

**IN THE CIRCUIT COURT OF JACKSON COUNTY
INDEPENDENCE DIVISION
STATE OF MISSOURI**

**Jane Doe 49, by and through her parents,
John Doe 50 and Jane Doe 51, as Next Friend,
and John Doe 50 and Jane Doe 51, individually**

PLAINTIFFS

VS.

FATHER SHAWN RATIGAN

SERVE AT:

**Clay County Detention Center
12 S. Water Street
Liberty, MO. 64068**

BISHOP ROBERT FINN

SERVE AT:

**The Catholic Center
20 West 9th Street
Kansas City, MO. 64105**

AND

**THE DIOCESE OF KANSAS CITY –
ST. JOSEPH**

SERVE AT:

**The Catholic Center
20 West 9th Street
Kansas City, MO. 64105**

DEFENDANTS

CASE NO:

DIVISION:

**FILED-CIRCUIT COURT
JACKSON CO., MO-1
2011 AUG 11 PM 4:18**

PLAINTIFFS' PETITION

COME NOW PLAINTIFFS and for their causes of action against Defendants allege as

follows:

PARTIES

1. Plaintiff Jane Doe 49 is a minor female resident of the State of Missouri, who brings this lawsuit through her parents and guardians, John Doe 50 and Jane Doe 51 who are also residents of the State of Missouri. The true identity of Plaintiff and her guardians are being withheld on the grounds that Jane Doe 49 is a minor and a victim of the sex crimes described herein.

2. Defendant Father Shawn Ratigan is a resident of the State of Missouri, currently incarcerated in the Clay County Jail.

3. Defendant Diocese of Kansas City – St. Joseph is a not for profit corporation registered to do business in the State of Missouri, with a principle address at The Catholic Center, 20 West Ninth Street, Kansas City, Missouri 64105.

4. Defendant Bishop Robert Finn is an individual adult male resident of the State of Missouri who is the head of the Diocese of Kansas City – St. Joseph.

VENUE

5. Venue is proper in Jackson County under R. S. Mo. 508.010 (2005), in as much as this is an action in tort and Jackson County is a place where Plaintiffs were injured by the wrongful acts.

6. Multiple photographs of the minor plaintiff have been located, but it is not possible to determine when or where the first photographs were taken.

7. Plaintiffs have been able to identify the location of some of the photographs as having been taken in Eastern Jackson County. Accordingly, venue is appropriate in Jackson County, Independence Division.

FACTS

8. Father Shawn Ratigan was ordained in 2004 and served in the following parishes in the Diocese of Kansas City-St. Joseph: St. Thomas More in Kansas City, Missouri; St. Mary's Parish in St. Joseph, Missouri; St. Joseph's Parish in Easton, Missouri; St. Patrick's Parish in Kansas City, Missouri.

9. Father Shawn Ratigan also served as pastor of the following schools in the Diocese of Kansas City-St. Joseph: St. Thomas More School, Bishop LeBlond High School, St. Patrick's School and Early Childhood Center.

10. Father Ratigan also went on Mission trips including to Guatemala and other Diocesan required and/or approved events with children from St. Pius School and other area schools.

11. After Fr. Ratigan became a Priest with the Diocese of Kansas City – St. Joseph, he began photographing and taking visual images of the minor plaintiff in poses that displayed her underwear, buttocks and her vaginal area.

12. Said photographs are lewd and lascivious, constitute child pornography and childhood sexual abuse.

13. In May 2011 and at times before, when Jane Doe 49 was 9 years old and younger, defendant Ratigan engaged her in sexually explicit conduct.

14. Defendant Ratigan created visual depictions and / or photographs of the sexually explicit conduct of the minor plaintiff. Said photographs and images constitute child pornography and childhood sexual abuse.

15. Upon information and belief, Defendant Ratigan uploaded the sexually explicit images to his computer and Father Ratigan distributed the sexually explicit images of the minor plaintiff over the internet.

16. In approximately 2006, an employee of the Diocese reported to the Diocese that she had observed suspicious behavior involving Father Ratigan and a 4 year old girl.

17. In response, the Diocese and Defendant Bishop Finn concealed the report in order to protect Father Ratigan, Bishop Finn and the Diocese from scandal.

18. In August 2008, the Diocese and Defendant Bishop Finn contractually agreed to report to DFS or law enforcement any reasonable suspicions that any child was being placed in a position in which abuse could occur. Defendants did not make any reports to any outside agency regarding Fr. Ratigan's behavior with children.

