

**HILLSBOROUGH COUNTY SUPERIOR COURT  
NORTHERN DISTRICT**

300 Chestnut Street  
Manchester, N.H. 03101  
(603) 669-7410

**TEMPORARY ADDRESS**

30 Spring Street  
P.O. Box 2143  
Nashua, NH 03061  
(603) 669-7410

**RECEIPT OF WRIT**

Date: July 21, 2010

DOCKET NUMBER: 10-C-359

**John Doe      v.      Diocese of Manchester and  
Missionary Oblates of Mary Immaculate**

The writ in the above-captioned matter was filed with the Clerk of this Court on: **July 21, 2010**

The Plaintiff or his/her attorney is to attach a copy of this receipt to identical copies of the original writ and deliver them to the Sheriff or other legally authorized entity for service on each named defendant. Sufficient copies shall be provided to allow for a service copy for each named defendant and a copy for each officer completing service to complete the return. The return copies shall be filed with the court in accordance with Superior Court Rule 3.

By Order of the Court

John M. Safford, Clerk

JMS/do

cc: John B. Kenison, Esq.  
Normand & Associates, P.A.  
15 High St.  
Manchester, NH 03101

# The State of New Hampshire

SUPERIOR COURT

HILLSBOROUGH COUNTY  
NORTHERN DISTRICT

( ) COURT  
(X) JURY

WRIT OF SUMMONS

JOHN DOE

v. DIOCESE OF MANCHESTER  
153 Ash Street  
Manchester, NH 03105

and

MISSIONARY OBLATES OF MARY IMMACULATE,  
PROVINCE OF THE UNITED STATES  
391 Michigan Avenue, NE  
Washington, DC 20017

The Sheriff or Deputy of any County is ordered to summon each defendant to file a written appearance with the Superior Court at the address listed below by the return day of this writ which is the first Tuesday of September, 2010 .  
YEAR MONTH

The PLAINTIFF(S) state(s):

SEE ATTACHED.

and the Plaintiff(s) claim(s) damages within the jurisdictional limits of this Court.

John Doe  
INDORSER (sign and print name)

7/21/2010  
DATE OF WRIT

#### NOTICE TO THE DEFENDANT

The Plaintiff listed above has begun legal action against you. You do not have to physically appear in Court on the return day listed above since there will be no hearing on that day. However, if you intend to contest this matter, you or your attorney must file a written appearance form with the Clerk's Office by that date. (Appearance forms may be obtained from the Clerk's Office.) You will then receive notice from the Court of all proceedings concerning this case. If you fail to file an appearance by the return day, judgment will be entered against you for a sum of money which you will then be obligated to pay.

Witness, Robert J. Lynn, Chief Justice, Superior Court.

John M. Safford  
John M. Safford, Clerk  
NH Superior Court Hillsborough County  
Northern District  
300 Chestnut St  
Manchester NH 03101-2490  
(603) 669-7410

[Signature]  
SIGNATURE OF PLAINTIFF/ATTORNEY  
John B. Kenison, Jr., Esq., NH Bar #5548  
PRINTED/TYPED NAME  
NORMAND & ASSOCIATES, P.A.  
15 High Street  
ADDRESS  
Manchester, NH 03101 / 603-624-6655  
PHONE

STATE OF NEW HAMPSHIRE

Case No. 10-C-0233

HILLSBOROUGH, SS.  
NORTHERN DISTRICT

SUPERIOR COURT

**JOHN DOE**

v.

**DIOCESE OF MANCHESTER**  
153 Ash Street  
Manchester, NH 03105

and

**MISSIONARY OBLATES OF MARY IMMACULATE,  
PROVINCE OF THE UNITED STATES**  
391 Michigan Avenue NE  
Washington, DC 20017

**PARTIES AND JURISDICTION**

1. These causes of action arises out of the sexual abuse of a child at various locations in New Hampshire by Father George St. Jean, *o.m.i.*, a Roman Catholic priest assigned to perform work and services at St. Brendan's parish and the Shrine of Our Lady of Grace in Coos County, New Hampshire.

2. The Plaintiff, John Doe, is an adult legal resident of the State of New Hampshire. He resides in Merrimack County. He has chosen to bring this suit under the pseudonym John Doe because this suit involves allegations of horrific child sexual abuse, and he fears further psychological harm if his identity is publicly disclosed. His identity will be made known to the Defendants under separate cover.

3. Defendant Diocese of Manchester owns and operates St. Brendan's parish, and

granted Fr. St. Jean faculties to minister in the Diocese of Manchester during the relevant time period. The Diocese of Manchester's principal place of business is located at 153 Ash Street, Manchester, Hillsborough County, New Hampshire.

