

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT DEPARTMENT
C. A. No. 10-3053(A)

JOHN DOE No. 70 & JOHN DOE No. 71,)
Plaintiffs)
)
v.)
)
ORDER OF FRIARS MINOR PROVINCE OF)
THE MOST HOLY NAME, JOHN DORITY,)
and MICHAEL MOE Nos. 1 - 10,)
Defendants)

JURY TRIAL DEMANDED

COMPLAINT

PARTIES

1. Plaintiffs JOHN DOE No. 70 ("JOHN No. 70"), and JOHN DOE No. 71 ("JOHN No. 71"), are individuals who bring this action in fictitious names, and who are identified in separate Affidavits which will have been, or will be, served upon the defendants.
2. Defendant ORDER OF FRIARS MINOR PROVINCE OF THE MOST HOLY NAME ("the FRANCISCANS")(also referred to herein as the "Order"), is a corporation duly organized under the laws of the Commonwealth of Massachusetts, with an usual place of business at 103 Arch Street, Boston, Suffolk County, Massachusetts.
3. Defendant JOHN DORITY ("DORITY") is an individual residing at 46 Wangumbaug Drive, Coventry, Connecticut.
4. Defendants MICHAEL MOE Nos. 1 - 10 are individuals whose names are presently unknown to the plaintiffs.

FACTS COMMON TO ALL COUNTS

5. At all times relevant to this action, JOHN DORITY was a duly ordained Roman Catholic Priest, assigned by defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 to various parishes and facilities for the purpose of performing the functions of a clergyman in the Order.
6. At times relevant to this action, defendants MICHAEL MOE Nos. 1 - 10 were individuals whose duties included supervision of DORITY.
7. At all times relevant to this action, defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 controlled and directed the hiring, training, supervision and retention of the clergymen who were ordained in their Order.
8. At all times relevant to this action, defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 controlled and directed the actions of defendant DORITY.
9. Plaintiff JOHN No. 70, starting in about 1968-9 when he was about 13 years old, and continuing to about 1972, was sexually assaulted by defendant DORITY.
10. Defendant DORITY, by his acts, inflicted severe emotional distress upon JOHN No. 70.
11. Until August 7, 2007, plaintiff JOHN No. 70 was unable to understand the damage which defendant DORITY had inflicted upon him by these acts.
12. Plaintiff JOHN No. 71, starting in about 1966-7 when he was about 10 years old, and continuing to about 1971, was sexually assaulted by defendant DORITY.
13. Defendant DORITY, by his acts, inflicted severe emotional distress upon JOHN No. 71.
14. Until December, 2009, plaintiff JOHN No. 71 was unable to understand the damage

which defendant DORITY had inflicted upon him by these acts.

15. Plaintiffs are reliably informed and believe that defendant DORITY committed sexual assaults on other young males, who were under his care and supervision, while he was assigned to various facilities and parishes operated by the Order, and that defendant DORITY was an open and notorious pedophile, who is listed in one or more public Sex Offender Registries.
16. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 knew, or in the exercise of reasonable care should have known, of defendant DORITY's prior and on-going sexual assaults.
17. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 knew, or in the exercise of reasonable care should have known, that defendant DORITY was not a fit person to be placed in charge of the supervision of young males.
18. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 knew, or in the exercise of reasonable care should have known, that defendant DORITY was not a fit person to be retained in a position in which he would have access to young males.
19. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 knew, or in the exercise of reasonable care should have discovered, that defendant DORITY was engaged in illegal and inappropriate sexual conduct with young males under his supervision.
20. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 failed to train defendant DORITY properly to perform his duties as a supervisor of young males.
21. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 all knew, or in the

exercise of reasonable care should have discovered, at various times during the past fifty years, that the aforesaid acts of sexual abuse were occurring, that the number and kinds of acts of abuse were of such a magnitude that public disclosure would be a major scandal for the Order, but they conspired to keep this information from becoming public knowledge, which conspiracy made it possible for defendant DORITY to commit, and to continue to commit, sexual abuses, assaults and rapes upon the plaintiffs and others.

22. Although defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 all received definitive knowledge that DORITY had abused children under the care and protection of the Order, said defendants made no effort to identify and provide appropriate services for those children, but instead continued to engage in the aforesaid conspiracy to the present time.
23. Plaintiff JOHN No. 70, as a result of the sexual assaults upon him, and the negligence of defendants FRANCISCANS and MICHAEL MOE Nos. 1 - 10, has been seriously and permanently injured, and continues to suffer from psychological disease, which impairs and affects all aspects of his life.
24. Plaintiff JOHN No. 71, as a result of the sexual assaults upon him, and the negligence of defendants FRANCISCANS and MICHAEL MOE Nos. 1 - 10, has been seriously and permanently injured, and continues to suffer from psychological disease, which impairs and affects all aspects of his life.

COUNT 1

25. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.

26. As a direct and proximate result of defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10's negligence, the plaintiff JOHN No. 70 was sexually assaulted. He suffered bodily harm, humiliation, severe emotional distress, and permanent psychological damages. He has incurred expenses and will likely incur future expenses for medical and psychological treatment, and has suffered loss of income.