19. In May 2010, the Principal at St. Patrick's School and Parish in Kansas City, Missouri, Julie Hess, reported to the Diocese concerns and incidents in which Father Ratigan had been inappropriate with children at school. Those concerns included, but were not limited to, the following:

a. Parents, staff members and parishioners became concerned that Father Ratigan's actions fit the profile of a child predator, that he was grooming children for future abuse;

b. Fr. Ratigan repeatedly violated Diocesan policies as set forth in the "Protecting God's Children" trainings by violating the "Circle of Grace" physical boundaries with children;

c. Fr. Ratigan insisted repeatedly he had the right to "be close" to children;

- d. Fr. Ratigan brushed aside counseling, complaints and discussions regarding the appropriate boundaries with children, openly disdain the Diocesan policies put in place concerning physical touching of children;
- e. Fr. Ratigan allowed children to sit on his lap, leaning back against him on school sponsored events;
- f. Fr. Ratigan made it known that teachers who counseled him on boundaries or watched over his interactions with children were causing problems, creating an uncomfortable position for the administration relative to its assigned pastor;
- g. Fr. Ratigan allowed children to reach into his pockets for candy;
- h. Fr. Ratigan swung children above his head, including girls in uniform skirts;
- i. Fr. Ratigan touched children in such a way that parents became concerned about it;
- j. Fr. Ratigan communicated freely with children on his "Facebook" pages, included pictures of them and their full names on that page and requested the children to "friend" him on Facebook;
- k. Fr. Ratigan habitually interrupted classes and shared inappropriate information with students;
- l. At a teachers meeting, the teachers agreed to intervene and directly tell children not to jump on Father Shawn, not to hang on his legs and not to put their hands in his pockets any more.

m. Fr. Ratigan took hundreds of pictures of kids during special events, on field trips and in their every day school activities, none of which have been used for any official use such as yearbook;

n. By October 2009, Fr. Ratigan appeared “obsessed” with a fifth grade girl, evidencing “peer to peer” interaction with her instead of adult to child;

o. Fr. Ratigan spent inordinate amounts of time with the girls in a particular class;

p. Fr. Ratigan told classes he wanted them to express their real sins in confession, including those concerning committing adultery;

q. Fr. Ratigan’s home seemed inappropriately childlike including having stuffed animals all over the furniture, and kitchen hand towels shaped like doll clothes.

r. Parishioners found little girl’s panties in a planter in Father Ratigan’s back yard while the Brownie Scouts were planting flowers at Father Ratigan’s home.

s. Fr. Ratigan intruded on the P.E. classes, playing with the children in such manner that teachers had to step in and tell the children that it was inappropriate.

20. No apparent action was taken by either Bishop Finn or the Diocese in response to these concerns. In a statement, Bishop Finn indicated that he did not read the 4 ½ page letter from Principal Hess.

21. Approximately seven months after that letter was provided to the Diocese, the Diocese learned that Father Ratigan had naked pictures of little girls on his computer.

22. On approximately December 16, 2010, Fr. Ratigan reported having problems with his personal laptop computer.

23. That computer was taken to a computer repair person who located multiple images of girls under the age of 12 years old with the focus of the picture being on their vaginal area.

24. Many of the images appeared to be “up-skirt” photographs taken covertly with the focus of the picture being on the vaginal area while clothed.

25. A nude photograph focused on the genitals of a minor female was located in a folder on the computer containing the girl’s name.

26. The computer repair person took the computer to Deacon Mike Lewis, making him aware of the images located on the hard drive.

27. Deacon Mike Lewis turned the computer over to the Diocese for review.

28. The Diocese made a copy of the images found on the laptop computer.

29. On December 17, 2010, Fr. Ratigan failed to show up for 8:30 a.m. mass. Deacon Mike Lewis responded to his residence to check on his welfare and found him unconscious in his closed garage with his motorcycle running.

30. A suicide note was found inside the residence stating he was sorry for any harm he had caused the church, that he was sorry to the kids and to his family.

31. The congregation was told that Fr. Ratigan had an accident and was suffering from carbon monoxide poisoning. They were told to keep Fr. Ratigan in their prayers.

32. The children at St. Patrick’s were encouraged and /or required to write get well notes to Father Ratigan.

33. Following the suicide attempt, Fr. Ratigan was hospitalized for emergency care then placed in psychiatric care at KU Hospital.

34. Following his release from KU hospital, Fr. Ratigan was sent by the Diocese and Bishop to Pennsylvania for an approximately one day long evaluation.

35. Thereafter, Father Ratigan returned to live with his mother for a period of approximately one month.

36. On or about early February, 2011, Bishop Finn assigned Father Ratigan as chaplain to the Sisters of St. Francis, a Diocesan convent in Independence, Missouri requiring the priest to stay at the Vincentian House on those grounds.

37. At no time were any parents warned to keep children away from Fr. Ratigan.

38. At no time were any family members warned that Fr. Ratigan was a danger to children or that children should be kept away from him.

39. At no time were any parishioners warned to keep children away from Fr. Ratigan.

40. At no time were reports to the Department of Family services made by any member of the Diocesan hierarchy, including Bishop Robert Finn.

41. Fr. Ratigan continued to have access to his smart phone with internet capability, cameras and the guest computer at the Vincentian house.

42. The Sisters of St. Francis have a mission dedicated to education including of elementary age boys and girls.

43. As part of their mission, the Sisters often host young girls for retreats, dinners and other events at the motherhouse in Independence.

44. The Sisters of St. Francis had no supervisory capacity over Fr. Ratigan as Diocesan priests are supervised by their Bishop or his delegates.

45. Complaints that Fr. Ratigan did not have enough to do to fill his time, spent much of his time on the guest computer and often left the premises on his motorcycle went unheeded by the Diocese.

46. Fr. Ratigan spent several weekends away from the Vincentian house and motherhouse, often staying with Catholic parishioners who had young children and no warning or understanding about Fr. Ratigan's propensity to photograph and abuse children.

47. Fr. Ratigan went to Catholic parishioners homes for dinner with their families and children on many occasions while living at the Vincentian House.

48. Fr. Ratigan was invited by unsuspecting parishioners to their children's parties and other events where he continued to take pictures of them.

49. In approximately May, 2011, Bishop Finn gave permission for Fr. Ratigan to be a co-presiding priest at a communion mass of a young girl.

50. On or about March 1, 2011, the Bishop told Fr. Ratigan's family to pick up the computer from the Chancery offices as the Diocese had completed its investigation and was finished with the computer.

51. The family was told that Fr. Ratigan should not have access to the internet or computer. Accordingly, the family destroyed Fr. Ratigan's computer.

52. On Easter Sunday, 2011, Fr. Ratigan invited certain children and their parents to the Sisters of St. Francis for mass followed by an Easter egg hunt.

53. During the course of the Easter egg hunt, Fr. Ratigan took sexually explicit photographs of one of the children present.

54. On or about May 13, 2011, officials in the Diocesan headquarters turned the pictures it had downloaded from Father Ratigan's computer to the police.

55. Nearly six months elapsed between the time that the pictures were found on Fr. Ratigan's computer and when they were turned over to law enforcement.

56. The Diocese and Defendant Bishop Finn possessed the child pornography of Plaintiff Jane Doe 173, as well as a number of other girls, for approximately seven months before contacting law enforcement in order to conceal the images and photographs from law enforcement in order to protect the Diocese, Defendants Ratigan and Bishop Finn from scandal.

57. In May 2011, the child pornography of Plaintiff Jane Doe 49, as well as other girls, was turned over to law enforcement.

58. On or about May 16, 2011, Fr. Ratigan was arrested for three counts of possessing child pornography. At that time, the Diocese announced that Fr. Ratigan had not obeyed its command to stay away from children and turned the matter over to the Police.

59. Defendant Bishop and Diocese followed a policy that prohibited investigation into allegations of sexual misconduct by its priests by failing to report to DFS or law enforcement and purposefully refusing to allow the "Independent Review Board" or any member charged with internal investigatory matters to have access to information critical to the investigation.

60. The minor plaintiff has been damaged as described herein as a result of the abuse, production, distribution, receipt and viewing of the child pornography of the minor plaintiff.

61. The minor plaintiff has been damaged as described herein as a result of the violation of the duties owed her by the Diocese, Bishop and Fr. Ratigan for the child abuse described herein.

62. At all times, the Diocese including the Bishop, were responsible for the care and custody of minor children who were their parishioners.

63. At all times, the Diocese including the Bishop, were responsible for the care and custody of minor children who were in the zone of danger created by Fr. Ratigan.

64. At all times material hereto, Ratigan was under the direct supervision, employ and control of the Diocese and its representative, the Bishop.

65. Defendant Diocese and its representative, the Bishop provided training to Fr. Ratigan on how to perform the specific positions of a priest and a pastor.

66. Defendant Diocese and its representative, the Bishop, hired, supervised and paid assistance to Fr. Ratigan.

67. At all times Defendant Ratigan acted upon the authority and at the request and / or permission of the Defendant Diocese and Defendant Bishop.

68. Defendant Ratigan performed much of his work on the premises owned by Defendant Diocese.

69. Defendant Diocese furnished tools and materials to aid and abet defendant's conduct as alleged hereinafter. Defendant Diocese and Bishop engaged in affirmative acts designed to conceal, misrepresent and ratify the acts of Fr. Ratigan, aiding and abetting his abuse of children.

70. Defendants, by maintaining and encouraging a close, trusting and confidential relationship with all Plaintiffs, entered into a confidential relationship with them. In addition, by accepting the care, custody and control of the minor plaintiff, defendants stood in the position of an *in loco parentis* relationship with the minor plaintiff. As a result of these special relationships between plaintiffs and defendants, plaintiffs trusted and relied upon defendants to nurture and protect the minor child while in Defendants' care and custody. The power imbalance between Defendants and Plaintiffs increased their vulnerability to Defendants.

71. At the time that Defendant Ratigan engaged in unlawful sexual abuse with the minor plaintiff, Defendant Ratigan falsely represented to all Plaintiffs that he was providing spiritual counseling, comfort, mentor and advice to plaintiff.

72. Defendants Bishop and Diocese knew or should have known that their allowing Defendant Ratigan's access to young children as part of their official duties after reports of impropriety involved an unreasonable risk of causing harm to the minor plaintiff, her parents and other similarly situated individuals.

73. After learning of Defendant Ratigan's wrongful conduct, Defendant Diocese ratified the wrongful conduct described herein. Defendant Diocese knew of, encouraged and failed to intervene to stop the abuses of Fr. Ratigan, instead giving him greater authority and power in the Church.

74. The Diocese ratified the abuse by ignoring reports of parishioners that Ratigan was engaging in inappropriate sexualized activity with children; deliberately mischaracterized records concerning sexual misconduct with children to appear that it was the child's doing, misleading its parishioners and the public in its communications regarding Ratigan, and failing to report sexual misconduct of Ratigan to law enforcement authorities, prospective parishioners, current parishioners, their families, and victims.

75. Defendant Diocese knew or should have known, that its actions would prevent plaintiffs from discovering their injuries, their complaints or possible other complaints or victims, and ultimately create new trauma as the duplicity of its conduct is revealed and the trust violation exposed.

76. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical

manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT I
CHILD SEXUAL ABUSE
(DEFENDANT RATIGAN)

77. Plaintiff incorporates paragraphs 1 – 76 as if fully set forth herein

78. In approximately 2011, Defendant Ratigan engaged in sexual conduct and contact upon the person of the minor Plaintiff in violation of R.S.Mo. § 537.046.

79. Said acts were committed while Defendant Ratigan was acting within the course and scope of employment with the Diocese and/or Bishop, were committed while Defendant Ratigan was a managing agent of the Diocese and/or Bishop and/or were ratified by the Diocese and/or Bishop.

80. Defendants' actions were willful, wanton or reckless for which punitive damages and/or an award for aggravating circumstances are appropriate.

81. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT II
CHILDHOOD SEXUAL ABUSE
(DEFENDANTS DIOCESE, BISHOP)

82. Plaintiff incorporates paragraphs 1 – 76 as if fully set forth herein

83. In May 2011 and various times prior to that, Defendant Ratigan engaged in sexual conduct and pornography upon the person of the plaintiff, a minor in violation of R.S.Mo. § 537.046.

84. Said acts were committed while Defendant Ratigan was acting within the course and scope of employment with the Diocese and/or Bishop, were committed while Defendant Ratigan was a managing agent of the Diocese and / or Bishop and / or were ratified by the Diocese and / or Bishop.

85. Defendants Diocese and Bishop aided and abetted and / or ratified the acts of abuse perpetrated upon the plaintiff in the following manner:

a. Defendants Bishop and Diocese continued to place Defendant Ratigan in positions requiring him to be in contact with and in supervision over children following knowledge that Ratigan was being sexually inappropriate with children.

b. Defendant Bishop and Diocese followed a policy that prohibited investigation into allegations of sexual misconduct by its priests and purposefully refused to allow the “Independent Review Board” or any member charged with internal investigatory matters to have access to information critical to the investigation.

c. Defendant Bishop and Diocese failed or refused to take reports by parishioners and even employees of the abuses of Defendant Ratigan.

d. Defendant Bishop and Diocese ignored reports of parishioners that Fr. Ratigan was engaging in inappropriate sexualized activity with children;

e. Defendant Bishop and Diocese deliberately mischaracterized Fr. Ratigan's absence as an illness, requesting children and parishioners to send get well cards to him and requesting prayer by the Parishioners for his recovery;

f. Defendant Bishop and Diocese deliberately failed to warn or inform Parishioners, family members or any other individuals or organizations about Fr. Ratigan's using their children to create pornographic material, instead encouraging parishioners, including the small children, to maintain a relationship with him.

g. Defendant Bishop and Diocese deliberately mislead its parishioners and the public in its communications regarding Fr. Ratigan.

h. Defendant Bishop and Diocese hid the abuses of Ratigan, preventing investigation into them and covering up the allegations, making them accessories before, during and after the fact.

86. Defendant Bishop and Diocese had a duty to protect the plaintiff by virtue of their status *in loco parentis* and due to the trust and confidence reposed by plaintiffs in the Bishop and Diocese.

87. The Defendants Bishop and Diocese stood in the shoes of the Fr. Ratigan by aiding and abetting and/or ratifying the abuse, making the Diocese and Bishop responsible to the same degree as Ratigan for the abuse perpetrated on plaintiff.

88. Defendants' actions were willful, wanton or reckless for which punitive damages and/or an award for aggravating circumstances are appropriate.

89. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,

and loss of enjoyment of life; was prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT III
INTENTIONAL FAILURE TO SUPERVISE CLERGY
(DEFENDANT DIOCESE AND BISHOP)

90. Plaintiff incorporates paragraphs 1 – 76 of this Petition as if fully set forth herein.

91. At all times material, Defendants Diocese and Bishop were the supervisors and employers of Defendant Ratigan.

92. Defendants had actual knowledge of previous sexual misconduct by clergy within its boundaries, including Defendant Ratigan, and that future harm was certain or substantially certain to result without proper supervision. Defendants received reports of Ratigan's inappropriate touching of young girls when it was reported by staff members at St. Mary's in approximately 2006. Thereafter, the Diocese received reports of inappropriate behavior in May 2010 and was given the computer containing pornographic pictures in December 2010. Upon information and belief, reports were made at other times as well.

93. Despite this actual knowledge, defendants disregarded the known risk of sexual abuse by Fr. Ratigan.

94. Defendants' inaction caused injury to plaintiff.

95. Plaintiff was sexually violated on the property owned and operated by Defendant Diocese or on which defendant Fr. Ratigan had authority to enter solely by virtue of his status as a priest.

96. Defendants knew or should have known that inappropriate touching and engaging in pornography with young children by its employees and/or designated agents would cause or was substantially certain to cause those children harm.

97. Despite the risk posed by Defendant Ratigan, Defendants continued to place the priest in positions in which he would have daily contact with children and parishioners as well as vulnerable members of the public.

98. Despite the risk posed by Defendant Ratigan, Defendants ratified his actions of being alone with small children by approving and paying for his travel expenses, covering up his earlier abuses, allowing him to have young children at the Sisters of St. Francis, requiring him to have supervisory duties over small children, paying expenses associated with outings with children, allowing him to take children on mission trips, and allowing him to take children alone with him on unsupervised outings.

99. By engaging in these actions, Defendants disregarded the risk posed by Defendant Ratigan to these children.

100. Access to plaintiff would not have been gained but for Defendant Ratigan's status as priest with the Defendant Diocese and under the supervision of Defendant Bishop.

101. Defendant's actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

102. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing

their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT IV
NEGLIGENT FAILURE TO SUPERVISE CHILDREN
(ALL DEFENDANTS)

103. Plaintiff incorporates paragraphs 1 – 76 of this Petition as if fully set forth herein.

104. Defendants had a duty to protect children served by their churches from known risks of harm.

105. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Ratigan's dangerous propensity to sexually violate children.

106. Defendants had a duty to protect children, commensurate with the risk of harm.

107. Defendants breached their duty to protect plaintiff when they failed to protect plaintiff from the sexual acts described herein.

108. Defendant's actions and/or inactions were willful, wanton and reckless for which punitive damages are appropriate.

109. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT V
FRAUD AND CONSPIRACY TO COMMIT FRAUD
(ALL DEFENDANTS)

110. Plaintiff incorporates paragraphs 1 – 76 of this Petition as if fully set forth herein.

111. Defendants knew or should have known of the sexual misconduct and other inappropriate behavior of their agents, including Defendant Ratigan as described herein.

112. Defendants engaged in trickery, deceit and acts of deluding plaintiff and those who were in a position to act on plaintiff's behalf as she is a minor.

113. Defendants misrepresented, concealed or failed to disclose information relating to sexual misconduct of their agents, including engaging in the following willful acts intended to deceive:

a. Defendants Bishop and Diocese continued to place Defendant Ratigan in positions requiring him to be in contact with and in supervision over children following knowledge that Fr. Ratigan was being sexually inappropriate with children.

b. Defendants Bishop and Diocese followed a policy that prohibited investigation into allegations of sexual misconduct by its priests and purposefully refused to allow the "Independent Review Board" or any member charged with internal investigatory matters to have access to information critical to the investigation.

c. Defendants Bishop and Diocese failed or refused to take reports by parishioners and even employees of the abuses of Defendant Ratigan.

d. Defendants Bishop and Diocese ignored reports of parishioners that Fr. Ratigan was engaging in inappropriate sexualized activity with children;

e. Defendants Bishop and Diocese deliberately mischaracterized Fr. Ratigan's absence as an illness, requesting children and parishioners to send get well cards to him and requesting prayer by the Parishioners for his recovery;

f. Defendants Bishop and Diocese deliberately failed to warn or inform Parishioners, family members or any other individuals or organizations about Fr.

