J. R. CROCKETT, JR., ESQ.
CROCKETT & MYERS
Nevada Bar #000068
700 South Third Street
Las Vegas, Nevada 89101
(702)382-6711
Counsel for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

JOHN DOE 119,

Plaintiff,

vs.

ROMAN CATHOLIC BISHOP OF LAS VEGAS and His Successors, a Corporation Sole, f/k/a DIOCESE OF RENO-LAS VEGAS and its Predecessors and Successors, the CATHOLIC DIOCESE OF GREEN BAY, INC., and FR. JOHN PATRICK FEENEY,

Defendants.

Case No. A555265
Dept. No. II

AMENDED COMPLAINT

COMES NOW, Plaintiff John Doe 119, by and through his attorneys, the law firm of CROCKETT AND MYERS, and for his causes of action against the Defendants, and each of them, complains and alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiff John Doe 119 is an adult male resident of the state of Nevada whose identity is made known to Defendants by separate cover letter. Plaintiff was approximately 13 years old at the time of the sexual abuse alleged herein.

2. At all times material to the Complaint, Defendant Roman Catholic Bishop of Las Vegas was and continues to be a Nevada non-profit religious corporation, authorized to conduct business and conducting business in the State of Nevada with its principal place of business at 336 Cathedral Way, Las Vegas, Nevada 89109. At all times material to the Complaint, Defendant Roman Catholic Bishop of Las Vegas conducted business as the Diocese of Reno-Las Vegas. Hereinafter this defendant is known as the "Diocese of Reno-Las Vegas." Defendant Diocese of Reno-Las Vegas and its officials have ultimate authority and responsibility for the training,

ordination, placement, and, if appropriate, the discipline, removal and recommendation for laicization of all Roman catholic priests ordained in the Diocese of Reno-Las Vegas. Upon ordination, each and every priest of defendant Diocese of Reno-Las Vegas vows obedience to the Bishop and his successors. The Bishop also possesses individual responsibility for the care of each and every parish, and its members, located within the area that geographically compromises the Diocese of Reno-Las Vegas.

3. At all times material to the Complaint, Defendant Catholic Diocese of Green Bay, Inc. (hereinafter "Diocese of Green Bay") was and continues to be a non-profit religious corporation, authorized to conduct business and conducting business under the laws of the state of Wisconsin, with its principal place of business at 1919 South Webster Avenue, Green Bay, Wisconsin 54304. The chief operating officer and Ordinary of defendant Diocese of Green Bay, the Bishop of Green Bay, is appointed by the Pope and has ultimate authority and responsibility for the training, ordination, placement, and, if appropriate, the discipline, removal and recommendation for laicization of all Roman catholic priests ordained in the Diocese of Green Bay. Upon ordination, each and every priest of defendant Diocese of Green Bay vows obedience to the Bishop of Green Bay and his successors.

4. At all times material, John Patrick Feeney ("Feeney") was a Roman Catholic priest, having been ordained, educated, trained and employed and remaining under the direct supervision and control of Defendant Diocese of Green Bay, and from 1984 to 1987 was subject to the concurrent supervision, employ and control of Defendants Diocese of Green Bay and Defendant Diocese of Reno-Las Vegas, and remaining under the employ and control of said Defendants during all times material to this Complaint. From approximately September of 1984 through June of 1985, Feeney was working as a priest with an assignment at St. Francis De Sales Parish in Las Vegas, Clark County, Nevada.

5. At all times material to this complaint the Diocese of Green Bay was conducting business in Nevada and had at least one agent working in Nevada. The Diocese of Green Bay sent a known child molesting agent -Feeney- to Nevada. The Diocese of Green Bay knew that Feeney would have unlimited access to children while in Nevada, that he was very likely to molest

additional children in Nevada, and that Feeney would cause immense harm to children in Nevada. At all times that Feeney was in Nevada, he was under the control and supervision of the Diocese of Green Bay, as well as the Diocese of Reno-Las Vegas.

