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IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO: 0514163 CA 27

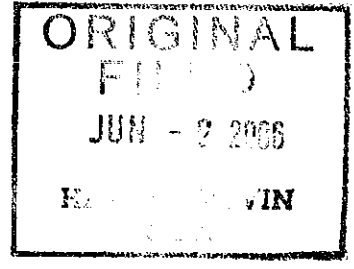
ROBERT RODRIGUEZ,

Plaintiff,

v.

ARCHBISHOP JOHN C. FAVAROLA,
as Archbishop of the Archdiocese
of Miami, a corporation sole,

Defendant.



AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Robert Rodriguez, sues Defendant, Archbishop John C. Favarola, as Archbishop of the Archdiocese of Miami, a corporation sole and alleges as follows:

Parties

1. Plaintiff, Robert Rodriguez ("Rodriguez" or "Plaintiff"), is sui juris. He is a resident of Puerto Rico.

2. Plaintiff was born in Cuba to a devout Roman Catholic family. He was baptized there and along with his family regularly attended weekly mass and received the holy sacraments through the Roman Catholic Church. He regularly attended Catholic religious school there. Throughout his early childhood in Cuba, Plaintiff and his parents developed and maintained great admiration, trust, reverence and respect for Roman Catholic priests, nuns, brother, clerics and holy men at all levels. To Plaintiff

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and his family, all Catholic clergy were authority figures to be revered, trusted and even obeyed.

3. The Defendant, Archbishop John C. Favarola, as Archbishop of the Archdiocese of Miami, a corporation sole, (" The Archdiocese") was, at all times relevant hereto, a non-profit religious establishment with its principal place of business in Miami-Dade County, Florida. The Archdiocese is an integral part of the Roman Catholic Church which at all material times encouraged, invited, and indeed, obligated its religious faithful to place their trust and confidence in its agents, clergy, and religious hierarchy.

4. The amount in controversy herein exceeds \$15,000 exclusive of interest and costs.

General Allegations and History of Catholic Participation in Conspiracy to Commit and Conceal Criminal Sexual Misconduct by its Clergy

5. The problem of criminal sexual misconduct by Catholic clergy has been well documented and well known throughout the church's history. Defendant and its agents have known or should have known that sexual abuse committed by Catholic clerics was tolerated and prevalent within the Catholic clergy, and that vulnerable children in a largely unsupervised environment under the custody of individual clergy caregivers or their agents would be easy victims of sexual abuse.

6. At all times material, Defendant together with other affiliated Catholic Dioceses throughout the United States engaged in a pattern of criminal conduct designed to conceal the sexual exploitation of children by its clergy. Such criminal conduct consisted in the obstruction of justice, obstruction of criminal investigations, obstruction of state and local law enforcement, and the bribery of or compensation paid to victims of

such criminal conduct in exchange for the silence of their victims regarding specific incidents of sexual abuse.

7. Defendant and all Catholic Dioceses were required by Cannon Law to maintain archives regarding the spiritual and temporal lives of the clergy assigned to their respective Dioceses. Included in the archives were the personnel files of each of the clerics assigned to that Diocese. Defendant itself maintained such files. Defendant had access to such files of affiliated Catholic Dioceses throughout the United States, and therefore knew, or should have known that the files of affiliated Catholic Dioceses could be consulted or reviewed to assess the suitability of any cleric who would have supervisory responsibility or control over children assigned to their care.

**General Allegations Regarding Plaintiff's participation in
"Operation Pedro Pan"**

8. In or about 1960 Defendant initiated "Operation Pedro Pan" to provide a safe haven for Cuban children forced to leave their homeland after the Castro regime began its indoctrination of children in an effort to systematically eradicate religious faith, traditional value systems, and ideological freedom. Archdiocese utilized a network of Catholic churches and organizations in Cuba to coordinate and direct the placement of the children in Miami, Florida. Once in Miami, Archdiocese and its agent priests and employees assumed responsibility for the care and well being of the children until they could be reunited with their parents. Initially, those children, inclusive of the Plaintiff herein, were placed in camps or temporary holding facilities operated, maintained, and controlled by Archdiocese and its agent priests and employees. Thereafter, following their arrival in Miami, Defendant Archdiocese coordinated and directed the placement of Cuban

children throughout the United States to facilities affiliated with Archdiocese or those contracted by it directly to provide for the safety and well being of the children.