Ratigan's using their children to create pornographic material, instead encouraging parishioners, including the small children, to maintain a relationship with him.

g. Defendants Bishop and Diocese deliberately mislead its parishioners and the public in its communications regarding Fr. Ratigan.

h. Defendants Bishop and Diocese hid the abuses of Ratigan, preventing investigation into them and covering up the allegations, making them accessories before, during and after the fact.

i. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support.

j. Violating their duties of care imposed by their status as *in loco parentis* to the children over whom they exercised dominion and control;

k. Failing to abide by their own internal, secular policies and procedures concerning removal, sanction or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures.

l. Ratifying the abuse by Defendant Ratigan by continuing to pay his travel expenses, allowing outings with children to continue, giving him positions requiring supervisory duty over children, giving him positions requiring his contact with children after having gained actual knowledge that he had a propensity to abuse children and failing to report and / or hiding the fact of his abuse from other individuals or organizations that might intervene to protect the children under their care, custody and/or control.

m. Ignoring reports of parishioners that Ratigan was engaging in inappropriate sexualized activity with children;

n. Deliberately mischaracterizing records concerning sexual misconduct with children to appear that it was the child's doing;

o. Misleading its parishioners and the public in its communications regarding Ratigan.

114. Defendants knew that they misrepresented, concealed or failed to disclose information they had the duty to disclose relating to sexual misconduct of its agent.

115. Defendants had superior knowledge or information not within the fair and reasonable reach of Plaintiffs and failed to disclose that information

116. Defendants knew of the existence of the torts of sexual abuse and failure to supervise.

117. Defendants used deception to conceal these torts from plaintiffs and those who were in a position to act on behalf of plaintiff as a minor.

118. Plaintiffs relied upon that deception and concealment remaining ignorant that torts were committed upon them.

119. The fact that Defendant Ratigan had in the past and/or would in the future be likely to commit sexual misconduct with another minor was a material fact in Plaintiff's and her family's decision whether to allow plaintiff to attend and participate in activities at church and with defendants' agent, Fr. Ratigan, in church sanctioned and/or sponsored activities.

120. Upon information and belief, Defendants, in concert with each other, with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to disclose information relating to the sexual misconduct of Defendant Ratigan, prohibiting public scrutiny or investigation into his acts of sexual misconduct.

121. By so concealing, defendants committed at least one act in furtherance of the conspiracy.

122. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

123. As a direct result of defendants' fraud and conspiracy, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; and / or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VI
FRAUDULENT MISREPRESENTATION
(ALL DEFENDANTS)

124. Plaintiff incorporates paragraphs 1-76 of this Petition as if fully set forth herein.

125. The Defendants engaged in ongoing misrepresentation regarding the status of Ratigan.

126. The Defendants, by and through their agents and administrators, represented that Defendant Ratigan was a priest with whom children could be trusted. The defendants engaged in fraudulent misrepresentation in the following particulars:

- a. Failed to report the sexual abuse to any outside authority or law enforcement agency or personnel;
- b. Misrepresented the safety of leaving a child alone with Ratigan;
- c. Failed to warn the plaintiffs of the propensity of Ratigan to sexually abuse children;

- d. Moved the Priest from parish to parish following reports of sexual misconduct;
- e. Aided and abetted Ratigan's abuse;
- f. Encouraged Ratigan to sexually abuse the plaintiff;
- g. Failed to take any action to stop the abuse it knew was occurring;
- h. Failed to provide a safe environment for the children who relied upon them for their care, nurturance and support;
- i. Violated its duties of care imposed by its status as *in loco parentis* to the children over whom it exercised dominion and control and the parents who entrusted their most precious possessions, their children;
- j. Enforced the secrecy around the acts and/or taught the plaintiff that the acts were normal or necessary to the relationship;
- k. Hiding the fact of the previous abuse from any individuals that might intervene, including parents, state authorities, parishes and parishioners;
- l. Failing to abide by its own internal, secular policies and procedures concerning removal, sanction, or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures;
- m. Failing to abide by its own internal, secular policies and procedures concerning investigation and/or reporting of their agents and employees, knowing that the individuals whom they serve rely upon those rules, policies and procedures.
- n. Continuously misrepresented the nature of the abuse reported by victims to the Diocese to the public at large and to those victimized by him for the purpose of silencing others and concealing his known abuses.

- o. Representing that Ratigan was clergy in good standing.
- p. Deliberately or recklessly failing to investigate obvious indicators of sexual misconduct as set forth in the reports of 2006 and the letter of Principal Julie Hess.
- q. Failing to report any of Ratigan's sexual misconduct or other behaviors involving minors to law enforcement or state authorities.

127. Defendants continued to hold Ratigan out to the community of the faithful as safe, secure parish priests.

128. Defendant Ratigan, by holding himself out as a priest in good standing, falsely represented to the plaintiff that he intended to help, protect and instruct him.

129. Defendants knew such statements were false at the time they were made.

130. The Diocese intentionally hid from parents and others that Father Ratigan had abused children in the past.

131. Plaintiff believed the statements so made by defendants were true and reasonably relied, to his detriment, upon them.

132. As a result of defendants' fraudulent misrepresentations, plaintiff has been injured. Each and every one of his injuries caused by the sexual abuse by Defendant Ratigan has been exacerbated by this second violation of the plaintiffs trust.

133. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages are appropriate.

134. The fact that defendants' agents, including Ratigan, had in the past and/or would in the future be likely to commit sexual misconduct with minors at the parish to which he was assigned would have been a material fact in plaintiff's decisions whether to associate with Ratigan.

135. Plaintiff justifiably relied upon defendants for information relating to sexual misconduct of defendants' agents. Plaintiff further relied upon defendants to ensure his safety while he was in the defendants' care and custody.

136. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VII
CONSPIRACY TO COMMIT FRAUD OR CONSTRUCTIVE FRAUD
(ALL DEFENDANTS)

137. Plaintiff incorporates paragraphs 1-76 of this Petition as if fully set forth herein.

138. Defendants, by holding Ratigan out as shepherds and leaders of the Roman Catholic Church, solicited and/or accepted this position of power. This position of trust prevented the then Plaintiffs from effectively protecting themselves or their children and Defendants thus entered into fiduciary and /or confidential relationships with plaintiffs.

139. As fiduciaries and/or confidantes to plaintiffs, defendants had a duty to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of Defendants' agents.

140. Defendants had prior knowledge of past allegations of abuse and/or sexual impropriety with children involving Fr. Ratigan.

141. Defendants had a duty to protect plaintiffs and others from a known perpetrator by warning plaintiffs and others of the abuse, abusive propensities, and/or preventing Ratigan from accessing young children in his roles with the Church.

142. Defendants, however, failed to disclose information regarding Defendant Ratigan's abusive tendencies and history of inappropriate and sexually abusive relationships with children, or to prevent the priest from unfettered access to children.

143. Defendants failed to disclose their knowledge of Ratigan's history of using his position as priest and counselor, and the Diocesan property to attract and gain access to unsupervised time with children.

144. Defendants actively represented that Defendant Ratigan was a capable counselor and priest, when they knew he had a propensity to sexually abuse children in the past.

145. Defendants actively developed a plan and a strategy for keeping Ratigan's abusive tendencies away from public light, a plan which included:

- a. Misrepresenting the safety of leaving a child alone with Ratigan;
- b. Failing to warn the plaintiffs of the propensity of Ratigan to sexually abuse children;
- c. Moving the Priest from parish to parish following reports of sexual misconduct;
- d. Failing to report any of Ratigan's sexual misconduct or other behaviors involving minors to law enforcement or state authorities.
- e. Aiding and abetting Ratigan's abuse;
- f. Encouraging Ratigan to sexually abuse the plaintiff
- g. Failing to take any action to stop the abuse it knew was occurring;

h. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support

i. Violating its duties of care imposed by its status as *in loco parentis* to the children over whom it exercised dominion and control and the parents who entrusted their most precious possessions, their children;

j. Enforcing the secrecy around the acts and/or teaching the plaintiff that the acts were normal or necessary to the relationship;

k. Hiding the fact of the previous abuse from any individuals that might intervene, including parents, state authorities, parishes and parishioners.

l. Failing to abide by its own internal, secular policies and procedures concerning removal, sanction, or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures

m. Failing to abide by its own internal, secular policies and procedures concerning investigation and/or reporting of their agents and employees, knowing that the individuals whom they serve rely upon those rules, policies and procedures.

n. Representing that Fr. Ratigan was clergy in good standing.

146. Defendants engaged in such acts knowingly and/or intentionally.

147. Such actions constituted one step taken in furtherance of the conspiracy.

148. Defendants shared a common aim in encouraging and committing the sexual abuse of children.

149. Defendants enforced the secrecy around the acts and/or taught represented that Father Ratigan's acts were normal or necessary to the relationship. As a result, Defendants breached their fiduciary duties to Plaintiff by engaging in the willful, reckless and wanton

conduct described herein, by failing to disclose information regarding the injurious nature of the abuse and/or in taking acts to conceal any such information.

150. The fact that defendants' agents, including Fr. Ratigan, had in the past and/or would in the future be likely to commit sexual misconduct with minors at the parish to which he was assigned would have been a material fact in plaintiffs' decisions whether to associate with Fr. Ratigan or allow him unsupervised access to their children.

151. Plaintiff justifiably relied upon defendants for information relating to sexual misconduct of defendants' agents. Plaintiff further relied upon defendants to ensure the safety of children in the defendants' care and custody.

152. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages are appropriate.

153. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VIII
FRAUD AGAINST ALL DEFENDANTS
(PLAINTIFFS JOHN DOE 50 AND JANE DOE 51)

154. Plaintiffs John Doe 50 and Jane Doe 51 hereby repeat, reallege and incorporate herein by this reference, each and every allegation heretofore pleaded in this complaint.

155. The Does reposed trust and confidence in defendants as their spiritual guides, authority figures, teachers, mentors and confidantes.