4. Defendant Missionary Oblates of Mary Immaculate owns and operates the Shrine of Our Lady of Grace, located in Colebrook, New Hampshire, and trained, ordained, and assigned Fr. George St. Jean to the Shrine of Our Lady of Grace. Defendant Missionary Oblates of Mary Immaculate's principal place of business is 391 Michigan Avenue NE, Washington, D.C.

5. The monetary damages, including interest and costs, sought by the Plaintiff are within the jurisdictional limits of this court.

6. Therefore, this court has jurisdiction over this matter.

#### **FACTUAL ALLEGATIONS**

7. John Doe ("John") was born in May 1956. He was raised in a devout Catholic household that regularly participated in the Church. He was an altar boy at St. Brendan's parish, and served mass on a weekly basis during the relevant time period. His family regularly attended mass at St. Brendan's parish. John and his siblings attended Our Lady of Grace Academy, a private Catholic grammar school.

8. Father George St. Jean, *o.m.i.*, was a Catholic priest of the Missionary Oblates of Mary Immaculate Order ("the Oblates"). During John's youth, St. Jean was assigned by the Oblates to the Shrine of Our Lady of Grace in Colebrook, New Hampshire ("the Oblate Shrine"). Additionally, he regularly worked as a priest at St. Brendan's parish in Colebrook, New Hampshire, a parish owned and operated by the Diocese of Manchester. Through these assignments, St. Jean gained access to young John. He groomed and ingratiated himself with John by virtue of his position as a Roman Catholic priest performing mass at St. Brendan's.

9. Upon information and belief, the Oblates assigned St. Jean as follows:

1958-1959: Novitiate of Our Lady of Grace (Colebrook, NH)

1960-1961: Immaculata Retreat House (Williamantic, CT)

1962-1964: Oblates Retreat House (Hudson, NH)

1965-1972: Novitiate of Our Lady of Grace (Colebrook, NH)

1973-1974: Oblate Center (Natick, MA)

1975-1977: Oblate Fathers Residence (Lowell, MA)

10. Between 1967 and 1968, when John was approximately 11-12 years old, St. Jean sexually abused John on multiple occasions. The abuse generally occurred in an office at the Shrine of Our Lady of Grace. While John was at the Shrine playing basketball or badminton with the other priests and brothers, St. Jean frequently asked John to come inside under the auspices of discussing a common interest in coin and stamp collecting. On these visits, St. Jean would force John to touch his genitals and masturbate him.

11. On more than one occasion, St. Jean told John not to tell anyone about what St. Jean was doing because John would get into trouble if anyone found out what St. Jean was doing to him. John believed him and did not report what St. Jean was doing to him.

12. John continued to serve mass with St. Jean at St. Brendan's after the abuse began. Eventually he quit being an altar boy so he no longer had any contact with St. Jean, much to the disappointment of his parents.

13. By tradition, Roman Catholics, including John and his family, are taught to view priests as *Alter Christus*, or "another Christ" (See The Catechism of the Catholic Church, #1542-48). According to Catholic doctrine, priests are to be held in the highest esteem as earthly representatives of God, and priests, unlike lay persons, belong to a separate and higher state in

life. The so-called ontological change occurs at priestly ordination and elevates priests to a separate, higher “clerical state,” which it represents is of divine origin and in which a priest participates as “another Christ.” Because of that special state, lay persons such as John Doe are taught that a priest is entitled to special privileges. For these and other reasons relating to the practices of the Roman Catholic church, priests and other persons in leadership positions have traditionally occupied a position of great trust and allegiance among the parents and youth of New Hampshire, including John Doe.

14. As part of the traditional reverence of Catholic clergy, John Doe was instructed and indoctrinated as a child to show obedience to priests and was taught to believe (and did believe) that it would be sinful or wrong to make any kind of an accusation against a priest or Bishop. Additionally, John Doe was instructed and believed that priests and Bishops followed their promise of celibacy and virtue of chastity and could not, and would not, engage in conduct considered sexual, evil, or wrong. John Doe relied upon these teachings and incorporated them into his religious beliefs and practices. Accordingly, while St. Jean was engaging him in sexual contact, young John Doe believed that it would be sinful or wrong for anyone to make any kind of allegation against a priest, including St. Jean, or a Bishop. John Doe was coerced by the Defendants into silence and into not bringing a criminal charge or civil complaint against the Defendants for fear of committing a sin and suffering eternal damnation. Defendants are equitably estopped from interposing a statute of limitations defense because they knowingly and intentionally taught, encouraged, and counseled John Doe that priest was “another Christ” and that accusing a priest of wrongdoing was tantamount to accusing Christ himself of wrongdoing, and could result in eternal damnation.

