

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

BRIAN J. GERGELY, KEVIN HOOVER
And JOHN DOE I,

CIVIL ACTION - LAW

Plaintiffs

v

DIOCESE OF ALTOONA-JOHNSTOWN,
BISHOP JOSEPH V. ADAMEC and BISHOP
JAMES HOGAN

Defendants

NO. 2003 GN

627

NOTICE

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 a 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 other rights important to you.

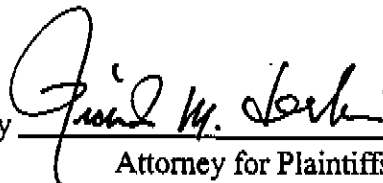
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REESE, SERBIN, KOVACS & NYPAVER, P.C.

by



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BLAIR COUNTY, PA
CAROL A. LEBMAN

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COMPLAINT

REESE, SERBIN, KOVACS & NYPAVER, L.L.P.

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IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

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COMPLAINT

AND NOW, come Plaintiffs BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE 1, by and through their attorneys, REESE, SERBIN, KOVACS & NYPAVER, LLP, and set forth a cause of action whereof the following is a statement:

A. PARTIES :

1. Plaintiff BRIAN J. GERGELY is an individual who resides at 168 Lakeview Road, Ebensburg, Cambria County, Pennsylvania. He was a minor child during the times he was sexually abused by Monsignor Francis McCaa, a diocesan priest, between approximately 1980 and 1983.

2. Plaintiff KEVIN HOOVER is an individual who resides at 400 Winton Street, Pittsburgh, Allegheny County, Pennsylvania. He was a minor child during the times he was sexually abused by Monsignor Francis McCaa, a diocesan priest, between approximately 1981 and 1985.

3. JOHN DOE 1, is an individual who resides in Ebensburg, Cambria

County, Pennsylvania. He was a minor child during the times he was sexually abused by Monsignor Francis McCaa, a Diocesan priest, between approximately 1975 to 1981. His identity has previously been made known to the above named Defendants.

3. Defendant DIOCESE OF ALTOONA-JOHNSTOWN is a non-profit organization with its principal offices located at Chancery Hilltop, Hollidaysburg, Blair County, Pennsylvania, (hereinafter DIOCESE, collectively with Bishop Defendants referred to as DIOCESAN DEFENDANTS), doing business as an organized religion, including but not limited to the ownership, management and operation of parishes and Catholic schools within the counties of Blair, Cambria, Centre and Somerset.

4. Defendant BISHOP JOSEPH V. ADAMEC (hereinafter individually referred to as "ADAMEC") is an individual residing at the corner of Larch Street and Logan Boulevard, Hollidaysburg, Blair County, Pennsylvania; and is the current bishop or leader of the DIOCESE, having undertaken the position May 17, 1987.

5. Defendant BISHOP JAMES HOGAN (hereinafter individually referred to as 'HOGAN') is an individual who resides at Garvey Manor, 128 Logan Boulevard, Hollidaysburg, Blair County, Pennsylvania; and served as the bishop or leader of the DIOCESE with his tenure lasting from 1966 to May of 1987.

6. It is believed and therefore averred that at all times material herein, the Bishop of the DIOCESE, by virtue of his office is empowered by the DIOCESE to supervise and control all diocesan priests, employees and/or other agents; all diocesan properties and entities including parishes and schools, and various other Diocesan entities located in the Counties of Blair, Cambria, Centre and Somerset.

B. FACTS COMMON TO ALL PLAINTIFFS

7. At all times relevant hereto, each of the Plaintiffs were member

parishioners of the DIOCESE at the parish of Holy Name Church, as more fully described hereinafter.

8. At all times material herein, as a result of each of the Plaintiffs and their families' enrollment in their respective parish churches within the DIOCESE, each of the Plaintiffs were taught to trust and rely on their parish priests, as well as other leaders of the DIOCESE including its bishops.

9. At all times material herein, DIOCESAN DEFENDANTS, explicitly and implicitly represented to each of the Plaintiffs that the DIOCESE, its bishops, and each of its priests, including Monsignor McCaa, were benevolent and trustworthy stewards who would only act in the best interest of each of the Plaintiffs.

10. At all times material herein, each of the Plaintiffs believed that it would be sinful or wrong to make any kind of an accusation against a priest or bishop; and that priests and bishops could not and would not engage in conduct considered evil or wrong.

11. At all times material herein, each of the Plaintiffs entrusted their well being to the DIOCESAN DEFENDANTS who had a corresponding obligation to be solicitous for, as well as protective of, each of the Plaintiffs in the exercise of their position of superiority and purported authority.

12. At all times material herein, the DIOCESAN DEFENDANTS invited and encouraged each of the Plaintiffs to accept each priest of the DIOCESE purported to be in good standing, including Monsignor Francis McCaa, as one who was worthy of and who had the responsibility for each of the Plaintiffs physical and spiritual safety, thereby inducing the Plaintiffs to entrust themselves to the company and care of Monsignor McCaa and to participate in church sponsored youth activities.

C. NATURE OF SPECIAL RELATIONSHIP BETWEEN EACH

OF THE PARTIES AND THE PREDATOR PRIESTS

13. The DIOCESE by and through ADAMEC and HOGAN, at all times material herein, was responsible for the creation and staffing of the parishes, parish churches, and parish and diocesan schools within the DIOCESE.

14. At all times material, ADAMEC or HOGAN were solely and ultimately responsible for assigning, transferring (and/or suspending) all parish clergy to and from parish churches and other entities, such as hospitals and schools within the DIOCESE. Said priests and other parish clergy served at the Bishops' pleasure.

15. DIOCESAN DEFENDANTS approved the transfers of all DIOCESE clergy into and out of the DIOCESE.

16. The DIOCESAN DEFENDANTS solicited funds for its support from the parishioners of its parishes through parish "assessments" and direct appeals. The DIOCESAN DEFENDANTS also provided funds to the parishes, as they deemed necessary and appointed the trustees of the parishes and approved parish and school budgets.

17. Through control of and interaction with the parish churches and their direct knowledge of the daily functioning of the various religious and recreation programs operating in each parish in the DIOCESE, the DIOCESAN DEFENDANTS were aware that among their parishioners there were a significant number of young children and adolescents who because of their very status as minors, were vulnerable to and trusting of parish priests.

18. The DIOCESAN DEFENDANTS were aware that these minor parishioners through their participation in parish churches, parish schools, diocesan secondary schools and diocesan sponsored and developed educational and/or recreational programs, had intimate, frequent, and often times private contact with parish clergy and

priests assigned by the DIOCESAN DEFENDANTS. DIOCESAN DEFENDANTS were also aware that as part of a priest's duties and in furtherance of cultivating a trusting relationship with children, that priests visited the childrens' homes to meet with the children and their parents. DIOCESAN DEFENDANTS also knew and approved of the fact that young children parishioners were present at parish rectories (priests/clergy residences) for a variety of purposes including work.

19. The DIOCESAN DEFENDANTS by and through their parish priests, including Monsignor Francis McCaa, were acting "in loco parentis" at all times when the children were in the company of Monsignor McCaa, except those periods when the childrens' parents were present. As such the DIOCESAN DEFENDANTS were acting "in loco parentis" at all times that Monsignor Francis McCaa, was grooming children to be sexually abused and actually sexually abusing them.

20. At all times material herein, a confidential relationship existed between the DIOCESAN DEFENDANTS, the priests of the DIOCESE and its parishioners, including the Plaintiffs.

21. The DIOCESAN DEFENDANTS, along with Monsignor Francis McCaa, and other unnamed parish clergy repeatedly instilled in each of the Plaintiffs as they did in all of their parishioners the belief that priests are figures of authority who should be relied upon to protect the well being of children in the parishes and schools of the DIOCESE. Plaintiffs, like all the children in the parish, were taught to obey priests and to rely on and trust them without doubt or question on issues affecting their physical and moral well being.

D. FACTS SPECIFIC TO EACH OF THE PLAINTIFFS

I. BRIAN J. GERGELY

22. Plaintiff, BRIAN J. GERGELY, was raised in a devout Christian, Roman Catholic family, whose members regularly attended and participated in the celebration of mass, and fulfilled their obligations of financial and other support.

23. Plaintiff, BRIAN J. GERGELY, born January 26, 1970, while a minor parishioner and altar boy at Holy Name Church, became acquainted with Monsignor McCaa and held Monsignor McCaa in high esteem, reverence and trust.

24. Monsignor McCaa in his role as priest of the parish, exploited the power of his assigned and appointed positions, his authority, duties and/or obligations as a DIOCESE priest and as BRIAN V. GERGELY'S priest, to take advantage of BRIAN V. GERGELY'S vulnerability, sexual naivete, and trust. Plaintiff BRIAN V. GERGELY, was sexually abused by Monsignor McCaa on numerous occasions for a period of approximately three years in the sacristy and confessional at Holy Name Church. The sexual abuse included fondling of Plaintiff's penis and buttocks. McCaa would ask Plaintiff to sit on his lap during confession, whereupon Monsignor McCaa would fondle his penis, all of which resulted in injuries and harm as set forth herein.

II. KEVIN HOOVER

25. Plaintiff, KEVIN HOOVER was raised in a devout Christian, Roman Catholic family, whose members regularly attended and participated in the celebration of mass, and fulfilled their obligations of financial and other support.

26. Plaintiff, KEVIN HOOVER, born November 5, 1971, while a minor parishioner and altar boy at Holy Name Church, became acquainted with Monsignor McCaa and held Monsignor McCaa in high esteem, reverence and trust.

27. Monsignor McCaa in his role as priest of the parish and school, exploited the power of his assigned and appointed positions, his authority, duties and/or obligations

as a DIOCESE priest and as KEVIN HOOVER'S priest, to take advantage of KEVIN HOOVER'S vulnerability, sexual naivete, and trust. Plaintiff KEVIN HOOVER was sexually abused by Monsignor McCaa on multiple occasions over a period of approximately four years in the sacristy and the rectory of Holy Name Church. The sexual abuse included fondling Plaintiff's penis through his clothing, as well as inappropriate touching, hugging and tickling in the area of the genitalia.

III. JOHN DOE I

28. Plaintiff JOHN DOE I, was born February 29, 1964, while a minor parishioner and altar boy at Holy Name Church, became acquainted with Monsignor McCaa and held Monsignor McCaa in high esteem, reverence and trust. Monsignor McCaa baptized JOHN DOE I.

29. Monsignor McCaa in his role of priest of the parish, exploited the power of his assigned and appointed position, his authority, duties and/or obligations as a DIOCESE priest and as JOHN DOE I's priest, to take advantage of his vulnerability, sexual naivete, and trust. Plaintiff JOHN DOE I was sexually abused by Monsignor McCaa on numerous occasions for a period of approximately six years in the sacristy of Holy Name Church. The sexual abuse included fondling and touching of Plaintiff's penis and buttocks over his clothes. This sexual abuse usually occurred during preparation for Mass and after Mass.

E. KNOWLEDGE AND NOTICE OF THE DIOCESE OF THE SEXUAL ABUSE OF MINOR PARISHIONERS BY DIOCESAN PRIESTS, INCLUDING MONSIGNOR FRANCIS McCAA

30. DIOCESAN DEFENDANTS knew of the sexual abuse of minors by a number of Diocesan priests, including Monsignor McCaa, and that such abusive behavior was a long standing problem within the DIOCESE, having received actual notice of such abuse as more fully described herein.

31. The DIOCESAN DEFENDANTS knew that many priests in the DIOCESE had sexually molested children and more specifically knew of allegations regarding the sexual abuse of minors, including but not limited to the following priests:

(a) Father Joseph Gaborek

- (i) From as early as 1972, complaints of unpriestly behavior by Father Joseph Gaborek were forwarded to HOGAN by Gaborek's then supervising pastor;
- (ii) In 1984, HOGAN received written complaints against Father Gaborek involving improper sexual conduct with children, by way of two separate letters from parishioners;
- (iii) Thereafter, the Pennsylvania State Police became involved in the investigation into allegations regarding Father Gaborek;
- (iv) Gaborek admitted to certain inappropriate acts, but advised HOGAN that "nothing sloppy" had occurred with the boys;
- (v) HOGAN advised Gaborek to "keep his big mouth shut" with respect to his having sexually molested these boys;
- (vi) HOGAN testified that as of November of 1984, Gaborek was reassigned to another parish. The transfer was actually a promotion to be pastor of his own parish;

(b) Father Dennis Coleman

- (i) As early as 1975-1979, HOGAN received his first complaint regarding Father Dennis Coleman. The complaint alleged that Coleman had rubbed his penis on the feet of a ten year old boy;
- (ii) In early 1986, HOGAN received additional and similar complaints about Father Coleman from his then supervising pastor;
- (iii) Thereafter, HOGAN was contacted by Children & Youth Services of Cambria County regarding similar allegations they had received regarding Coleman;

- (iv) Upon reviewing the multiple complaints received, Father Coleman was transferred by HOGAN to another parish;
- (v) Upon his removal from the parish, parishioners were advised that he was seeking treatment for a "nervous problem" and donations were solicited on his behalf. (See Exhibit "A", copy of which is attached hereto and by this reference incorporated herein).

