

**IN THE COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

Ryan O'Connor, individually and on behalf)	
of all those similarly situated; and W.H., a)	Case No. _____
Minor, by Kristen Hancock, Guardian,)	
individually and on behalf of all those)	
similarly situated,)	
)	Jury Trial Demanded
Plaintiffs,)	
)	Class Action
v.)	
)	
Roman Catholic Diocese of Pittsburgh;)	
Roman Catholic Diocese of Allentown;)	
Roman Catholic Diocese of Erie; Roman)	
Catholic Diocese of Greensburg;)	
Roman Catholic Diocese of Harrisburg;)	
Roman Catholic Diocese of Scranton;)	
Roman Catholic Archdiocese of)	
Philadelphia; Roman Catholic Diocese of)	
Altoona-Johnstown; Charles Joseph Chaput,)	
Archbishop of Philadelphia; Alfred Andrew)	
Schlert, Bishop of Allentown; Mark Leonard)	
Bartchak, Bishop of Altoona-Johnstown;)	
Lawrence T. Persico, Bishop of Erie;)	
Edward C. Malesic, Bishop of Greensburg;)	
Ronald William Gainer, Bishop of)	
Harrisburg; David Zubik, Bishop of)	
Pittsburgh; Joseph Bambera, Bishop of)	
Scranton.)	
)	
)	
Defendants.)	
)	

VERIFIED CLASS ACTION COMPLAINT

Plaintiffs Ryan O'Connor and W.H., a Minor, by Kristen Hancock, Guardian (“Plaintiffs”), individually and on behalf of all others similarly situated, set forth the following allegations against Defendants Roman Catholic Diocese of Pittsburgh, Roman Catholic Diocese of Allentown, Roman Catholic Diocese of Erie, Roman Catholic Diocese of Greensburg, Roman Catholic Diocese of Harrisburg, Roman Catholic Diocese of Scranton, Roman Catholic Archdiocese of Philadelphia, Roman Catholic Diocese of Altoona-Johnstown, Charles Joseph Chaput, Archbishop of Philadelphia, Alfred Andrew Schlert, Bishop of Allentown, Mark Leonard Bartchak, Bishop of Altoona-Johnstown, Lawrence T. Persico, Bishop of Erie, Edward C. Malesic, Bishop of Greensburg, Ronald William Gainer, Bishop of Harrisburg, David Zubik, Bishop of Pittsburgh, and Joseph Bambera, Bishop of Scranton (collectively, “Defendants”) in this class action complaint. Plaintiffs allege the following based upon personal knowledge as to their own acts, and based upon the investigation conducted by their counsel, as to all other allegations.

INTRODUCTION AND SUMMARY

Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.¹

1. On August 14, 2018, the Pennsylvania Office of Attorney General announced the comprehensive findings of a statewide investigative grand jury that investigated and uncovered: (a) the systemic rape and sexual abuse of over 1,000 children in Pennsylvania by priests in the Catholic Church; and (b) the systematic cover up of that rape and sexual abuse, spanning decades and continuing to the present day, by numerous senior leaders of the Roman Catholic Church in Pennsylvania and the Vatican. A copy of this report, titled 40th Statewide Investigating Grand Jury REPORT 1 (hereafter, the “PA Grand Jury Report”) is attached here as Exhibit A and fully incorporated by reference.

¹ Louis D. Brandeis, *Other People's Money* 62 (1933).

2. The PA Grand Jury Report, is a plain-spoken, gut-wrenching account of the Pennsylvania grand jury’s investigation, shining a spotlight on child rape and sexual abuse in six Pennsylvania dioceses—including every diocese in Pennsylvania except Philadelphia and Altoona-Johnstown (which were investigated and reported on by previous grand juries).² In addition the PA Grand Jury Report provides details regarding some of the sex offenders in those dioceses, and the Catholic Church leaders who concealed and facilitated the abuse by protecting the offenders rather than protecting the children who were being and would be victimized.

3. Specifically, the 884-page PA Grand Jury Report details how over 1,000 children were victimized by 301 predator priests in Pennsylvania, and provides the details regarding some of the priests who raped and sexually abused children entrusted to their care, sometimes repeatedly, all while serving in active ministry in Pennsylvania Catholic dioceses and elsewhere, oftentimes repeatedly abusing children after the church leadership failed to act.³

² Philadelphia and Altoona-Johnstown were the subject of previous grand jury investigations and reports. The 2016 Altoona-Johnstown Report,” Report of the Thirty-Seventh Statewide Investigating Grand Jury (attached as Exhibit B and incorporated here by reference), found approximately 50 offending priests in the diocese. The Philadelphia District Attorney’s Office compiled multiple grand jury reports concerning the Archdiocese of Philadelphia. The “2005 Philadelphia Report,” In re: County Investigating Grand Jury of September 26, 2001, Misc. No. 01-00-8944 (attached as Exhibit C and incorporated here by reference), reviewed allegations over thirty-five years concerning more than 120 priests in the Archdiocese, almost none of which were reported to law enforcement, and documented the sexual abuse of hundreds of children by at least 63 priests in the Archdiocese. The Philadelphia county grand jury did not have sufficient time to review all of the allegations and recommended that a subsequent grand jury take up the task. The “2011 Philadelphia Report,” In re County Investigating Grand Jury XXIII, Misc. No. 0009901-2008 (attached as Exhibit D and incorporated here by reference), discovered that little had changed, and that at least 37 priests for whom the Archdiocese possessed “substantial evidence of abuse” had been kept in assignments that expose them to children. These reports provide further information and background supporting the allegations in this Complaint.

³ The PA Grand Jury Report is non-exhaustive because while it details the sexual abuse and facilitation of the abuse by Defendants in six Pennsylvania dioceses, the scope of the investigation did *not* include all church institutions and affiliates.

4. The PA Grand Jury Report identifies and condemns the behavior of senior church officials, including bishops, Monsignors, and others, who knew about the abuse but routinely covered it up to avoid scandal and reputational harm, criminal charges, and monetary damages. Notably, the PA Grand Jury Report describes a “disturbing disdain for victims” of sexual assault and rape by predator priests and a church that “chose to defend its clergy abusers over its children.”

5. After participating in covering up the horrible actions of clergy and facilitating the sexual abuse of other children who could have been spared, certain offending senior officials have gone on to assume high offices in the Catholic Church and hold those positions to this day, despite the unveiling of their complicity.

6. Moreover, as detailed and comprehensive as the four Pennsylvania state and county grand jury reports are, ***they do not provide a complete accounting*** of the abuse, the abusers, and those who actively concealed and facilitated the abuse. These gaps are not due to any failing by the grand juries, but, instead, are the natural and foreseeable consequence of the Catholic Church and Defendants’ decades-long cover-up of the systemic abuse of Pennsylvania children, including, but not limited to, failing to properly document reports of abuse when they were made, and creating an environment that discouraged victims from reporting the abuse they suffered.

7. The absence of a complete accounting of the abuse by Defendants is a direct violation of the Pennsylvania reporting statutes which require Defendants to report any known or suspected child abuse, and, furthermore, constitutes a public nuisance in Pennsylvania that must be remedied, as the failure to adequately notify the public and State authorities of known or suspected child predators constitutes a clear and present threat to public safety and an unreasonable interference with rights, that can, and should, be subject to remedy by this Court.

