limit Mulholland’s access to children in response to complaints about Mulholland.

51. Complaints about Mulholland being sexually inappropriate with others began prior to the abuse of either Plaintiff by Mulholland.

52. Defendant implicitly represented Defendant Mulholland to be a fit and appropriate person to be entrusted with each of the Plaintiffs.

53. The Plaintiffs and their respective families relied on those implicit representations about Defendant Mulholland and trusted Defendant Mulholland as a mentor and a priest.

54. Defendant Mulholland isolated himself with each of the Plaintiffs when each of them was a minor. In the case of John Doe 195, some of Mulholland's activities were known to other altar boys.

55. Defendant Mulholland had implicit approval from other Defendants to sexually abuse children within the Archdiocese and to expose them to his sadomasochistic desires. Prior complaints had been ignored, and Defendants implicitly approved Mulholland continuing to take advantage of, and sexually abuse, any child within the Archdiocese.

56. As he was implicitly authorized to do by the other Defendants, Defendant Mulholland took advantage of each of the Plaintiffs and sexually abused each Plaintiff when each was a minor and sought to sexualize the Plaintiffs when each was a child.

57. In the public response by the Archdiocese to the 2005 Grand Jury Report, which contested the allegations of the 2005 Grand Jury Report, no exception was made for the information reported about Defendant Mulholland. Defendants all denied the information reported about Defendant Mulholland in 2005.

58. In 1994 Defendant Mulholland was listed by the Defendants as a priest about whom allegations of sexual misconduct with minors had been made "with no conclusive evidence." The admitted writings by Mulholland to underage parishioners was insufficiently conclusive for the Defendants. As became more apparent after the 2005 Grand Jury Report compelled the Defendants to appear to take action against sexual abuse of children (without actually doing so), the Defendants have a history of changing the "proof" needed to show sexual misconduct, so as to always require more proof than is available in any given circumstance. So when Mulholland admits having written inappropriate letters, the proof is deemed inconclusive.

59. That 1994 listing Mulholland as a priest about whom complaints had been made but for whom there was "no conclusive evidence," was consciously withheld from the Grand Juries by the Defendants and its agents, the law firm of Stradley Ronon, that assisted the

Defendants in enabling the sexual abuse of children and concealing both the sexual misconduct of priests and the coordinated efforts to conceal that sexual misconduct.

60. Defendants and Stradley Ronon withheld until 2012 the 1994 list of 35 priests accused of, or guilty of, sexual abuse, even though the 1994 document should have been disclosed not later than 2005.

61. Cardinal Bevilacqua directed that deliberate misrepresentations were to be given to parishioners when a priest was removed for reasons related to sexual abuse of one or more minors. The practice of intentional deception was specific to sexual abuse of children, and was known to facilitate the sexual abuse of children. Stradley Ronon assisted the Cardinal in maintaining that strategy of deception.

62. When the Defendants responded publicly to the 2005 Grand Jury Report, with the assistance of Stradley Ronon, no exception was made in their protestations about the Grand Jury Report for information known about Defendant Mulholland. The Grand Jury's information was explicitly and implicitly denied, and contested, by the Defendants in the public response to the 2005 Grand Jury Report, even though the Defendants were aware their protestations were false. The misrepresentations were deliberate, and are part of what Defendant Lynn publicly acknowledged only in 2012 was a conspiracy within the Archdiocese.

63. Defendant Mulholland sexually abused each of the Plaintiffs, as Defendants knew or should have known Defendant Mulholland would do. Defendants ignored reports that Defendant Mulholland was sexually inappropriate with parish children, and did so in order to conceal their knowledge, prior to the sexual abuse of each of the Plaintiffs. Doing so facilitated Mulholland to continue to sexually abuse children without being accountable to the Plaintiffs for that sexual abuse.

The History of Concealment in the Archdiocese

64. 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, which the Defendants have repeatedly and publicly denied.

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

66. In that role, it was Msgr. Lynn's job to review all reports of abuse, to recommend action, and to monitor the abuser's future conduct.

67. Msgr. William Lynn assisted priests that Lynn knew had sexually abused children. He did so 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.

68. Other details of Defendant Lynn's active efforts to enable sexual abuse of minors are published in the 2005 Grand Jury Report. As to Mulholland, Lynn's conduct is discussed beginning at page 327.

69. The information in each of those Grand Jury Reports have been publicly denied by Defendants.

70. 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. A jury of his peers convicted Msgr. Lynn of endangering the welfare of a child in 2012.

71. 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 abuser be transferred to a new parish, 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.

72. By Lynn's actions he assured offending priests such as Mulholland 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.*"

73. 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.

74. 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.