15. In addition, Roman Catholics like John Doe and his family were taught and

instructed that Church issues and scandals should not be disclosed publicly or to law enforcement for fear of bringing scandal to the Church. “Good” Catholics, like John Doe, were taught and believed that such issues were best handled internally, by Church leaders, and that it was an assault upon their faith and their Church to make a public allegation of wrongdoing by a priest or a Church leader. Such a disclosure could result in excommunication and damnation. See, e.g., “On the Manner of Proceeding in Cases of Solicitation,” published by the Holy See in 1962. John Doe believed what Catholic priests taught him. These teachings kept the widespread problem of child molesting priests out of the public arena until recent years, and kept John Doe from disclosing his abuse until within the last two years.

16. John’s first adult disclosure of the sexual contact with St. Jean was in approximately 2008, when he reported to his mother and his wife that he had been sexually touched by a priest.

17. In May 2010, another victim of sexual abuse by St. Jean filed a lawsuit against these same Defendants. A media report informed John Doe that the Diocese of Manchester received multiple reports of St. Jean sexually abusing children. That was the first time John realized that the Diocese and Oblate Order were negligent in their supervision and retention of St. Jean as a Roman Catholic priest.

18. Upon information and belief, St. Jean sexually abused other children in a similar manner during his employment by the Oblates and the Diocese of Manchester (“the Defendants”). Both before and during the time period in which John was sexually abused, the Oblates and the Diocese of Manchester knew or should have known that St. Jean was sexually abusing children. At the time he was sexually abused, John was unaware that Defendants knew or should have known that St. Jean had sexually abused other children. Thus, despite the

exercise of diligence, John was unaware that the Defendants had done anything wrong in placing St. Jean in a position of access to him as a priest.

19. Upon information and belief, after finding out about St. Jean's sexual abuse of minors, the Defendants actively took steps to conceal the abuse and make affirmative misrepresentations in order to protect St. Jean, conceal Defendants' own wrongdoing in retaining and supervising St. Jean, and prevent John and other victims of St. Jean from filing civil lawsuits.

20. Each Defendant actively and fraudulently concealed information pertinent and relevant to claims relating to the sexual abuse in this matter for the purpose of protecting itself from civil liability and evading same.

21. Despite the exercise of reasonable diligence, Plaintiff did not and could not have discovered the Defendants' negligent conduct until May 2010, when he learned that the Defendants knew and failed to take responsive action, such as warning John Doe and his family about the danger posed by St. Jean or removing St. Jean from a position of access to children, including John.

#### **COUNT I – NEGLIGENCE (DIOCESE OF MANCHESTER)**

22. **IN A PLEA OF THE CASE**, the Plaintiff re-alleges and incorporates Paragraphs 1 through 21 as if fully set forth herein.

23. At all material times, Defendant Diocese of Manchester owed a duty to Plaintiff to use reasonable care to ensure the safety, care, well-being and health of the Plaintiff while he was under their care, custody or in the presence of their agents or employees. The Defendants' duties encompassed the assignment and supervision of Fr. George St. Jean while he worked at St. Brendan's parish, and otherwise providing a safe environment at St. Brendan's parish whereby

the Plaintiff would be free from the predatory behaviors of St. Jean.

24. St. Jean and John were in a fiduciary relationship. St. Jean held a special position of trust and confidence with John. John looked to St. Jean for counseling and guidance as Roman Catholic priest.

25. Defendant Diocese of Manchester was in a fiduciary relationship with John. John and his family placed their trust and confidence in the Defendant Diocese of Manchester's institutions. John looked to the Defendant Diocese of Manchester and their representatives for counseling and guidance. In addition, the Defendant Diocese of Manchester knew that John and his family had a special and privileged relationship with St. Jean. Defendant Diocese of Manchester owed John and his family a fiduciary duty to:

- (a) Investigate and warn parishioners, including John Doe's family, of the potential risk of harm by St. Jean;
- (b) Disclose its awareness of facts regarding St. Jean that created a likely potential for harm;
- (c) Disclose its own negligence with regard to hiring, supervision and retention of St. Jean;
- (d) Provide a safe environment for John where he would be free from St. Jean and his predatory behaviors; and
- (e) Protect John from exposure to harmful individuals like St. Jean.

26. Defendant Diocese of Manchester breached these duties by failing to exercise reasonable care to protect the minor Plaintiff from sexual assault and lewd and lascivious acts committed by their agent and/or employee, St. Jean.

27. At all relevant times, the Defendant Diocese of Manchester knew or in the

exercise of reasonable care should have known that St. Jean was unfit, dangerous, and a threat to the health, safety and welfare of the minors entrusted to his counsel, care and protection.

