IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT- LAW DIVISION

JOHN DOE 130,	)	
	)	
Plaintiff,	)	Trial by Jury Demanded
	)	
v.	)	Case No.
	)	
THE CHICAGO PROVINCE OF THE SOCIETY OF JESUS a/k/a THE JESUITS.	)	
	)	
Defendants.	)	
	)	

COMPLAINT

NOW COMES Plaintiff John Doe 130, by and through his attorneys, KERNS, FROST & PEARLMAN, and for his causes of action against Defendants, states as follows:

PARTIES

1. Plaintiff John Doe 130 was born in August 1976 and is an adult male resident of the state of California.

2. At all times material, Defendant the Chicago Province of the Society of Jesus (the Defendant "Order" or "Jesuits") was and is a world-wide Roman Catholic religious order of priests and brothers. The Chicago Order does business in the state of Illinois, with its principal place of business located at 2050 N. Clark St., Chicago, IL 60614. The Defendant Order and its agents and employees were and continue to be responsible for the selection and assignment of clergy, supervision of clergy activities, the exercise of authority over various members of its religious order, and the maintenance of the well-being of its members.

3. At all times material, Father Donald J. McGuire, S.J., ("McGuire") was a priest and member of the Defendant Order. At all times material, McGuire was under the supervision,

employ and control of the Defendant Order. McGuire was an adult and designated holy figure at the time of the facts alleged herein.

FACTS

4. At all times material to the complaint, the Jesuits are and were part of the Roman Catholic Church.

5. Defendant McGuire began his formal training to become a priest in 1947 and was ordained a Priest in 1961. McGuire served as a Jesuit Priest until he was defrocked by the Jesuits in approximately February 2008. At all times since the time that McGuire began his training until approximately February 2008, Defendant Jesuits exercised supervisory authority over McGuire and monitored, supervised, trained, counseled, employed or otherwise controlled his secular and non-secular activities.

6. From 1965 to January 1970, McGuire was a teacher and scholastic advisor at Loyola Academy, a prestigious high school operated by Defendant Order. McGuire engaged in a pattern and practice of sexually abusing Loyola Academy students during the years that he taught at the school. For example, at various times from 1965 to 1969, McGuire had Loyola Academy students living with him in his room to facilitate his sexual abuse of them and did, in fact sexually abuse, several minors while teaching at Loyola. For example, between 1966 and 1968 Victor Bender, a Loyola Academy student, lived in McGuire's room and was sexually abused numerous times during that time period. Another Loyola Academy student, "John Doe 84", lived in McGuire's room at Loyola Academy between 1968 and 1969 and was sexually abused by McGuire on numerous occasions during that time.

7. Several Loyola administrators, officers, priests or teachers were aware, or should have been aware, that McGuire was sexually abusing minor boys while he was at Loyola

Academy, including forcing students to sleep overnight in his room. In 1969, one of McGuire's victims ("John Doe 84") told Father Schlax, an Archdiocese of Chicago priest assigned to Our Lady of Lourdes in Chicago, that McGuire was sexually abusing him. Father Schlax reported the conduct to the Defendant Order and several Jesuit Loyola Academy officials.

8. Defendant Jesuits received numerous reports of other incidents of sexual abuse of children by McGuire between 1969 (when they learned of the abuse of John Doe 84) and before Plaintiff John Doe 130 was first abused in approximately 1988.

9. Despite its actual or constructive knowledge of McGuire's activities and propensity to engage in childhood sexual abuse, the Jesuits transferred McGuire and allowed him to remain in ministry and travel around the world abusing children for at least 30 years after it knew of his sexual abuse of John Doe 84. Defendant Jesuits took these actions to avoid scandal and hide McGuire's abuse from the community, the police and other civil authorities.