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

76. 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. Mulholland was listed as a priest about whom complaints had been made "with no conclusive evidence."

77. 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.

78. 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.

79. Although Mulholland was on that list, nothing was done about him.

80. 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.

81. 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, including Stradley Ronon, 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.

82. 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.

83. 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.

84. 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.

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

86. As a direct result of the wrongful conduct alleged herein, Plaintiffs have each suffered, and continue 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 John H. Mulholland and Archdiocese of Philadelphia

87. Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

88. Starting during his tenure at St. Anastasia, Defendant Mulholland engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiffs in violation of Pennsylvania state law. Said conduct was undertaken while the Defendant Mulholland was an employee and agent of Defendant Archdiocese at St. Anastasia, and

continued through his assignment at BVM and Holy Child. His misconduct took place while in the course and scope of employment with Defendant Archdiocese, and/or was ratified by Defendant Archdiocese.

89. 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 Mulholland 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 Defendant Mulholland, including, but not limited to, preventing or avoiding placement of Defendant Mulholland 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 each of the Plaintiffs.

90. In September, 2005, the 2005 Grand Jury Report was released. The Diocese publicly challenged and denied that report, without acknowledging that Mulholland had admitted writing inappropriate letters which recounted inappropriate conduct with minors but remained in ministry. No exception was made in the Defendants' protestations about the 2005 Grand Jury Report for information known about Defendant Mulholland. The Grand Jury's information was explicitly and implicitly denied, and contested, by the Defendants in the public response to the 2005 Grand Jury Report, even though the Defendants were aware their protestations were false. Those misrepresentations were deliberate, and are part of what Defendant Lynn publicly acknowledged only in 2012 was a conspiracy within the Archdiocese.

91. In 2004 the Archdiocesan Review Board review Mulholland's conduct and took no action.

92. Because of the 2005 Grand Jury Report, the Defendants could not adopt their

historical methods of minimizing and entirely concealing abuse reports received after 2005. More sophisticated techniques were required to ignore and conceal abuse reports so the Defendants could show activity without taking meaningful action.

93. Defendant Mulholland was placed on leave in 2005 and laicized in August, 2008. The Archdiocese did so only because the 2005 Grand Jury's investigation compelled them to do so.

94. The Plaintiffs were not aware that the public protestations of the 2005 Grand Jury Report by the Archdiocese and its officials were false, and were known to have been false by the Archdiocese. The strategy developed by Stradley Ronan to assist in the concealment of sexual abuse of children was to protect the Archdiocese, first and foremost, with no disclosure of the long history of the Defendants facilitating the abuse of children. Nor did Stradley Ronan disclose in 2006 any portion of the active conspiracy to endanger children active in the Archdiocese, which Defendant Lynn disclosed in 2012.

95. The statute of limitations on the Plaintiffs' claims 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 Defendant Mulholland, falsely denied all wrongdoing as to Defendant Mulholland, and failed to further investigate the wrongdoing reported by others prior to the sexual abuse of either of the Plaintiffs. Archdiocese officials allowed Defendant Mulholland to continue to be a priest until 2005, and only the 2005 Grand Jury Report shortened his tenure as a priest. These actions by the Archdiocese, and its repeated denials of wrongdoing in its responses to the two Grand Jury reports, caused Plaintiffs to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to them. Such conduct deceived Plaintiffs into understanding that Plaintiffs had no claim or injury from the sexual contact. It was not until Defendant Lynn was convicted that Plaintiffs could have learned that

objective information existed which cast doubt on the repeated denials of the Archdiocese about Defendant Mulholland and other priests, indicating that abuse of the Plaintiffs had occurred and were injurious to Plaintiffs.

96. Such conduct deceived Plaintiffs into understanding that Plaintiffs each had no claim or injury from the sexual contact.

97. As a result of the above-described conduct, Plaintiffs have suffered, and continue 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; have suffered and continue to suffer spiritually; were prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiffs demands judgment for compensatory and punitive damages against Defendants Mulholland 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

98. Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

99. The Archdiocese had a duty to protect the minor Plaintiffs when each was entrusted to their care by Plaintiffs' caregivers. Plaintiffs' care, welfare, and/or physical custody were temporarily entrusted to the Archdiocese, and the Archdiocese voluntarily accepted the

entrusted care of each Plaintiff. As such, the Archdiocese owed each Plaintiff, each a minor child, a special duty of care, in addition to a duty of ordinary care, and owed each Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

100. Defendant Archdiocese, by and through its agents, servants and employees, knew or reasonably should have known of Defendant Mulholland's dangerous and exploitive propensities and/or that Mulholland 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 Plaintiffs, the children entrusted to the Archdiocese's care would be vulnerable to sexual abuse by Archdiocese employees, including Defendant Mulholland.