(c) Father William Kovach

- (i) In the early 1970s, Monsignor Panza brought to the attention of HOGAN an allegation of sexual advances made by Father Kovach on an altar boy during a day trip;
- (ii) In 1982, complaints regarding Father William Kovach were made to HOGAN involving a number of sexual acts with a 15 year old boy continuing over a period of approximately one year as well as providing the boy with pornography;
- (iii) HOGAN testified under oath that in September of 1982, he met with the parents of the boy who alleged that Father William Kovach had repeatedly sexually molested him over a period of one year. On being confronted, Father Kovach admitted to all allegations made by the boy and his family, with the exception of sodomy;
- (iv) Father Kovach was thereafter allowed by HOGAN to remain as a parish priest within the DIOCESE despite his illegal conduct;
- (v) ADAMEC, thereafter, knowing of Kovach's illegal conduct, continues to allow him to serve as a priest in the DIOCESE.

(d) Father Francis Luddy

- (i) In 1967-1969, D.S. a minor parishioner, notified his pastor, Father Louis Mulvehill, that Father Luddy had sexually molested him;

- (ii) Father Francis Luddy admitted under oath to molesting his first child one to two years after ordination and numerous young boys within his assigned parishes thereafter, including Mark Hutchison as well as other identified children;
- (iii) Father Luddy admitted under oath to sexually violating boys on hundreds of occasions in diocesan rectories while serving as an assistant priest, living with and being supervised by various assigned parish priests;
- (iv) Despite receipt by the DIOCESE of actual notice of his molestation of children, Father Luddy was eventually promoted to pastor of his own parish;
- (v) Upon receipt of complaints from Mark Hutchison that Father Luddy had molested him on hundreds of occasions, Father Luddy was moved out of state by HOGAN;
- (vi) Father Luddy was permitted by ADAMEC to continue to dress as a priest until shortly before the start of the Hutchison v Luddy trial in January, 1994.

(e) Father James Skupien

- (i) Monsignor Philip Saylor testified under oath that he relayed to HOGAN the fact that Father James Skupien, who was then a DIOCESE priest and principal of a DIOCESE high school, had been discovered by Dean Township police officer David Metzgar in a vehicle along with a juvenile, and that both Skupien and the juvenile were naked at the time they were discovered;
- (ii) HOGAN'S concern was whether the police officer was Catholic and would meet with him.
- (iii) HOGAN ignored the allegations and Father Skupien received nothing more than a scolding;
- (iv) Father Skupien retained his previous position within the

DIOCESE despite this incident.

(f) Father Thomas Carroll

- (i) Monsignor Philip Saylor testified under oath that he received a phone call from the parents of a boy who claimed to have been molested by Father Thomas Carroll who was then assigned to St. Therese's Catholic Church as an associate pastor. Monsignor Saylor advised HOGAN of the allegation;
- (ii) Father Carroll was sent to a psychiatrist but returned to his position and remained an active priest until his death in 1988.

(g) Father Leonard Inman

- (i) In 1986 HOGAN was notified by police authorities that Father Leonard Inman was being investigated by authorities relative to his sexual solicitation of juveniles;
- (ii) HOGAN warned the priest that the police were investigating his activities and advised him to lay low;
- (iii) Inman was thereafter sent for psychiatric evaluation;
- (iv) Despite the serious allegations leveled against him, Father Inman continued to serve as a priest until his "retirement".

(h) Father Joseph Bender

- (i) In 1991 ADAMEC received written and oral allegations including that Father Joseph Bender had abused several altar boys over a period of three years, 1969-1971, and that there were rumors of continued probable abuse of parish children;
- (ii) Bender admitted to ADAMEC his past sexual contact with children;
- (iii) ADAMEC sent Bender for an outpatient psychiatric evaluation;
- (iv) Bender continued to serve as a priest until he voluntarily retired on 3/19/92.

(i) Father Robert Kelly

- (i) In 1993, ADAMEC received a sexual abuse complaint involving a child and Father Kelly;
- (ii) Father Robert Kelly was sent away for evaluation;
- (iii) Upon his return from treatment he resumed his previous parish assignment, and was later promoted by ADAMEC to pastor of his own parish.

(j) Father Bernard Gratten

- (i) Allegations of molestation against Father Bernard Gratten were received by ADAMEC in June of 1994, for incidents of sexual abuse which occurred in the late 70s to early 80s;
- (ii) Father Gratten was referred for psychiatric evaluation;
- (iii) Father Bernard Gratten continues to serve as a priest within the DIOCESE.

(k) Monsignor Francis McCaa

- (i) Numerous complaints were received by HOGAN over a period of years regarding Monsignor McCaa's sexual assaults upon children;
- (ii) By the mid 1980s, at least five altar boys complained through their parents to HOGAN of being molested by Monsignor McCaa, who was then assigned to Holy Name Church in Ebensburg;
- (iii) One or more lawsuits were filed against Monsignor Francis McCaa and the DIOCESE dealing with inappropriate sexual conduct with children;
- (iv) Secret settlements with victimized children were secured by the DIOCESE, and the legal record sealed;
- (v) HOGAN thereafter transferred McCaa out of state;
- (vi) Monsignor McCaa has continued as a priest under the auspices of the DIOCESE and ADAMEC.

32. It is believed and therefore averred that the DIOCESAN DEFENDANTS

were aware that these offending clerics, and others, gained access to these children as a direct result of their status and responsibilities as clerics of the DIOCESE.

33. DIOCESAN DEFENDANTS had knowledge of the sexual abuse of minors by their servants and the resultant dire effects of this abuse on the child victims.

F. FRAUD AND CONCEALMENT

34. In furtherance of their own interests, including the continued financial support of parishioners, the primary concern of the DIOCESAN DEFENDANTS has been the protection of the reputation of its priests, including Monsignor Francis McCaa.

35. DIOCESAN DEFENDANTS have concealed the danger that predator clerics presented by misrepresenting them as priests in good standing in at least the following ways:

- (a) Enabling their continued unrestricted access to minors;
- (b) Assigning them and/or allowing them to reside and serve at parishes within the DIOCESE;
- (c) Allowing them free and unrestricted use of premises of the DIOCESE for otherwise unchaperoned activities with minors;
- (d) Assigning them to duties specifically involving minors;
- (e) Announcing to the public, or allowing offending clerics to give the public less disagreeable or less serious reasons for leaving an assignment or position other than sexual misconduct with children;
- (f) Promoting offending clerics within the church hierarchy;
- (g) Privately assuring concerned parents that the offending clerics' problems would be "taken care of";

- (h) Providing and/or subsidizing education, maintenance and/or living arrangements for offending clerics after removal from their assignments, or upon their suspension;
- (i) Continuously listing offending clerics in official directories and/or publications by euphemisms such as "absent on leave", "on duty outside diocese", "advanced studies", "on special assignment", or "retired" after removal or transfer from their assignments or suspension for sexual misconduct with children; and/or
- (j) Allowing offending clerics to honorably "retire".

36. The effect of these practices by the DIOCESAN DEFENDANTS was such to create the misperception in the mind of each of the Plaintiffs and the Plaintiffs' families that the Plaintiffs were safe with priests in general and with Monsignor Francis McCaa in particular, and that, if there was a conduct about which Plaintiff or Plaintiffs' families might be concerned, it was an isolated instance of spurious conduct, when in fact the Plaintiffs were victims of a known and preventable hazard that the DIOCESAN DEFENDANTS had created and/or allowed to continue.

37. As a further effect, these practices by the DIOCESAN DEFENDANTS implicitly and explicitly represented to each of the Plaintiffs and Plaintiffs' families that they could appropriately rely upon the DIOCESAN DEFENDANTS to act to protect both their interests and the interests of potential future victims or other children in disciplining the offending cleric, including Monsignor Francis McCaa for clear misconduct, relying upon the DIOCESAN DEFENDANTS' representations that a priest was in good standing and that the DIOCESAN DEFENDANTS would always exercise a fiduciary duty toward them.

38. DIOCESAN DEFENDANTS responded, if at all, to incidents or complaints of sexual abuse of minors by priests by "counseling" the perpetrator and transferring him geographically, with the intention of protecting the reputation or image of the DIOCESAN DEFENDANTS and their priests.

39. On discovery of an offending cleric's misconduct, DIOCESAN DEFENDANTS concealed said knowledge, failed to report the misconduct to authorities, and prevailed upon others not to report said misconduct to law enforcement.

40. DIOCESAN DEFENDANTS aided and abetted the concealment of criminal conduct by failing and refusing to report to criminal or civil authorities allegations of sexual abuse of children by priests of the DIOCESE.

41. When confronted, DIOCESAN DEFENDANTS falsely assured parishioners, law enforcement, state or court officials and/or others, expressly and/or impliedly, that they would responsibly deal with offending clerics; falsely promising reviews/investigations and falsely promising to take preventive measures against further harm.

42. DIOCESAN DEFENDANTS ignored and/or failed to properly investigate complaints against priests involving sexual abuse of children.

43. DIOCESAN DEFENDANTS suppressed instances where priests admitted or acknowledged sexual abuse of children.

44. DIOCESAN DEFENDANTS failed to maintain records of offenders and complaints; covered up and kept complaints secret, including the suppression and/or spoilation of evidence regarding the sexual molestation of children by its priests. (See, inter alia, deposition of ADAMEC, dated 1/7/94, pg. 239-240, copy of which is marked Exhibit "B", attached hereto and by this reference incorporated herein).

45. DIOCESAN DEFENDANTS engaged in sealing records of civil litigation and civil settlements, and in removal of materials from court files which identified offending clerics and reflected tortious conduct on the part of the DIOCESAN DEFENDANTS.

46. DIOCESAN DEFENDANTS transferred and/or reassigned offending clerics to new parishes thereby exposing a new population of children to unreasonable risk of injury. This includes but is not limited to the transfers of Fathers Coleman, Gaborek, Kovach, Luddy, McCaa and Gratten by DIOCESAN DEFENDANTS following the receipt of allegations of sexual abuse of minors by these priests.

47. Despite knowledge of prior misconduct and/or after secretly securing evaluation/treatment of the offending cleric at church operated treatment facilities (while misrepresenting the true reason for his absence to parishioners), DIOCESAN DEFENDANTS allowed the offending cleric to return to various assignments, temporary as well as permanent.

48. Despite knowledge of prior misconduct, DIOCESAN DEFENDANTS conferred further privilege, prestige and power to the cleric by way of promotion to new parishes as pastors. This includes but is not limited to the promotions to pastor of Gaborek, Kelly and Luddy by the DIOCESAN DEFENDANTS following the receipt of allegations of sexual abuse of minors by these priests.

49. DIOCESAN DEFENDANTS maintained offending clerics at parishes or in other assignments, with the benefit of his priestly authority; and falsely held out the cleric as a safe, competent and moral priest, fit and/or suitable to serve and/or administer to parishioners with whom he would reasonably come into contact in the course and scope of his employment, thereby allowing priests to deceive parents into believing a child molester, disguised in priestly garb, was no different than any other priest. This includes but is not limited to Monsignor McCaa, Father Luddy, Father Kovach, Father Gratten, Father Kelly, Father Coleman and Father Skupien.

50. DIOCESAN DEFENDANTS maintained secret files regarding abusive priests, and made secret payments to victims in exchange for their silence.

51. DIOCESAN DEFENDANTS did not attempt to ascertain if there were other victims of a particular offending priest once they received information that he had in fact sexually abused a child.

52. At all times material herein, the DIOCESAN DEFENDANTS have exhibited an ongoing pattern of conduct involving secrecy and concealment of sexual involvement by DIOCESE priests, including Monsignor McCaa, with minors.

53. DIOCESAN DEFENDANTS have employed a closed secret system of internal reporting of sexual misconduct by their servants, including the use of "code words" thereby limiting knowledge to themselves, and subsequently to their own closed psychiatric and treatment systems.

54. For decades and continuing through the present, the DIOCESAN DEFENDANTS, including the perpetrator priests have engaged in a covert policy and practice to conceal the problem of sexual abuse of children by parish clergy. The National Conference of Bishops, of which the DIOCESAN DEFENDANTS were members, acknowledged that the problem of pedophilia against Catholic priests, which went back to at least 1972. On June 13, 2002, Bishop Wilton B. Gregory, President of the United States Conference of Catholic Bishops stated in his address: "we are the ones, whether through ignorance or lack of vigilance, or – God forbid – with knowledge, who allowed priest abusers to remain in ministry and reassign them to communities where they continued to abuse. We are the ones who chose not to report the criminal actions of priests to the authorities, because the law did not require this. We are the ones who worried more about the possibility of scandal than in bringing about the kind of openness that helps prevent abuse. And we are the ones who, at times, responded to victims and their families as adversaries and not as suffering members of the church."