8. This Complaint is brought to obtain declaratory and injunctive relief, or alternatively mandamus, from this Court in order to abate Defendants' continuing public nuisance caused by its harboring of sexual abusers, creation of its policy of secrecy and discouragement of reporting, failure to comply with its mandatory statutory reporting obligations, and concealment of relevant facts and circumstances of the sexual abuse.

9. More specifically, this lawsuit is brought by Plaintiffs and the Classes defined below, including those who were sexually assaulted by Defendants' predatory priests and other agents, as well as Pennsylvania children who are currently enrolled in Catholic schools, religious instruction programs, or occupy positions in Defendants' dioceses, that place them at special risk of abuse. This action seeks a Court-imposed injunction, or alternatively a writ of mandamus, to, at a minimum:

a. compel Defendants to meet their obligations under 23 Pa. C. S. § 6311 and 49 Pa. C. S. § 45.402 ("Mandatory Reporting Obligations") on both a historical and going-forward basis, and provide sufficient evidence to the Court that they have and will do so;

b. compel Defendants to make a complete disclosure of all records and information in their possession, custody or control during the time period from September 17, 1948 to the present pertaining to sexual abuse of any minors. Plaintiffs request that the Court appoint a special master to ensure that sensitive information about the victims of Defendants' abuse remains confidential (unless authorized by a victim/survivor) and, additionally, to provide a mechanism for the victims of abuse to review records pertaining to them to verify that they exist, are accurate and complete, and are available to be reviewed by Pennsylvania government officials and law enforcement;

c. compel the Catholic Church to provide notice approved by the Court to Pennsylvanians of their right and opportunity to provide additional information as victims or witnesses relating to sexual abuse of children by the Catholic Church in Pennsylvania, as such notice and reporting will further assist in abating Defendants' public nuisance, with such notice paid for by Defendants;

d. declare that the acts that have formed the basis of the continuing public nuisance actually occurred, and are unlawful; and

e. compel Defendants to be accountable for their actions and take responsibility by publicly acknowledging their wrongdoing as set forth herein.

10. The relief sought will fill in the gaps in the public record by compelling the immediate and complete disclosure of individuals Defendants *know* to be dangerous to the children of Pennsylvania, and will provide a vehicle for parents, childcare custodians, and other citizens of Pennsylvania to acquire necessary information to best protect children in Pennsylvania and allow them to freely enjoy community and religious activities without fear of being dangerously exposed to sexual predators with a known history of abusing children.

11. Additionally, the disclosure of persons that Defendants know and have known to be dangerous will provide some redress for the injuries that victims of abuse have suffered because Defendants' continuing failure to take responsibility and continuing cover-up causes additional new harm every day to past victims of the abuse over and beyond the harm that they already suffered at the hands of those they thought would protect them.

12. It is a fundamental truism that treatment follows diagnosis. The reverse is also true. If it cannot be substantively diagnosed, it cannot be properly treated. The Church's long-standing failure to release evidence that would validate a survivor's accusation of child sexual abuse by a

Catholic priest is undeniably retributive. It pits survivors against the denials of extremely formidable authority figures, and leads to years of emotional and psychological harm.

13. If, however, the facts are made public, it protects survivors against the inevitable torment and self-blame that arises when memories of sexual abuse are discounted by eminent perpetrators. Better yet, it insures victims the right to proper psychotherapeutic treatment. When accusations remain purposely unverified, accurate diagnosis and suitable treatment are eluded.⁴

14. This action seeks appropriate declaratory and injunctive relief to address Defendants' continuing public nuisance and provide the public disclosure of facts that have, for too long, haunted the survivors of the abuse that Defendants facilitated, tolerated, and defended.

SCOPE OF COMPLAINT

15. This Complaint is brought to abate Defendants' continuing public nuisance in Pennsylvania by obtaining declaratory and injunctive relief, or in the alternative, a writ of mandamus.

16. Many of the victims of sexual abuse within the Catholic Church, and the cover-up and facilitation of that abuse in Pennsylvania, currently are awaiting a remedy to be provided to them by the Pennsylvania legislature in the form of a "window to justice" that would permit a window for claims to be brought that are currently precluded by the Pennsylvania statute of limitations for child sexual abuse claims. In the meantime, while that remedy is awaited, Plaintiffs bring this action individually and on behalf of those similarly situated to abate Defendants' continuing public nuisance as detailed herein.

⁴ Briere, John N. & Scott, Catherine (2014). *Principles of Trauma Therapy*. Thousand Oaks, CA; Sage, Cloite, Marylene, Koenen, Karestan C., Cohen, Lisa R. & Han, Hyemee (2002); Skills training in affective and Interpersonal regulation by exposure: A phase-based treatment for PTSD related to childhood abuse. *Journal of Consulting & Clinical Psychology*, 70, 1067-1074.

PARTIES

A. PLAINTIFFS

17. Plaintiff Ryan O'Connor is a resident of Verona, Pennsylvania, located within the Roman Catholic Diocese of Pittsburgh. He is a survivor of abuse by a member of the clergy, having suffered abuse by a priest from the ages of ten to twelve. Mr. O'Connor also suffered abuse at the hands of family friend when he was a child. Mr. O'Connor is a current member of the Catholic Church and his two children attend school at a Catholic institution.

18. Plaintiff W.H. is a minor child and is a resident of Mt. Lebanon, Pennsylvania, located within the Roman Catholic Dioceses of Pittsburgh. W.H. currently attends kindergarten at St. Bernard's Catholic School in Mt. Lebanon, Pennsylvania. W.H.'s mother, Kristen Hancock, is his natural guardian and an active member of the school community, serving as a homeroom mother at the school as well as a reader at Mass on Sundays. Ms. Hancock's address is 3226 Gaylord Ave.; Pittsburgh, PA 15216.

B. DEFENDANTS

i. The Dioceses

19. Defendant Roman Catholic Diocese of Pittsburgh ("Diocese of Pittsburgh") is a legal entity existing under the laws of the Commonwealth of Pennsylvania with its principal office located at 111 Boulevard of the Allies, Pittsburgh, PA 15222-1618. The Diocese of Pittsburgh serves a Catholic population of 632,138, maintains 188 parishes, 64 elementary and high schools, and provides religious education to children. The PA Grand Jury Report identified *99 offending priests*, 8 of whose names were redacted and 10 more identified only as "Pittsburgh Priests #1-10." The Diocese of Pittsburgh has published a list of priests against whom allegations of child

sex abuse have been made,⁵ but this list does not include more than a dozen names of offending priests identified in the PA Grand Jury Report. The Diocese of Pittsburgh states that its published list excludes “priests and brothers from religious orders and clergy from other dioceses” where the “abuse was alleged to have occurred while they lived or served in the Diocese of Pittsburgh” even though their names appear in the PA Grand Jury Report.