156. Defendants knew that they misrepresented, concealed or failed to disclose information they had the duty to disclose relating to sexual misconduct of their agent.

157. Defendants had superior knowledge or information not within the fair and reasonable reach of Plaintiffs and failed to disclose that information

158. Each Defendant owed the Does the duty of trust and loyalty, and the duty to work solely for their benefit.

159. Defendant Ratigan violated his duties of disclosure to Plaintiffs John Doe 50 and Jane Doe 51 including without limitation the following:

a. Defendant Ratigan engaged in sexual misconduct with Jane Doe 49.

b. Defendant Ratigan represented to John Doe 50 and Jane Doe 51 that his actions toward their child were appropriate and were part of her spiritual growth and counseling, encouraging them to allow him more access to the young child.

c. Defendant Ratigan silenced the child he abused making her live in secret shame, fear and degradation while then ministering to her psychologically, emotionally and spiritually, insidiously infecting the family with a secret.

160. Defendants Diocese and Bishop represented to the Parental plaintiffs that Fr. Ratigan was a highly skilled, well-trained parish priest and encouraged them to entrust their most precious possession – their child – to him.

161. Defendants, by virtue of their position of authority and trust, entered into a relationship with Mr. and Mrs. Doe, encouraging them to entrust their child to Fr. Ratigan as a representative and employee of the church. As a result of the special relationship between Plaintiff John Doe 50, Jane Doe 51 and their family, Plaintiffs trusted and relied upon defendants to nurture and care for their children while they were in the custody of the defendants or any of

them. Plaintiffs also sought guidance and counseling from Fr. Ratigan and the Diocesan Defendants in their family issues, struggles and parental concerns and relied upon defendants to provide appropriate counsel, guidance, nurture and support in those matters.

162. Defendant Diocese and Bishop breached their fiduciary duties to plaintiffs and abused their position of trust and confidence for their own personal gain, including without limitation, the following:

- a. Holding out to them a priest with a known history of child sexual abuse as an appropriate individual with whom Plaintiffs John Doe 50 and Jane Doe 51 should entrust their child.
- b. Encouraging and teaching John Doe 50 and Jane Doe 51 to entrust their child to defendant Ratigan.
- c. Keeping a known pedophile in the presence of children such that he would be allowed to engage in sexually exploitative acts with Jane Doe 49.
- d. Hiding the fact of the previous abuse from any individuals that might intervene including parents, state authorities, parishes, and parishioners.
- e. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support.
- f. Violating their duties of care imposed by their status as *in loco parentis* to the children over whom they exercised dominion and control;
- g. Failing to abide by their own internal, secular policies and procedures concerning removal, sanction or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures.

h. Ratifying the abuse of Defendant Ratigan by continuing to pay his travel expenses, allowing outings with children to continue, encouraging a continued relationship with him, and hiding the fact of his abuse from other individuals or organizations that might intervene to protect the children under their care, custody or control.

i. Encouraging John Doe 50 and Jane Doe 51 to rely upon Defendant Ratigan as a priest for counseling, guidance, care and support concerning their familial issues and parenting concerns.

163. As a result of Defendant Ratigan's actions and the actions of the Diocese and Bishop in covering up the known proclivities of this Priest, the family was decimated from the inside.

164. As a direct result of the acts described herein, the parental Plaintiffs suffered great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem.

165. Plaintiffs John Doe 50 and Jane Doe 51 have suffered emotional distress including loss of hope and faith. They have suffered nightmares, humiliation, undifferentiated anger, massive guilt, humiliation and embarrassment, depression, anxiety and other psychological and emotional sequelae. Additionally, they have struggled with their faith, had difficulty dealing with authority figures and difficulty trusting other people including professionals and clergy.

166. All of the family has suffered pecuniary damage as well as loss of companionship, society, nurturance and the support of the other.

167. Defendant's actions constitute willful, wanton or reckless behavior for which punitive damages are appropriate.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks that this Court award judgment against defendants as follows:

A. Awarding compensatory, statutory, punitive and treble damages in favor of plaintiffs against defendants for damages sustained as a result of the wrongdoings of defendants, together with interest thereon;

B. Awarding plaintiffs their costs and expenses incurred in this action, including reasonable allowance of fees for plaintiffs' attorneys, experts, and reimbursement of plaintiffs' and counsel's expenses;

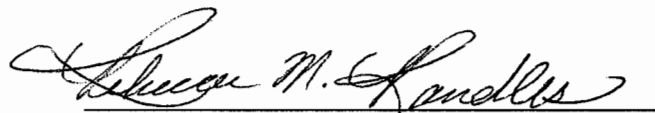
C. Granting such other and further relief as the Court deems appropriate and just.

JURY TRIAL DEMANDED

Plaintiffs demand a trial by jury on all issues triable in this case.

Respectfully Submitted,

RANGLES, MATA & BROWN, LLC



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