10. On numerous occasions between 1991 and 2001, the Jesuits issued guidelines or directives regarding McGuire's activities, including guidelines relating to McGuire's activities with minors in response to continued reports regarding McGuire's wrongful conduct. Despite these "directives," the Jesuits never effectively monitored McGuire or limited his ministry. Instead, the Jesuits permitted him to remain in positions in which he had unrestricted access to minor children. From 1991 to 2003, McGuire continuously ignored the Jesuits' guidelines and directives relating to his activities.

11. Plaintiff was born and raised in California. Plaintiff was raised in a devout Roman Catholic family, and regularly celebrated mass, received the sacraments, and participated in church related activities. McGuire met and befriended Plaintiff's mother before Plaintiff was born. At all times material, McGuire was a confident, spiritual advisor and close friend to

Plaintiff's mother. Plaintiff and his mother frequently travelled to retreats given by McGuire in locations throughout the United States.

12. Plaintiff was raised to have deep respect for, and show obedience to priests, including McGuire. From an early age Plaintiff developed great admiration, trust, reverence, and respect for, and obedience to Catholic priests in general, and McGuire in particular.

13. From an early age, McGuire began sexually grooming Plaintiff. The sexual grooming of Plaintiff eventually progressed to sexual abuse. On numerous occasions between approximately 1990 (when Plaintiff was approximately 14 years old) and approximately 1995, McGuire sexually abused Plaintiff. McGuire's acts of abuse included physical sexual assaults on Plaintiff as well as McGuire frequently exposing Plaintiff to explicit pornography, McGuire fondling himself and masturbating in front of Plaintiff, McGuire frequently engaging in inappropriate and sexually graphic discussions with Plaintiff, and McGuire forcing Plaintiff to massage McGuire's entire body including his genital area.

14. McGuire's acts of sexual abuse took place in numerous locations including incidents during religious retreats featuring McGuire that Plaintiff attended. Several incidents of abuse occurred in California. Other incidents of abuse occurred at a Jesuit resident in Evanston, Illinois as well as other locations in the United States and abroad.

15. Because of the traumatic physical and psychological impact of the sexual abuse, Plaintiff did not realize that he had suffered injuries due to McGuire's abuse until recently.

16. Defendant Jesuits had learned of McGuire's pedophilic behavior and his propensity to engage in sexual abuse prior to McGuire's abuse of Plaintiff. The Jesuits failed to act on that knowledge.

17. The Jesuits did not remove McGuire from ministry or otherwise restrict his ministry or access to children in any meaningful way until 2003. The Jesuits did not report

McGuire to law enforcement or otherwise warn its members or the public at large that McGuire posed a significant risk to children until fall 2003. Until that time, the Defendant Jesuits represented that McGuire was a priest in good standing and allowed McGuire to continue in ministry all over the world where he could have access to and abuse children, including Plaintiff.

18. In February 2006, a Wisconsin jury criminally convicted McGuire of sexually abusing two minor boys during trips to Wisconsin while they were Loyola Academy students. In October, 2008, a federal jury in Chicago convicted McGuire of sexually abusing a minor boy on numerous occasions from 1999 to 2003.

19. Plaintiff has only recently become aware of the Jesuits' efforts to hide McGuire's sexual proclivities and prior abuse of children from the community and from Plaintiff, which efforts enabled McGuire to perpetrate his abuse of Plaintiff.

20. The sexual abuse of the Plaintiff John Doe 130 and the circumstances under which the abuse occurred, as well as recently learning of the secretive and fraudulent acts by the Defendant Jesuits that enabled and aided this abuse, has caused Plaintiff to develop various physical injuries and psychological injuries, including but not limited to, symptoms of psychological distress, great shame, guilt, self-blame, confusion, depression, repression, loss of self-esteem, humiliation, loss of enjoyment of life, loss of religious faith, severe psychological injury and will be deprived of earning capacity, and has and/or will in the future incur expenses for psychological treatment, therapy and counseling.