20. Defendant Roman Catholic Diocese of Allentown (“Diocese of Allentown”) is a legal entity existing under the laws of the Commonwealth of Pennsylvania with its principal office located at 4029 W. Tilghman St., Allentown, PA 18105-1538. The Diocese of Allentown serves a Catholic population of 258,997, maintained approximately 89 parishes, 34 elementary schools, 6 high schools and two colleges, and educated approximately 13,000 students across the diocese. The PA Grand Jury Report identified 37 *offending priests* (one whose name was redacted) within just the Diocese of Allentown. The Diocese of Allentown has preemptively released a list of offending priests that notably did not include at least 5 of the 37 offending priests named in the PA Grand Jury Report,⁶ demonstrating that the judgment of the Diocese of Allentown cannot be trusted to publicly disclose offenders on its own.

21. Defendant Roman Catholic Diocese of Erie (“Diocese of Erie”) is a legal entity existing under the laws of the Commonwealth of Pennsylvania with its principal office located at 429 E. Grandview Blvd., Erie, PA 16514-0397. The Diocese of Erie serves a Catholic population of 221,508, educated 6,466 students in elementary, middle and high schools for the 2016-2017 school year, and 11,332 elementary and secondary children and youth, including confirmation

⁵ <https://diopitt.org/allegations-list> (last visited September 15, 2018). The Diocese of Pittsburgh has also published a list of priests who have had allegations made against them that were “not substantiated as child sex abuse” which includes eight names that also appear in the PA Grand Jury Report. See <https://diopitt.org/not-substantiated> (last visited September 15, 2018).

⁶ <https://sp.allentowndiocese.org/priests/>

students in its religious education programs. The grand jury report identified *41 offending priests* (two of whose names were redacted) within just the Diocese of Erie. The Diocese of Erie publishes a “Public Disclosure List” of names of individuals “credibly accused [in the judgment of the Diocese of Erie] of actions that, in the diocese’s judgment, disqualify that person from working with children.”⁷ This list, last updated September 14, 2018—weeks after the PA Grand Jury Report, includes more than a dozen individuals that are not named in the PA Grand Jury Report. Importantly, however, the list fails to include at least six of the 41 offending priests (almost 15%) identified in the PA Grand Jury Report, demonstrating that the judgment of the Diocese of Erie cannot be trusted to publicly disclose offenders on its own.

22. Defendant Roman Catholic Diocese of Greensburg (“Diocese of Greensburg”) is a legal entity existing under the laws of the Commonwealth of Pennsylvania with its principal office located at 723 East Pittsburgh Street, Greensburg, PA 15601. The Greensburg Diocese serves a Catholic population of 137,641, maintained 78 parishes, 14 elementary schools, two junior/senior high schools, and a school for children of all ages with intellectual and/or developmental disabilities, and educated more than 2,300 students in its Catholic schools and thousands more in parish religious formation programs. The PA Grand Jury Report identified *20 offending priests*, identified one of the offending priests only as “Greensburg Priest #1,” and redacted the name of the Bishop of the Diocese of Greensburg from 2004 to 2015. The Diocese of Greensburg has not publicly disclosed a list of offending priests.

23. Defendant Roman Catholic Diocese of Harrisburg (“Diocese of Harrisburg”) is a legal entity existing under the laws of the Commonwealth of Pennsylvania with its principal office located at 4800 Union Deposit Road, Harrisburg, PA 17111-3710. The Diocese of Harrisburg

⁷ <https://www.eriercd.org/childprotection/disclosure.html> (last visited September 15, 2018).

operates 89 parishes and more than three dozen Preschool, Pre-K, Elementary, Middle and High Schools, as well as offering religious education to children. The PA Grand Jury Report identified *45 offending priests* and redacted the names of two offending priests and one of the members of church leadership that played an important role in the Diocese of Harrisburg's handling of allegations of priest sexual abuse. In addition, two of the offending priests were identified only as "Harrisburg Priest #1" and "Harrisburg Priest #2." Prior to the release of the PA Grand Jury Report, the Diocese of Harrisburg preemptively released a list of offending priests that notably did not include at least two of the 45 offending priests named in the PA Grand Jury Report, demonstrating that the judgment of the Diocese of Harrisburg cannot be trusted to publicly disclose offenders on its own.

24. Defendant Roman Catholic Diocese of Scranton ("Diocese of Scranton") is a legal entity existing under the laws of the Commonwealth of Pennsylvania with its principal office located at 300 Wyoming Avenue, Scranton, PA 18503-1279. The Diocese of Scranton serves a population of 348,600 Catholics, and maintains 21 schools ranging from Pre-K through high school, four schools dedicated to individualized instruction and/or special education, and three preschools/early childhood learning centers and a college preparatory school. The PA Grand Jury Report identified *59 offending priests* just within the Diocese of Scranton but redacted the names of six of them. The Diocese of Scranton did not release the names of offending priests prior to the release of the PA Grand Jury Report.⁸

25. Defendant Roman Catholic Archdiocese of Philadelphia ("AoP") is a legal entity existing under the laws of the Commonwealth of Pennsylvania with its principal office located at

⁸ <https://www.thetimes-tribune.com/news/scranton-diocese-not-releasing-names-of-accused-clergy-before-grand-jury-report-release-1.2368616>

222 North 17th Street, Philadelphia, PA 19103-1299. AoP is the Metropolitan See of the Ecclesiastical Province of Philadelphia, which includes the suffragan episcopal sees (*i.e.*, the dioceses) of Allentown, Altoona-Johnstown, Erie, Greensburg, Harrisburg, Pittsburgh, and Scranton.⁹ The territory of the province is coextensive with the Commonwealth of Pennsylvania. Pursuant to the Code of Canon Law, a metropolitan is competent to, *inter alia*, “exercise vigilance so that the faith and ecclesiastical discipline are observed carefully and to inform the Roman Pontiff of abuses, if there are any.” Can. 436 §1. Although the 2005 and 2011 Philadelphia Reports are older than the PA Grand Jury Report, there is no indication that the underlying failures have ceased. Even in its 2011 Philadelphia Report, the grand jury express frustration that “much has not changed. The rapist priests we accuse were well known to the Secretary of Clergy, but he cloaked their conduct and put them in place to do it again. The procedures implemented by the [AoP] to help victims are in fact designed to help the abusers, and the Archdiocese itself. Worst of all, apparent abusers – dozens of them, we believe – remain on duty in the Archdiocese, today, with open access to new young prey.”¹⁰

⁹ Under the Code of Cannon Law, ecclesiastical provinces are groupings of particular churches “to promote common pastoral action of different neighboring dioceses according to the circumstances of persons and places and to foster more suitably the relations of the diocesan bishops among themselves.” Can. 431 §1. Metropolitans, who are the archbishops of their dioceses, preside over ecclesiastical provinces. Can. 435. Suffragan episcopal sees are the other dioceses within an ecclesiastical province. *See* Can. 431.

