

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT- CHANCERY DIVISION

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CLERK OF THE COURT  
COOK COUNTY ILLINOIS  
CHANCERY DIVISION

Mother Doe 100, individually and as  
representative of the minor John Doe 100,  
on behalf of themselves and all others  
similarly situated, and  
██████████, on behalf of himself and  
all others similarly situated,

Plaintiffs,

vs.

06CH02017

The Archdiocese of Chicago d/b/a The Catholic  
Bishop of Chicago, a corporation sole,

Defendant.

**CLASS ACTION COMPLAINT**

NOW COMES the Plaintiffs, individually and on behalf of all others similarly situated, by and through their attorneys, JEFF ANDERSON & ASSOCIATES and KERNS, PITROF, FROST & PEARLMAN, to obtain declaratory and injunctive relief against Defendant, states as follows:

**INTRODUCTION**

1. This Complaint seeks declaratory judgment and injunctive relief against the Archdiocese of Chicago. The Archdiocese of Chicago has established a policy of harboring and protecting suspected child molesting agents, thereby endangering numerous children in Illinois. The Archdiocese has information about a number of suspected child molesting agents that it has never disclosed to law enforcement or the public at large, thereby causing children such as John Doe 100 to be harmed. Further, on information and belief, the Archdiocese has a policy and

practice of document destruction. This declaratory relief and injunction action seeks to have the Archdiocese produce all documents regarding the molestation of children by its agents for court supervision, to release the names of all agents accused of molesting children to the court and to the public, and to enjoin the Archdiocese from destroying any documents regarding suspected childhood sexual abuse by its agents.

#### JURISDICTION AND VENUE

2. This Court has jurisdiction over this action because it seeks to redress violations of the plaintiffs' rights and to protect children in Illinois that are in imminent danger. Venue is proper because the Archdiocese resides in Cook County and the majority of the allegations herein involve occurrences in Cook County.

#### PARTIES

3. Plaintiff John Doe 100 is a minor. Mother Doe 100 is John Doe 100's mother and legal guardian. At all times material, Plaintiff John Doe 100 was a resident of the State of Illinois. At all times material, Mother Doe 100 was a resident of the State of Illinois.

4. The identities of all Doe Plaintiffs are made known to Defendants through separate cover letter.

5. Plaintiff [REDACTED] is a thirty five year old Chicago resident. [REDACTED] was sexually molested as a child by John Murphy, a religious order priest who was serving at a parish within the Archdiocese at the time of the abuse.

6. At all times material, the Catholic Bishop of Chicago, a Corporation Sole (hereinafter "Archdiocese of Chicago") was and is an Illinois corporation. Defendant has approximately eight hundred fifty four Diocesan priests serving in two counties in the State of

Illinois. At all times material to the complaint, Defendant Archdiocese was conducting business in the State of Illinois.

### CLASS ACTION ALLEGATIONS

7. Plaintiffs bring this action on behalf of themselves and, pursuant to 735 ILCS 5/2-801, as the representatives of the class of persons who have been molested as children by an agent of the Archdiocese of Chicago and on behalf of those children who have not yet been abused, but who are in imminent danger of abuse because the Archdiocese has not released the names and files of agents that have been accused of molesting children or accused of inappropriate sexual behavior with children to either the public or to the court.

8. The Plaintiff class is so numerous that joinder of all members is impracticable. In its own self report, the Archdiocese asserted that there were 142 cases where they had reason to suspect that an agent had sexually molested a child. These numbers only include information that was reported to the Archdiocese. The underlying data for the results was not disclosed to the public.

9. There are questions of fact or law common to the class, which predominate over questions affecting only individual members. The common questions of law or fact include, but are not limited to: whether the Archdiocese of Chicago has failed to protect children by not releasing the names of its agents who have been accused of molesting children to the public and law enforcement and whether the Archdiocese has or is destructing documents in order to cover up or conceal crimes against children by clergy serving in and/or employed by the Archdiocese.

10. The Plaintiffs will fairly and adequately protect the interests of the class. The interests of the plaintiffs are the same as those of all class members because they have all been

sexually abused by an agent of the Archdiocese of Chicago or are in danger of being molested by an agent of the Archdiocese of Chicago because the Archdiocese's information is not public. All have an interest in preventing the sexual abuse of any further children by agents of the Archdiocese of Chicago.

11. A class action is an appropriate method for the fair and efficient adjudication of the controversy alleged in this complaint. The expense and burden of individual litigation would make it difficult or impossible for individual members of the class to redress the wrongs done to them. The cost to the court system of adjudication of such individualized litigation would be substantial. Individualized litigation would also present the potential for inconsistent or contradictory judgments and would magnify the delay and expense to all parties and the court system. By contrast, the conduct of this action as a class action presents far fewer management difficulties, conserves the resources of the parties and court system, and protects the rights of each class member. In addition, the prosecution of separate actions by the individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual class members which would establish incompatible standards of conduct for the defendant.

