

WRIT OF SUMMONS

[REDACTED] vs. MacRae, et al
Page 13COUNT VIIBREACH OF STATUTORY DUTYAGGRAVATED FELONIOUS SEXUAL ASSAULTRSA 632-A:2 (I) (f) - INVOLUNTARY INTOXICATION

63. At all times material to this complaint, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 632-A:2 (I) (f) (Aggravated Felonious Sexual Assault When Victim is Involuntarily Intoxicated), in his relationship with Plaintiff [REDACTED].

64. Defendant MacRae breached his statutory and common law duties to the Plaintiff by plying Plaintiff [REDACTED] full of alcohol when Plaintiff [REDACTED] was unable to consent as he was under the legal age to consent and then by disrobing Plaintiff [REDACTED] and performing fellatio on his body.

65. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

66. Defendant MacRae is therefore liable to Plaintiff [REDACTED] for this breach of his statutory duty.

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Page 14COUNT VIIIBREACH OF STATUTORY DUTYAGGRAVATED FELONIOUS SEXUAL ASSAULTRSA 632-A:2 (I)(k) - POSITION OF AUTHORITY

67. At all times material to this complaint, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 632-A:2 (I) (K) (Aggravated Felonious Sexual Assault When Perpetrator is in a Position of Authority), in his relationship with Plaintiff [REDACTED]

68. Defendant MacRae breached his statutory and common law duties to the Plaintiff by using his position of authority as Plaintiff [REDACTED] priest and counselor to engage in acts of sexual penetration with a person under the age of eighteen (18) namely Plaintiff [REDACTED]

69. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

70. Defendant MacRae is therefore liable to Plaintiff [REDACTED] for this breach of his statutory duty.

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COUNT IXBREACH OF STATUTORY DUTYFELONIOUS SEXUAL ASSAULTRSA 632-A:3

71. At all times material to this complaint, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 632-A:4 (Sexual Assault by Having Sexual Contact with a Minor), in his relationship with Plaintiff ██████████

72. Defendant MacRae breached his statutory and common law duties to the Plaintiff by engaging in sexual contact with a person under the age of eighteen (18) namely Plaintiff ██████████

73. Defendant Gordon MacRae entered a negotiated plea to a criminal charge under this statute in Cheshire County Superior Court, Docket No. 93-S-0228.

74. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

75. Defendant MacRae is therefore liable to Plaintiff ██████████ for this breach of his statutory duty.

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COUNT XBREACH OF STATUTORY DUTYPROSTITUTION AND RELATED OFFENSESRSA 645:2 I (a)- SOLICITATION

76. At all times material to this complaint, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 645:2 I (a) (Prostitution and Related Offenses), in his relationship with Plaintiff [REDACTED]

77. Defendant MacRae breached his statutory and common law duties to the Plaintiff by soliciting Plaintiff [REDACTED] to engage in sexual contact and penetration with Defendant MacRae and others, for consideration.

78. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

79. Defendant MacRae is therefore liable to Plaintiff [REDACTED] for this breach of his statutory duty.

COUNT XIINTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

80. At all times material to this Writ, Defendant MacRae had a duty in his relationship with Plaintiff [REDACTED] to refrain

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from intentionally engaging in conduct that he knew or should have known would cause emotional distress to Plaintiff [REDACTED]

81. From 1979 until 1987, Defendant MacRae did engage in an intentional course of conduct, including sexual assaults, and harassment, directed at Plaintiff [REDACTED]

82. As a proximate cause of Defendant MacRae's course of conduct, the Plaintiff was caused to suffer severe sexual, psychological and emotional distress and will continue to suffer such distress in the future in an amount within the jurisdictional limits of the court.

83. Defendant MacRae is therefore liable to Plaintiff [REDACTED] for the intentional tort of intentional infliction of emotional distress.

COUNT XIIVIOLATION OF TRUSTCLERGY MALPRACTICE

84. Plaintiff [REDACTED] was a parishioner first of Sacred Heart Parish in Marlborough, New Hampshire and then of Saint Bernard's Parish in Keene, New Hampshire.

85. Defendant MacRae, as a deacon of Sacred Heart and then a priest at Sacred Heart and Saint Bernard's Parish, had a duty of care to act responsibly toward all parishioners, including Plaintiff [REDACTED]

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86. Defendant MacRae, as a deacon and priest of said Parishes, had a duty to exercise the influence of his position in a reasonable, benign and constructive manner.

87. Defendant MacRae breached the said duties of care and responsibility toward Plaintiff [REDACTED] engaging in illegal and unpermitted sexual activities with Plaintiff [REDACTED] and inducing Plaintiff [REDACTED] to engage in harmful sexually oriented activities.

88. As a direct and proximate cause of Defendant MacRae's breach of care, Plaintiff [REDACTED] suffered severe sexual, psychological and emotional damage, and will continue to suffer such damage into the future.

89. Therefore, Defendant MacRae is liable to Plaintiff [REDACTED] for the tort of Violation of Trust, Clergy Malpractice.

COUNT XIIIGROSS NEGLIGENCE

90. In 1983, as stated above, Father Gordon MacRae was involved in an episode of sexual abuse with a minor while in the discharge of his duties as a parish priest in Hampton, New Hampshire. At that time, Defendant Catholic Bishop of Manchester, Inc., through its agent, Monsignor John P. Quinn, was informed of this incident by the State of New Hampshire Division of Children and Youth Services. However, Defendant Catholic Bishop of Manchester had knowledge of this incident

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even prior to this official report as it came to them directly from the minor involved, [REDACTED]

91. Yet wholly unmindful of the harm that could and would be caused, Gordon MacRae was transferred to Saint Bernard's Parish of Keene, New Hampshire by the Defendant Catholic Bishop of Manchester, Inc., where subsequent acts of sexual abuse of Plaintiff [REDACTED] occurred.

92. Catholic Bishop of Manchester, Inc. had a duty to use reasonable care to act in a manner that would not create foreseeable and unreasonable risks of harm to the Plaintiff [REDACTED] and others and to avoid damaging the Plaintiff [REDACTED] health, safety and welfare.

93. The failure of the Roman Catholic Bishop of Manchester, Inc. to notify the appropriate officials of the church in Keene, New Hampshire of Defendant MacRae's dangerous propensities when it learned of them or taking other action to prevent Defendant MacRae from coming into contact with children, was extreme and outrageous conduct.

94. As a direct, proximate and foreseeable result of the above described conduct of the Roman Catholic Bishop of Manchester, Inc., the Plaintiff [REDACTED] was caused severe sexual, psychological and emotional abuse and damage and will continue to suffer the same in the future.