COUNT I: NEGLIGENCE

21. Donald J. McGuire was ordained as a Catholic Priest in 1961 and has, since his ordination until 2007, been employed as a Jesuit Order Priest. At all relevant times, McGuire's secular and non-secular activities were under the direct supervision and control of Defendant Jesuit Order. At all relevant times, Defendant Jesuits held Donald J. McGuire out as a fit agent.

22. Plaintiff was born and raised in California. Plaintiff was raised in a devout Roman Catholic family, and regularly celebrated mass, received the sacraments, and participated in church related activities. McGuire met and befriended Plaintiff's mother before Plaintiff was born. At all times material, McGuire was a confident and close friend to Plaintiff's mother. Plaintiff was taught to have deep respect for, and show obedience to priests, including McGuire. McGuire served as a spiritual advisor to Plaintiff's family.

23. From an early age Plaintiff developed great admiration, trust, reverence, and respect for, and obedience to Catholic priests in general, and McGuire in particular.

24. The Jesuits received numerous complaints or reports in the 1960s and thereafter that McGuire had engaged in inappropriate conduct with minors. Based upon these reports, Defendant Jesuits should reasonably have known of McGuire's dangerous and exploitative propensities as a child sexual abuser and/or an unfit agent prior to 1990.

25. On numerous occasions between approximately 1990 (when Plaintiff was approximately 14 years old) and approximately 1995, McGuire sexually abused Plaintiff. On numerous occasions between approximately 1990 (when Plaintiff was approximately 14 years old) and approximately 1995, McGuire sexually abused Plaintiff. McGuire's acts of abuse included physical sexual assaults on Plaintiff as well as McGuire frequently exposing Plaintiff to explicit pornography, McGuire fondling himself and masturbating in front of Plaintiff, McGuire frequently engaging in inappropriate and sexually graphic discussions with Plaintiff, and McGuire forcing Plaintiff to massage McGuire's entire body including his genital area.

26. McGuire's acts of sexual abuse took place in numerous locations in the United States and abroad, including incidents during religious retreats featuring McGuire that Plaintiff attended. Several incidents of abuse occurred in California. Several incidents of abuse also took place at a Jesuit resident in Evanston, Illinois.

27. At all material times, Defendant Jesuits exercised supervisory authority over McGuire and monitored, supervised, trained, counseled, employed or otherwise controlled his secular and non-secular activities.

28. Defendant Jesuits owed Plaintiff a duty to provide for his supervision, care, and physical safety in a reasonable manner.

29. Defendant breached this duty owed to Plaintiff by committing one or more of the following negligent acts and/or omissions, despite the fact that it should have known that McGuire posed a risk to children:

a. retained McGuire in his position of trust and authority as a priest, counselor and teacher, where he was able to commit the wrongful acts against Plaintiff;

b. failed to impose any meaningful restriction upon McGuire's conduct, activities, or access to minors, including Plaintiff;

c. failed to supervise McGuire's activities, conduct, whereabouts, and contact with minors, including Plaintiff;

d. failed to warn the community and potential victims, including Plaintiff or his family, about McGuire's behavior or the risk that he posed to minors;

e. otherwise acted with careless, negligent, and/or reckless disregard for the safety of minors, including Plaintiff.

30. Because of the traumatic physical and psychological impact of the sexual abuse, Plaintiff has only recently become aware of the Jesuits' efforts to hide McGuire's sexual proclivities and prior abuse of children from the community and from Plaintiff, which efforts enabled McGuire to perpetrate his abuse of Plaintiff.

31. As a direct result of these careless, negligent, or reckless acts and/or omissions, Plaintiff has suffered physical and psychological injuries, including but not limited to, symptoms of psychological distress, great shame, guilt, self-blame, confusion, depression, repression and dissociation.

WHEREFORE, Plaintiff demands judgment against Defendant The Chicago Province of the Society of Jesus in an amount in excess of $50,000.00 plus costs, disbursements, reasonable attorney's fees, interest, and such other relief as the court deems just and equitable.