#### ALLEGATIONS OF FACT

12. Daniel McCormack (hereinafter "McCormack") was ordained a priest of the Archdiocese of Chicago in approximately 1994.

13. At all times material, McCormack was employed by the Archdiocese. McCormack was an ordained Roman Catholic Priest educated, trained and ordained by, and under the direct supervision, employ, agency and control of the Archdiocese. Among McCormack's duties in his employment was to provide pastoral care and counseling for

members of his denomination.

14. In approximately the winter of 2000, a nun at Holy Family Church in Chicago reported to the Archdiocese of Chicago that Daniel McCormack asked a fourth-grade boy to pull down his pants in the sacristy at Holy Family.

15. The nun reported this numerous times to the Archdiocese.

16. On information and belief, on one occasion when the nun reported it to the Archdiocese, an official told her that "if the parents aren't pushing it, let it go."

17. After these reports, the nun made a final report to the Archdiocese, this one a written report of McCormack's behavior.

18. On information and belief, in 2000, the Archdiocese did not report McCormack to law enforcement, did not tell any of the parishioners at any of the parishes McCormack worked at in the past about the report, did not tell any of the parishioners at any of the parishes where McCormack worked after these reports, and did not tell any other children or parents about the report.

19. On information and belief, after the nun reported the abuse to the Archdiocese, the Archdiocese transferred McCormack to another parish, St. Agatha's in Chicago.

20. On information and belief, despite the report, the Archdiocese allowed McCormack to teach at an Archdiocesan school and coach a boys basketball team.

21. In response to the clergy abuse scandal, the United States Catholic Conference of Bishops passed the Dallas Charter.

22. On information and belief the Bishops passed the Dallas Charter in 2002. The Charter was only enforced, if at all, from within. There was no meaningful external non church

oversight over its enforcement.

23. Cardinal Francis George represented to the public that the Charter was a “zero tolerance” policy that committed them to removal of priests in childhood sexual abuse cases. He also represented to the public that a priest with even one act of sexual misconduct with a child should not be allowed in public ministry in order to protect children.

24. In January of 2003, the Archdiocese released a “Ten Year Report” that purported to give information about the Archdiocese’s efforts to stop childhood sexual abuse by clerics in the previous ten years.

25. On information and belief, the Ten Year Report purports to give the current status of priests that were accused of molesting a child anytime from 1993 to 2003. The report indicates that no priest accused of abuse during that time period is in any form of ministry in the Archdiocese of Chicago.

26. The Ten Year Report also states that officials of the Archdiocese have reported all allegations, including those not deemed credible, to the appropriate public authorities.

27. On information and belief, the Archdiocese did not include McCormack in the Ten Year Report.

28. Also in response to the clergy abuse scandal, the United States Catholic Conference of Bishops agreed to participate in a self report survey conducted by the John Jay College.

29. As part of the John Jay survey, each Diocese submitted the number of priests that had allegations of sexual misconduct with a minor within the particular Diocese.

30. On information and belief there was no oversight over the information that was

given to the John Jay College. It was completely up to the particular Diocese to respond honestly.

31. The John Jay College defined "allegation," as all recorded notifications of clerical sexual misconduct with minors, whether or not they resulted in any investigation or whether there was reasonable cause to suspect abuse had occurred.

32. In 2004, the Archdiocese reported that it had reason to believe that 55 priests had sexual misconduct with a minor.

33. In 2004, Cardinal George and the Archdiocese represented to the public that there were no priests that were accused of childhood sexual abuse that were in public ministry in the Archdiocese of Chicago.

34. On information and belief, the Archdiocese did not include McCormack in the 2004 John Jay numbers.

35. On information and belief in August of 2005, the Archdiocese learned that law enforcement was investigating McCormack for childhood sexual abuse.

36. On information and belief, in August of 2005, the Archdiocese did not inform the law enforcement that a nun had reported that McCormack had acted in a sexually inappropriate manner with a child in 2000.

37. On information and belief, just as it did in 2000, the Archdiocese did not report or warn any of the parishioners, the public, or the parents at St. Agatha parish that law enforcement was investigating McCormack for childhood sexual abuse.

38. On information and belief, the Archdiocese elevated McCormick to a position of authority in the Archdiocese on September 1, 2005. It appointed him as Dean of a Deanery of

the Archdiocese. This is an honored, respected, and supervisory position within the Archdiocese. This meant that McCormack was still at St. Agathas, but also had some supervisory authority over roughly 20 parishes in the Archdiocese.