¹⁰ Just last month, disturbing sexual allegations made by a student at St. Charles Borromeo seminary were announced by the AoP, but only after the victim came forward years after the conduct was first reported. <https://www.catholicnewsagency.com/news/investigation-launched-into-sexual-harassment-claims-at-philadelphia-seminary-57261>. Indeed, the victim alleges that a report of being groped by a fellow seminarian was not met with sufficient attention when brought to a seminarian administrator. <https://www.churchmilitant.com/news/article/seminarian-exposes-gay-predation-at-conservative-seminary>. The victim’s “formation advisor” told the victim that he needed to be “charitable” and “understanding,” ignored the claims and ultimately caused the victim to leave the seminary. *Id.*

26. Defendant Roman Catholic Diocese of Altoona-Johnstown (“Diocese of Altoona-Johnstown”) is a legal entity existing under the laws of the Commonwealth of Pennsylvania with its principal office located at 927 S. Logan Boulevard, Hollidaysburg, PA 16648. The Diocese of Altoona-Johnstown has approximately 88 parishes, 14 elementary schools, and 4 high schools. The 2016 Altoona-Johnstown report detailed the abuses of more than 50 priests that victimized hundreds of children, and found that “the mere presence of these child predators endangered thousands of children by exposure to potential sexual abuse.” Each predator priest who appeared before the grand jury indicated that “it was the first time any law enforcement official had questioned them.”

ii. The Bishops

27. Bishop David Zubik is the current Bishop of the Diocese of Pittsburgh.

28. Bishop Alfred Andrew Schlert is the current Bishop of the Diocese of Allentown.

29. Bishop Lawrence T. Persico is the current Bishop of the Diocese of Erie.

30. Bishop Edward C. Malesic is the current Bishop of the Diocese of Greensburg.

31. Bishop Ronald William Gainer is the current Bishop of the Diocese of Harrisburg.

32. Bishop Joseph Bambera is the current Bishop of the Diocese of Scranton.

33. Archbishop Charles Joseph Chaput is the current Archbishop of the Archdiocese of Philadelphia.

34. Bishop Mark Bartchak is the current Bishop of the Diocese of Altoona-Johnstown.

JURISDICTION AND VENUE

35. This Court has subject matter jurisdiction over all claims in this action.

36. This Court has personal jurisdiction over Defendants, as Defendants continuously and systematically conducted, and continue to conduct, business in the Commonwealth of

Pennsylvania. Defendants have purposefully availed themselves of the privilege of conducting business in the Commonwealth, thus invoking the benefits and protections of Pennsylvania laws.

37. Venue is proper because the claims herein occurred in whole or part in this jurisdiction.

FACTUAL ALLEGATIONS

38. The existence of known or knowable, yet undisclosed, sexual predators of children within the Catholic Church is contrary to Pennsylvania's legal mandatory reporting requirements, and Defendants' conduct as detailed herein and in the grand jury reports is an obvious public nuisance to the citizens of the Commonwealth of Pennsylvania.

39. While the PA Grand Jury Report, the 2016 Altoona-Johnstown Report and the 2005 and 2011 Philadelphia Reports identified many individuals who have been known for decades by Defendants to be sexual predators, the reports themselves, which were publicly released only after a finding that they were supported by a preponderance of the evidence, acknowledge that they are an incomplete accounting of the sexual abuse of children by Defendants' agents.

40. For example, the PA Grand Jury Report states that the names of at least 20 predator priests and the church leadership that protected them are redacted from public disclosure and numerous others are identified only by their diocese and a number (*e.g.*, "Pittsburgh Priest #1"), depriving Pennsylvanians the ability to freely enjoy their communities without risking their children encountering these as yet unnamed predators, and depriving the victims of these predators the comfort of knowing that their abusers have finally been publicly identified.

41. Additionally, the PA Grand Jury Report stated that while over one thousand child victims were identifiable from the records provided from the Catholic Church, the grand jury believed that the real number of victims was in the thousands, noting that the Church's records were incomplete due to lost records and victims who were afraid ever to come forward.

42. These acknowledged gaps in the public records are the natural consequence of Defendants' decades-long policy of actively concealing and attempting to cover-up the sexual abuse that repeatedly took place within their respective dioceses, and affirmative actions and conduct designed to maintain a policy of secrecy and discourage the reporting of sexual abuse of children, which is well-detailed in the PA Grand Jury Report. Indeed, even after the 2016 Altoona-Johnstown Report and the 2005 and 2011 Philadelphia Reports were released, the other dioceses in Pennsylvania continued to conceal the names of additional perpetrators within their ranks until the release was compelled by the recent PA Grand Jury Report. Furthermore, the PA Grand Jury Report focused only on diocese offenders. Members of other Catholic religious orders—for example Jesuits and Franciscans—were not part of the grand jury's investigation or report.

43. As a result of the limitations on its investigation, the PA Grand Jury Report emphasized that it did *not* believe that the report identified all predator priests in Pennsylvania. Rather, the grand jury stated that it felt "certain that many victims never came forward, and that the dioceses did not create written records every single time they heard something about abuse."

44. In fact, despite reporting on 301 predator priests (only 282 named without redaction), in connection with the PA Grand Jury Report, the grand jury actually received files on *over 400* priests from the dioceses. The grand jury did not report on some of the priests stating that "the information contained in the file was too scanty to make a reasonable determination about what had happened."

45. The PA Grand Jury Report was also conscious of its limited scope and authority. Notably, while the PA Grand Jury Report contains extensive reporting on *priests* within the Catholic Church's dioceses that are the subject of the report, it contains much less information regarding abuse by other agents of Defendants.

46. In order to abate Defendants' public nuisance, *all* survivors of sexual abuse by priests and other agents of Defendants in Pennsylvania, and *all* potential direct and indirect witnesses to that abuse, are entitled to a mechanism to know if their facts and circumstances of abuse were provided to the Pennsylvania Grand Jury by the Catholic Church and considered. They are also entitled to know whether the Grand Jury considered other allegations against their same abuser. They further are entitled to evaluate whether they have additional information that would bolster the allegations against unnamed priests or those whose names have currently been redacted.

47. Similarly, in order to abate Defendants' public nuisance, all victims of sexual abuse by priests and other agents of Defendants in Pennsylvania, and all Pennsylvanians, are entitled to know if the Catholic Church, and Defendants, have adequately and sufficiently discharged their statutory obligation to notify state authorities of predators known to them.

48. Defendants' failure to alert law enforcement is self-evident. For example, and as further evidence of the need to abate Defendants' public nuisance, *of the 301 priests identified in the report, 10 or less appear in the Pennsylvania Megan's Law Database*. Thus, but for the recent Grand Jury Report, the overwhelming majority of these sexual offender priests would continue to enjoy anonymity as sexual predators within the Commonwealth of Pennsylvania and its community.

49. This lawsuit is brought because Defendants cannot be trusted to act on their own. Indeed, through decades of choosing to defend their predator clergy members over the children of Pennsylvania, Defendants have enabled untold abuse and suffering by children, family members, and others, and have also created a clear and present danger that must be abated to protect the public from future and ongoing harm which is continuing every day it is not abated.

50. In addition, the incomplete record of the abuse at Defendants' dioceses at issue in this Complaint prevents citizens of Pennsylvania from freely enjoying their communities, including freely practicing their religion, without fear of their children encountering a known (or knowable) sexual predator. The citizens of Pennsylvania deserve public disclosure of Defendants' full knowledge of sexual abuse at the hands of its agents, and the facilitation of that abuse, as well as an opportunity to have a complete accounting in the public record.

51. The thousands of child victims of clergy child sex abuse in Pennsylvania, including Plaintiff O'Connor ("O'Connor") and the Pennsylvania Survivor Class defined below, have been especially and distinctly injured in a way that the general public has not by Defendants' continuing public nuisance. The medical literature is clear that survivors of sexual abuse suffer special injuries as a result of the continued cover-up of the abuse that are distinct from the original abuse suffered and that differ substantially from the harm of future abuse to which the public is exposed.