COUNT II: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Plaintiff John Doe 130 incorporates paragraphs 1 through 20 of the Complaint as if fully set forth under this count.

32. Defendant Jesuits' conduct described herein is extreme and outrageous.

33. The Jesuits knew that there was a high probability that its conduct would inflict severe emotional distress upon Plaintiff John Doe 130.

34. The Jesuits recklessly disregarded the high probability that its conduct would inflict severe emotional distress upon Plaintiff and its conduct, did, in fact, cause Plaintiff John Doe 130 severe emotional distress.

35. Plaintiff suffered medically significant and diagnosable distress as a result of Defendant Jesuits' actions as set forth in the facts above.

WHEREFORE, Plaintiff John Doe 130 demands judgment against Defendant The Chicago Province of the Society of Jesus in an amount in excess of $50,000.00 plus costs, disbursements, reasonable attorney's fees, interest, and such other relief as the court deems just and equitable.

COUNT III: FRAUD

Plaintiff John Doe 130 incorporates paragraphs 1 through 20 of the Complaint as if fully set forth under this count.

36. Defendant Jesuits knew of McGuire's pedophilic behavior and his propensity to engage in sexual abuse prior to McGuire's abuse of Plaintiff. The Jesuits failed to act on that knowledge.

37. By allowing McGuire to have access to minor children and not warning anybody about McGuire's propensity to engage in sexual abuse, the Jesuits represented to Plaintiff John Doe 130 that McGuire did not have a history of molesting children, that the Jesuits did not know that McGuire had a history of molesting children, and that the Jesuits did not know that McGuire was a danger to children.

38. The Jesuits knew that McGuire had a history of sexually molesting children and that he was a danger to children.

39. The Jesuits knew that its misrepresentations were false or at least were reckless without care of whether these representations were true or false.

40. The Jesuits made the misrepresentations with the intent to deceive Plaintiff John Doe 130 and to induce him to act on the misrepresentations to his detriment.

41. Additionally, as an order of priests, Defendant Jesuit Order is in a position of trust with its followers and supporters, including Plaintiff John Doe 130. Because of its position of trust, the Jesuits owed Plaintiff John Doe 130 a duty to disclose to him that McGuire had a history of sexually molesting minor children.

42. The Jesuits breached their duty of disclosure to Plaintiff John Doe 130 by failing to disclose to him or his family that McGuire had a history of sexually molesting minor children.

43. Plaintiff John Doe 130 could not have discovered that McGuire had a history of sexually molesting minor children through reasonable inquire or inspection as the Jesuits intentionally concealed this fact from the public.

44. The Jesuits intentionally omitted this material fact to Plaintiff John Doe 130 to induce him to act to his detriment.

45. Plaintiff John Doe 130 believed that McGuire did not pose a danger to children and relied on Defendant Jesuits' affirmative misrepresentations and omissions of a material fact.

As a result of this reliance, Plaintiff John Doe 130 was sexually molested by McGuire and suffered the injuries described further herein.

WHEREFORE, Plaintiff John Doe 130 demands judgment against Defendant The Chicago Province of the Society of Jesus in an amount in excess of $50,000.00 plus costs, disbursements, reasonable attorney's fees, interest, and such other relief as the court deems just and equitable.

Respectfully Submitted,

By: _____
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ATTORNEYS FOR PLAINTIFF

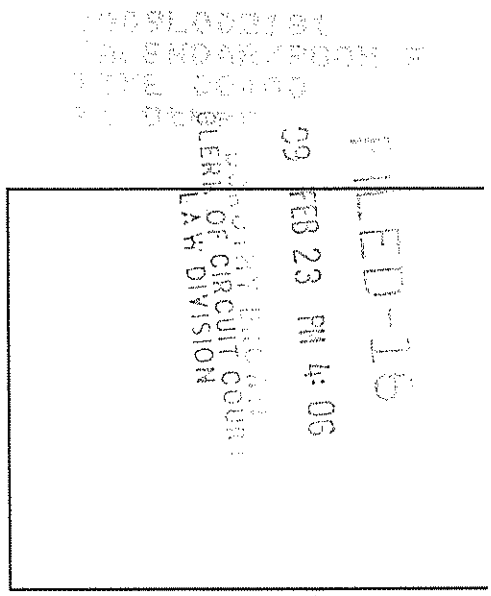
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JOHN DOE 130

v.