55. The aforesaid statement attributed to Bishop Gregory appeared in the media, both in print and on television, and was heard/seen by victims of priest sexual abuse around the world, including the Plaintiffs.

56. Information as to the known criminal conduct of DIOCESE priests was kept secret and confidential in secret archive files within the exclusive control of HOGAN and thereafter ADAMEC, thereby preventing Plaintiffs from having any knowledge that the DIOCESAN DEFENDANTS had prior notice of Monsignor McCaa's propensities.

57. The fraudulent concealment of the DIOCESAN DEFENDANTS of known predator priests including Monsignor Francis McCaa, from the public in general and the Plaintiffs in particular, has continued to the present, as exemplified by statements made by HOGAN and ADAMEC and various officials acting on behalf of DIOCESE, to the media, that appeared in various publications directed to both the public in general and to Catholics in the DIOCESE, in particular, including the Plaintiffs.

58. DIOCESAN DEFENDANTS have issued misleading public statements, including editorials, press releases and articles identified as being from ADAMEC published in the DIOCESE owned and operated newspaper, The Catholic Register, denying any culpability on their part, and attacking those victims of child abuse who filed claims against other predatory priests, including Father Luddy in Blair and Somerset Counties. See copies of articles and editorials marked Exhibit "C", attached hereto and by this reference incorporated herein, including:

- (a) A May 2, 1994 editorial by ADAMEC reiterating that "from the commencement of this lawsuit [Hutchison v Luddy, et al] all of the defendants denied Mr. Hutchison's claims as being baseless and without merit. Given the testimony presented in this case during these past three months, I am not pleased with the jury's verdict. . . . The sexual abuse of children is immoral and completely unacceptable behavior. This Diocesan Church of Altoona-Johnstown has never tolerated, condoned or ignored such behavior by anyone.";

- (b) As of December 14, 1999, ADAMEC continued to publicly deny any diocesan responsibility with respect to the public trial against Father Luddy and the DIOCESE;
- (c) On September 9, 2002, in another editorial ADAMEC continued to deny the culpability of the DIOCESE.

59. DIOCESAN DEFENDANTS falsely denied under oath, allegations in legal pleadings filed against other predatory priests in Blair and Somerset Counties, wherein DIOCESAN DEFENDANTS were alleged inter alia, to have engaged in a policy and practice of concealing priests known to be child molesters, when they knew that their denials were false. See Answer and New Matter to Plaintiffs' Amended Complaint in Hutchison v Luddy et al, No. 1175 C.P., 1987, verified by Monsignor Roy F. Kline, Bishop James Hogan and Bishop Joseph V. Adamec.

60. HOGAN testified under oath in a deposition taken by his legal counsel to preserve his testimony on September 22, 1988, in the Hutchison v Luddy case, No. 1175 C.P., 1987 (Blair County) that he denied ever receiving any complaints of pedophilia by any priest in the DIOCESE prior to claims brought against Father Francis Luddy in 1987, when in fact he had in his possession and/or control handwritten memos, correspondence and medical records detailing the sexual abuse of children by other DIOCESE priests. (See relevant Trial Testimony of HOGAN, dated 3/7/94, copies of which are marked Exhibit "D", attached hereto and by this reference incorporated herein).

61. Discovery responses filed on behalf of HOGAN and the DIOCESE and verified by ADAMEC and HOGAN in the case of another predatory priest in Hutchison v Luddy et al, No. 1175 C.P., 1987, Blair County, were incorrect and misleading and were designed to conceal the full scope of HOGAN and DIOCESE'S culpability from the parties and the general public, including the Plaintiffs.

62. ADAMEC failed to comply with the Court Order of the Honorable Hiram A. Carpenter, III, directing that the records placed in the secret archive of the DIOCESE,

pertaining to pedophile priests for a defined time period, be provided to the court for in camera review, in a further effort to conceal from the Plaintiff victim in the suit, and the general public including the Plaintiffs, the culpability of the DIOCESAN DEFENDANTS. (See relevant portion of Opinion of the Honorable Hiram A. Carpenter, III, dated 3/14/95, denying Post Trial Motions, in Hutchison v Luddy, et al, copy of which is marked Exhibit "E", attached hereto and by this reference incorporated herein).

63. The active involvement of HOGAN, ADAMEC and others acting on behalf of the DIOCESE in creating a safe and protected environment for known predator priests, including Monsignor McCaa, was not discovered by the Plaintiffs until various stories began appearing in the media in early 2002. The DIOCESE through ADAMEC, for the first time in articles published in mid March, 2002, and again on April 1, 2002, publicly acknowledged that "he'd dealt with three situations early in his 15 year tenure involving priests and improper contact with minors." Additionally, ADAMEC publicly admitted in an article published on June 18, 2002, that in the months leading up to the June, 2002, bishops' meeting in Dallas, two to three priests had been removed by him.

64. Prior to the disclosures that began in mid March, 2002, Plaintiffs neither knew nor had reason to know that they had a cause of action against the DIOCESAN DEFENDANTS for causing tortious injury to them due to DIOCESAN DEFENDANTS concealment of their knowledge of Monsignor McCaa's actions towards other minor parishioners, and their vehement public denials of any truth to the allegations contained in related legal actions alleging that HOGAN and the DIOCESE had a plan and/or policy to ignore complaints made against its predator priests, and to conceal such criminal conduct. This scheme effectively convinced the public and the Plaintiffs that the DIOCESAN DEFENDANTS were not hiding any information and that they had no knowledge of other predatory priests.

65. The injuries that each of the Plaintiffs sustained as a result of the actions of the DIOCESAN DEFENDANTS could not have been discovered by them earlier due to the DIOCESAN DEFENDANTS' fraudulent concealment of their involvement in

protecting priests known to them to be child molesters.

G. STATUTE OF LIMITATIONS

66. Plaintiffs plead delayed discovery of their claims against DIOCESAN DEFENDANTS and delayed discovery of the injuries caused by the DIOCESAN DEFENDANTS, thus tolling and/or suspending the Statute of Limitations against all Defendants as to all claims.

67. Plaintiffs plead misrepresentations, fraud and fraudulent concealment thereof on the part of the DIOCESAN DEFENDANTS, thus tolling and/or suspending the running of the Statute of Limitations against all Defendants as to all claims.

68. Plaintiffs plead fraudulent concealment of essential facts under the DIOCESAN DEFENDANTS' exclusive control, giving rise to Plaintiffs' causes of action against DIOCESAN DEFENDANTS, which facts were not knowable to the Plaintiffs, thus tolling and/or suspending the running of the Statute of Limitations against all Defendants as to all claims.

69. Plaintiffs plead breach of fiduciary duty, including but not limited to the duty to disclose, against DIOCESAN DEFENDANTS, thus tolling and/or suspending the running of the Statute of Limitations against all Defendants as to all claims.

70. Plaintiffs plead conspiracy to commit negligent acts, to conceal negligence, to commit fraud and to fraudulently conceal the acts and the existence of a fraud and conspiracy, thus tolling and/or suspending the running of the Statute of Limitations against DIOCESAN DEFENDANTS as to all claims.

71. Plaintiffs allege that the actions of DIOCESAN DEFENDANTS because of their conduct, statements, promises and misrepresentations, preclude them from claiming the bar of the Statute of Limitations to any of the Plaintiffs' claims. Plaintiffs

thus plead the doctrine of equitable estoppel.

72. While Plaintiffs knew at the time of the sexual assaults that they had suffered an "injury" at the hands of Monsignor McCaa, they were at all times material herein, unaware until at the earliest, March, 2002, that the DIOCESAN DEFENDANTS' continued concealment, misconduct and failure to act on information regarding the misconduct of Monsignor McCaa and other DIOCESE priests, aided, enabled, encouraged and resulted in causing injuries to the Plaintiffs, thus tolling and/or suspending the running of the statute of limitations against DIOCESAN DEFENDANTS as to all claims.

73. DIOCESAN DEFENDANTS by use of fraudulent concealment, duress and coercion prior to, during and after the termination of the sexual abuse of the Plaintiffs, prevented the Plaintiffs from asserting their claims against the DIOCESAN DEFENDANTS or reporting the DIOCESE priests' conduct to lawful civil authorities and are therefore estopped from benefiting from their illegal conduct through assertion of the statute of limitations.

74. By virtue of the above pattern of conduct and practices, the DIOCESAN DEFENDANTS deliberately interfered with the ability of the victims, including Plaintiffs, to identify the cause of their injuries; concealed from the Plaintiffs their claims against the DIOCESAN DEFENDANTS; misrepresented to the Plaintiffs or otherwise by fraud concealed or withheld facts which they had a duty to disclose constituting the basis of such claims, and otherwise through practices of intimidation, duress and deception delayed Plaintiffs from bringing this action.

75. As a part of their conspiracy, DIOCESAN DEFENDANTS intentionally removed Monsignor McCaa outside the jurisdiction of local authorities in order to obstruct justice, avoid public scandal, avoid loss of financial contributions and criminal and/or civil liability.

76. DIOCESAN DEFENDANTS should, for the reasons stated hereinabove, be estopped from asserting any defense that the Plaintiffs' actions are not timely under Pennsylvania law because DIOCESAN DEFENDANTS, individually and in concert with each other, fraudulently concealed their involvement in the wrongful conduct of Monsignor McCaa and the causal relationship of the harm suffered by the Plaintiffs.

H. DAMAGES

77. As a direct and proximate result of the DIOCESAN DEFENDANTS' negligent and/or intentional conduct as described herein, Plaintiffs sustained the following injuries and damages:

- (a) Severe mental anguish and trauma, necessitating psychiatric and medical care and treatment in the past, present and undoubtedly in the future;
- (b) Untold humiliation and embarrassment;
- (c) Extensive and permanent damage to their sexual and psychological development;
- (d) Loss of faith in God and mistrust of organized religion;
- (e) Shock to the system and emotional distress on learning that they had been betrayed by the DIOCESAN DEFENDANTS that claimed they had been looking out for the Plaintiffs' best interest;
- (f) Shock to the system and emotional distress on learning that DIOCESAN DEFENDANTS had not only failed to protect them, but had actually placed them in harm's way by allowing a known pedophile to act as their teacher and priest/minister;
- (g) Aggravation and/or exacerbation of the pre-existing mental anguish and trauma experienced at the hands of their abuser, on learning of the DIOCESAN DEFENDANTS' role in protecting its predator priests at the expense of the plaintiff/

- child's interests;
- (h) Psychiatric and medical expenses, past, present and future; and
 - (i) A loss of earnings and earning capacity during those periods they were unable to work due to their traumatizations and may in the future be unable to work.

COUNT ONE
STATUTORY VIOLATION, NEGLIGENCE PER SE

78. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by this reference thereto.

79. At all times material the DIOCESAN DEFENDANTS and their priests, agents and/or employees, in the course of their practice and profession, regularly came into contact with children as a result of their supervision and control over all diocesan schools and parishes. As such, the DIOCESAN DEFENDANTS were at all times relevant herein, legally obligated under the "The Child Protective Services Law" to report suspected child abuse to the Department of Public Welfare or county child protective service agencies. See 11 P.S. 2201 et seq (repealed); 23 Pa.C.S. § 6301 et seq.

80. At no time did the DIOCESAN DEFENDANTS ever report to authorities any allegation of child sexual abuse by a priest, including allegations received regarding Monsignor McCaa.

81. ADAMEC has publicly admitted that there is a moral obligation if not a legal one, to report knowledge of cases of molestation of minors to the proper authorities, civil and ecclesiastical. (See ADAMEC'S letter to the editor dated June 16, 2002, identified as Exhibit "F", copy of which is attached hereto and by this reference incorporated herein).

82. As a direct and proximate result of the DIOCESAN DEFENDANTS'

failure to report to authorities allegations of sexual abuse by Monsignor McCaa and other DIOCESE priests, Plaintiffs were victimized by Monsignor McCaa and sustained the injuries and damages as enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE I, seek compensatory damages against the DIOCESE OF ALTOONA-JOHNSTOWN, BISHOP JOSEPH V. ADAMEC and BISHOP JAMES HOGAN, (collectively referred to as DIOCESAN DEFENDANTS), in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT TWO

COMMON LAW DUTY OF REASONABLE CARE

83. Paragraphs One (1) through Seventy Seven (77) are incorporated herein, by this reference thereto.

84. ADAMEC and HOGAN were obligated as leaders and supervisors of the DIOCESE and its schools and parishes, to take reasonable care to investigate, to supervise, or to warn minor parishioners and/or their families of the risk of harm occasioned by their interaction with Monsignor McCaa and/or other DIOCESE priests which they knew or should have known were sexually abusing minors.