9. In or about December 1961, Plaintiff, an eleven year old child, was transported to Miami, Florida as part of "Operation Pedro Pan".

10. Upon Plaintiff's arrival in Miami, Defendant Archdiocese and its agent priests and employees thereby became the functional equivalent of his parents. Defendant Archdiocese thereby assumed responsibility for the physical, emotional, and psychological wellbeing of an uprooted minor child, and was thereby obligated to ensure that the child suffered no physical or emotional abuse or harm.

11. Upon arrival in Miami, Plaintiff was transported to Florida City in the Miami-Dade County area where, with other children who had recently arrived from Cuba, he was placed in camps or barracks for subsequent disposition and dispersal to homes, orphanages, or affiliated schools or agencies throughout the United States. The camps were operated, maintained, and controlled by Archdiocese through its agent priests and employees.

12. Supervision in these camps was virtually non-existent. There, older children taunted the younger children, and the older children sexualized the younger ones. Indeed, staff under the supervision of the Defendant Archdiocese assigned to these camps also engaged in inappropriate sexual contact with the younger children. Such was the degree of intimidation and lack of supervision that recent arrivals were quickly emotionally traumatized. Those that lodged complaints about their treatment were threatened by Archdiocesan agents in charge of the camps with deportation, return to Cuba, and an uncertain fate.

13. Defendant Archdiocese failed to investigate or determine the suitability of, or the degree of supervision at any of the subsequent facilities, homes, or camps to which the Pedro Pan children would be delivered.

14. In or about the spring of 1962 Defendant Archdiocese assigned Plaintiff to a foster home in the South Florida area. Plaintiff remained there for approximately 2 years before he was removed because of allegations that he had been physically threatened and emotionally abused by foster parents in whose care the Archdiocese had placed him.

15. In or about 1964 Plaintiff was assigned by Defendant Archdiocese to its provisional camp in Opa-Locka, Florida. As stated herein above, such camps provided insufficient supervision such that Plaintiff and other boys in the camps were abused sexually by the older children in the camps, adult supervisors, and priests. The names of these perpetrators are not now known to Plaintiff. While at the camp, on Saturdays, Defendant Archdiocese delivered Plaintiff and other "Pedro Pan" children to the downtown Miami area where, without adult supervision, Plaintiff and the others remained throughout the day until their return to the camps in the evening. Plaintiff and the "Pedro Pan" children were well known to the child molesters and other predators that awaited the weekly trips of these children and lured many of them with promises of safety and adult supervision for the day. Plaintiff and other young boys were sexually molested by these predators.

16. In or about 1964, while assigned to the provisional camp in Opa-Locka run by Defendant Archdiocese, Plaintiff was sexually abused by Msgr. Brian Walsh. Msgr. Walsh was at that time, and at all times material times hereto a priest assigned to and under the supervision of Defendant Archdiocese as well as the acknowledged head of

Operation Pedro Pan. The acts of abuse occurred in Msgr. Walsh's office at the provisional camp and included penetration of the minor Plaintiff, oral, genital contact, and other sexual acts. Such acts were generally preceded by a request from Walsh that Plaintiff come to his office. Such acts were recurring and repeated although Plaintiff is unable to recall the precise number or frequency of these assaults.

17. Although Walsh had sexually abused the Plaintiff, Plaintiff was nonetheless conflicted by Walsh's expressed sympathy for Plaintiff. Plaintiff therefore also viewed Walsh as a father figure and protector. Plaintiff notified Walsh of Plaintiff's abuse and mistreatment at the camp. Walsh responded to these reports with ridicule, referring to Plaintiff as a "Little Girl", and with threats to deport Plaintiff. Plaintiff's complaints were thereby silenced.

18. In or about 1964 through 1966, and as a direct result of Plaintiff's report of sexual misconduct and physical abuse at the camps, and the sexual abuse by Walsh, Defendant Archdiocese placed Plaintiff in a reformatory for delinquent children with behavioral disorders at the Devereux School in Victoria, Texas. There, Plaintiff's fears for his well being and safety continued. There, Plaintiff reasonably concluded that his complaints to the Defendant Archdiocese had lead to his placement there and was a means of silencing him. There, Plaintiff began the process of extinguishing any memory of the abuse he had suffered. Finally, there, Plaintiff was given a regimen of drugs of unknown origin as a means of silencing his complaints and extinguishing his memory of abuse. There, Plaintiff was sexually abused by agents and supervisors of the school.