6. In 1952, Defendant Feeney was ordained as a Roman Catholic priest by Defendant Diocese of Green Bay. At that time, Defendant Feeney took a vow of obedience to the Bishop of Defendant Diocese of Green Bay, the Most Reverend Bishop Stanislaus V. Bona and his successors. Between 1984 and 1987, defendant Feeney also took vows of obedience to Bishop of Defendant Diocese of Reno-Las Vegas, the Most Reverend Bishop Norman F. McFarland and his successors.

7. John Patrick Feeney was ordained a Roman Catholic priest by Defendant Diocese of Green Bay and remained under the Diocese's direct supervision, employ and control during all times material to this Complaint.

8. During Feeney's tenure as a priest, defendant Diocese of Green Bay transferred Feeney to serve in several parishes and assignments in northeast Wisconsin and subsequently to Nevada. These parishes and assignments included the following:

a. June 20, 1952, assigned as Assistant Pastor at St. Joseph's in Green Bay, WI.

b. January 9, 1954, Pastor at Kewaunee, WI.

c. September 28, 1954, Assistant Pastor at St. Joe's, Sturgeon Bay, WI.

d. June 16, 1955, Pastor at St. Joe's, Clintonville, WI.

e. 1956, Pastor at Oshkosh, WI.

f. September 5, 1958, Assistant Pastor at Holy Redeemer, Two Rivers, WI.

g. September 5, 1961, Assistant Pastor at St. Therese's, Appleton, WI.

h. September 6, 1963, Assistant Pastor at St. Mary's, Chilton, WI.

i. September 8, 1965, Temp. Assistant Pastor at Clark Mills, WI.

j. October 25, 1965, Assistant Pastor at St. Edward's Isadore, Flintville, WI.

k. January 11, 1966, Temp Assistant Pastor at St. Ann's Francis Creek/Algoma, WI.

l. April 15, 1966, Assistant Pastor at Holy Name Parish, Maplewood, WI.

m. June 30, 1966, Temp. Assistant Pastor at St. Joe's, Wautoma, WI.

n. August 3, 1966, Admin. Pastor at Holy Family Parish, Elcho, WI, and St. Mary's, Pickerel, WI.

o. June 14, 1969, Pastor at St. Francis of Xavier, De Pere, WI.

p. June 20, 1973, Temp. Pastor at St. Bernadette's, Suamico, WI.

q. June 21, 1976, Pastor at St. Nicholas, Freedom, WI.

r. January 31, 1979, Temp. Pastor at St. Mary's Church, Stockbridge, WI.

s. November 9, 1983, left St. Mary's Church.

9. On information and belief, the Diocese of Green Bay moved Feeney to Nevada sometime in approximately 1984.

10. On information and belief, Feeney engaged in sexual contact with minor male individuals during the 1960's and 1970's.

11. On information and belief, the Green Bay Diocese required Feeney to get counseling with Dr. Thomas J. Kelley regarding his sexual issues. In a July 18, 1974 letter, Dr. Kelley indicated that he had mental health counseling sessions with Feeney and stated the following: "As I indicated, our evaluation conclusion is that under stress your usual controls over sexual impulses may fail and cause some indiscretions in this aspect of your functioning." (Attached as Exhibit 1.)

12. Each exhibit attached hereto is incorporated as if it was fully set forth within the Complaint.

13. In 1974, after Feeney was in counseling dealing with his sexual impulses, Feeney wrote to the Bishop of Green Bay and stated in part "Father Canavera was here today, as you know, and I was sorry to learn that you have received more complaints about me." (Attached as Exhibit 2.)

14. On information and belief, in September of 1978, the Bishop of Green Bay wrote a letter to Feeney which warned him about being more prudent in the hearing of confessions, especially with young people. (Attached as Exhibit 4.)