85. DIOCESAN DEFENDANTS failed to give primary assistance to victims.

86. DIOCESAN DEFENDANTS through their agents and representatives, held themselves out as having control over Monsignor McCaa and all DIOCESE priests, and having the ability to protect minors from inappropriate contact and/or child sexual abuse at the hands of DIOCESE priests.

87. The DIOCESAN DEFENDANTS engaged in a pattern of inaction or silence, when they had an obligation to speak.

88. DIOCESAN DEFENDANTS breached their duty of reasonable care as hereinabove alleged, inter alia, as follows:

- (a) Ignoring reports of sexual abuse of minors by their priests;
- (b) Reassigning offending priests to new assignments within or outside the DIOCESE;
- (c) Failing to report offending priests to law enforcement and/or the Department of Public Welfare and/or Children & Youth Services;
- (d) Failing to warn new parishes and parishioners including the Plaintiffs of the danger posed by sexually abusive priests;
- (e) Failing to remove or suspend offending clerics including Monsignor McCaa from their duties as priests, or to otherwise act to stop them from pursuing sexual assaults on children including the Plaintiffs, despite receiving complaints and reliable information that the priests were engaged in illegal and improper activities with children.

89. As a direct and proximate result of the DIOCESAN DEFENDANTS' failure to exercise reasonable care, Plaintiffs were victimized by Monsignor McCaa and sustained the injuries and damages enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE 1, seek compensatory damages against the DIOCESE OF ALTOONA-JOHNSTOWN, BISHOP JOSEPH V. ADAMEC and BISHOP JAMES HOGAN, (collectively referred to as DIOCESAN DEFENDANTS), in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT THREE
BREACH OF FIDUCIARY DUTY

90. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by this reference thereto.

91. HOGAN and the DIOCESE were entrusted with the well being, care and safety of each of the Plaintiffs as a result of their status as parishioners and students at DIOCESE parishes and schools. Under their fiduciary relationship, HOGAN and the DIOCESE assumed a duty to act in the best interest of the Plaintiffs.

92. HOGAN and the DIOCESE placed Plaintiffs in the care of Monsignor McCaa, for the purpose of, inter alia, providing Plaintiffs with religious instruction, training, spiritual guidance and counseling. As such, there existed a fiduciary relationship of trust, confidence, and reliance between Plaintiffs and HOGAN and the DIOCESE.

93. The DIOCESAN DEFENDANTS were in a specialized or superior position to receive, and did receive specific information regarding misconduct by their servants/priests, that was of critical importance to the well being or care or treatment of innocent child victims, including the Plaintiffs – knowledge not otherwise readily available. DIOCESAN DEFENDANTS exercised their special or superior position to assume control of said knowledge and any response thereto.

94. The Plaintiffs on the other hand were in a subordinate position of weakness, vulnerability, inequality and lacking in such knowledge. Further, the ability of the Plaintiffs or their families to monitor the use or misuse of the power and authority of the DIOCESAN DEFENDANTS in acting upon or responding to such knowledge was compromised, inhibited or restricted by the DIOCESAN DEFENDANTS.

95. The DIOCESAN DEFENDANTS had a secular fiduciary relationship with

each of the Plaintiffs grounded upon the duty of good faith, fair dealing and the duty to act with the highest degree of trust and confidence. This fiduciary relationship includes the duty to warn and to disclose and to protect parish and/or DIOCESE children from sexual abuse and exploitation by their priests, whom these Defendants promote as being "celibate" and "chaste" representatives of God on earth.

96. Plaintiffs and Plaintiffs' families had the right to rely and did rely on the representations of the DIOCESAN DEFENDANTS that their priests, including Monsignor Francis McCaa, were priests in "good standing" and that the DIOCESAN DEFENDANTS would not tolerate criminal misconduct that represented a known threat to children by their priests.

97. It is alleged that the DIOCESAN DEFENDANTS breached this duty through their inaction, manipulation, intimidation, evasion, intended deception, undue influence, duress or otherwise as more fully described and set forth herein, resulting in injury to the welfare and well being of the Plaintiffs.

98. As a direct result of the DIOCESAN DEFENDANTS' breach of its fiduciary duty to the Plaintiffs, they suffered injuries and damages as enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE I, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, BISHOP JOSEPH V. ADAMEC and BISHOP JAMES HOGAN, (collectively referred to as DIOCESAN DEFENDANTS), in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT FOUR

FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT

99. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by

this referenced there.

100. HOGAN and the DIOCESE, and their DIOCESE clergy acted in the capacity of "in loco parentis" to Plaintiffs at all times that Plaintiffs, performed altar boy services, worked in the rectory, engaged in parish sponsored recreation programs and other parish and diocesan sponsored programs.

101. DIOCESAN DEFENDANTS by virtue of their position and authority over parishes, parish schools and secondary schools, had an obligation to provide a reasonably safe and secure environment within their parish churches, clergy residences and/or schools for the minor Plaintiffs.

102. DIOCESAN DEFENDANTS failed to provide such an environment and failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

103. By sanctioning and encouraging the entrustment of Plaintiffs' physical, mental and emotional safety to Monsignor McCaa, HOGAN and the DIOCESE actually and/or impliedly accepted, assumed and ratified the duty "in loco parentis" to protect Plaintiffs, as they were unable to protect themselves.

104. HOGAN and the DIOCESE breached their duty of "in loco parentis".

105. As a direct result of the breach of HOGAN and the DIOCESE'S duty, Plaintiffs have suffered injuries and damages enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE, seek compensatory damages against the DIOCESE OF ALTOONA-JOHNSTOWN, and BISHOP JAMES HOGAN, in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT FIVE
NEGLIGENT SUPERVISION

106. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by this reference thereto.

107. As set forth hereinabove, Plaintiffs were molested by Monsignor McCaa on property owned and controlled by the DIOCESAN DEFENDANTS.

108. As set forth hereinabove, DIOCESAN DEFENDANTS were or should have been on notice of Monsignor McCaa's pedophilic behavior and sexually abusive behavior towards minor parishioners.

109. As set forth hereinabove, DIOCESAN DEFENDANTS were responsible for maintaining control over and/or overseeing its assignment of Monsignor McCaa at DIOCESE owned and operated parishes and elementary schools.

110. Despite the knowledge of HOGAN and the DIOCESE that Monsignor McCaa had a propensity to sexually molest children, they failed to exercise reasonable care in controlling Monsignor McCaa so as to prevent foreseeable injuries to the Plaintiffs.

111. HOGAN and the DIOCESE, by their actions, undertook a course of conduct that increased the risk that Monsignor McCaa would abuse the Plaintiffs and/or other minor parishioners/students.

112. HOGAN and the DIOCESE'S failure to properly supervise its agent, Monsignor McCaa, and/or to terminate him resulted in injuries to the Plaintiffs as more fully set forth herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE I, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, and BISHOP JAMES HOGAN, in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT SIX
PERSONS ACTING IN CONCERT

113. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by this reference thereto.

114. As set forth hereinabove, the DIOCESAN DEFENDANTS acted in concert with Monsignor McCaa in a plan to conceal Monsignor McCaa's propensity to abuse minor parishioners.

115. At all times material, the DIOCESAN DEFENDANTS knew Monsignor McCaa's conduct constituted a breach of duty and was harmful, yet HOGAN and the DIOCESE assisted and encouraged Monsignor McCaa to maintain his activities as a priest including working directly with children, by assigning him to serve at parishes, and encouraging him to conceal his pedophilic propensities.

116. Said actions by HOGAN and the DIOCESE in assisting and encouraging a known pedophile to continue working with and maintaining unlimited access to minor parishioners/students, was a substantial factor in assisting Monsignor McCaa to commit acts of sexual abuse on minors, including the Plaintiffs.

117. HOGAN and the DIOCESE'S actions in assisting and encouraging Monsignor McCaa to deceive parishioners into believing that he was a priest in good standing with the DIOCESE, rather than the recidivist pedophile they knew or should have known Monsignor McCaa to be, was a substantial factor in causing the Plaintiffs'

harm.

118. As a result of the DIOCESAN DEFENDANTS' actions, Plaintiffs sustained injuries as enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE 1, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, BISHOP JOSEPH V. ADAMEC and BISHOP JAMES HOGAN, (collectively referred to as DIOCESAN DEFENDANTS), in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT SEVEN

SUPPLYING FALSE INFORMATION/NEGLIGENT MISREPRESENTATION

119. Paragraphs One (1) through Seventy Seven (77) are incorporated herein, by this reference thereto.

120. As set forth hereinabove, DIOCESAN DEFENDANTS in the course of their activities in running the DIOCESE parishes and schools, supplied false information designed to deceive parishioners and families who were members of DIOCESE parishes and schools, including Plaintiffs, by holding out Monsignor McCaa and other DIOCESE priests about whom they had knowledge of allegations of sexual abuse, as safe, competent and moral priests, fit and/or suitable to serve and/or minister to parishioners and students with whom they would reasonably come into contact in the course and scope of their employment.

121. As a result of the DIOCESAN DEFENDANTS false and deceptive information, Plaintiffs and/or their families justifiably relied upon HOGAN and the DIOCESE'S representations with respect to Monsignor McCaa in continuing its

association with Holy Name parish to their detriment, thereby being placed at risk to be molested by Monsignor McCaa.

122. The negligent representations of the DIOCESAN DEFENDANTS were a substantial factor in causing the Plaintiffs' injuries, which injuries are enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, BISHOP JOSEPH V. ADAMEC and BISHOP JAMES HOGAN, (collectively referred to as DIOCESAN DEFENDANTS), in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT EIGHT

FAILURE TO PROTECT AGAINST FORESEEABLE RISKS

123. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by this reference thereto.

124. As set forth hereinabove, the DIOCESAN DEFENDANTS were on notice that the presence of Monsignor McCaa in a DIOCESE parish was a foreseeable risk of harm to all minor parishioners/students with whom Monsignor McCaa would come into contact.

125. The very foreseeability of another such molestation of minor parishioners/students by Monsignor McCaa, make HOGAN and the DIOCESE'S failure to act to protect against the risk, negligent.

126. The negligence of HOGAN and the DIOCESE in failing to protect the Plaintiffs against the foreseeable risk of molestation at the hands of Monsignor McCaa

was a substantial factor in causing their harm.

127. As a result of the negligence of HOGAN and the DIOCESE, the Plaintiffs suffered injuries as enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE I, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, and BISHOP JAMES HOGAN, in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT NINE

DUTY TO WARN OF UNREASONABLE RISK OF HARM

128. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by this referenced thereto.

129. At all times material herein, Monsignor McCaa was within the control of the DIOCESAN DEFENDANTS and acting as their agent or employee.

130. At all times material herein, Plaintiffs believed that Monsignor McCaa was a priest in good standing within the DIOCESE.

131. At all times material herein, HOGAN and the DIOCESE knew or should have known that Monsignor McCaa had a propensity for molesting minor parishioners, and that his position as a parish priest would create a situation where Monsignor McCaa's sexual propensities would harm other minor parishioners, including Plaintiffs.

132. Despite its knowledge of the unreasonable risk of harm to minor DIOCESE parishioners, HOGAN and the DIOCESE failed to warn the Plaintiffs or their families of Monsignor McCaa's propensities.

133. In addition to failing to warn, as hereinabove alleged, HOGAN and the DIOCESE went to great lengths to protect Monsignor McCaa and conceal his known pedophilic behavior from parishioners and/or families of the students of the school, resulting in a foreseeable risk of harm.

134. This failure to warn and/or concealment of a known danger by HOGAN and the DIOCESE was a substantial factor in causing the Plaintiffs' harm.

135. Due to the negligence of HOGAN and the DIOCESE, in their failure to warn Plaintiffs and/or others similarly situated, Plaintiffs sustained the injuries enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, and BISHOP JAMES HOGAN, in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT TEN

NEGLIGENT SUPERVISION OR USE OF IMPROPER PERSONS AS AGENTS

136. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by this reference thereto.

137. At all times material herein, HOGAN and the DIOCESE were conducting activities in furtherance of its organization, including control and operation of Holy Name parish, through its agents, including Monsignor McCaa.

138. At all times material herein, HOGAN and the DIOCESE knew of Monsignor McCaa's propensity to molest minor parishioners, thereby involving a risk of

harm to its minor parishioners at Holy Name Church, yet retained him in said position.

139. At all times material herein, despite the knowledge of HOGAN and the DIOCESE with respect to the propensities of Monsignor McCaa, they failed to supervise Monsignor McCaa or prevent him from tortiously injuring the Plaintiffs.