COUNT 2

27. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.

28. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 are vicariously liable for the negligent acts by which DORITY injured the plaintiff JOHN No. 70.

COUNT 3

29. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.

30. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10's breach of their duty to the plaintiff JOHN No. 70 was the result of wilful or wanton misconduct, grossly negligent acts or omissions, and/or acts or omissions intentionally designed to harm, or to hide DORITY's acts of sexual abuse.

COUNT 4

31. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.

32. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 negligently inflicted emotional distress upon plaintiff JOHN No. 70.

COUNT 5

33. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
34. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 each, at various times during the past fifty years, and continuing to the present time, intentionally and fraudulently hid the existence of the aforesaid acts of sexual abuse, conspired to keep this information from becoming public knowledge, and protected DORITY from criminal prosecution.
35. By virtue of said conspiracy, defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 are jointly and severally liable to the plaintiff for the injuries which he has suffered because of the acts of DORITY who was able, thereby, to commit, and to continue to commit, sexual abuses and assaults upon the plaintiff JOHN No. 70.

COUNT 6

36. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
37. Defendant DORITY assaulted and battered plaintiff JOHN No. 70.

COUNT 7

38. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
39. Defendant DORITY negligently inflicted emotional distress upon plaintiff JOHN No. 70.

COUNT 8

40. Plaintiffs reallege and incorporate herein the allegations contained in each and

every other paragraph of this Complaint.

41. Defendant DORITY intentionally inflicted emotional distress upon plaintiff JOHN No. 70.

COUNT 9

42. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
43. Defendant DORITY breached his fiduciary duty to the plaintiff to provide spiritual guidance and religious instruction to the plaintiff when he sexually abused plaintiff JOHN No. 70, and committed clergy malpractice.

COUNT 10

44. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
45. Defendant DORITY interfered with plaintiff JOHN No. 70's rights under the constitution and laws of the United States, and under the constitution and laws of the Commonwealth of Massachusetts. He is liable to said plaintiff in accordance with G.L. c. 12, §11H and I.

COUNT 11

46. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
47. As a direct and proximate result of defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10's negligence, the plaintiff JOHN No. 71 was sexually assaulted. He suffered bodily harm, humiliation, severe emotional distress, and permanent psychological damages. He has incurred expenses and will likely incur future

expenses for medical and psychological treatment, and has suffered loss of income.

COUNT 12

48. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
49. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 are vicariously liable for the negligent acts by which DORITY injured the plaintiff JOHN No. 71.

COUNT 13

50. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
51. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10's breach of their duty to the plaintiff JOHN No. 71 was the result of wilful or wanton misconduct, grossly negligent acts or omissions, and/or acts or omissions intentionally designed to harm, or to hide DORITY's acts of sexual abuse.

COUNT 14

52. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
53. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 negligently inflicted emotional distress upon plaintiff JOHN No. 71.

COUNT 15

54. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
55. Defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 each, at various times during the past fifty years, and continuing to the present time, intentionally and

fraudulently hid the existence of the aforesaid acts of sexual abuse, conspired to keep this information from becoming public knowledge, and protected DORITY from criminal prosecution.

56. By virtue of said conspiracy, defendants the FRANCISCANS and MICHAEL MOE Nos. 1 - 10 are jointly and severally liable to the plaintiff for the injuries which he has suffered because of the acts of DORITY who was able, thereby, to commit, and to continue to commit, sexual abuses and assaults upon the plaintiff JOHN No. 71.

COUNT 16

57. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
58. Defendant DORITY assaulted and battered plaintiff JOHN No. 71.

COUNT 17

59. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
60. Defendant DORITY negligently inflicted emotional distress upon plaintiff JOHN No. 71.

COUNT 18

61. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
62. Defendant DORITY intentionally inflicted emotional distress upon plaintiff JOHN No. 71.

COUNT 19

63. Plaintiffs reallege and incorporate herein the allegations contained in each and

every other paragraph of this Complaint.

64. Defendant DORITY breached his fiduciary duty to the plaintiff to provide spiritual guidance and religious instruction to the plaintiff when he sexually abused plaintiff JOHN No. 71, and committed clergy malpractice.

COUNT 20

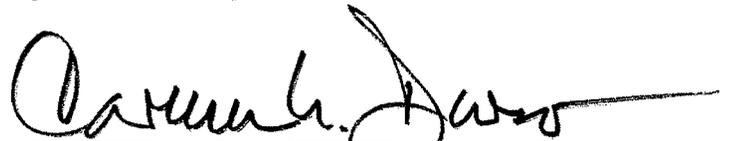
65. Plaintiffs reallege and incorporate herein the allegations contained in each and every other paragraph of this Complaint.
66. Defendant DORITY interfered with plaintiff JOHN No. 71's rights under the constitution and laws of the United States, and under the constitution and laws of the Commonwealth of Massachusetts. He is liable to said plaintiff in accordance with G.L. c. 12, §11H and I.

DEMAND

Plaintiffs demand judgment against the defendants on each of the Counts stated, in an amount which is fair, just and adequate for the injuries and damages sustained, and the pain and suffering endured, plus interest and costs

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.

By their Attorney,



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