15. A document from the Catholic Diocese of Green Bay, Inc., listed "BRIEFING AND RESUME" describes the Diocese's knowledge of sexual activity by Feeney. In the memorandum, it states in part:

> In the recent past assignments, there have been accusations of improprieties of sexual or quasi-sexual nature in each assignment. These have been the cause of scandal and widespread rumor.
>
> * * *
>
> The accusations and the record of allegations date back years and include assignments at Chilton, Appleton, Freedom, Suamico, De Pere and, most recently, Stockbridge.
>
> Attempts were made to have Father Feeney undergo counseling. He has been in either counseling or psychological testing with Father Martin Pable, Dr. Thomas Kelley and, most recently, with Father John Van Deuren.
>
> At this time, it would seem difficult for the Diocese to continue to transfer the problem or even to try to protect from any possible prosecution.
>
> (Attached as Exhibit 3.)

16. The earliest of the assignments listed in the Briefing and Resume (Ex. 3.) was Appleton, Wisconsin. Feeney began working there in 1961.

17. In another memorandum, written in 1983 it states that there were "widespread accusations, allegations and rumors regarding sexual improprieties on the part of Father Feeney from previous parish assignments: St. Therese, Appleton; Feedom; Suamico; De Pere; Chilton, etc." (Attached as Exhibit 4.)

18. In approximately 1983, Defendant Diocese contemplated recommending Feeney for work in a different Diocese despite his history of abusing kids. (Attached as Exhibit 5.)

19. On October 3, 1983, Bishop Aloysius Wycislo wrote to Defendant Feeney, stating that Defendant Feeney had until January 1, 1984 to find a Bishop outside of the Catholic Diocese of Green Bay, Inc., who would be willing to accept Defendant Feeney into his Diocese for ministry. (Attached as Exhibit 6.) He further stated that:

> The Personnel Board has set January 1st as the deadline and has advised me that if you do not find a Bishop willing to accept you by that time you would need to report to a treatment center to assist you with your problems. I think you see the wisdom of this alternative, since time and time again I have been advised by civil servants, specifically the Attorney General, that unless the diocese promised to provide for treatment you would be prosecuted.
> (Ex. 6.)

20. Bishop Wycislo also stated in the letter that

> "[a]s I go through the total file of the hearings, your meetings with the Personnel Board and your response, the conclusion seems to be that in your best interest another diocese, another atmosphere, new people and new faces might be the answer to your problem. ... In my case, I am capable of forgetting about all this and writing a good letter of recommendation for you to a new Bishop, and I hope and pray you will find one." Exhibit 6. ... You have indicated to yourself, and we all tend to agree, that it is impossible to successfully reassign you in the Catholic Diocese of Green Bay, Inc.." (Ex. 6.)

21. By September of 1984, Defendant Feeney had been accepted for work by the Bishop for the Diocese of Reno-Las Vegas, and assigned as pastor of St. Francis De Sales parish. Feeney was then under the joint control of the Diocese of Green Bay and the Diocese of Reno-Las Vegas.

22. On information and belief, the Defendant Diocese of Green Bay never reported to local law enforcement or to the St. Francis De Sales Parish that Feeney had a prior history of sexual abuse toward male juveniles.

23. On information and belief, Defendant Diocese of Green Bay allowed Feeney to have unsupervised and unlimited access to altar boys and children at St. Francis De Sales Church.

24. On information and belief, Defendant Diocese of Green Bay did not tell any of the parishioners, children, or parents at St. Francis De Sales, including Plaintiff and his family, that Feeney had a long history of sexually molesting children, that the Diocese knew that Feeney had a long history of molesting children, and that it had information that Feeney had a pattern of grooming and molesting boys.

25. By allowing Feeney to go to Nevada with a good recommendation to his new Bishop and by allowing Feeney to serve as pastor at St. Francis De Sales parish in Las Vegas, Nevada, the Diocese affirmatively represented to minor children and their families at the parish, including Plaintiff and his family, that Feeney did not have a history of molesting children, that Defendant Diocese did not know that Feeney had a history of molesting children and that Defendant Diocese did not know that Feeney was a danger to children.

