

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

SUPERIOR COURT  
CIVIL ACTION NO.

[REDACTED]

\_\_\_\_\_  
 [REDACTED]  
 Plaintiff )  
 )  
 v. )  
 )  
 FATHER ARNOLD E. KELLEY, )  
 Defendant )  
 \_\_\_\_\_ )

COMPLAINT AND  
JURY TRIAL DEMAND

A. PARTIES

1. The Plaintiff, [REDACTED] (hereinafter referred to as "the Plaintiff"), is an individual whose residence is in [REDACTED] County, Massachusetts.

2. Defendant Father Arnold E. Kelley (hereinafter referred to as "Defendant Father Kelley") is an individual whose last known residence was at 120 Bellevue Avenue, Haverhill, Essex County, Massachusetts. At times material hereto, Defendant Father Kelley was or has been a Roman Catholic priest of the Roman Catholic Archbishop of Boston, a Corporation Sole, also known as the Roman Catholic Archdiocese of Boston (hereinafter referred to as "Archdiocese of Boston").

B. STATEMENT OF FACTS

3. From approximately 1966 to approximately 1976, Defendant Father Kelley served as Associate Pastor at St. Thomas Aquinas Parish, Jamaica Plain, Massachusetts. At all relevant and material times St. Thomas Aquinas Parish was a Roman Catholic parish of the Archdiocese of Boston. Defendant Father Kelley's responsibilities at St. Thomas Aquinas Parish included, among other things, supervising, counseling, and interacting with

minors in St. Thomas Aquinas Parish with the full faculties of a Roman Catholic priest of the Archdiocese of Boston.

4. From approximately 1973 to approximately 1976, when the Plaintiff was approximately ten to approximately thirteen years old, the Plaintiff attended Catholic Masses at St. Thomas Aquinas Parish, participated in the church band at St. Thomas Aquinas Parish, and attended Confraternity of Christian Doctrine (CCD) classes at St. Thomas Aquinas Parish, where the Plaintiff was supervised by and interacted with Defendant Father Kelley.

5. From approximately 1973 to approximately 1976, when the Plaintiff was approximately ten to approximately thirteen years old, Defendant Father Kelley engaged in explicit sexual behavior and lewd and lascivious conduct with the Plaintiff in or around Boston, Massachusetts by, among other things, Defendant Father Kelley fondling the Plaintiff's genitals, performing oral sex on the Plaintiff, and sodomizing the Plaintiff. The explicit sexual behavior and lewd and lascivious conduct in which Defendant Father Kelley engaged with the Plaintiff took place at property owned by the Archdiocese of Boston, namely, the St. Thomas Aquinas Grammar School and at the St. Thomas Aquinas High School, both located in Jamaica Plain, Massachusetts.

6. As a result of Defendant Father Kelley's explicit sexual behavior and lewd and lascivious conduct with the Plaintiff, the Plaintiff suffers, has suffered, and will continue to suffer in the future severe emotional distress and physical harm manifested by objective symptomatology including, but not limited to, sadness, anxiety, anger, crying, sleep problems, drug dependence, and alcohol dependence.

7. Not until recently did the Plaintiff have knowledge or sufficient notice that he had been harmed and that the harm was caused by the explicit sexual behavior and lewd and lascivious conduct of Defendant Father Kelley as explained below.

8. At all times material hereto, Defendant Father Kelley misrepresented and concealed from the Plaintiff the wrongful nature of the explicit sexual behavior and lewd and lascivious conduct of Defendant Father Kelley and that such explicit sexual behavior and lewd and lascivious conduct could harm the Plaintiff.

9. As a result of the said explicit sexual behavior and lewd and lascivious conduct in which Defendant Father Kelley engaged with the Plaintiff, the Plaintiff is unable at this time to fully disclose in complete detail to what degree Defendant Father Kelley did abuse the Plaintiff emotionally and physically.

### **C. CLAIMS FOR RELIEF**

#### **Count I: Plaintiff v. Defendant Father Kelley Assault**

10. The Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

11. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Kelley acted intentionally so as to cause harmful and offensive contact with the Plaintiff.

12. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Kelley placed the Plaintiff in imminent and reasonable apprehension of said harmful and offensive contact.

13. As a direct and proximate result of Defendant Father Kelley placing the Plaintiff in imminent and reasonable apprehension of harmful and offensive contact, the

Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; anxiety; as well as other damages.

**Count II: Plaintiff v. Defendant Father Kelley**  
**Battery**

14. The Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

15. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Kelley acted intentionally so as to cause unjustified harmful and offensive physical contact and touching of the Plaintiff, and repeatedly performed such unjustified harmful and offensive physical contact and touching.

16. As a direct and proximate result of Defendant Father Kelley's unjustified harmful and offensive physical contact and touching, the Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

**Count III: Plaintiff v. Defendant Father Kelley**  
**Intentional Infliction of Emotional Distress**

17. The Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

18. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Kelley intended to inflict emotional distress upon the Plaintiff, or he knew or should have known that emotional distress was the likely result of his conduct.

19. The conduct of Defendant Father Kelley in engaging in the explicit sexual behavior and lewd and lascivious conduct described above is extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

20. As a direct and proximate result of the conduct of Defendant Father Kelley in engaging in the explicit sexual behavior and lewd and lascivious conduct described above, the Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries as outlined above; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

21. The mental distress and emotional injuries which the Plaintiff suffered and will continue to suffer were severe, and of a nature that no reasonable person could be expected to endure them.

**Count IV: Plaintiff v. Defendant Father Kelley**  
**Negligent Infliction of Emotional Distress**

22. The Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

23. In his capacity as an Associate Pastor at St. Thomas Aquinas Parish with the full faculties of a Roman Catholic priest of the Archdiocese of Boston, Defendant Father Kelley had a duty of care to properly and safely supervise, counsel, and interact with the Plaintiff.

24. Defendant Father Kelley negligently breached such duty by failing to exercise the care of a reasonable person in his supervision and counseling of the Plaintiff and in his interaction with the Plaintiff, in that he violated boundaries concerning

appropriate and inappropriate touching and interactions by engaging in the conduct described above.

25. At all relevant times to this action, Defendant Father Kelley knew or should have known that violating boundaries concerning appropriate and inappropriate touching and interactions by engaging in the conduct described above would result in severe mental and emotional suffering by the Plaintiff.

26. As a direct and proximate result of the conduct of Defendant Father Kelley's negligent conduct, the Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries as outlined above, including objective corroboration of said mental distress and emotional injuries; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.


27. A reasonable person in the Plaintiff's position would have suffered extreme mental distress and emotional injuries under these circumstances.

WHEREFORE, the Plaintiff respectfully demands judgment against the Defendant on each count in an amount to be determined by a jury, plus costs, interest, attorneys' fees, and such other and further relief as this Court deems just and equitable.

**JURY TRIAL DEMANDED**

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL CLAIMS.**

By Plaintiff's Attorney,



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