140. HOGAN and the DIOCESE'S negligence in the use and employment of Monsignor McCaa, an improper person to place in control of activities involving minors, was a substantial factor in causing Plaintiffs' harm.

141. Due to the negligence of HOGAN and the DIOCESE, Plaintiffs sustained injuries as enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE 1, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, and BISHOP JAMES HOGAN, in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT ELEVEN

USE OF INCOMPETENT PERSONS

142. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by this reference thereto.

143. At all times material herein, HOGAN and the DIOCESE knew that Monsignor McCaa was likely to conduct himself with children in such manner so to create an unreasonable risk of harm to them.

144. At all times material herein, HOGAN and the DIOCESE had the ability to control Monsignor McCaa to the extent they were responsible for his parish assignments

and/or his access to parish children.

145. Despite the knowledge of HOGAN and the DIOCESE of Monsignor McCaa's dangerous propensities with children, they permitted Monsignor McCaa to misuse his position as a priest so as to create an unreasonable risk of harm to minor parishioners, including Plaintiffs.

146. As a result of the negligence of HOGAN and the DIOCESE, Plaintiffs sustained injuries enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE I, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, and BISHOP JAMES HOGAN, in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT TWELVE
FRAUDULENT CONCEALMENT

147. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by this reference thereto.

148. The above actions and omissions of ADAMEC and HOGAN and the leadership of the DIOCESE, as hereinabove alleged, resulted in the systematic suppression and distortion of facts concerning the DIOCESAN DEFENDANTS' true knowledge and notice of the problem of sexually abusive priests in the DIOCESE. DIOCESAN DEFENDANTS' concerted efforts to cover up, suppress and distort what they knew, (continuously up to the present), effectively concealed the existence of their own negligent behavior from the Plaintiffs.

149. The result of the covert practice of concealing the problem of sexual abuse

was that Plaintiffs and others similarly situated but presently unknown, were deprived of the knowledge of the essential factual elements which would have formed the basis of their rights to legal redress against the DIOCESAN DEFENDANTS.

150. DIOCESAN DEFENDANTS sought by virtue of their fraudulent concealment of their knowledge of this sex abuse problem, to obtain economic advantage over persons sexually abused by DIOCESE priests, causing such persons, including the Plaintiffs, not to discover the fraudulent concealment.

151. The suppression of the identity of the numerous sexual offenders by DIOCESAN DEFENDANTS was purposely and fraudulently done to prevent the filing of both criminal and civil complaints against their sexually abusive priests.

152. DIOCESAN DEFENDANTS obstructed the prosecution of Plaintiffs' cause of action against them by continually concealing the fact that they had knowledge of Monsignor McCaa's predilections well before the time the Plaintiffs were abused, and in fact continued to receive reports of sexual abuse of other parishioners during and after the time period in which the Plaintiffs were abused.

153. As a direct and proximate result of the DIOCESAN DEFENDANTS' intentional conduct, in concealing, suppressing and distorting its knowledge of the sexually abusive conduct of some of its priests, including Monsignor McCaa, Plaintiffs have suffered injuries and damages enumerated herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE I, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, BISHOP JOSEPH V. ADAMEC and BISHOP JAMES HOGAN, (collectively referred to as DIOCESAN DEFENDANTS), in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT THIRTEEN
INTENTIONAL FAILURE TO SUPERVISE

154. Paragraphs One (1) through Seventy Seven (77) are incorporated herein by this referenced thereto.

155. Prior to the dates of sexual molestation perpetrated by Monsignor McCaa upon each of the Plaintiffs, and thereafter, Monsignor McCaa had been known or should have been known to HOGAN and the DIOCESE to have been a pedophile or other sexual offender, with the habit of making sexual advances and engaging in unnatural sexual acts with children, under the pretext of his duties as a DIOCESE priest, and utilizing his position as a priest to overcome such childrens' reluctance and fears.

156. After learning through complaints from other priests and/or others, including other victims, that Monsignor McCaa had utilized his position as a priest to lure and persuade children to commit sexual acts with him, HOGAN and the DIOCESE deliberately assigned Monsignor McCaa to positions where he would have further access to children, including each of the Plaintiffs, who had no awareness of his previous improper sexual practices; thereafter, they failed to remove or suspend Monsignor McCaa from his duties as a priest, or otherwise act to stop him from pursuing his sexual assaults on children, including each of the Plaintiffs, after receiving further complaints and reliable information that Monsignor McCaa was engaging in such illegal and improper activities with children.

157. The actions of HOGAN and the DIOCESE as alleged in the preceding Paragraphs constituted intentional misconduct with the harm which befell each of the Plaintiffs as a directly foreseeable consequence.

158. As a direct result of said tortious conduct, each of the Plaintiffs has suffered the injuries and damages described herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE I, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, and BISHOP JAMES HOGAN, in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT FOURTEEN
INTENTIONAL FAILURE TO WARN

159. Paragraphs One (1) through Seventy Seven (77) are incorporated herein, by this reference thereto.

160. HOGAN and the DIOCESE owed a duty of care to all persons, including each of the Plaintiffs, who were likely to come within the influence of Monsignor McCaa in his role of DIOCESE priest, to insure that Monsignor McCaa did not abuse his authority as a priest to injure others by sexual assault and abuse.

161. HOGAN and the DIOCESE intentionally breached their duty of care, and intentionally disregarded the rights and safety of each of the Plaintiffs, by failing to warn or otherwise protect the Plaintiffs from Monsignor McCaa, who was acting under their supervision, and whom they knew or should have known was likely to sexually assault and abuse persons such as the Plaintiffs in the manner described herein, and by failing to insure that priest defendant would not have unsupervised access to people such as the Plaintiffs.

162. As a direct and proximate result, Plaintiffs have suffered and will continue to suffer the injuries described herein.

WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN

DOE I, seek compensatory damages against DIOCESE OF ALTOONA-JOHNSTOWN, and BISHOP JAMES HOGAN, in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed by law and costs.

A Jury Trial is hereby demanded.

COUNT FIFTEEN
PUNITIVE DAMAGES

163. Each of the preceding Paragraphs are incorporated herein by this referenced thereto.

164. ADAMEC, HOGAN and the DIOCESE through their agents and/or employees were on actual notice of the various allegations and complaints concerning immoral and illegal sexual misconduct committed by Monsignor Francis McCaa, and other DIOCESE priests, and deliberately decided to take no affirmative action to protect children in harm's way.

165. The acts and omissions of the DIOCESAN DEFENDANTS as pled hereinabove, represent conduct which was intentional, willful, outrageous, reckless and deliberately indifferent to the health, safety and welfare of minor parishioners of the DIOCESE in general, and the Plaintiffs in particular.

166. As a proximate and direct result of the aforesaid outrageous conduct of the DIOCESAN DEFENDANTS, Plaintiffs sustained the injuries as more fully described above.

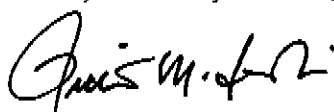
WHEREFORE, Plaintiffs, BRIAN J. GERGELY, KEVIN HOOVER and JOHN DOE I, seek compensatory and punitive damages against DIOCESE OF ALTOONA-JOHNSTOWN, BISHOP JOSEPH V. ADAMEC and BISHOP JAMES HOGAN, in an amount in excess of the jurisdictional limits requiring arbitration, plus interest as allowed

by law and costs.

A Jury Trial is hereby demanded.

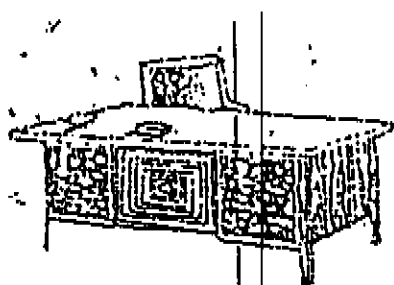
REESE, SERBIN, KOVACS & NYPAVER, LLP

By

A handwritten signature in black ink, appearing to read "James M. Serbin", is written over a horizontal line.

Attorney for Plaintiffs

Supreme Court ID #19957



From the Pastor's Desk

"INSPIRATIONAL AND PRACTICAL THOUGHTS"

This year, with the early arrival of Easter, we are now very rapidly moving through the Ordinary Sundays of the year in anticipation of our commemoration of the Holy Season of Lent. The readings have some very thought provoking lessons which I find very practical in relation to our parish life and commitment. In the second reading today, Saint Paul states: "The body is one and has many members, but all the members, many as they are, are one body." He is speaking about the Holy Spirit as being the source of unity in the Church. I like to take that same thought in relation to the church universal, bring it down and apply it to the very life and existence of the individual parish itself. For nine years now I have used the phrase "parish family" with the prayerful hope that each and every person of our parish will feel that he or she has a special role in that family life. St. Paul goes on to say, "even those members of the body which seem less important are in fact indispensable." In other words, every single person in this parish is a living member of the body of the parish and has a vital role to play in the life and health of our total parish family life. I am so grateful for the very supportive response and concern of so many of our fine parishioners, and pray that soon all members will come to realize and appreciate the vital role they can share in both the spiritual and physical welfare of our total parish family.

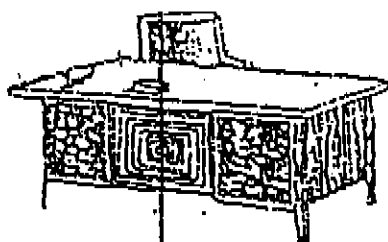
"SINCERE THANKS" - I would like to express sincere appreciation to Father Grimme and the members of our parish Pro Life Group who represented us at the Annual March for Life in Washington last Wednesday. God blessed the event with beautiful weather, and we all pray that their efforts will bear fruit in the restoration of the dignity of human life.

"YOUR PRAYERS PLEASE" - For some time now Father Coleman has been struggling with a nervous problem and we have finally been able to arrange for him to receive some excellent professional assistance. The opportunity for this help was quite sudden and for that reason he left immediately. May I ask your prayers for his recovery and also your prayers of gratitude for his service here at St. Benedict's. As has been traditional here at St. Benedict's upon the departure of a priest, we shall attach a special envelope to the bulletin next Sunday giving you an opportunity to acknowledge your appreciation for his priestly service.

"BISHOP McCORT HIGH SCHOOL INFORMATION" - Parents of students attending or planning to attend Bishop McCort High School next year, and who wish to request a tuition reduction are reminded that Student Aid Forms for this purpose must be obtained at the main office of the high school, filled out and filed before March 1st. That is the established deadline for all financial assistance consideration so if you are planning to apply, please arrange to do it as soon as possible.

"ST. VINCENT DE PAUL SUNDAY" - Today has been designated as SVDP Sunday here in our parish. Special envelopes were attached to the bulletin last week to enable you to assist our parish chapter in this very important work of aiding the needy of our parish and community. Any assistance you can give will be deeply appreciated.

"PARENTS - PLEASE HELP" - We have provided what I consider to be the finest Nursery Room of all the parish churches I have visited. It is large, comfortable, well lit, and immediately adjacent to the sanctuary where visibility is excellent. This room is not intended to be a 'play room' for children and adults, but it is to provide you with the opportunity of bringing the children to a private area where you can, in a wise and prudent parental fashion, attempt to teach them, as age permits, simple prayers and a sense of dignity of being in "God's House." Children best learn by example, so I ask you to please take your role seriously and faithfully. Members of our parish maintenance staff have also asked me to appeal to parents bringing children to Mass, whether in the nursery room or in the body of the church, to refrain from bringing food, sticky candy and especially raisins which the youngsters drop in the pews and then endanger other people especially find their good clothing spoiled by such items.



From the Pastor's Desk

"FOR PEOPLE OF DESTINY,
SEEMING DEFEAT. OFTEN LEADS TO VICTORY"

Last Tuesday, along with millions of Americans and concerned people throughout the world, I had the shocking experience of witnessing the tragic flight of the space shuttle Challenger, and viewing the horrible explosion which apparently brought instant death to the six astronauts and the first civilian teacher astronaut to venture into space, a woman filled with a dream and teeming with pride in her profession whereby she could instill the younger generation with aspirations of the highest. And suddenly, in a ghastly explosion and a horrendous stream of smoke, it all seemed to be over. I watched the replays and the ongoing coverage, and I saw what millions saw. There were the faces, stilled in the first glimpse of the unimaginable - a mother, her head bent upon her husband's shoulder and her hand at her mouth - a father whose proud eyes were suddenly filled with tears of disbelief, a sister, gasping to speak - an empty faced high school girl who did not even have time to remove her party hat --- they were faces, faces staring at death and seeming defeat and destruction. For hours we watched, praying that it was just another one of those TV horror stories which would go away - but we knew better, it was real.