26. Defendant Diocese of Green Bay was in a specialized position where it had knowledge that Plaintiff did not. Defendant Diocese of Green Bay was in a position to have this knowledge because it was Feeney's employer and because the Diocese was responsible for Feeney. Plaintiff on the other hand was a minor child. As a child, he was not in a position to have

information about the Diocese's knowledge or Feeney's past sexual history.

27. Particularly, Defendant Diocese of Green Bay knew that Feeney had sexually molested numerous children and that Feeney was a danger to children before Feeney molested Plaintiff.

28. Because Defendant Diocese of Green Bay was in a position of superiority and influence over him, Plaintiff believed and relied upon these misrepresentations.

29. While relying on the misrepresentations, in approximately 1984, while Feeney was Pastor of St. Francis De Sales Church, Plaintiff John Doe 119 and three of his friends, also minor children, were invited to attend several Rebels football games with Feeney. He also joined them swimming at one of the friend's homes, and frolicked with them in the swimming pool. On one occasion following a football game, Defendant Feeney told Plaintiff about the sacrament of confession, and asked him to make his first confession to Feeney. During the confession, Feeney asked Plaintiff if he ever had "dirty thoughts" and if he had "dirty thoughts" about girls. During the confession Feeney kept his hand on Plaintiff's leg.

30. Not long thereafter, Feeney came into Plaintiff's home following a football game they had attended together. While Plaintiff's parents were in another room, Defendant Feeney sat down on a couch "in the entertainment center room" next to Plaintiff, put his arm around him, and asked Plaintiff if he had the Playboy channel on his television. Feeney then removed his arm, put one hand under Plaintiff's shirt, and the other under Plaintiff's shorts. Feeney then touched Plaintiff's genitals underneath Plaintiff's shorts. Plaintiff then "got up right away, and removed myself from the situation."

31. A few weeks later, then-principal of St. Francis De Sales School Monsignor LaVoy learned that Plaintiff had said to his friends that Defendant Feeney was "gay." LaVoy summoned Plaintiff to his office and questioned Plaintiff about his comments. Plaintiff reported to LaVoy what Defendant Feeney had done to him. LaVoy responded by telling Plaintiff that he should be "ashamed of himself," that Plaintiff had been a problem ever since he began attending St. Francis De Sales school, and that Plaintiff's father would have to come to school for a conference to determine whether Plaintiff would be allowed to remain at St. Francis De Sales School.

32. Plaintiff's father did attend a conference with Monsignor LaVoy the following day, and Plaintiff was allowed to remain at the school. Defendant Feeney also remained as pastor of St. Francis De Sales until at least the end of the school year.

33. Upon information and belief, neither Monsignor LaVoy nor any other agent or representative of Defendant Diocese of Reno-Las Vegas ever inquired of the Defendant Diocese of Green Bay whether Defendant Feeney had a history of sexual molestation of children, or why Defendant Feeney left the geographical confines of the Defendant Diocese of Green Bay, or regarding Defendant Feeney's assignment history in the Diocese of Green Bay.

34. Had Plaintiff or his family known what Defendant Diocese of Green Bay knew - that Feeney had sexually molested numerous children before Plaintiff and that Feeney was a danger to children, Plaintiff would not have been sexually molested.

35. A January 16, 1987 report by St. Bernardine Clinic concluded that Feeney had a diagnosable sexual disorder that is untreatable. It also discussed Feeney's sexual activity with inmates in Nevada. (Attached as Exhibit 7.)

36. A March 13, 1989 letter and a August 9, 1989 letter both to Bishop Adam Maida discusses the Defendants' practice of destroying documents. (Attached as Exhibits 8 and 9.)