19. By 1966, the odyssey that had brought Plaintiff to the United States as an innocent 11 year old child from a solid family in Cuba had transformed him. When finally

reunited with his family as a 16 year old veteran of a reformatory school, Plaintiff was a violated, victimized, and embittered teenager who had finally been silenced by his ordeal. Plaintiff's memory of his assaults, abuse, and victimization had been systematically extinguished. Plaintiff never recalled or spoke of any of the acts of abuse he had suffered.

20. The duration and frequency of the precise acts Plaintiff has suffered is not known both because of Plaintiff's age at the time, and because the trauma inflicted by each act has impaired Plaintiff's ability to recall.

21. In or about 1966, Plaintiff was reunited with his family.

22. As a result of psychic disassociation, Plaintiff repressed his memory of the extensive sexual assaults alleged herein.

Count I
(Negligence)

23. Plaintiff re-alleges paragraphs 1 through 22 as though fully set forth herein.

24. Defendant owed Plaintiff an affirmative duty of care (1) to provide for his emotional, physical and psychological well being and development and (2) to select or place Plaintiff in a safe, secure and appropriate environment with appropriate supervision, counsel and instruction.

25. Defendant was negligent in that:

a) It knew or should have known that clergy sexual abuse posed a grave and serious risk to minor children assigned to its care through the Operation Pedro Pan ; and

b) It knew or should have known that the camps, homes, schools, and institutions to which Plaintiff was consigned improperly and insufficiently provided for the care and safety of children such as Plaintiff; and

c) It failed to properly evaluate the homes, camps and, agencies to which Plaintiff was assigned and consigned; and

d) It failed to provide for appropriate monitoring and supervision of those camps and agencies to which Plaintiff was assigned and consigned.

26. As a direct and proximate result of Defendant's negligence, Plaintiff was injured. Plaintiff's damages consist of psychological and emotional damages and the cost of medical care. Plaintiff has suffered and continues to suffer from great pain of mind and body, continuing anger, depression, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, and loss of enjoyment of life. Plaintiff has suffered and continues to suffer from flashbacks, suicidal ideations, anxiety, and difficulty in trusting others. Plaintiff has lost his faith in any religious institution.

27. Plaintiff reserves the right, upon the proper showing of record evidence, to amend his complaint to seek punitive damages resulting from the reckless, wanton, and willful conduct of Defendant.

WHEREFORE, Plaintiff demands the entry of judgment against Defendant Archdiocese for damages, his court costs and for such other and further relief as this court may deem just and equitable.

Count II (Respondeat Superior—Vicarious Liability for Sexual Assaults)

28. Plaintiff realleges paragraphs 1 through 12, and 15 through 22 as if fully stated herein.

30. At all times material hereto Walsh was an agent of Defendant Archdiocese, under its supervision and control and acting within the course and scope of his agency or employment.

31. As a direct and proximate result of the sexual assaults on Plaintiff, Plaintiff was injured. Plaintiff's damages consist of psychological and emotional damages and the cost of medical care. Plaintiff has suffered and continues to suffer from great pain of mind and body, continuing anger, depression, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, and loss of enjoyment of life. Plaintiff has suffered and continues to suffer from flashbacks, suicidal ideations, anxiety, and difficulty in trusting others. Plaintiff has lost his faith in any religious institution.

32. Plaintiff reserves the right, upon the proper showing of record evidence, to amend his complaint to seek punitive damages resulting from the reckless, wanton, and willful conduct of Defendant Archdiocese.

WHEREFORE, Plaintiff demands the entry of judgment against Defendant Archdiocese for damages, his court costs and for such other and further relief as this court may deem just and equitable.

Jury Trial Demand

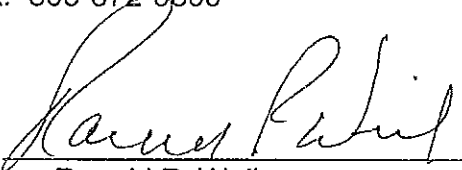
Plaintiff respectfully requests a jury trial of all issues so triable.

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was served via facsimile U.S. Mail this 9th day of June, 2006 upon the following:

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By: 
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Florida Bar No. 169966