THE CHICAGO PROVINCE OF THE SOCIETY OF JESUS a/k/a THE JESUITS

No.



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CIVIL ACTION COVER SHEET - CASE INITITATION

A Civil Action Cover Sheet - Case Initiation shall be filed with the complaint in all civil actions. The information contained herein is for administrativepurposes only and cannot be introduced into evidence. Please check the box in front of the appropriate case type which best characterizes your action. ONLY ONE (1) CASE TYPE MAY BE CHECKED WITH THIS COVER SHEET.

Jury Demand ☑ **Yes** ☐ **No**

PERSONAL INJURY/WRONGFUL DEATH

CASE TYPES:

- ☐ 027 Motor Vehicle
- ☐ 040 Medical Malpractice
- ☐ 047 Asbestos
- ☐ 048 Dram Shop
- ☐ 049 Product Liability
- ☐ 051 Construction Injuries (including Structural Work Act, Road Construction Injuries Act and negligence)
- ☐ 052 Railroad/FELA
- ☐ 053 Pediatric Lead Exposure
- ☑ 061 Other Personal Injury/Wrongful Death
- ☐ 063 Intentional Tort
- ☐ 064 Miscellaneous Statutory Action *(Please Specify Below**)*
- ☐ 065 Premises Liability
- ☐ 078 Fen-phen/Redux Litigation
- ☐ 199 Silicone Implant

COMMERCIAL LITIGATION

CASE TYPES:

- ☐ 002 Breach of Contract
- ☐ 070 Professional Malpractice (other than legal or medical)
- ☐ 071 Fraud
- ☐ 072 Consumer Fraud
- ☐ 073 Breach of Warranty
- ☐ 074 Statutory Action *(Please Specify Below**)*
- ☐ 075 Other Commercial Litigation *(Please Specify Below**)*
- ☐ 076 Retaliatory Discharge

TAX & MISCELLANEOUS REMEDIES

CASE TYPES:

- ☐ 007 Confession of Judgment
- ☐ 008 Replevin
- ☐ 009 Tax
- ☐ 015 Condemnation
- ☐ 017 Detinue
- ☐ 029 Unemployment Compensation
- ☐ 036 Administrative Review Action
- ☐ 085 Petition to Register Foreign Judgment
- ☐ 099 All Other Extraordinary Remedies

OTHER ACTIONS

CASE TYPES:

- ☐ 062 Property Damage
- ☐ 066 Legal Malpractice
- ☐ 077 Libel/Slander
- ☐ 079 Petition for Qualified Orders
- ☐ 084 Petition to Issue Subpoena
- ☐ 100 Petition for Discovery

** _____

_____

Michael L. Brooks
Atty. #43936
Kerns, Frost & Pearlman, LLC

By: _____
(Attorney) (Pro Se)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

1910 - No Fee Paid
1919 - Fee Paid
Jury Demand

CCG N067-10M-6/09/04 ( )

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JOHN DOE 130

v.

THE CHICAGO PROVINCE OF THE SOCIETY OF JESUS a/k/a THE JESUITS

No.

2009L002181
CALENDAR/ROOM F
TIME 09:00
PI Other

FILED - LB
2009 FEB 23 PM 4:02
DOROTHY BROWN
CLERK OF CIRCUIT COURT
LAW DIVISION

JURY DEMAND

The undersigned demands a jury trial.

(Signature)

Dated: February 23, 2009

Atty. No.: 43936
Name: Michael L. Brooks/Kerns, Frost & Pearlman
Atty. for: Plaintiff John Doe 130
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DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS