

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

CASE NO. 10-53775 CA 05

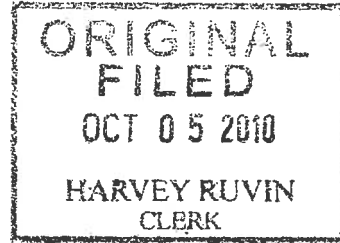
WILLARD TRENT,

Plaintiff,

vs.

ARCHDIOCESE OF MIAMI, INC.,
ARCHDIOCESE OF MIAMI, A CORPORATION
SOLE, and ARCHBISHOP WENSKI AS
CORPORATE SOLE OF THE ARCHDIOCESE
OF MIAMI,

Defendants.



COMPLAINT

Plaintiff, WILLARD TRENT, brings this Complaint against Defendants, ARCHDIOCESE OF MIAMI, INC., ARCHDIOCESE OF MIAMI, A CORPORATION SOLE and ARCHBISHOP WENSKI AS CORPORATE SOLE OF THE ARCHDIOCESE OF MIAMI, as follows:

PARTIES AND JURISDICTION

1. This is an action for damages arising from the sexual abuse of a child by priests with the ARCHDIOCESE OF MIAMI. One of the priests who committed the sexual abuse was Father THOMAS DENNEHY.
2. This action seeks compensation in excess of \$5 million.
3. Plaintiff WILLARD TRENT is an adult resident of the State of Florida and is sui juris.
4. Defendant ARCHDIOCESE OF MIAMI, INC. is a non-profit Florida Corporation. Defendants ARCHDIOCESE OF MIAMI, INC., ARCHDIOCESE OF MIAMI, A COPORATION SOLE and ARCHBISHOP FAVALORA AS CORPORATE SOLE OF THE

ARCHDIOCESE OF MIAMI (collectively the "ARCHDIOCESE" or the "ARCHDIOCESE OF MIAMI") are responsible for the interests of the Roman Catholic Church in Broward and Miami-Dade Counties. During the relevant time period, the ARCHDIOCESE owned, operated, and staffed St. John the Baptist, and supervised the priests who lived and worked there, including Father DENNEHY.

5. Cardinal Gibbons High School was a private Catholic high school established by the ARCHDIOCESE in 1961. From 1961-1973, DENNEHY served as its Supervising Principal/Superintendent. During that time, he also served as pastor of St. John the Baptist parish, which met on the Cardinal Gibbons High School property while the church building was being constructed.

SEXUAL ABUSE OF PLAINTIFF

6. WILLARD was born in 1954. From approximately 1967 until approximately 1968, he served as an altar boy at St. John the Baptist parish. During that time period, the church building was being built and the church met in the gymnasium of Cardinal Gibbons High School.

7. On multiple occasions during that time period, WILLARD was sexually abused by Father DENNEHY. The abuse often occurred after mass. The abuse included masturbation, oral copulation, and sodomy.

8. As part of the deviant sexual abuse, Father DENNEHY made WILLARD dress in girl's clothing. In this regard, DENNEHY made WILLARD dress in a girl's uniform from Cardinal Gibbons High School, and then sodomized him.

9. At some point during the period of abuse, DENNEHY introduced WILLARD to another priest, who began sexually abusing WILLARD as well. On multiple occasions, this second priest sodomized WILLARD.

10. DENNEHY repeatedly threatened WILLARD that if WILLARD told his parents about the sexual contact, no one would believe him and he would be punished. WILLARD believed DENNEHY and did not report the sexual contact to anyone. Other times, DENNEHY

made WILLARD repeat an oath that if WILLARD told anyone about the abuse, he would be damned to burn in Hell or a lake of fire.

11. On at least one occasion, a nun walked in while WILLARD was wearing only underwear. She asked WILLARD if he was all right, and Father DENNEHY told her that it was none of her concern. Later that day, the nun approached WILLARD and asked him if he was all right, and WILLARD was too scared to disclose what was happening with Father DENNEHY. After that, Father DENNEHY began chaining the doors together so no one would interrupt future incidents of abuse.

12. On at least one occasion, DENNEHY and two other priests brought WILLARD to Miami for a special ceremony for altar boys. WILLARD received a special medal for his work as an altar boy. After the ceremony, WILLARD was sexually abused by DENNEHY and the two other priests.

13. The horrific sexual abuse continued on a regular and repeated basis until WILLARD was no longer an altar boy.

14. WILLARD repressed all memory of his sexual abuse until 2009. When he was having problems with his physical health, he went back to St. John the Baptist for solace. He had no memories of being sexually abused at that time. He spoke with another priest about his youth and serving as Father DENNEHY's altar boy. Shortly thereafter, WILLARD had his first memory of being sexually abused by DENNEHY as a child.

15. Upon information and belief, Father DENNEHY sexually abused other boys before and during the time he abused WILLARD. Upon information and belief, the ARCHDIOCESE knew or should have known that Father DENNEHY was a sexual predator before and during the time he sexually abused WILLARD but failed to report this information to the community of faith or to civil authorities, including law enforcement. The ARCHDIOCESE failed to warn WILLARD that Father DENNEHY was a sexual predator.

16. Upon information and belief, at all relevant times, the ARCHDIOCESE had

knowledge of Father DENNEHY's history of sexual perversity and inappropriate contact with children.

17. Upon information and belief, the Defendants concealed information that was pertinent and necessary for WILLARD to bring civil claims in this matter. Upon information and belief, after finding out about Father DENNEHY's sexual abuse of children, the Defendants actively took steps to conceal the abuse.

18. Despite its knowledge, the ARCHDIOCESE took no action against Father DENNEHY and continued to give him unfettered access to young boys.

19. At all relevant times, the ARCHDIOCESE had a policy of concealment in response to discovery of child sexual abuse or allegations of abuse. Among other things, a 1962 "confidential" policy document issued by the Vatican to all Catholic Bishops, including the Archbishop of the ARCHDIOCESE, instructed that allegations or incidents of sexual abuse were to be maintained in the "strictest" secrecy, and threatened those who violated this policy with excommunication. The policy was intended to conceal sexual abuse by clergy and the ARCHDIOCESE wrongful conduct which facilitated the sexual abuse by clergy. The 1962 policy document was derived from an earlier 1922 document, which, in turn, was based on policies and practices of the Catholic Church dating back to the Middle Ages. In 2001, Cardinal Joseph Ratzinger, now Pope Benedict XVI, authored a memo reaffirming the 1922 and 1962 policies. This memo refers to sexual abuse by a cleric with a minor under the age of 18, and instructs that cases involving such conduct "are subject to the pontifical secret", *i.e.*, any inquiry is to be conducted in the strictest secrecy, for which a violation is subject to the penalty of excommunication. As instructed in Cardinal Ratzinger's memo, this secrecy is to be maintained for a period of 10 years after the child victim reaches the age of 18 – a period of time sufficiently long to encompass the expiration of any statute of limitations. In this manner, the Church entity's knowledge of abuse would be concealed until the threat of civil liability had passed.

20. Upon information and belief, after WILLARD was abused, the ARCHDIOCESE

engaged in a plan and scheme consistent with the Vatican's secrecy policies and practices to avoid discovery of Father DENNEHY's sexual predatory behavior and the ARCHDIOCESE's wrongful conduct which enabled Father DENNEHY's sexual abuse of boys.

21. At all relevant times, it was the Defendants' policy to document reports of child sexual abuse; investigate internally such claims; interview witnesses; prepare a report detailing its investigation and findings; and to document responsive action with regard to the accused clergy. Pursuant to the Vatican's 1962 confidential policy document, the documentation for this investigation and report was to be placed in a special, separate file maintained in the "strictest" secrecy. All persons involved in the investigation were likewise sworn to the strictest secrecy. Upon information and belief, the ARCHDIOCESE maintained one or more such secret files on Father DENNEHY, which contained evidence and information regarding Father DENNEHY's sexual abuse of young children and the wrongful conduct of the ARCHDIOCESE that enabled Father DENNEHY's sexual abuse.

22. The secrecy policy was subsequently clarified and modified by the National Catholic Conference of Bishops, which instructed bishops across the United States, including the Archbishop of the ARCHDIOCESE, to destroy, conceal or hide incriminating documents if a risk were perceived that such documents could be discovered through, among other things, discovery rules or orders in civil or criminal proceedings. The purpose or intent of these instructions was to avoid scandal and evade civil liability for the Defendants' conduct in harboring pedophile clergy and placing children at risk. Upon information and belief, incriminating documents in files relating to the acts and conduct of Father DENNEHY were destroyed, lost, concealed or hidden in accordance with this policy and practice.

23. Upon information and belief, pursuant to its policies, practices and procedures, the ARCHDIOCESE concealed and altered documents which would have disclosed that the ARCHDIOCESE's wrongful conduct regarding Father DENNEHY was the proximate cause of the Plaintiff's injuries.

24. Additionally, pursuant to the general policies and practices of Defendants, secret files were maintained for sensitive materials, including files on clergy personnel engaged in sexual abuse of minors, which concealed facts demonstrating the Defendants' role in enabling and facilitating these abhorrent acts. It was further the policy and practice of the Defendants for their employees and representatives to maintain the secrecy of these files as a duty of the highest order, trumping other duties and moral obligations, including not only the duty to disclose but the obligation to tell the truth as well.

25. The policies and practices of the ARCHDIOCESE designed to conceal sexual abuse by clergy and protect it from scandal and civil liability include the following:

- (a) transfer and reassignment of clergy known or suspected to abuse minors;
- (b) concealing from parishioners and even other clergy that a priest reassigned to their parish posed a danger to children;
- (c) failing to alert parishioners from the priest's prior assignments that their children were exposed to a known or suspected child molester;
- (d) failing to report sexual abuse to criminal authorities as required by law; and
- (e) otherwise protecting and fostering the interests of abusive clergy to the detriment of the victims and the community, for the purpose of avoiding scandal and public scrutiny.

26. Upon information and belief, the ARCHDIOCESE became aware that Father DENNEHY was sexually abusing minors in the relevant time frame and took affirmative steps to conceal the abuse and its own malfeasance in accordance with the foregoing policies and practices. The ARCHDIOCESE had a statutory duty to report this information to the authorities, but failed to make any such report, consistent with its plan and scheme to conceal its knowledge of Father DENNEHY's sexual abuse of boys.

27. Upon information and belief, at all relevant times the ARCHDIOCESE actively

concealed facts that would have informed WILLARD and/or his family that the negligent acts and omissions of the ARCHDIOCESE were a proximate cause of the abuse and his injuries.

28. Father DENNEHY and WILLARD were in a fiduciary relationship. Father DENNEHY was in a position of trust and confidence with WILLARD. WILLARD looked to Father DENNEHY for counseling and guidance.

29. The ARCHDIOCESE was in a fiduciary relationship with WILLARD. The ARCHDIOCESE was in a position of trust and confidence with WILLARD. WILLARD looked to the ARCHDIOCESE and its representatives for counseling and guidance. In addition, the ARCHDIOCESE knew that WILLARD had a special and privileged relationship with Father DENNEHY.

30. The ARCHDIOCESE owed WILLARD a fiduciary duty to:

- a) Investigate and warn WILLARD of the potential for harm from Father DENNEHY;
- b) Disclose their awareness of facts regarding Father DENNEHY that created a likely potential for harm;
- c) Disclose their own negligence with regard to hiring, supervision and retention of Father DENNEHY;
- d) Provide a safe environment for WILLARD where he would be free from abuse; and
- e) Protect WILLARD from exposure to harmful individuals like Father DENNEHY.

31. The ARCHDIOCESE breached its fiduciary duty to WILLARD by failing to:

- a) Investigate and warn WILLARD of the potential for harm from Father DENNEHY;
- b) Disclose its awareness of facts regarding Father DENNEHY that created a likely potential for harm;

- c) Disclose their own negligence with regard to hiring, supervision and retention of Father DENNEHY;
- d) Provide a safe environment for WILLARD where he would be free from abuse; and
- e) Protect WILLARD from exposure to harmful individuals like Father DENNEHY.

32. Upon information and belief, before, during and after the period in which WILLARD was abused by Father DENNEHY, the ARCHDIOCESE engaged in acts to conceal and cover up its negligence in the hiring, retention and/or supervision of Father DENNEHY. This campaign included, without limitation, (i) maintaining one or more secret files and destroying or removing incriminating documents within its files; (ii) covering up and concealing reports of sexual abuse of boys by DENNEHY; (iii) transferring and reassigning DENNEHY to avoid discovery of his sexual abuse of boys; and (iv) failing to disclose facts pertaining to the ARCHDIOCESE's negligence despite its fiduciary duty to disclose this information. The ARCHDIOCESE in this manner prevented discovery of information that would have informed a reasonable person that the negligent acts and omissions of the ARCHDIOCESE was a proximate cause of Plaintiff's injuries.

COUNT I
NEGLIGENCE

33. Plaintiff repeats and realleges Paragraphs 1 through 32 above.

34. At all material times, the ARCHDIOCESE owed a duty to Plaintiff to use reasonable care to insure the safety, care, well being and health of WILLARD while he was under the care, custody or in the presence of the ARCHDIOCESE. The ARCHDIOCESE's duties encompassed the hiring, retention and supervision of Father DENNEHY and otherwise providing a safe environment for WILLARD.

35. The ARCHDIOCESE breached these duties by failing to protect WILLARD from

sexual assault and lewd and lascivious acts committed by the agent and employee of the ARCHDIOCESE, Father DENNEHY.