Like you, I prayed for those brave people, and like many of you, I am sure, I initially began to question the worth of it all. And then I heard the story of the little fifth grader who cherished a note she had received from the teacher astronaut a few days before the flight - it simply said, "REACH FOR THE STARS." That was her message in life, and that was her challenge in death. Down through the centuries, brave men and women have dared the challenges of the present to help prepare for a better future. Indeed, for people of destiny, seeming defeat often leads to victory!

The gospel of the Mass today tells us a similar story. A young mother and father bring an infant child to the Temple for the Presentation. They too began their day in a spirit of joy and anticipation of the future. And then too, suddenly and without expectation, their dream is blown to pieces. The prophet looks at the young mother and with cold frankness simply states - "this child is destined He is destined for the cross, and for you, the foot of the cross! Those words overshadowed their lives from that day until that Friday afternoon on Calvary - but they were not words of defeat, they were the words which led to Easter Sunday! The new birth of hope!

In many of our personal lives, we too often experience feelings of defeat and emptiness, and wonder, is it worth all the effort? But we are also people of destiny and not merely of time. We must learn to take moments of seeming defeat and apparent emptiness, and turn them into opportunities of growth and success. We too must learn to "reach for the stars" and to let every experience to help us to become better, more mature, and more responsible Christians. That is the meaning and purpose of life!

"INCREASED OFFERTORY CAMPAIGN" - During the past week, every registered family in the parish should have received a special letter from me explaining our newly initiated increased offertory campaign. This program has two purposes: One, to encourage every family in the parish to make use of our envelope system which will go a long way in stabilizing our income and making it possible to budget and plan for the future. The second is to ask all who are already using the envelopes to consider, if possible, a slight increase in what they are now giving. During the coming week you will receive another letter, with a special red and white envelope to be used the following Sunday. If you plan to participate, and I hope and pray you will, please use this special envelope in place of your regular envelope for the following Sunday. We will consider this your intention to participate in the program, you will receive a thank you note, and no further communication will be necessary. Please pray for the success of the program in our parish - it is low keyed, but will make a tremendous success.

"IN GRATITUDE" - As I mentioned last week, special envelopes are attached to the bulletin today which you may use to express your gratitude to Father Coleman for his services here at St. Benedict's, and to assuage him of a remembrance in your prayers for his recovery. Please send them to the rectory or place them in the offertory next Sunday and I shall see to it that he receives them.

Feb 2

On Monday, Feb 3rd, we shall commemorate the Feast of Saint

Deposition of Bishop Adamec dated 1/7/94

1 given you, do your records indicate that Father Luddy and Father
2 Inman were together at any other church other than the Cathedral
3 of the Blessed Sacrament?

4 A. According to the record that's been provided to me it
5 appears that Luddy and Inman were assigned to only one parish in
6 the diocese, according to the record that's before me.

7 MR. ECK: You mean at the same time.

8 A. At the same time.

9 Q. And what records are you referring to?

10 A. These are copies of cards that are used for cross
11 referencing that would contain the dates of appointment.

12 Q. Are they the diocesan records?

13 A. Yes.

14 Q. What assignment did they share, they being Father Luddy
15 and Father Inman?

16 A. Well, it appears from the record here that it was the
17 cathedral in Altoona.

18 MR. SERBIN: May I see that? That's it Bishop, thank you.

19 MR. ECK: Bishop, just a few questions.

20 BY MR. ECK:

21 Q. Yesterday you were questioned about Father William
22 Kovach and I think your testimony indicated that at some time
23 you referred him to treatment, for treatment and evaluation at
24 Saint Luke's?

25 A. That's correct.

1 Q. And yesterday you were questioned, you indicated you
2 had received from Saint Luke's reports of the evaluation and
3 treatment?

4 A. That's correct.

5 Q. Do you remember the document, those reports that you
6 received, do you remember any stamped notation on them as to
7 what you as the receiver should do after you reviewed them?

8 A. Most of those documentations when they come, being the
9 reports, instruct the receiver to destroy them.

10 Q. And is that what you did after receiving and reviewing
11 those reports?

12 A. I did.

13 Q. But you did make, at least, note of the portions of the
14 recommendation and the findings?

15 MR. SERBIN: Objection, leading.

16 Q. Is that right?

17 A. That's correct.

18 Q. As you read that report and then as you retained what
19 you did retain or copy from the report, what was your
20 understanding as to what the report was telling you about Father
21 Kovach?

22 A. As I recall in my action to follow up on that, the
23 report indicated that this was an instance that happened at that
24 particular time and had not happened since, and that there was
25 little risk in keeping Father Kovach in active ministry.

Exhibit C

Michael S. Hutchison Jr. \$1,569,000 in compensatory and punitive damages came on Thursday, April 21, the second day of the trial's twelfth week.

Hutchison, now 26 and confined to an Akron OH prison, contended that Father Luddy, his godfather, sexually molested him beginning at age 11. The lawsuit specifically addressed two incidents, alleged to have taken place

Roy F. Kline, should have been aware that Father Luddy was a pedophile, and should have warned parishioners of his conduct.

Compensatory damages totalling \$519,000 were awarded to Hutchison for future medical and psychiatric care, and as compensation for pain and suffering, and the loss of enjoyment of life. The

them not in such fashion again, and to deter others from such actions.

Because the lawsuit was a civil case, the decision of the jurors did not have to be unanimous. Ten jurors had to be in agreement on each of the 12 points on the verdict slip. When the jurors were polled following the reading of the decision, it was

CATHOLIC REGISTER 5/2/94

Bishop Adamec Reacts To Verdict

I have been advised of the verdict in favor of the plaintiffs in the Civil Case brought on behalf of Michael Hutchison against the Rev. Francis Luddy, Bishop James Hogan, Saint Theresa Parish, and the Diocese of Altoona-Johnstown. This court proceeding has consumed a great deal of time, energy and resources from all involved parties. I will be seeking the advice of legal counsel in the next few days to determine whether or not to appeal this recent decision.

From the commencement of this lawsuit, all of the defendants denied all of Mr. Hutchison's claims as being baseless and without merit. Given the testimony presented in this case during these past three months, I am not pleased with the jury's verdict.

I would like to express my appreciation to Attorney Carl Eck and Attorney Julie Sweetney for the excellence of their legal representation in this matter. I would also like to thank my brother Bishop Bishop James Hogan for his tireless efforts and stamina demonstrated through such an arduous and lengthy trial.

While this trial has been a source of pain to many people in this Diocesan Church, one important gauge of our sincerity to the Good News of Jesus Christ is that we continue to minister to the needs of all people without any malice or anger. I remain convinced that the Lord will work it all out for our ultimate good in His own time.

The sexual abuse of children is immoral and completely unacceptable behavior. This Diocesan Church of Altoona-Johnstown has never tolerated, condoned or ignored such behavior by anyone. Child abuse is not exclusively a problem of the Church or its clergy, but is a serious problem which plagues all of society. The Church remains committed to doing all that we can to compassionately address the needs of the victims and their families, as well as to care for those accused of such acts.

Attached is an editorial that Bridget R. Joyce wrote as the editor of the Roosevelt Junior High School newspaper Blue And White. My daughter is a ninth grade student at Roosevelt, and is a member of the Cathedral of the Blessed Sacrament in Altoona. Bridget is involved in the FIRE program at the Cathedral, as well as many school activities. As a parent you pride yourself in your child's academic and school achievements. But more important than any academic laurels, my wife and I were so very proud when we read Bridget's first journalistic composition. As Christian Catholics, we are proud that our religious values seemingly are finding importance in her life. Please read her editorial, and if you feel that it is appropriate,

Diocese Of Altoona - Johnstown Bishop's Residence

December 14, 1999

Dear Sisters and Brothers of the Household of God:

Once again, the Diocese of Altoona - Johnstown has been in the news in regard to the Luddy case. The occasion was the recent Pennsylvania Supreme Court decision. As you know, this decision has nothing to do with whether or not Francis Luddy, a former priest of this Diocese, is guilty or not. It has to do, rather, with whether or not this Diocese is responsible and liable for the actions of a priest at all times and in all places, including those that are inappropriate with his priestly status.

You will recall that the State Superior Court discharged this Diocese of any responsibility, almost two years ago. The plaintiffs appealed that ruling to the State Supreme Court at that time, where the matter has rested for the past 20 months. Our attorney informed me on November 24 that the Pennsylvania Supreme Court finally issued a judgment in the Luddy case. The judgment came with several different opinions.

The judgment upheld the Pennsylvania Superior Court judgment that Saint Therese of the Child Jesus Parish in Altoona was not liable. But, it reversed the Superior Court's judgment in regard to the Diocese of Altoona - Johnstown, holding us liable on the one issue that was considered. Nevertheless, the Supreme Court did send the case back to the Superior Court, asking it to consider the 9 or 10 other issues. Our Attorneys had originally raised those issues as further grounds for our appeal two years ago. However, they were not considered by the State Superior Court at that time or by the State Supreme Court when rendering its recent opinions.

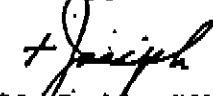
While we have continually denied any diocesan responsibility with respect to the injuries claimed by Michael Hutchison, it is always deplorable if a child is injured by the acts of those whom they should trust, no matter what their profession. At the same time, I feel strongly that the Church needs to be given the same consideration as any other institution in regard to the practical impossibility of being responsible around the clock and in all circumstances and places for the actions of those associated with it. I deeply regret that our clergy and faithful, as well as others, continue to be faced with the particulars of this issue.

None - the - less, and in keeping with our legal and moral responsibilities, our Attorneys have filed with the State Supreme Court on December 8, 1999, an "Application For Reargument." This action was taken on the basis that allowing a civil court to pass upon the internal policies and employment practices of the Church (especially the hiring, retaining, and supervising of priests) amounts to a violation of freedom of religious practices. This, in turn, is in violation of the First and Fourteenth Amendments of the United States Constitution.

Meanwhile, the Diocese of Altoona - Johnstown has reactivated the bond back up with the bank. This simply assures that the Diocese will have the means with which to pay the judgment, should that become necessary.

Please remember in your prayers those associated with this particular case. I will be grateful to you.

Faternally yours in the Lord,


(Most Rev.) Joseph V. Adamec
Bishop of Altoona-Johnstown

judgementally. Many say that first impressions are impressions on personalities and not on what a person lives in a materialistic, superficial world, staying a challenge to life.

Strive to stay as open - minded as possible. Prejudge someone before they have had the opportunity hard to remain humble. Going anywhere in the ourselves on pedestals. While up there, we will give everyone an equal chance.

Hate. Ouch. Just thinking about that word I can many use it too frequently and loosely. I understand but we possess the power of controlling it. When usually they don't truly hate that person but only the word hate.

Aim to never act spitefully. Recently, I realized holding grudges seems. Consider the absurdity: the grudge occurred a while ago. People change. A second chance. Anyone that does not have the benefit from others.

In closing, just remember a few final hints. Always remember your principles and standard mind and others' minds will become opened. Just to treat you.

Hopefully, after reading this editorial, eyes seem like an appropriate time for action. Gather, forgive someone who has offended you. Also, if you have offended. This will aid in bringing unity.

The Tabernacle's Proper Place

Dear Father Stein,

On November 18 I was listening on my show architectural principles and designs of Catholic

Recently, a rather lengthy article was featured that were to be formulated regarding the placement

As you know, several new churches have been several years, all of which have deemphasized the by locating the tabernacle outside of the view of

It is my understanding that no vote was taken and I was completely surprised to hear the input including our own Cardinal Bevilacqua who in Philadelphia were desirous of seeing was the true entrance into the church. Other Bishops spoke actual presence of Jesus in the Most Blessed Sacrament to what has actually occurred in church design

I would respectfully submit that we are serious regarding the real presence when we hide the behavior and dress to occur in the presence of

One Bishop compared the types of church years to multi-purpose rooms of which we are: the Eucharist is the center of our worship and that reflects the honor and glory that is due to our changes can be made in the more recently conceived expressed by Cardinal Bevilacqua, Archbishop

Very sincerely yours,
R. Thomas Fort, Jr.
Altoona

For The Good Of The Household

By Bishop Joseph

A CHANGE OF EMPHASIS: As I announced in the last issue of The Catholic Register, I have decided to change the emphasis of my column. In order to indicate that change, I have changed the title as well, from "Random Comments" to "For the Good of the Household". I hope to share with you in the coming weeks a more direct confrontation of issues, which affect our Diocesan Church. I have mentioned on a number of occasions during my third pastoral visit to parishes that I consider it important for our Faithful to have accurate information. Misinformation is very divisive and destructive of the unity intended for the Lord's Church. An overriding priority of mine as the Bishop has been to bring about a greater liturgical and pastoral unity to our Diocesan Church. I have been known to say that if an epitaph were to be put on my tomb (which we do not do for our bishops), I would like it to be: "He tried to make of us one Church." A lot of misinformation has been thrown your way lately. I pray that this column will help in keeping us on a more even keel.