52. Plaintiffs and the Classes defined below are entitled to confirmation from Defendants, with evidentiary proof sufficient to satisfy the Court, that Defendants have complied with their Mandatory Reporting Obligations and that the names of *all* suspected or known child abusers have been reported to law enforcement.

53. Plaintiffs and the Classes defined below are further entitled to review Defendants' records of abuse to verify whether their own allegations were provided to the Pennsylvania Grand Jury and to supplement and/or clarify the record as they deem necessary.

54. The lack of a complete accounting and disclosure of the allegations of abuse known to Defendants violates its legal reporting obligations and in and of itself constitutes a clear and present danger and continuing public nuisance to the public in Pennsylvania that requires abatement.

55. Each Defendant diocese had knowledge of child sex abuse by its priests, failed to report such abuse, and actively concealed it. Just for example:

a. **Diocese of Allentown.** The PA Grand Jury Report found evidence showing, *inter alia*, that “priests engaged in sexual contact with minors, including the grooming and fondling of genitals and/or intimate body parts as well as penetration of the vagina, mouth, or anus” and that “Diocesan administrators, including the Bishops, had knowledge of this conduct and that priests were regularly placed in ministry after the Diocese was on notice that a complaint of child sex abuse had been made.” Further, the evidence showed that the Diocese of Allentown settled with victims using confidentiality agreements forbidding victims from speaking about the abuse. In addition to failing to report, the grand jury developed evidence that multiple diocesan administrators, including the Bishops, often dissuaded victims from reporting to police. The grand jury concluded that the Diocese of Allentown’s actions enabled the offenders and endangered the welfare of children.

b. **Diocese of Erie.** The PA Grand Jury found evidence showing, *inter alia*, that “priests engaged in sexual contact with minors, including the grooming and fondling of genitals and/or intimate body parts as well as penetration of the vagina, mouth, or anus” and that “Diocesan administrators, including the Bishops, had knowledge of this conduct and yet priests were regularly placed in ministry after the Diocese was on notice that a complaint of child sex abuse had been made.” Further, the evidence showed that the Diocese of Erie settled with victims using confidentiality agreements forbidding victims from speaking about the abuse. In addition to failing to report, the grand jury developed evidence that multiple diocesan administrators, including the Bishops, often dissuaded victims from reporting to police and pressured law enforcement to

terminate or avoid investigation. The grand jury concluded that the Diocese of Erie's actions enabled the offenders and endangered the welfare of children.

c. **Diocese of Greensburg.** The PA Grand Jury Report found evidence showing, *inter alia*, that "child sexual abuse committed by a number of priests of the Diocese of Greensburg" including "grooming and fondling of genitals and/or intimate body parts as well as penetration of the vagina, mouth, or anus" and that "Diocesan administrators, including bishops, had knowledge of this conduct and regularly permitted priests to continue in ministry after becoming aware that a complaint of child sex abuse had been made." Further, the evidence showed that the Diocese of Greensburg settled with victims using confidentiality agreements forbidding victims from speaking about the abuse. In addition to failing to report, the grand jury developed evidence that diocesan administrators, including the Bishops, dissuaded victims from reporting to police. The grand jury concluded that the Diocese of Greensburg's actions enabled the offenders and endangered the welfare of children.

d. **Diocese of Harrisburg.** The PA Grand Jury Report found evidence showing, *inter alia*, that "priests engaged in sexual contact with minors, including grooming and fondling of genitals and/or intimate body parts as well as penetration of the vagina, mouth, or anus" and that "Diocesan administrators, including bishops, had knowledge of this conduct and that priests were regularly placed in ministry after the Diocese was on notice that a complaint of child sex abuse had been made." Further, the evidence showed that the Diocese of Harrisburg settled with victims using confidentiality agreements forbidding victims from speaking about the abuse. In addition to failing to report, the grand jury developed evidence that multiple diocesan administrators, including bishops, often dissuaded victims from reporting to police. The grand jury concluded that the Diocese of Harrisburg's actions enabled the offenders and endangered the welfare of children.

e. **Diocese of Pittsburgh.** The PA Grand Jury Report found evidence showing, *inter alia*, that “child sexual abuse committed by dozens of priests of the Diocese of Pittsburgh” including “grooming and fondling of genitals and/or intimate body parts as well as penetration of the vagina, mouth, or anus” and that “Diocesan administrators, including bishops, had knowledge of this conduct yet regularly placed the priests in ministry after the Diocese was on notice that a complaint of child sex abuse had been made.” Further, the evidence showed that the Diocese of Pittsburgh settled with victims using confidentiality agreements forbidding victims from speaking about the abuse. In addition to failing to report, the grand jury developed evidence that diocesan administrators, including the bishops, often dissuaded victims from reporting to police. The grand jury concluded that the Diocese of Pittsburgh’s actions enabled the offenders and endangered the welfare of children.

f. **Diocese of Scranton.** The PA Grand Jury Report found evidence showing, *inter alia*, “sexual abuse of minors committed by dozens of priests of the Diocese of Scranton” including “grooming and fondling of genitals and/or intimate body parts as well as penetration of the vagina, mouth, or anus” and that “diocesan administrators, including the bishops, had knowledge of this conduct yet regularly placed the priests in ministry after the Diocese was on notice that a complaint of child sexual abuse had been made.” Further, the evidence showed that the Diocese of Pittsburgh settled with victims using confidentiality agreements forbidding victims from speaking about the abuse. In addition to failing to report, the grand jury developed evidence that several diocesan administrators, including the bishops, often dissuaded victims from reporting to police. The grand jury concluded that the Diocese of Scranton’s actions enabled the offenders and endangered the welfare of children.

g. **Archdiocese of Philadelphia.** In the 2005 and 2011 Philadelphia Reports, the county grand jury reported evidentiary findings of widespread sexual abuse of children that was “known, tolerated, and hidden by high church officials.” 2011 Philadelphia Report at 1. The 2011 Philadelphia Report found that, even after the 2005 Philadelphia Report’s investigation and findings “much has not changed. Th[at] rapist priests [accused by the grand jury] were well known to the Secretary of Clergy, but he cloaked their conduct and put them in place to do it again.” The 2011 Philadelphia Report further found that the “procedures implemented by [the AoP] to help victims are in fact designed to help the abusers and the [AoP] itself. Worst of all, apparent abusers – dozens of them, we believe – remain on duty in the Archdiocese, today, with open access to new young prey.”

h. **Diocese of Altoona-Johnstown.** In the 2016 Altoona-Johnstown Report, the Pennsylvania grand jury found evidence showing, *inter alia*, “hundreds of children have fallen victim to child predators wrapped in the authority and integrity of [the Catholic Church].” “The nature of this child sexual abuse took many forms,” including “Children report[ing] having their genitals fondled, ... being forced to perform or receive oral sex on and/or from priests, and being anally raped.” The grand jury further found that bishops failed to protect children and, in fact “took actions that further endangered children as they placed their desire to avoid public scandal over the wellbeing of innocent children,” including that “[p]riests were returned to ministry with full knowledge they were child predators.” The evidence further showed that instances of child sex abuse known to the diocese were not reported to the police.