37. On or about January of 2008, the Plaintiff observed media coverage regarding Defendant Feeney's history of sexual abuse of children in the Defendant Diocese of Green Bay, before Defendant Feeney came to Las Vegas.

38. Plaintiff did not discover that he had been defrauded or have any reason to believe that Defendant Diocese of Green Bay had defrauded him by holding Defendant Feeney out as a fit, competent and safe person to act as a Roman Catholic priest until January of 2008 after the press coverage in Las Vegas regarding Defendant Feeney's status as a convicted child molester and his history of sexually assaulting numerous minor boys throughout the 1960s, the 1970s and the early 1980s before coming to Las Vegas.

39. Plaintiff did not discover nor in the exercise of reasonable diligence, should have discovered that he was injured or that the cause of his injuries was either Defendant until recently because of the profound psychological damage that occurred as a result of the abuse and Defendants'

actions, including but not limited to Defendant Diocese of Green Bay's efforts to conceal itself as a cause of Feeney sexually molesting children and Defendant Diocese of Reno-Las Vegas' acts of intimidation, suppression and concealment after Plaintiff told of the abuse.

40. As a direct and proximate result of each Defendant's actions and inactions, Plaintiff now realizes that he has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life. Further, the plaintiff now realizes that he has been prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling. The amount of the plaintiff's damages will be fully ascertained at a jury trial.

FIRST CAUSE OF ACTION – NEGLIGENCE AGAINST DEFENDANT DIOCESE OF GREEN BAY

41. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

42. Defendant Diocese owed a duty to Plaintiff as a minor child exposed to Feeney.

43. Defendant Diocese of Green Bay knew or should reasonable have known of Feeney's dangerous and exploitative propensities as a child sexual exploiter and/or as an unfit agent and despite such knowledge, Defendant Diocese of Green Bay negligently retained and failed to provide reasonable supervision of Feeney.

44. Defendant Diocese also negligently failed to provide adequate warning to Plaintiff of Feeney's dangerous and exploitive propensities.

45. As a direct result of Defendant Diocese of Green Bay's negligent conduct, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief that the Court deems just and equitable.

SECOND CAUSE OF ACTION - FRAUD AGAINST DEFENDANT DIOCESE OF GREEN BAY

46. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

47. Defendant Diocese of Green Bay affirmatively represented to Plaintiff and his family that Feeney did not have a history of molesting children, that Defendant Diocese did not know that Feeney had a history of molesting children and that Defendant Diocese did not know that Feeney was a danger to children.

48. Feeney did have a history of sexually molesting children. Defendant Diocese knew that Feeney had a history of sexually molesting children and that he was a danger to children.

49. Plaintiff John Doe 119 justifiably relied upon Defendant Diocese's misrepresentations which caused him to be sexually molested by Feeney and suffer the other damages described herein.

50. Defendant Diocese of Green Bay knew that its misrepresentations were false or at least was reckless and without regard for whether these representations were true or false.

51. Defendant Diocese made the misrepresentation with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

WHEREFORE, Plaintiff demands judgment against Defendant Diocese of Green Bay in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief that the Court deems just and equitable.

THIRD CAUSE OF ACTION – FRAUD (INTENTIONAL NON-DISCLOSURE) AGAINST DEFENDANT DIOCESE OF GREEN BAY

52. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

53. Defendant Diocese of Green Bay knew that Feeney had a history of sexually molesting children before Plaintiff.

54. Whether or not Feeney had a history of sexual abuse was a material fact to Plaintiff.

55. Plaintiff relied on this non-disclosure.

56. Defendant Diocese intentionally did not disclose this fact to the then minor Plaintiff in order to induce him to act on the misrepresentations to his detriment.

57. Plaintiff relied upon this intentional non-disclosure, which caused him to be sexually molested by Feeney and suffer the other damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant Diocese of Green Bay in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief that the Court deems just and equitable.