101. Defendants breached their duty of care to each of the minor Plaintiffs by failing to protect the Plaintiffs from foreseeable harm from the sexual misconduct of employees of the Archdiocese, including Defendant Mulholland. Defendants further breached their duty of care by failing to warn the Plaintiffs of the propensities of Defendant Mulholland and others and by failing to provide a safe and secure environment for the Plaintiffs.

102. 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 Defendant Mulholland, falsely denied all wrongdoing as to Defendant Mulholland, failed to further investigate the wrongdoing reported about Mulholland, and allowed Defendant Mulholland to continue to be a priest until 2008. These actions caused Plaintiffs to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to the Plaintiffs. Such conduct deceived each Plaintiff into understanding that Plaintiffs had no claim or injury from the sexual contact. It was not until Defendant Lynn was convicted that Plaintiffs could have learned that objective information existed which cast doubt on the repeated

denials of the Archdiocese about Defendant Mulholland and other priests, indicating that abuse of the Plaintiffs had occurred and was injurious to each Plaintiff.

103. As a result of the above-described conduct, Plaintiffs have each suffered, and continue 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; have suffered and continues to suffer spiritually; were 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, Plaintiffs each demand 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

104. Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

105. The Archdiocese had a duty to provide reasonable supervision of its employee and agents, including Defendant Mulholland.

106. It was reasonably foreseeable that employees and agents of the Archdiocese, including Defendant Mulholland, would sexually abuse children unless they were properly supervised. The Archdiocese knew, or should have known, that Defendant Mulholland had a sexual interest in children.

107. The Archdiocese, by and through its agents, servants and employees, knew or

reasonably should have known of the dangerous and exploitive propensities of Defendant Mulholland and/or that he was an unfit agent. Despite such knowledge, Defendant Archdiocese breached its duty to provide reasonable supervision of Defendant Mulholland, who was in a 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 each of the Plaintiffs.

108. Said acts of sexual abuse occurred upon the premises of the Archdiocese, among other places.

109. 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 Defendant Mulholland, falsely denied all wrongdoing as to Defendant Mulholland, and failed to further investigate the wrongdoing reported about Mulholland. These actions by the Archdiocese, and its repeated denials of wrongdoing in its responses to the two Grand Jury reports, caused Plaintiffs to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to the Plaintiffs. Such conduct deceived Plaintiffs into understanding that Plaintiffs had no claim or injury from the sexual contact each experienced by Mulholland. It was not until Defendant Lynn was convicted that Plaintiffs could have learned that objective information existed which cast doubt on the repeated denials of the Archdiocese about their priests, including Defendant Mulholland and other priests, indicating that abuse of the Plaintiffs had occurred and were injurious to Plaintiffs.

110. As a result of the above-described conduct, Plaintiffs each have suffered, and continue 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, Plaintiffs each demand 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, John H. Mulholland,
St. Anastasia Catholic School and Blessed Virgin Mary Parish

111. Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

112. Defendants Archdiocese, Cardinal Justin Rigali, Msgr. William Lynn, John H. Mulholland, St. Anastasia, and Blessed Virgin Mary each engaged in a policy of secrecy to protect the Archdiocese, as alleged above. Those who reported Mulholland were deferred, challenged, questioned, intimidated, ignored, and denied, to extend the policy of secrecy and to intimidate others from further reporting. Doing so was an act of fraud in violation of Pennsylvania law.

113. Accordingly, each Plaintiff was injured by the Archdiocese's affirmative acts of concealing its actual purpose to enable those who molested children and to attack or ignore those who reported abuse by Defendant Mulholland.

114. Plaintiffs did not discover, nor could they have discovered through the use of reasonable diligence, the fraudulent misrepresentation described herein until 2012, when Msgr. Lynn was convicted, and Msgr. Lynn admitted publicly that a conspiracy to endanger children

existed within the Archdiocese.

115. As a result of the above-described conduct, each 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, each Plaintiff demands judgment for compensatory and punitive damages against Defendants Archdiocese of Philadelphia, Cardinal Justin Rigali, Msgr. William Lynn, John H. Mulholland, St. Anastasia, and Blessed Virgin Mary Parish, 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, John H. Mulholland,
St. Anastasia Catholic School and Blessed Virgin Mary Parish

116. Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

117. Defendants Archdiocese, Cardinal Justin Rigali, Msgr. William Lynn, John H. Mulholland, St. Anastasia and BVM, acted with a common purpose and conspired with others to endanger the welfare of children, including each Plaintiff, in violation of Pennsylvania law.

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

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

120. Plaintiffs each have standing to bring this claim because each was one of the children who was sexually abused as a result of the Defendants' conspiracy to endanger the welfare of children.

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

122. 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.

123. 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.

124. 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.

125. 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.

126. 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.

127. 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.

128. 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.

129. 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.

130. 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.

131. 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.

132. 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.

133. 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 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.

134. 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*”).

135. 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.

136. 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.

137. 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.

138. 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.

139. 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.

140. 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.

141. 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.

142. 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.

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

144. 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, John H. Mulholland, St. Anastasia, and Blessed Virgin Mary Parish maliciously concealed from the Plaintiffs known incidents of childhood sexual abuse within the Archdiocese, including incidents of childhood sexual abuse by Defendant Mulholland.
- b. The concealment directly injured each Plaintiff because prior incidents of sexual abuse by Defendant Mulholland were hidden from Plaintiffs, and Defendant Mulholland was able to gain unsupervised access to each Plaintiff and to others as a result.
- c. This concealment also directly injured each 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 Plaintiffs and their respective families to allow Defendant Mulholland to gain unsupervised access to each Plaintiff and ultimately sexually abuse each 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 each 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 each Plaintiff and each family of the Plaintiff to allow Defendant Mulholland to gain access to each Plaintiff and ultimately sexually abuse each 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 Mulholland, to a new parish or other new assignment, where the unsuspecting parishioners, including Plaintiffs, had no idea of the need to be on their guard as to abusive acts by Mulholland. As a result, Defendant Mulholland gained the advantage of unsupervised access to each Plaintiff and used that advantage to sexually abuse each 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 Plaintiffs, from sexual abuse by known predator priests and other agents and employees, including Defendant Mulholland, Defendants Archdiocese, Cardinal Justin Rigali, Msgr. William Lynn, Blessed Virgin Mary and St. Anastasia 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 Plaintiffs because prior incidents of sexual abuse by Defendant Mulholland were hidden from Plaintiffs, Defendant Mulholland was able to gain unsupervised access to each Plaintiff as a result. These acts of shielding also directly injured Plaintiffs because the concealment by the individual Defendants, each a person in authority with respect to each Plaintiff, challenged and dismissed as false the reports about Mulholland, as well as created a false public impression that priests, deacons and seminary students within the Archdiocese, including Defendant Mulholland, were safe around children, when Mulholland, in fact, was not safe around children, and was known by the Defendants to not be safe to be around children. This caused each Plaintiff and his and her family to allow each Defendant Mulholland to gain unsupervised access to each Plaintiff and ultimately sexually abuse each Plaintiff.

- 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. After the 2005 Grand Jury Report, more sophisticated techniques to block legal action were adopted so as to show activity but take no effective action after an abuse report was made.
- 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 Plaintiffs because prior incidents of sexual abuse by Defendant Mulholland were hidden from each Plaintiff, and Defendant Mulholland was able to use the practice of secrecy to gain unsupervised access to each 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 each 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 safe around children, and were known to not be safe around children. This caused each Plaintiff and his or her family to allow Defendant Mulholland to gain unsupervised access to each Plaintiff and ultimately sexually abuse each 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 Plaintiffs because prior incidents of sexual abuse by Defendant Mulholland were hidden from Plaintiffs and Defendant Mulholland was able to use the secrecy promoted by the lying to gain unsupervised access to each 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 each 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 safe around children. This caused each Plaintiff and his or her family to allow Defendant Mulholland to

gain unsupervised access to each Plaintiff and ultimately sexually abuse the Plaintiffs.

- 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” or, as with reports about Defendant Mulholland, not “conclusive.” This practice by Defendants was malicious, and was used even when there was very convincing evidence that the accusations were true, including Mulholland’s admissions. 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 Plaintiffs because prior incidents

of sexual abuse by Defendant Mulholland were hidden from Plaintiffs and Defendant Mulholland was able to gain unsupervised access to each Plaintiff as a result. Maintaining the secret files and concealing evidence of criminal conduct of priests, employees and other agents also directly injured each 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 safe around children, and it was known they were not safe around children. This caused each Plaintiff and his or her family to allow Defendant Mulholland to gain unsupervised access to each Plaintiff and ultimately sexually abuse each Plaintiff.

145. 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.

146. As a result of the above-described conduct, each 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, each Plaintiff demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, Cardinal Charles Chaput, Cardinal

Justin Rigali, Msgr. William Lynn, John H. Mulholland, St. Anastasia, and Blessed Virgin Mary Parish, 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: _____



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VERIFICATION

I, Daniel F. Monahan, Esquire, verify that I am the attorney for 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.



Daniel F. Monahan, Esquire

Dated: 9-17-12