THE LUDDY CASE: This is one of those matters that have perdured during the entire fifteen-year period of my being your Diocesan Bishop. It has also been one of those matters, which has precipitated a significant amount of misinformation. I have been willing to defend this Diocesan Church against blame when it ought not to carry that stigma. Of course, there is no argument as to whether Luddy is guilty of molestation. He admitted that he was; but, not in this case. (And, the litigation has been about this one particular case.) In recent days, one of the brothers has come forward and said as much. I would like to make it clear and have it understood that the Diocese did not go looking for such testimony from him. The brother, on his own, contacted both attorneys and the judge and, then, made public his allegation that his brother and his mother, along with their attorney, made up the story in order to get money from the Diocese. They, understandably, are concerned and are now accusing the Diocese of delaying tactics. It's all legal stuff. But, it has also become a part of the life of the Church in these days. Unfortunately, the newspapers have a field day with it. And, I feel badly that our clergy and faithful have to be continually subjected to it. However, there is no reason to despair. When one reviews the history of the Church, today's situation could even be considered normal for the Church to some extent.

Official Appointments

REV. PAUL M. ROBINS, from pastor of St. Aloysius Parish, Cresson, to pastor of St. John Vianney Parish, Mundy's Corners, effective December 14.

REV. MR. JOHN E. SROKA, Permanent Deacon, from diocesan service at our Mother of Sorrows Parish in Johnstown to diocesan service at Visitation Parish in Johnstown, effective December 14.

Reflections Of A Bishop

By Bishop Joseph V. Adamec

THE Church has been criticized by the press recently for what is perceived as a "cover-up" of priests' problems, particularly those which have a damaging effect on others, including children. The mass media becomes frustrated when it cannot obtain every single detail of a scandalous situation in order to present it for public consumption. At the same time, bishops of the Church become frustrated when they are hindered from dealing with those same situations in a way that is fair and just to the alleged victims as well as the accused individuals.

It is important for all of us to realize that personal problems know no professional or vocational boundaries. Since these problems are the result of a weakened human nature, they affect priests as well as individuals in other "walks of life." Statistics show that the incidence of such problems is not proportionately any greater for priests than it is for others. The interest and concern of the public, however, appears to be greater in the case of priests due to their trusted position as role models for good.

There is no doubt in my mind that priests, above all others, are appropriately expected to live in a way that gives witness to what we as Christians are called to be by our Lord Jesus Christ. That kind of living is, by its very nature, part and parcel of priestly commitment to serve God's people within the Church. The fact that a very few appear not to live accordingly, certainly, does not cause me to lose faith in our priests as a whole.

Inappropriate lifestyle and behavior do cause me deep sadness because of the countless lives that can be affected. Those who feel such effects include the parish faith community to whom the priest is currently ministering as well as those to whom he ministered in the past. They, of course, include those individuals who are adversely affected by his specific actions, along with himself.

Whether scandalous behavior is the result of human weakness, voluntary sinfulness, or psychiatric illness, my concern is for the whole Church. This is no minor task for which I am held accountable. I need and strive to be sensitive to the victims and their families, understanding to the priest, pastoral to the parish, and conforming to the

requirements of civil law. I am, tell me, with very few options. What is most unfortunate is when the allegations prove to be unfounded but the hurts are already incurred.

We have in place within the Diocese of Altoona-Johnstown a set of procedures to deal with such allegations. These are presently being followed and all of our clergy have been informed of them. They include my speaking with both the priest who has been accused and the alleged victim in order to determine the seriousness of the allegation as best as I am able. I am very careful in meeting the requirements of civil law in this regard. The victims and their families are offered whatever assistance we can provide.

At the same time, the priest is immediately directed to leave his place of ministry physically. Professional evaluation is always prescribed. Depending on the results of the evaluation, the proper type of therapy follows. Whether or not a priest continues to be assigned to his current ministry (or be assigned to ministry within the Diocese at all) depends on the evaluation as well as the therapy that was warranted.

It appears logical to me that public notice is not to be made during the above process. This is not a mat-

ter of covering up. But, rather, it is an attempt to fulfill the expectation that individuals should be considered innocent unless proven guilty. Furthermore, it is the preservation of rights when dealing with individuals in personnel matters. Also, and just as important, those who feel injured can be injured even further by undue and untimely publicity.

When an action of a priest (such as an act of pedophilia) is brought to his status within the Church (and, therefore, outside of his scope of ministerial responsibilities), he is expected to provide his own defense if his case is taken to court. The Diocese involves itself in litigation only when it must do so because it has been included in court action. It appears that the Church as such is being inappropriately blamed for the personal actions of individuals. The Diocese not only has the right but the obligation of defending itself when it is thus being accused.

Anytime that an accusation of inappropriate, or even criminal, behavior is made against a priest, it most naturally has its effect on all within the community. Such accusations cause us to realize that not all is well within God's Household. Time, energy, and resources need to be taken from elsewhere in order to

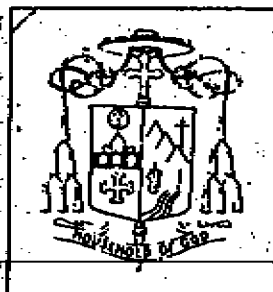
appointed by their bishops to promote the appeal have been working with Sister Hudon and have reported a good response she said.

The U.S. bishops approved the collection a year ago at their fall general meeting in Washington. They agreed to conduct it if

(Continued on page 12)

CATHOLIC REGISTER 12/5/88

Personal Problems of Priests



THE CATHOLIC REGISTER

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MONDAY, MARCH 9, 1992

Archives Case: Bishop Defends Church's Rights

By Father Timothy P. Stein

An order from the Pennsylvania Superior Court, upholding a lower Court ruling that the Diocese of Altoona-Johnstown open its secret archives, violates the rights of the Church in a democratic and free nation, according to Bishop Joseph V. Adamo.

"I strongly believe in the rights of the Church, which I understand it to have in this democratic and free nation. I have chosen to take the stand that it is inappropriate for anyone, including the courts to force entrance into the secret archives of any diocese," the Bishop stated in a Friday, March 6 letter to the clergy.

On February 24, the State Superior Court ruled 2 to 1 to uphold a March 1990 order by Somerset County Court of Common Pleas Judge Eugene Fike that the Diocese release secret archives material for use in a civil suit brought against the Diocese and Father Francis E. Luddy, who has been accused of the sexual abuse of a minor.

In his March 6 letter, Bishop Joseph explained that secret archives "are set up according to Church law (specifically Canons 489 and 490). Therefore, the existence of a Secret Archive is

American Bishops figured out as a way to avoid the law. This type of archive has been a part of the Church's practice for years, and its use has been dictated by Church law, which affects dioceses throughout the world."

According to Bishop Joseph "Only the Bishop is allowed access to this particular file. Bishops do not enter this file too often: probably a couple of times each year, if that. Nor is this particular file very large," he stated.

"It often contains documents from the diocesan tribunal relative to special cases of invalid marriages. It might contain a Bishop's notes relative to a confidential conversation. Conceivably, the 'secret archive' could even be empty."

Access to the secret archives is being sought by the plaintiff's attorney in an attempt to show that the Diocese has hidden material concerning Father Luddy and other priests accused of sexual activity with under-age males.

"Newspaper reports make it sound as if this Diocese is refusing to furnish any file material in an effort to 'protect' a priest. That is a false accusation. Nor is anyone 'hiding' behind the 'secret archives.' I categorically deny the allegation that this Diocese has used the 'secret archives' to shield individuals or information."

Continued the Bishop, "It is not the intention of this Diocesan Church to protect in an inappropriate manner any individual who has committed an injustice or crime. What is at stake in the present issue is the Church's right to exercise its mission with the freedom guaranteed it by the Constitution and the Bishop's right to have confidential conversations with his priests."

In ordering the files to be opened, the Superior Court said the Somerset County Court order did not infringe on religious belief or conduct by demanding access to "information regarding the manner in which a religious institution conducts its affairs" when that conduct is relevant to the case at hand.

To release any documents from the secret archives, Bishop Joseph said "violates the relationship that a Bishop needs to have with his priests, which at times, can be akin to that of a doctor with a patient or an attorney with a client."

The only clergy privilege recognized by the state, the so-called "priest-patient" privilege, does not apply to the personnel records at issue, the judges said.

Judges Donald Welard and Vincent Cirillo agreed with the lower court decision that the "secret archives" laws in the Church's Code of Canon Law

violation of children by priests to be secreted and shielded from discovery which is otherwise proper."

"Discovery" refers to the release of records and other information required by attorneys to prepare civil or criminal cases.

Superior Court Judge Justin M. Johnson dissented from the majority ruling. He argued that instead of reconsidering the lower court's ruling on its merits,

the appellate court should have simply let it stand and should have rejected the appeal.

"The next step is the State Supreme Court," according to Bishop Joseph. "As Bishop, I feel that we need to stand our ground in regard to this issue, both on sectarian and secular grounds."

(Contributing to this story was Jerry Filteau of Catholic News Service, Washington DC)

Welcomes Discontinuance Of Lawsuit

This morning we were advised that Samuel C. Hutchison has filed an agreement to discontinue his civil action against Father Francis Luddy, the Diocese of Altoona-Johnstown, and several other Church officials. No monetary compensation of damages were, or are to be paid to Mr. Hutchison, nor was any admission of liability made by the Diocese, Father Luddy, or any of the other defendants.

Mr. Hutchison has formally withdrawn, with prejudice, his lawsuit from the Somerset County docket, in exchange for the Diocese's and the other defendants' agreement not to bring any legal action against him or his attorneys, Richard Serbin and Joseph Nypaver of Altoona, for having filed a frivolous and meritless lawsuit, which began in 1988.

On August 4, 1992, Mr. Hutchison's attorney, Mr. Serbin, filed a Praecipe to discontinue the lawsuit, with prejudice, meaning that there is no implication of guilt on our part, and the case may never be reopened again. However, in that Praecipe, he indicated that the case had been "settled and satisfied." There was, in fact, no monetary consideration paid and no settlement achieved as the plaintiff simply, for his own undisclosed reasons, discontinued his claim and the lawsuit.

Discontinuances are governed by Rule of Civil Procedure 229, which states that they are "the exclusive method of voluntary termination of an action . . . by the plaintiff before commencement of the trial." A discontinuance is a plaintiff's choice to terminate his lawsuit.

The other defendants included retired Bishop James Hogan, Monsignor Thomas Madden, Monsignor Roy Kline, Monsignor Paul Panza, Monsignor Ignatius Wadas, Saint Mary's Catholic Church in Windber, the Archdiocese of Philadelphia, and retired Cardinal John Krol.

These defendants, as well as Father Luddy, have, from the commencement of this lawsuit, denied all of Mr. Hutchison's claims as being baseless and without merit, as well as claims asserted by Mr. Hutchison's brother, who has filed a similar action in the Court of Common Pleas of Blair County.

Child abuse continues to be a serious problem in our society. Because of the Church's respect for the dignity of the human person, we remain committed to doing all that we can to compassionately address the needs of the victims and those accused of child abuse.

COPY

Catholic Register
Aug 10, 1992

Exhibit D

1 to 156, Line 11.

2 A. If you're going to go back to your last question, I
3 better look at that one. Now Line 11?

4 Q. On 155.

5 A. What was your last question?

6 Q. Well I believe if you look I repeated the question.
7 It starts, can you recall. --

8 A. Now where is that, Mr. Eck -- er, uh, Serbin?

9 Q. (Points to the question)

10 Now I'm going to -- and if you'd follow along I'm
11 going to read this out loud to the jury and if I state
12 anything incorrectly please let me know. Starting on 155,
13 Line 11.

14 Q. I'm going to go back to my last
15 question, Bishop, if I might. Can you
16 recall any other situations other than
alcoholism that was brought to your
attention during your period as Bishop
of the Altoona-Johnstown Diocese?

17 A. Uh-huh. Yes.

18 Q. That you felt necessitated your
19 direct intervention.

20 A. Yes.

21 Q. And do you recall when those
22 occasions were and what the subject
matter was involved?

23 Attorney Eck objected and then you gave
an answer.

24 A. In general terms I will say none of
25 them involved pedophilia.

1 Q. Alright. So you can --

2 A. Disciplinary measures were called
3 for in that two or three -- I'd have to
4 go back to do some recollecting here --
instances that I thought were sufficient
gravity to intervene.

5 Q. But none of them dealt with
6 pedophilia.

7 A. None.

8 Q. Now, Bishop, can we agree that pedophilia deals with
9 -- is the technical term for the sexual molestation of a
10 child?

11 A. That's my understanding. Yes.

12 Q. And you said that you had not had any cases dealing
13 with the subject of pedophilia where you had to give your
14 attention to them, isn't that true? Isn't that what you
15 said in 1988?