FOURTH CAUSE OF ACTION -- VICARIOUS LIABILITY DEFENDANT DIOCESE OF GREEN BAY

58. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

59. At all times material, Father John Patrick Feeney was employed by Defendant Diocese of Green Bay. Defendant Feeney was under Defendant Diocese of Green Bay's direct supervision and control when he committed the acts described herein. Defendant Feeney engaged in this conduct while in the course and scope of his employment with Defendant Diocese and/or accomplished the sexual abuse by virtue of his job-created authority and therefore, Defendant Diocese is liable for the conduct of Defendant Feeney under the law of vicarious liability, including the doctrine of respondeat superior.

WHEREFORE, Plaintiff demands judgment against Defendant Diocese of Green Bay in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief that the Court deems just and equitable.

FIFTH CAUSE OF ACTION -- NEGLIGENCE AGAINST DEFENDANT DIOCESE OF RENO-LAS VEGAS

60. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

61. Defendant owed a duty to plaintiff as a minor child in its care and a minor child exposed to Feeney.

62. Defendant Diocese of Reno-Las Vegas, knew or should reasonably have known of Feeney's dangerous and exploitative propensities as a child sexual exploiter and/or as an unfit agent and despite such knowledge, Defendant Diocese negligently retained and failed to provide reasonable supervision of Feeney.

63. Defendant Diocese also knew or should have known that there was a pattern and practice of secretly moving child molesting priests from one Diocese to another.

64. Defendant Diocese also negligently failed to provide adequate warning to Plaintiff of Feeney's dangerous and exploitive propensities.

65. Defendant Diocese failed to properly investigate Feeney's background and ability to work with children before allowing Feeney to have unlimited access to minor children.

66. As a direct result of Defendant Diocese's negligent conduct, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant Diocese Reno-Las Vegas in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief that the Court deems just and equitable.

SIXTH CAUSE OF ACTION -- VICARIOUS LIABILITY DEFENDANT DIOCESE OF RENO-LAS VEGAS

67. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

68. At all times material, Father John Patrick Feeney was employed by Defendant Diocese. Defendant Feeney was under Defendant Diocese's direct supervision and control when he committed the acts described herein. Defendant Feeney engaged in this conduct while in the course and scope of his employment with Defendant Diocese and/or accomplished the sexual abuse by virtue of his job-created authority and therefore, Defendant Diocese is liable for the conduct of Defendant Feeney under the law of vicarious liability, including the doctrine of respondeat superior.

WHEREFORE, Plaintiff demands judgment against Defendant Diocese of Reno-Las Vegas in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief that the Court deems just and equitable.

SEVENTH CAUSE OF ACTION – BATTERY AGAINST DEFENDANT JOHN PATRICK FEENEY

69. Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count.

70. From approximately 1984 to 1985 Defendant Feeney, without provocation or

justification, engaged in unpermitted, harmful and offensive sexual contact upon the person of Plaintiff, who was a minor. The sexual abuse of Plaintiff was undertaken while Defendant Feeney was a managing agent of Defendants, while in the course and scope of Defendants Feeney's employment with Defendants and/or was ratified by Defendants.

71. As a result, Plaintiff has suffered substantial personal injury and damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant Feeney in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief that the Court deems just and equitable.

WHEREAS, Plaintiff, expressly reserving the right to amend this Complaint at the time of trial of the action herein to include all items of damage not yet ascertained, demands judgment against Defendants, and each of them, as follows:

1. General damages in excess of Ten Thousand Dollars ($10,000).
2. Special damages in excess of Ten Thousand Dollars ($10,000.00).
3. Attorney's fees if and as provided by the Nevada Revised Statutes;
4. Costs of this action; and
5. For such other and further relief as the Court deems just and proper in the premises.

DATED: Jan 22, 2008

CROCKETT & MYERS

J.R. CROCKETT, JR., ESQ.
Nevada Bar No. 000068
700 South Third Street
Las Vegas, NV 89101
(702) 382-6711