36. At all relevant times, the ARCHDIOCESE knew or in the exercise of reasonable care should have known that Father DENNEHY was unfit, dangerous, and a threat to the health, safety and welfare of the minors entrusted to his counsel, care and protection, including WILLARD.

37. With such actual or constructive knowledge, the ARCHDIOCESE provided Father DENNEHY unfettered access to WILLARD and gave him unlimited and uncontrolled privacy.

38. At all relevant times, the ARCHDIOCESE created an environment which fostered child sexual abuse against children it had a duty to protect, including WILLARD.

39. At all relevant times, the ARCHDIOCESE had inadequate policies and procedures to protect children it was entrusted to care for and protect, including WILLARD.

40. As a direct and proximate result of the ARCHDIOCESE's negligence, WILLARD suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

41. The Archdiocese's conduct shows a reckless or willful disregard for the safety and well being of WILLARD.

WHEREFORE, Plaintiff demands judgment against the ARCHDIOCESE OF MIAMI for compensatory damages, costs and such other and further relief as this Court deems proper.

COUNT II

RESPONDEAT SUPERIOR / VICARIOUS LIABILITY

42. Plaintiff repeats and realleges Paragraphs 1 through 32 above.

43. Father DENNEHY was at all material times hereto an employee, appointee and agent of the ARCHDIOCESE.

44. Father DENNEHY was authorized to be alone with WILLARD and to have

unfettered and unsupervised access to young WILLARD in the rectory and elsewhere.

45. The acts described above occurred on the premises of land operated and/or controlled by the ARCHDIOCESE (or at a place authorized by the ARCHDIOCESE), occurred during working hours, and occurred in the course and scope of the performance of Father DENNEHY's duties. Father DENNEHY's initial contact and relationship with WILLARD was in furtherance of the business of the ARCHDIOCESE. In addition, Father DENNEHY was authorized to touch WILLARD and display affection in a manner consistent with providing counseling, spiritual guidance and leadership. Father DENNEHY extended and converted his authorized touching into the sexual abuse of WILLARD as described above.

46. Upon information and belief, Father DENNEHY was authorized to touch WILLARD in an improper manner.

47. The wrongful acts of Father DENNEHY were committed in the actual or apparent course and scope of his employment or agency with the ARCHDIOCESE.

48. The wrongful acts were committed while Father DENNEHY was doing what his employment or agency contemplated.

49. Father DENNEHY acted with willful or reckless disregard for WILLARD'S welfare.

50. Father DENNEHY's conduct was outrageous, going beyond all bounds of decency.

51. As a result of Father DENNEHY's conduct, WILLARD suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

52. Under the doctrine of respondeat superior, the ARCHDIOCESE is responsible for the negligent, reckless and intentional actions of its servants, including Father DENNEHY,

committed in the actual or apparent scope of his duties.

WHEREFORE, Plaintiff demands judgment against the ARCHDIOCESE OF MIAMI for compensatory damages, costs and such other and further relief as this Court deems just and proper.

COUNT III
DIRECT CORPORATE LIABILITY
FOR SEXUAL BATTERY

53. Plaintiff repeats and realleges paragraphs 1 through 32 above.

54. As pastor of St. John the Baptist parish, DENNEHY was the highest ranking official at the parish. DENNEHY was in charge of and responsible for the conduct and activities at St. John the Baptist.

55. The ARCHDIOCESE is directly liable for intentional torts committed by its managing agent by virtue of his position.

56. At all relevant times, DENNEHY was a managing agent of the ARCHDIOCESE.

57. By virtue of DENNEHY's position at St. John the Baptist as a managing agent of the ARCHDIOCESE, the acts of DENNEHY are indistinguishable from the acts of the ARCHDIOCESE.

58. By virtue of DENNEHY's position as managing agent, DENNEHY was able to commit acts of sexual abuse upon WILLARD TRENT.

59. The ARCHDIOCESE sexually and tortiously committed battery upon WILLARD TRENT over a lengthy period on numerous occasions.

60. At the time of these acts of sexual battery, WILLARD TRENT was a minor.

61. These acts of sexual battery were in violation of various criminal statutes, including without limitation, Chapters 794 and 800 of the Florida Statutes.

62. As a direct and proximate result of these acts, Plaintiff WILLARD TRENT has suffered severe, ongoing, and permanent injuries, including mental, psychological and emotional trauma.

WHEREFORE, Plaintiff WILLARD TRENT demands judgment for compensatory damages, costs and such other and further relief as this Court deems just and proper. Plaintiff intends to move to further amend the Complaint in accordance with Florida Statutes to assert a claim for punitive damages.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action.

Dated: October 5, 2010.

Respectfully submitted,

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