56. The similarities in Defendants’ handling and cover up of the abuse reflect an overarching link between Defendants’ conduct. Indeed, as the Pennsylvania Grand Jury found:

While each church district had its idiosyncrasies, the pattern was pretty much the same. The main thing was not to help children, but to avoid “scandal.” That is not

our word, but theirs [Defendants]; it appears over and over in the documents we recovered. Abuse complaints were kept locked up in a “secret archive.” That is not our word, but theirs [Defendants]; the church’s Code of Canon Law specifically requires the diocese to maintain such an archive. Only the bishop can have the key.

The strategies were so common that they were susceptible to behavioral analysis by the Federal Bureau of Investigation... Special agents testified before us that they had identified a series of practices that regularly appeared, in various configurations, in the diocesan files they had analyzed. It’s like a playbook for concealing the truth.

PA Grand Jury Report at 2.

57. The FBI identified seven specific tactics that pervaded all six dioceses that were the subject of the PA Grand Jury Report.¹¹ All of these tactics are further evidence of Defendants’ public nuisance and constitute affirmative acts of Defendants that support the allegations of public nuisance in this Complaint:

- a. Defendants use euphemisms rather than “real words” to describe the sexual assaults in diocesan documents (*e.g.*, never say “rape”; say “inappropriate contact” or “boundary issues”).
- b. Defendants did not conduct genuine investigations with properly trained personnel, instead assigning clergy to make credibility determinations about their colleagues.
- c. Defendants sent the accused priests for “evaluation” at church-run psychiatric treatment centers to “diagnose” whether the priest was a pedophile based on the accused’s self-reports and irrespective of whether the priest had actually engaged in sexual conduct with a child.

¹¹ Although not specifically discussed in the grand jury findings in Philadelphia and Altoona-Johnstown, these same tactics are evident in those reports as well.

- d. Defendants did not tell parishioners or stakeholders why priests are removed when the priests are removed for misconduct; instead stating that the priest is on “sick leave” or suffering “nervous exhaustion.”
- e. Defendants continued to provide priests with housing and living expenses even knowing of the priest’s sex abuse and even though the resources provided by Defendants may be used to facilitate more sexual assaults.
- f. Defendants transferred priests to other parishes, dioceses and even other ecclesiastic provinces when the priests’ sex abuse becomes known to the congregation so that the priests may enjoy a new congregation that is unaware of his predatory conduct.
- g. Defendants did not report the child sex abuse to the police; instead treating it like an “in house” personnel matter.

58. These patterns of parallel conduct among Defendants also show coordination among Defendants and other dioceses to affirmatively conceal child sex abuse to avoid scandal. Notwithstanding the great progress in public disclosure forced by the various Pennsylvania Grand Juries, more still must be done as Defendants continue to conceal child sex abuse allegations as to priests and other agents, continue to fail in their mandatory reporting obligations to law enforcement, and continue to foster an environment permissive of sex abuse. Such concealment constitutes a continuing public nuisance that must be abated.

59. Plaintiffs and the Classes defined below request that Defendants’ public nuisance be abated via declaratory and injunctive relief as set forth in Paragraph 9 above, or in the alternative by issuance of a writ of mandamus.

Defendants' Public Nuisance Harms the General Public

60. Defendants' conduct in failing to control, supervise and report sexual abuse of minor children by its priests and agents has endangered the welfare of children, interfered with the interests of the community, and caused damage to the general public.

61. Defendants' conduct alleged herein has interfered with public health and safety by victimizing thousands of minor children and causing them severe harm and trauma, both physically and emotionally, as well as severe harm and trauma to their family members and friends.

62. Defendants' conduct as alleged herein has interfered with the public morals by breaching the trust of its parishioners and those in the community, by holding itself up to be a paragon of virtue while simultaneously concealing and facilitating the criminal acts of its priests.

63. These instances of misconduct were not isolated, but have been continuous, widespread, and with knowledge that imminent harm would result.

Plaintiffs and the Classes Have Suffered Greater Harm Than The General Public

64. The relationship of O'Connor and the Pennsylvania Survivors Injunctive Relief Class to Defendants is much more direct, and the impact of the nuisance more immediate, substantial and specialized, than to the general public.

65. For example, O'Connor was a victim of sexual abuse at the hands of one of Defendants' priests for a period of approximately two years. The failure of Defendants to acknowledge or prevent the abuse suffered by O'Connor, and the affirmative acts of Defendants as outlined throughout this Complaint, has and continues to cause him new and independent damage in the form of ongoing emotional and psychological trauma as the public nuisance continues. In addition, the continued refusal of Defendants to disclose the identities of priests accused of sexual misconduct poses a continued harm to O'Connor.

66. The other members of the Survivors Injunctive Relief Class have likewise suffered a harm equivalent to that suffered by O'Connor as a result of Defendants' affirmative actions as alleged throughout this Complaint and continuing public nuisance.

67. The relationship of Plaintiff W.H. and the Pennsylvania Minors Injunctive Relief Class to Defendants is much more direct, and the impact of the nuisance more immediate and substantial, than to the general public. Specifically, W.H. attends Catholic school and has daily interaction with priests at the school. The continued refusal of Defendants to disclose the identities of priests accused of sexual misconduct therefore poses a daily threat to W.H. and his parents, as opposed to the intermittent danger that may be caused to individuals who do not attend Catholic School, are not Catholic, do not worship at a Catholic Church, and do not have a reason to place themselves in a position of trust and vulnerability to Defendants.

CLASS ACTION ALLEGATIONS

68. Pennsylvania has a strong public policy favoring class actions.

69. Pursuant to Pa. R. Civ. P. 1702, Plaintiff O'Connor asserts all causes of action set forth below individually and on behalf of:

All residents of Pennsylvania who have been sexually abused by a Catholic employee, priest, teacher, independent contractor, agent or other person known to the Catholic Church in Pennsylvania (hereinafter, the "Pennsylvania Survivors Injunctive Relief Class").

70. Pursuant to Pa. R. Civ. P. 1702, Plaintiffs O'Connor and Hancock (as guardian ad litem for the W.H.) assert all causes of action set forth below individually and on behalf of:

All minors in Pennsylvania who currently attend Catholic Church, Catholic School, or any event sponsored by the Catholic Church in Pennsylvania (hereinafter, the "Pennsylvania Minors Injunctive Relief Class").

71. While they are two independent and distinct asserted classes, the Pennsylvania Survivors Injunctive Relief Class and the Pennsylvania Minors Injunctive Relief Class are collectively referred to hereinafter for ease of reference as the “Classes.”

72. The members of each of the Classes are so numerous that joinder of all members is impracticable. The Classes each include at least a thousand members.