39. The Archdiocese allowed McCormack to remain at St. Agathas and in the position of Dean until at least January of 2006, more four months after the Archdiocese received at least its second report of sexual misconduct against a minor by McCormack.

40. In January of 2006, Chicago law enforcement arrested McCormack and charged him with sexually molesting two boys on multiple occasions.

41. On information and belief, the nun who reported the abuse to the Archdiocese in 2000 was contacted by the Archdiocese the day before McCormack was arrested. The Archdiocese indicated to the nun that it did not have the nun's letter.

42. On information and belief, the Archdiocese also stated publicly that it has no written record of the nun's reports or the actual letter.

43. On information and belief, the Archdioceses and Dioceses across the United States, including the Archdiocese of Chicago, have been instructed to destroy documentation of sexual misconduct by priests and/or to send any of this material to the Holy See in order to claim it is immune from public discovery or disclosure.

44. On information and belief, the Archdiocese has not released the names of the 55 priests that it deemed as having reason to suspect committed sexual misconduct with children.

45. On information and belief, the Archdiocese has also not released the names of any of the other clerics, like McCormack, who were accused of sexual misconduct and are still in parishes, but not included in the Ten Year Report or the John Jay Survey.



46. Although the Archdiocese had not released the names of offenders, some names of Archdiocesan clerics accused of sexual misconduct have been released during the course of litigation. These names were released in 2005:

- 1) Richard "Doc" Bartz
- 2) Robert Becker
- 3) R. Peter Bowman
- 4) Daniel Buck
- 5) Eugene Burns
- 6) John Callicott
- 7) William Cloutier
- 8) Robert D. Craig
- 9) John Curran
- 10) Walter DeRoeck
- 11) Jeremiah Duggan
- 12) Richard Fassbinder
- 13) Joseph Fitzharris
- 14) Robert Friese
- 15) James Hagan
- 16) Daniel Mark Holihan
- 17) Walter Huppenbauer
- 18) Thomas Job
- 19) Robert Kealy

- 20) John Keehan
- 21) Thomas Kelly
- 22) John "Jack" Keough
- 23) Joseph Kissane
- 24) Leonard Kmak
- 25) William Lupo
- 26) Norbert Maday
- 27) Robert Mayer
- 28) Vincent McCaffrey
- 29) Donald Mulsoff
- 30) Thomas O'Gorman
- 31) James Ray
- 32) John Robinson
- 33) Kenneth Ruge
- 34) Raymond Skriba
- 35) Marion Snieg
- 36) Victor Stewart
- 37) Ralph Strand
- 38) Thomas Swade
- 39) Anthony Vader

47. Names that have not previously been released but who, on information and belief, have been accused of sexual misconduct with a minor:

1) James Flosi

48. There are also a number of religious order priests who worked in the Archdiocese. On information and belief, the Archdiocese had control and/or supervision over these clerics while they were working in the Archdiocese. On information and belief, the Archdiocese knows about these clerics' misconduct. On information and belief, those religious order clerics that have been accused of sexual misconduct are:

- 1) Robert Berlet (Christian Brothers)
- 2) Robert Brouillette (Christian Brothers)
- 3) Vincent Bryce (Dominicans)
- 4) George Dyer (Dominicans)
- 5) Terrence Fitzmaurice (Benedictines)
- 6) John Huels (Servite)
- 7) Augustine Jones (Benedictines)
- 8) Donald McGuire (Jesuits)
- 9) John Murphy (Augustinians)
- 10) Robert Murphy (Camelites)
- 11) Michael O'Connor (Augustinians)
- 12) Jean Baptiste (J.B.) Ormechea (Passionists)
- 13) Eusebio Pantoja (Claretians)
- 14) Thomas Paramo (Claretians)
- 15) Carlos Peralta (Salesians)
- 16) John Powell (Jesuits)

17) Andrew Ronan (Servites)

18) Wilton Skiffington (Jesuits)

19) Patrick Strong (Augustinians)

49. McCormack sexually molested John Doe 100 at some point between approximately 2000 and 2005, when John Doe 100 was a minor child.

50. Neither John Doe 100 nor Mother Doe 100 knew that the Archdiocese had received reports about McCormack sexual abuse of children.

**COUNT I**  
**(Injunction - Release of Names)**

51. Plaintiffs repeat and reallege every paragraph of this complaint as if set forth in Count I.

52. Plaintiffs bring Count I on their own behalf and on behalf of the class of similarly situated persons described in paragraph 7 of this Complaint.

53. The practices of the Archdiocese of Chicago have endangered numerous children in the past and these practices will continue to put children at risk in the future.