28. Despite such actual or constructive knowledge, the Defendant Diocese of Manchester provided St. Jean with unfettered access to John and gave him unlimited and uncontrolled privacy with the minor.

29. At all relevant times, Defendant Diocese of Manchester created an environment which fostered child sexual abuse against children it had a duty to protect, including John.

30. At all relevant times, Defendant Diocese of Manchester had inadequate policies and procedures to protect children they were entrusted to care for and protect, including John.

31. As a direct, proximate, and foreseeable result of Defendant Diocese of Manchester's negligence, John has suffered severe and permanent psychological, emotional and physical injuries and the inability to lead a normal life. Plaintiff's injuries are persistent, permanent, and debilitating in nature.

32. Despite the exercise of reasonable diligence, John only recently, in May 2010, learned of the Defendants' negligence in failing to respond to notice of sexual abuse involving St. Jean. Moreover, John only recently became aware of the causal connection between the Defendant Diocese of Manchester's negligence and the injuries he sustained.

WHEREFORE, Plaintiff, John Doe, prays that judgment be entered in his favor and against the Defendant, the Diocese of Manchester for compensatory damages, costs, expert witness fees, deposition expenses, pre- and post-judgment interest and for such other and further relief as this Court deems just and proper.

**COUNT II – NEGLIGENCE (THE OBLATES)**

33. **IN A PLEA OF THE CASE**, the Plaintiff re-alleges and incorporates Paragraphs 1

through 21 as if fully set forth herein.

34. At all material times, Defendant Oblates owed a duty to Plaintiff to use reasonable care to ensure the safety, care, well-being and health of the Plaintiff while he was under their care, custody or in the presence of their agents or employees. The Defendant Oblates' duties encompassed the assignment and supervision of Fr. George St. Jean while he worked at St. Brendan's parish and the Oblate Shrine, and otherwise providing a safe environment whereby the Plaintiff would be free from sexual abuse.

35. St. Jean and John were in a fiduciary relationship. St. Jean held a special position of trust and confidence with John. John looked to St. Jean for counseling and guidance as a Roman Catholic priest.

36. Defendant Oblates was in a fiduciary relationship with John. John Doe's family placed their trust and confidence in the Defendant's institutions. The Labbe family looked to the Defendant Oblates and their representatives for counseling and guidance. In addition, the Defendant Oblates knew that John Doe and his family had special and privileged relationships with St. Jean. Defendant Oblates owed John and his family a fiduciary duty to:

- (a) Investigate and warn parishioners, including John Doe's family, of the potential risk of harm by St. Jean;
- (b) Disclose its awareness of facts regarding St. Jean that created a likely potential for harm;
- (c) Disclose its own negligence with regard to hiring, supervision and retention of St. Jean;
- (d) Provide a safe environment for John where he would be free from sexual abuse; and

(e) Protect John from exposure to harmful individuals like St. Jean.

37. The Defendant breached these duties by failing to exercise reasonable care to protect the minor Plaintiff from sexual assault and lewd and lascivious acts committed by their agent and/or employee, St. Jean.

38. At all relevant times, the Defendant Oblates knew or in the exercise of reasonable care should have known that St. Jean was unfit, dangerous, and a threat to the health, safety and welfare of the minors entrusted to his counsel, care and protection.

39. Despite such actual or constructive knowledge, the Defendant Oblates provided St. Jean with unfettered access to John and gave him unlimited and uncontrolled privacy with the minor.

40. At all relevant times, Defendant Oblates created an environment which fostered child sexual abuse against children it had a duty to protect, including John.

41. At all relevant times, Defendant Oblates had inadequate policies and procedures to protect children they were entrusted to care for and protect, including John.

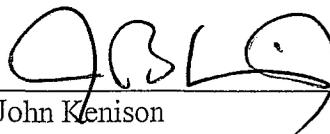
42. As a direct, proximate, and foreseeable result of Defendant Oblates' negligence, John has suffered severe and permanent psychological, emotional and physical injuries and the inability to lead a normal life. Plaintiff's injuries are persistent, permanent, and debilitating in nature.

43. Despite the exercise of reasonable diligence, John only recently, in May 2010, learned of the Defendant Oblates' negligence in failing to respond to notice of sexual abuse involving St. Jean. Moreover, John only recently became aware of the causal connection between the Defendant Oblates' negligence and the damages he sustained.

WHEREFORE, Plaintiff, John Doe, prays that judgment be entered in his favor and

against the Defendant, Missionary Oblates of Mary Immaculate, Province of the United States, for compensatory damages, costs, expert witness fees, deposition expenses, pre- and post-judgment interest and for such other and further relief as this Court deems just and proper.

Dated: July 21, 2010



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*Pending Pro Hac Vice Admission*