73. Common questions of law and fact exist as to all members of the Classes and predominate over any questions affecting individual members of the Classes. For purpose of abating Defendants’ public nuisance and for obtaining declaratory and injunctive relief, or in the alternative mandamus, as requested herein, questions of law and fact common to the members of the Classes include, at a minimum:

- a. Whether Defendants have complied with their Mandatory Reporting Obligations;
- b. Whether Defendants have engaged in and continue to engage in a pattern or practice of concealing and/or failing to report rape and sexual abuse of children known or knowable to Defendants;
- c. Whether Defendants have engaged in and continue to engage in a pattern or practice of exposing children, parishioners, and the public to known or knowable sexual predators;
- d. Whether Defendants have failed to properly screen, supervise, discipline, report, and take appropriate action with respect to known or knowable sexual predators within Defendants’ employment or control;
- e. Whether Defendants have created an unreasonable interference with a right common to the general public;

- f. Whether Defendants have created a public nuisance; and
- g. Whether the public nuisance created by Defendants should be abated, and if so, by what declaratory and injunctive relief remedies.

74. Plaintiffs' claims are typical of the claims of the Class members that they seek to represent. Plaintiffs' position on the common issues are aligned with that of the absent members of the Classes such that Plaintiffs' pursuit of their interests will advance the interests of the members of the Classes.

75. Plaintiffs will fairly and adequately assert and protect the interests of the Class members that they seek to represent pursuant to the criteria set forth in Pa. R. Civ. P. 1709. Specifically:

- a. Plaintiffs have retained counsel experienced in the prosecution of complex litigation, including class actions and claims concerning sexual abuse of children by members of the clergy;
- b. Plaintiffs have no conflict of interest in the maintenance of the class action; and
- c. Plaintiffs through their undersigned counsel have adequate financial resources to assure that the interests of the Classes will be protected and will not be harmed.

76. A class action provides a fair and efficient method for adjudication of the controversy under the criteria set forth in Pa. R. Civ. P. 1708. Specifically:

- a. Common questions of law or fact predominate over any question affecting only individual members;

- b. Were individual Class members required to bring separate actions, this Court would be confronted with a multiplicity of lawsuits burdening the court system while also creating the risk of inconsistent rulings and contradictory judgments;
- c. Adjudications with respect to individual members of the Classes could as a practical matter be dispositive of the interests of other members not parties to the adjudications or substantially impair or impede their ability to protect their interests;
- d. A class action presents far fewer management difficulties while providing unitary adjudication, economies of scale and comprehensive supervision by a single court;
- e. Because the Plaintiffs and members of the Classes do not seek monetary relief, and because of the expense and burden of prosecuting this compelling case against well-financed Defendants, a class action is a preferable vehicle for each Class member to redress the harm that Defendants caused;
- f. Plaintiffs are not aware of any litigation already commenced by members of the Class involving any of the same issues; and
- g. This forum is appropriate for the litigation of the claims of the entire Class, which is composed exclusively of Pennsylvania citizens.

77. Defendant have acted or refused to act on grounds generally applicable to the Class, thereby making appropriate final injunctive, declaratory relief, and mandamus with respect to the Class as a whole.

COUNT I – PUBLIC NUISANCE

Against All Defendants

Brought both individually on behalf of Plaintiffs and on behalf of the Classes

78. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

79. As detailed in the Grand Jury Reports and alleged above, Defendants have taken affirmative actions that have facilitated the sexual abuse detailed herein, and continue to conspire and engage in efforts to: (a) conceal from the general public the child sexual assaults committed by, the identities of, and the predatory tendencies of, Defendants' employees and agents, including priests and other church officials; (b) attack the credibility of the victims of the child sexual assaults; (c) protect Defendants' employees and agents from criminal prosecution for their sexual assaults against children, and cover-up the sexual abuse, all in violation of law; (d) after receiving reports or notice of misconduct by their predatory employees and agents, transferring them to new assignments without any warning to Catholic Church members or the public in those communities of the threat posed by such men, all in violation of law; and (e) making affirmative representations to current or future employers regarding the child sexual predators' fitness for employment in positions that include working with children, while failing to disclose negative information regarding sexual misconduct by such men, including rape and repeated child sexual abuse.

80. The predatory tendencies of Defendants' employees and agents, and the deception and affirmative concealment by Defendants, was and is an unreasonable interference with the right to the comfortable enjoyment of life common to the general public, including but not limited to Plaintiffs, members of the Catholic churches in Defendants' dioceses, and all other members of the general public who live in communities where Defendants' current and former predatory employees and agents work and live.

81. The predatory tendencies of Defendants' employees and agents, as well as the deception and concealment by Defendants, was, and is, an unreasonable interference with the right common to the general public to comfortable enjoyment of life in that children cannot be left unsupervised in any location where there are agents of Defendants present as the general public cannot trust Defendants to prohibit their predatory agents from supervising, caring for, or having any contact with children, nor to warn parents of the presence of the predatory agents of Defendants, nor to identify their predatory agents, thus creating an impairment of the safety of children in the neighborhoods where Defendants' agents work and live. Pennsylvania Child Protective Services Law (CPSL), § 6311 mandates reporting to law enforcement any suspected childhood sexual abuse; Defendants' agents are or were mandatory reporters under CPSL, § 6311(a). Defendants' conduct as detailed herein – pursuant to their policy of secrecy – violates their duties as mandatory reporters under CPSL, § 6311(a), and interferes with and causes harm to these rights that are common to the public by preventing Defendants' predatory agents from being criminally prosecuted, thereby obstructing the public's right to identify such men as registered sex offenders. Defendants' secretive conduct also interferes with and causes harm to the public's right to know that Defendants have concealed decades of sexual abuse by Roman Catholic Church leaders.

82. Defendants' conduct has caused further injury to the public and severely impaired the safety of children where Defendants have protected and concealed their predatory agents from criminal prosecution and registration as sex offenders for their sexual assaults, where Defendants' predatory agents subsequently have left Defendants' employ, and where Defendants have expelled such men from the Roman Catholic Church and thereby disavowed any responsibility for Defendants' predatory former agents despite the fact Defendants facilitated these former agents'

avoiding criminal prosecution and having to register as sex offenders so that they would be identifiable to the public. As a result of Defendants' conduct, when Defendants' former agents have sought employment placing them in positions of trust with children, Defendants are the only ones aware of the risk posed by these former agents, and potential employers, childcare custodians, and parents have no means of identifying the risk to their children posed by men who should be convicted and registered sex offenders.

83. Defendants' deception and concealment is especially injurious to Plaintiff and the members of the Classes. As a result of Defendants' deception and concealment, Plaintiff O'Connor and Members of the Pennsylvania Survivors Injunctive Relief Class were placed in the custody and control of sexual predators who actually did sexually assault them.

84. Likewise, W.H. and the Pennsylvania Minors Injunctive Relief Class have been placed in the custody and control of potential sexual predators, are unaware of the ongoing danger, and are at a much higher percentage risk than the general public to be sexually abused.

85. For example, Defendants' continuing and unabated public nuisance has specifically injured O'Connor in multiple tangible ways. O'Connor's health and mental well-being have been negatively affected. O'Connor, like many other victims/survivors of the sexual abuse caused and facilitated by the Catholic Church, has suffered mental and emotional distress due to the feeling that he is unable to protect the public from undisclosed Catholic priests and other agents who have committed sexual abuse against children. O'Connor has suffered lesser enjoyment of his life, impaired health, mental and emotional distress, and/or physical symptoms of mental and emotional distress, including, without limitation, depression, anxiety, and anger.

