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To: Mr. Hasley

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referred
to the Diocese
page 4*

Plaintiff

v.

THE PROVIDENCE ROMAN CATHOLIC
DIOCESAN CORPORATION
and
THE FORT WORTH ROMAN CATHOLIC
DIOCESE CORPORATION
and
FATHER PHILIP A. MAGALDI
Defendants

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COMPLAINT WITH JURY DEMAND

IN THE PARTIES

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public

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4600*

1. The plaintiff

2. The defendant Providence Roman Catholic Corporation, upon information and belief, is a domestic corporation of the State of Rhode Island.

3. The defendant Fort Worth-Dallas Diocese, upon information and belief, is a domestic corporation of the State of Texas.

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4. The defendant, Father Philip Magaldi (Magaldi), is a Roman Catholic Priest who was an employee of the defendant Diocese of Providence, Rhode Island at the time of the incidents complained of herein. Upon information and

*Diocese/Catholic
Dallas*

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*Diocese of
Providence
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belief he is presently a citizen of the State of Texas and residing in the Fort Worth Diocese.

II. JURISDICTION

III. INTRODUCTION

5. The plaintiff, _____ is suing the defendants for intentional and negligent infliction of emotional harm and related tort actions based upon the acts which occurred when the plaintiff was a minor, performed upon him by the defendant, Father Philip A. Magaldi, who at the time of these acts was a Roman Catholic Priest of the Diocese of Providence, Rhode Island. The plaintiff alleges herein that the statute of limitations applicable to sex abuse has been tolled and extended pursuant to

6. The plaintiff in or about the spring of 1997 through a discussion with his step sponsor at Alcoholics Anonymous discovered suppressed memories

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Holiday Inn. Upon arriving at the defendant's room, Magaldi locked the door. Magaldi again gave the plaintiff an enema and performed oral and anal sex upon the plaintiff.

c. From 1970 through 1976, at various times, the defendant, Magaldi, sexually abused the plaintiff in the same manner as prior times set forth above.

d. The plaintiff avers that it was not until about the spring of 1997 that he was able to recall and discover the existence of a cause of action by recognizing the psychological and traumatic significance of the memories and the awareness of the impact of the sexual abuse.

**FIRST COUNT - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST THE DEFENDANT, FATHER PHILIP A. MAGALDI**

10. The actions of Magaldi as set forth above inflicted severe emotional distress, pain, suffering and humiliation upon the plaintiff of a permanent and lasting nature.

11. The acts complained of are outrageous, beyond all standards of human decency, and were intentional, malicious and in reckless disregard for the plaintiff's rights.

WHEREFORE, the plaintiff demands damages, punitive damages and compensatory damages for pain and suffering, emotional distress, damage to reputation and such other and further relief as the Court may deem just and proper.

**SECOND COUNT - ASSAULT AND BATTERY
AGAINST THE DEFENDANT, FATHER PHILIP P. MAGALDI**

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12. Magaldi improperly and through deceit and misrepresentation obtained consent from a young boy to touch him in an improper and offensive manner more specifically as set forth above.

WHEREFORE, the plaintiff demands damages, punitive damages and compensatory damages for pain and suffering, emotional distress, damage to reputation, and such other and further relief as the Court may deem just and proper.

THIRD COUNT - CONSPIRACY TO PROTECT THE ACTIVITIES
OF THE DEFENDANT, FATHER PHILIP P. MAGALDI

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13. Upon information and belief the plaintiff avers that in the year 1997 the Bishop of Fort Worth, Texas became aware of the pedophilic propensity of the defendant, Magaldi, and suspended Magaldi from his priestly duties and referred Magaldi to a sexual abuse clinic in New Jersey, thereby protecting Magaldi's transgressions as a secret.

WHEREFORE, the plaintiff demands damages, punitive damages and compensatory damages for pain and suffering, emotional distress, damage to reputation and such others and further relief as the Court may deem just and proper.

FOURTH COUNT - CONSPIRACY BETWEEN THE DIOCESE OF
PROVIDENCE AND THE DIOCESE OF FORT WORTH

14. Upon information and belief the plaintiff avers that the Diocese of Providence, Rhode Island, having become aware of the pedophilic propensity of Magaldi, conspired with the Diocese of Fort Worth to transfer Magaldi to the

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Fort Worth Diocese. Thereby, both Diocese attempted to protect the transgressions of Magaldi against the plaintiff.

WHEREFORE, the plaintiff demands damages, punitive damages and compensatory damages for pain and suffering, emotional distress, damage to reputation and such others and further relief as the Court may deem just and proper.

FIFTH COUNT— NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS
AGAINST EACH DEFENDANT

The plaintiff repeats and parajges each and every allegation 1-14 above as though set forth fully at length herein.

15. The defendants negligently and recklessly inflicted emotional distress on the plaintiff and exacerbated his injuries by hiding, concealing and fraudulently withholding the facts of the sexual abuse of the plaintiff from the plaintiff and his family.

WHEREFORE, the plaintiff demands damages, punitive damages and compensatory damages for pain and suffering, emotional distress, damage to reputation and such others and further relief as the Court may deem just and proper.

SIXTH COUNT— NEGLIGENT RETENTION OF FATHER PHILIP P. MAGALDI
AGAINST THE DIOCESE OF PROVIDENCE
AND THE DIOCESE OF FORT WORTH

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The plaintiff repeats and realleges each and every allegation 1-15 above as though set forth fully at length herein.

16. The defendants, Diocese of Providence and Fort Worth retained and conspired between themselves and with others of the Roman Catholic Church to retain Magaldi as a Roman Catholic priest and to prevent the discovery of his sexual misconduct against the plaintiff and law enforcement authorities.

17. Said negligent retention was the proximate cause of the plaintiff's injuries and compounded the plaintiff's injuries by non-discovery.

18. The defendants knew or should have known that Magaldi was and is unfit for his duties as a priest, but retained and transferred him in a fraudulent attempt to prevent their own embarrassment and legal exposure.

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SEVENTH COUNTY - RESPONDENT SUPERIOR AGAINST
THE DEFENDANT, DIOCESE OF PROVIDENCE

The plaintiff repeats and realleges each and every allegation 1-18 above as though set forth fully at length herein and :

19. The defendant, Diocese of Providence, chose and retained Magaldi as an employee whose job duties included counseling and spiritual development of children.

20. Magaldi, as a priest and employee of the defendant, Diocese of Providence, while in its employ performed wrongful sexual assaults upon the plaintiff, who was a member of the Jewish faith.

21. The defendant, Diocese of Providence, is responsible for the wrongful acts of Magaldi while he was in the employ of the defendant, Diocese of Providence.

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WHEREFORE, the plaintiff demands damages, punitive damages and compensatory damages for pain and suffering, emotional distress, damage to reputation and such others and further relief as the Court may deem just and proper.

EIGHTH COURT - NEGLIGENT TRAINING AND SUPERVISING
AGAINST THE DIOCESE OF PROVIDENCE

The plaintiff repeats and realleges each and every allegation 1-21 as though set forth fully herein and:

22. The defendant, as part of its religious doctrine, requires that priests be celibate.
23. Said requirement imposes upon the defendant Diocese an obligation of heightened training and supervision of persons committed to said lifestyle in order to take responsible measures to deal with psychological problems, recognize warning signals and provide appropriate training to prevent problems of sexual dysfunction and pedophilia.

24. Upon information and belief, the plaintiff avers that the defendant Diocese negligently trained and supervised Magaldi.
25. As a proximate result, the plaintiff was injured as set forth above.

WHEREFORE, the plaintiff demands damages, punitive damages and compensatory damages for pain and suffering, emotional distress, damage to reputation and such others and further relief as the Court may deem just and proper.

PLAINTIFF CLAIMS TRIAL BY JURY.

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Respectfully Submitted,

By His Attorneys.

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