54. Plaintiffs and the class have the right to not be sexually molested by clerics of the Archdiocese of Chicago.

55. The Archdiocese owes a duty to warn all children and their parents that come into contact with its clerics of allegations of sexual misconduct by the clerics because these children and their parents hold clerics in an esteemed position, which gives clerics virtually unlimited access to children.

56. The Archdiocese also owes a duty to children and their parents to release all of the names of clerics against whom the Archdiocese has deemed to have credible allegations of

sexual misconduct with children to the court and to the public at large.

57. The Archdiocese also owes a duty to children and their parents to release all of the names of clerics that have been accused of sexual misconduct with children to the court and to the public at large.

58. Unless injunctive relief is granted numerous children in Illinois are at risk of being sexually molested by clerics of the Archdiocese.

59. In order to ensure that children are protected and free from sexual molestation by clerics, the plaintiffs and the members of the class are entitled to an injunction ordering that the Archdiocese do the following:

- a) Release the names of all 55 of the priests that it reported to the John Jay Survey to the court and to the public.
- b) Release the names of all other clerics, like McCormack, that were not included in the John Jay Survey, but against whom the Archdiocese has received allegations of sexual misconduct by the cleric with children to the court and to the public.

**COUNT II**  
**(Injunction - Documents)**

60. Plaintiffs repeat and reallege every paragraph of this complaint as if set forth in Count II.

61. Plaintiffs bring Count II on their own behalf and on behalf of the class of similarly situated persons described in paragraph 7 of this Complaint.

62. On information and belief, the Archdiocese still has documents that are evidence of crimes committed by clerics against children.

63. The Archdiocese has a duty to the public at large and to law enforcement to not

destroy any documents that evidence a crime.

64. The Archdiocese has a duty to children that were abused by clerics to not destroy any documents relating to the sexual misconduct or alleged sexual misconduct of any cleric at anytime in the Archdiocese of Chicago.

65. On information and belief the Archdiocese has destroyed documents and/or concealed documents and/or failed to give documents to law enforcement relating to sexual misconduct or alleged sexual misconduct by clerics of the Archdiocese.

66. Unless injunctive relief is granted, children will be at imminent risk of being molested by clerics of the Archdiocese, law enforcement will be prevented from doing its job, and those children that have already been molested by clerics will have their rights negatively affected.

67. In order to ensure that children are protected and free from sexual molestation by clerics, the plaintiffs and the members of the class are entitled to an injunction ordering that the Archdiocese do the following:

- a) Turn over any document with any connection to any allegation of sexual misconduct by a cleric against a child to the Illinois Courts for supervision of these documents.
- b) Turn over any document with any connection to any allegation of sexual misconduct by a cleric against a child to law enforcement.
- c) Cease in the destruction or spoliation of any documents with any connection to any allegation of sexual misconduct by a cleric against a child.
- d) Cease to conceal or misplace any documents with any connection to any

allegation of sexual misconduct by a cleric against a child.

**COUNT III**  
**(Declaratory Judgment)**

68. Plaintiffs repeat and reallege every paragraph of this complaint as if set forth in Count III.

69. Plaintiffs bring Count III on their own behalf and on behalf of the class of similarly situated persons described in paragraph 7 of this Complaint.

70. There is an actual controversy between the plaintiffs and the members of the plaintiff class, on the one hand, and the Archdiocese, on the other hand, concerning whether the Archdiocese is adequately protecting children through its practices of not releasing the names of those clerics that have been accused of molesting children.

71. There is also an actual controversy between the plaintiffs and the members of the plaintiff class, on the one hand, and the Archdiocese, on the other hand, concerning whether the Archdiocese is adequately protecting children through its practice of not removing a cleric that is accused of molesting a child from any position where the cleric has any contact with children.

72. Finally, there is an actual controversy between the plaintiffs and the members of the plaintiff class, on the one hand, and the Archdiocese, on the other hand, concerning whether the Archdiocese is adequately protecting children through its practices of destroying and/or concealing documents evidencing allegations of sexual misconduct by clerics.

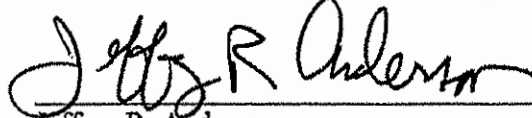
73. The plaintiffs and members of the plaintiff class are entitled to a declaration that the Archdiocesan practices of not releasing the names of clerics accused of sexual misconduct with minors, not removing clerics that are accused of sexual misconduct with children from positions where they have access to children, and by destroying and/or concealing documents, is

not adequate to protect children.

WHEREFORE, Plaintiffs respectfully request that this Court grant the relief requested within this complaint or any other relief the Court deems just in order to protect children.

Dated: January 31, 2006

JEFF ANDERSON & ASSOCIATES, P.A.



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