16 BY ATTORNEY ECK:

17 I think he indicated, Mr. Serbin, that they were not
18 sufficiently grave enough to require direct intervention.
19 That's his whole answer.

20 BY ATTORNEY SERBIN:

21 Your Honor, this is cross examination.

22 BY THE COURT:

23 Well to restate part of the answer -- Mr. Eck, I don't
24 think it's proper for you to reread a portion of the
25 answer. It's right there in bold print in front of the

1 jury. They're certainly free to read it. Maybe the bold
2 print is an advantage in that respect and the jurors can
3 certainly all see the answer.

4 We'll permit you to proceed with that question, Mr.
5 Serbin.

6 BY ATTORNEY ECK:

7 Your Honor, my -- I was ---

8 BY ATTORNEY SERBIN:

9 That's the whole reason why I have the blow ups, Your
10 Honor.

11 BY ATTORNEY ECK:

12 I would simply ---

13 BY THE COURT:

14 Mr. Eck?

15 BY ATTORNEY ECK:

16 indicate that the answer does contain those words.

17 BY THE COURT:

18 It does contain those words. That is ---

19 BY ATTORNEY ECK:

20 I wasn't suggesting any differently.

21 BY THE COURT:

22 You weren't suggesting anything different. That is
23 true. But I don't want to get into a part where Mr.
24 Serbin then has to reread the part of the answer that he
25 likes. The jury can see it all.

1 Alright. Mr. Serbin.

2 Q. Bishop, isn't it true that your testimony was that you
3 had no cases where you had to intervene dealing with the
4 subject of child molestation?

5 A. I would have to say here before the jury and -- um,
6 there was one case where I felt it was -- well, it doesn't
7 involve here, explaining to the jury why I felt it
8 strange, but there was one case where I felt my own, my
9 direct intervention was called for and was, by the way.

10 Q. Bishop, when you testified in 1988 did you say
11 anything about one case? Didn't you say there were none?

12 A. None.

13 Q. Is that -- I just want to ask you, is that what you
14 testified to in your sworn testimony in 1988?

15 A. That's correct. I said it. Here it is. Mmm-Hmm.

16 Q. Is there anywhere in that deposition where you told me
17 about an exception that there was a different case that
18 you had to intervene?

19 A. Did I say in my deposition that there was ---?

20 Q. At any time in your testimony in that entire
21 transcript did you mention any other cases that you did
22 intervene or investigate dealing with the subject of
23 molestation of a child by a priest in your Diocese?

24 A. I undertook to investigate my famous three.

25 Q. My question, Bishop, I don't mean to interrupt you,

Exhibit E

1 testimony. That would have been improper. It could be
2 properly cross examined and/or rebutted by Bishop Hogan
3 but not stricken under the test that the Court has
4 enunciated.

5 We note again that it was far more difficult to
6 exclude the account relative to Father Skupien where the
7 nature of the communication to Bishop Hogan appeared to
8 lack the dynamic of a real belief/assumption as to age
9 (but was close in our view and might have been best left
10 to Bishop Hogan to rebut/explain) than it was to permit
11 the testimony as to Father Carroll.

12
13 CHURCH DEFENDANTS' POST VERDICT MOTION #25, TWENTY-FIRST
14 MOTION FOR NEW TRIAL

15 Alleges that the Court erred in ordering Diocesan
16 Defendants to produce records relating to Father Carroll
based upon the testimony of Monsignor Saylor. (This
objection is not raised on behalf of Defendant Luddy.)

17 This post verdict motion tests our patience. First,
18 the incident involving Father Carroll communicated through
19 Monsignor Saylor to Bishop Hogan was clearly discoverable.
20 Yet, Plaintiffs had to find it out for themselves during
21 trial. A clear duty was imposed under our March 2, 1993,
22 Orders and Opinions as well as our Order of August 20,
23 1993, that there was an ongoing to disclose. This duty
24 was doubly important after the archives information was
25 sent to counsel and discovery was being developed rapidly

1 to meet our trial date post August 20, 1993. Disclosure
2 of this information would have logically led to the very
3 records which counsel now objects to having been
4 "required" to provide. In fact, Plaintiff should have had
5 it months before. Instead, Plaintiffs had to find this
6 out for themselves through Monsignor Saylor during trial.

7 Bishop Hogan had knowledge of all of this. Monsignor
8 Saylor's testimony was that he told him. Bishop Hogan was
9 present in the courtroom and he never denied it. What
10 Church Defendants' counsel characterizes as inferences and
11 innuendos regarding the nature of Father Carroll's
12 treatment was no more than asking the jury to apply their
13 common sense to what they had heard. The Church
14 Defendants did not need Dr. Wawrose or his records.
15 Bishop Hogan had made the referral and presumably he knew
16 why he made it. Monsignor Saylor also testified as to his
17 knowledge of the referral. Church Defendants, in this
18 respect, even acknowledging the difficulty of discovery in
19 a case with "so many monsignors" clearly made their own
20 bed. Bishop Hogan had both notice and knowledge of all
21 this according to uncontradicted testimony in the record.
22 In fact, Bishop Hogan was the referral source - how could
23 Church Defendants be prejudiced by disclosure of what
24 Bishop Hogan (a named Defendant) already knew?
25

Gays not cause of crisis

Regarding the ad on Page A3 of the May 25, 2002, issue entitled "To be or not to be... Catholic — an Open Letter to Catholics," I was incensed and appalled by the contents of the "Open Letter to Catholics" paid for by Law Stewardship and apparently written by George A. Foster, president.

Mr. Foster is either completely ignorant about pedophilia or homophobic. He is blaming the current crisis in the Catholic church on homosexuals and using it as a forum to bash homosexuals.

Mr. Foster is blaming the crisis of the sexual abuse of generations of Catholic children on homosexuals and the bishops who openly support their ordination to the priesthood. He states: "A review of the facts showed the issues of pedophilia were few, however, instances of homosexual abuse of minors accounted for thousands of reported cases."

For Mr. Foster's information, sexual abuse of minors is pedophilia whether the perpetrator is homosexual or heterosexual. Pedophilia and homosexuality are two completely different issues.

Mr. Foster concludes his harangue by implying that the ordination of homosexual priests who remain celibate "puts our children at risk to be assaulted."

My understanding is that the Catholic church is in crisis because the Vatican has encouraged and perpetuated the policy of avoiding public scandals.

The bishops have obediently followed those dictates by quietly removing pedophile priests from parish to parish rather than turning them over to the public judicial authorities for prosecution. This policy made the Catholic church a safe haven for pedophiles worldwide.

Mr. Foster is correct in that, "Our church cannot begin to heal if we are

lead us here." However, the reason the Catholic church is in crisis is not because there are homosexuals in the priesthood. The Catholic church is in crisis because it held itself above the law.

To confuse the issue and blame homosexuals and the bishops who support them will only ensure that the Catholic church remains on the same path that led it to the state of crisis.

If future generations of Catholic children are to remain safe from sexual predators in the church, the Vatican policy regarding scandals must be changed, and accused priests must be systematically turned over to the public judicial system for investigation.

Barbara L. Lynn
Ramey

Catholics should be outraged

The recent draft by the United States Conference of Catholic Bishops' Committee on Sexual Abuse only reinforces my doubt that the right action will be taken when they convene this week.

Of particular concern is the section that allows some sexually abusive priests to remain in the ministry.

Regarding clerics with past offenses who have been treated, not diagnosed as pedophiles and have not committed more than one act of sexual abuse of a minor, their ministerial status must be considered by the diocesan review board." (Draft: Charter for the Protection of Young People, Article 5). In other words, if you have committed one sexual assault and are not officially diagnosed as a pedophile, you can remain an active priest.

Catholics should be outraged. After all of the disclosures and cover-ups regarding abusive priests, the USCCB drafts a policy that enables the crisis to continue.

I am certain that few Catholic parents would want their children under the guidance and direction of a known sex offender. In fact, a recent poll showed that 77 percent of

Catholics believe an abusive priest should be removed regardless of when the assault occurred. One act of pederasty renders one unsuitable for leadership, in particular Catholic priests, who are in a position of spiritual and moral authority.

The absence of a diagnosis of pedophilia as an allowance for the priest to continue in his duties is quite troubling. Pedophilia is primarily diagnosed as the attraction to prepubescent children ages 13 and under. The overwhelming majority of priests involved in the present scandal have abused post-pubescent boys — ages 14 to 18 — and thus would not meet the criteria for the diagnostic criteria for pedophilia.

This could create a loophole for abusive priests to remain in their position. While this last point may hint of paranoia, we as Catholics have every reason to be highly suspicious given everything that has occurred. After all, the very leaders who will soon meet to stem this crisis include some who are deeply entrenched in it.

Still, I pray that I am wrong and that the right action is taken, one that is firm, unanimous and protective of our children and the trust we once had.

Mark Frederick, MA, LPC
Altoona

Obligation to report abuse

While there are a number of points that call for clarification in the front page article about the Diocese of Altoona-Johnstown published by the Altoona Mirror Sunday, June 9, 2002, there is one particular point to which attention absolutely has to be drawn.

Mr. George Foster of Altoona is quoted as stating that "he has spoken with people who say the abuse is not entirely in the past."

I have to presume that his reference is to one or more allegations regarding the molestation of minors by one or more of our priests in the present. The reporter appears not to have asked Mr. Foster if he has reported these instances.

There is a moral obligation, if not a legal one, to report knowledge of such cases to the proper authorities, civil and ecclesiastical.

By not having done so, Mr. Foster is guilty of the very transgression of which he accuses me as their bishop.

The Most Rev. Joseph V. Adams
bishop of Diocese
of Altoona-Johnstown

Write a letter

Write a letter to the editor of the Altoona Mirror.

Letters should be typed, double-spaced, and include a return address.

Letters should be sent to the editor, Altoona Mirror, P.O. Box 100, Altoona, PA 16801.

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VERIFICATION

STATE OF PENNSYLVANIA :

SS:

COUNTY OF BLAIR :

I, BRIAN J. GERGELY, one of the Plaintiffs in the above and foregoing action, hereby states that the facts set forth in the COMPLAINT, to which this Verification is attached, are true to the best of my knowledge information and belief.

I understand that my statements are made subject to 18 Pa.C.S. §4904 providing for criminal penalties for unsworn falsification to authorities.


BRIAN J. GERGELY

DATE: 2-2-03

VERIFICATION

STATE OF PENNSYLVANIA :

SS:

COUNTY OF BLAIR :

I, KEVIN HOOVER, one of the Plaintiffs in the above and foregoing action, hereby states that the facts set forth in the COMPLAINT, to which this Verification is attached, are true to the best of my knowledge information and belief.

I understand that my statements are made subject to 18 Pa.C.S. §4904 providing for criminal penalties for unsworn falsification to authorities.

Kevin M. Hoover
KEVIN HOOVER

DATE: 2/3/03

VERIFICATION AS A JOHN DOE

STATE OF PENNSYLVANIA

:

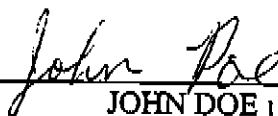
SS:

COUNTY OF BLAIR

:

I am the Plaintiff in the foregoing action, proceeding under the fictitious name of JOHN DOE I, because the underlying basis of this cause of action is the sexual abuse I suffered as a child. My identity has previously been made known to the Defendants. My true identity and signed verification are enclosed in the attached sealed envelope filed with the Court, to be opened only by the Court in camera or upon order of the Court.

I understand that my statements are made subject to 18 Pa.C.S. §4904 providing for criminal penalties for unsworn falsification to authorities.



JOHN DOE I
(A Fictitious Name)

DATE:

2/2/03

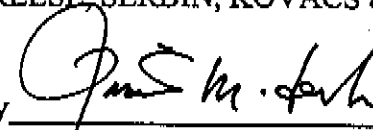
NOTICE TO PLEAD

TO: DIOCESE OF ALTOONA-JOHNSTOWN, BISHOP JOSEPH
V. ADAMEC and BISHOP JAMES HOGAN

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE
ENCLOSED COMPLAINT WITHIN TWENTY (20) DAYS FROM SERVICE HEREOF, OR
A JUDGMENT MAY BE ENTERED AGAINST YOU.

REESE, SERBIN, KOVACS & NYPAVER, L.L.P.

By



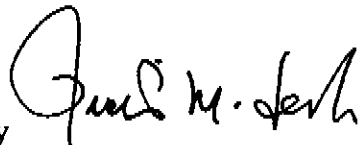
Attorney for Plaintiffs

Supreme Court ID #19957

A JURY TRIAL IS HEREBY DEMANDED.

REESE, SERBIN, KOVACS & NYPAVER, L.L.P.

By



Attorney for Plaintiff

Supreme Court ID #19957