86. The continuing public nuisance created by Defendants was, and continues to be, the proximate cause of the injuries to the general public and of the special injuries suffered by Plaintiffs and members of the Classes.

87. In doing the aforementioned acts, Defendants acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiffs' and the Class' rights.

88. As a result of the above-described conduct, O'Connor and the Survivor Class have suffered, and continue to suffer special injury in that they 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; have suffered and continue to suffer spiritually; have been prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT II – MANDAMUS
(Against All Defendants)

**Brought both individually on behalf of Plaintiffs and on behalf of the Classes in the
Alternative to Count I**

89. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

90. Plaintiffs and the members of the Classes have an individual and beneficial interest that this suit seeks to vindicate that are distinct in degree and kind of that which is held by the public at large.

91. Under 23 Pa.C. S. § 6311, Defendants have a clear and present Mandatory Reporting Obligation, that is not subject to their own discretion, to inform law enforcement of known or suspected child abusers.

92. For over 20 years, Defendants have had, and have been on notice of, their duty comply with their Mandatory Reporting Obligation to protect children from known or suspected child abusers.

93. Defendants have plainly refused, on repeated occasions, to perform their Mandatory Reporting Obligation, as it evident from the fact that of the 301 priests identified in the report, ten or appear in fewer appear in the Pennsylvania Megan's Law Database.

94. Plaintiffs and the Classes as defined above have a unique interest in compelling Defendants to comply with their legal Mandatory Reporting Obligations in order to eliminate or reduce further retriggering, and protect children within the Catholic Church from further instances of sexual abuse.

95. Indeed, while members of the general public in the Commonwealth surely share in Plaintiffs' desire to compel Defendants to comply with its Mandatory Reporting Obligations, the Grand Jury Report establishes that past sexual abuse of children by Defendants' priests, and the cover-up and further facilitation of that sexual abuse, has occurred on a wide-scale basis within the Catholic Church in Pennsylvania. In this way, Plaintiffs O'Connor and Hancock and the Pennsylvania Minors Injunctive Relief Class are uniquely exposed to future harm and further instances of child sexual abuse as a result of Defendants' repeated failures to discharge their mandatory legal duties.

96. As demonstrated by the recent arrests of two Catholic priests who were still being actively concealed by the Catholic Church in Pennsylvania until the release of the Grand Jury Report, Defendants' systemic pattern and practice of concealing pedophiles, child rapists and child sexual abusers for decades transforms the likelihood of specific harm from mere speculation to reasonable certainty.

97. While Plaintiffs contend that they are entitled to relief under Count 1 above, in the absence of recourse under Count 1, Plaintiffs have no other adequate remedy at law to compel Defendants to comply with their Mandatory Reporting Obligations by reporting all child abuse presently known or suspected by Defendants, and thus, Plaintiffs request this Court to compel Defendants to do so by mandate.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, individually and on behalf of the Classes defined above, pray for a judgment against Defendant as follows:

- A. An order certifying the Classes, appointing Plaintiffs as the Class Representatives of the Classes, and appointing the undersigned counsel as counsel for the Classes;
- B. An order declaring that Defendants have violated their Mandatory Reporting Obligations;
- C. An order for appropriate injunctive relief to abate Defendants' public nuisance, including, without limitation:
 - 1. An order compelling Defendants to meet their obligations under 23 Pa. C. S. § 6311 and 49 Pa. C. S. § 45.402 ("Mandatory Reporting Obligations") on both a historical and going-forward basis, and provide sufficient evidence to the Court that they have and will do so.
 - 2. An order compelling Defendants to make a complete disclosure of all records and information in their possession, custody or control during the time period from September 17, 1948 to the present pertaining to sexual abuse of any minors. Plaintiffs request that the Court appoint a special master to ensure that sensitive information about the victims of Defendants'

abuse remains confidential (unless authorized by a victim/survivor) and, additionally, to provide a mechanism for the victims of abuse to review records pertaining to them to verify that they exist, are accurate and complete, and are available to be reviewed by Pennsylvania government officials and law enforcement;

3. An order compelling the Catholic Church to provide notice approved by the Court to Pennsylvanians of their right and opportunity to provide additional information as victims or witnesses relating to sexual abuse of children by the Catholic Church in Pennsylvania, as such notice and reporting will further assist in abating Defendants' public nuisance, with such notice paid for by Defendants;
 4. An order declaring that the acts that have formed the basis of the continuing public nuisance actually occurred, and are unlawful; and
 5. An order compelling Defendants to be accountable for their actions and take responsibility by publicly acknowledging their wrongdoing as set forth herein.
- D. In the alternative, an writ of mandamus commanding Defendants to report, as required by 23 Pa.C. S. § 6311, all child abuse presently known or suspected by them, and to submit proof of compliance with such order to the Court within 10 days of such order.
- E. Attorneys' fees and costs, including expert fees; and
- F. Any and all other legal or equitable relief that the Court may deem proper and just.

JURY TRIAL DEMANDED FOR ALL ISSUES SO TRIABLE

Dated: September 17, 2018

Respectfully submitted,

**CARLSON LYNCH SWEET KILPELA &
CARPENTER, LLP**

By:  _____

Benjamin J. Sweet, PA Bar No. 87338
Edwin J. Kilpela, Jr., PA Bar No. 201595
1133 Penn Avenue, 5th Floor
Pittsburgh, PA 15222
Tel: (412) 322-9243
Email: bsweet@carsonlynch.com
ekilpela@carsonlynch.com

**NYE, PEABODY, STIRLING, HALE &
MILLER, LL**

Timothy C. Hale, CA SBN 184882 (*Pro Hac Vice*
Pending)
Jonathan D. Miller, CA SBN 220848 (*Pro Hac Vice*
Pending)
33 West Mission Street, Suite 201
Santa Barbara, CA 93101
Tel: (805) 963-2345
Email: tim@nps-law.com
jonathan@nps-law.com

BERGER MONTAGUE PC

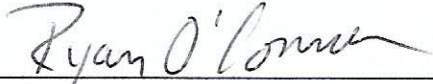
Shanon J. Carson, PA Bar No. 85957
Sarah R. Schalman-Bergen, PA Bar No. 206211
Jeff Osterwise, PA Bar No. 201859
Patrick Madden, PA Bar No. 309991
1818 Market Street
Suite 3600
Philadelphia, PA 19103
Tel: (215) 875-4656
Email: scarson@bm.net
sschalman-bergen@bm.net
josterwise@bm.net
pmadden@bm.net

Counsel for Plaintiffs and the Class

VERIFICATION

The undersigned, RYAN O'CONNOR, herein avers that the statements of fact contained in the foregoing CLASS ACTION COMPLAINT are true and correct to the best of his information, knowledge and belief, and are made subject to penalties of 18 Pa. C.S.A. Sec. 4904 relating to unsworn falsification to authorities.

Date: 9/16/18


RYAN O'CONNOR

VERIFICATION

The undersigned, KRISTEN HANCOCK, herein avers that the statements of fact contained in the foregoing CLASS ACTION COMPLAINT are true and correct to the best of her information, knowledge and belief, and are made subject to penalties of 18 Pa. C.S.A. Sec. 4904 relating to unsworn falsification to authorities.

Date: 9/16/10



KRISTEN HANCOCK