

IN THE IOWA DISTRICT COURT IN AND FOR CLINTON COUNTY

JOHN DOE II,

Plaintiff,

vs.

FATHER FRANCIS BASS,
FATHER JAMES JANSSEN AND THE
DIOCESE OF DAVENPORT,

Defendants.

Law No. LA29867

PETITION AT LAW

MAILED
CLINTON DISTRICT COURT
CLINTON COUNTY, IOWA

2003 SEP 25 PM 2:38

FILED

COMES NOW, Plaintiff, John Doe II, by and through his attorneys, Betty, Neuman & McMahon, L.L.P., for his Petition at Law against the Defendants, states as follows:

COMMON ALLEGATIONS

1. Plaintiff John Doe II was a resident of Clinton County, Iowa, and at all times material herein was a minor and resident of Clinton County, Iowa.
2. Plaintiff John Doe II was a baptized and confirmed member of the Sugar Creek Parish of the Davenport Diocese. He attended catechism classes in this Parish, served for many years as an altar boy, and, with his family, attended weekly mass.
3. Defendant Diocese of Davenport is an Iowa corporation duly organized under the laws of the State of Iowa.
4. Defendant Father Francis Bass (hereafter "Bass") is an ordained Roman Catholic priest. At all times material, Defendant Bass was under the authority, direct supervision, employ and control of the Diocese of Davenport.

5. Defendant Father James Janssen (hereafter "Janssen") is an ordained Roman Catholic priest. At all times material, Defendant Janssen was placed as the Parish Pastor, educator and designated holy figure at the Sugar Creek Parish in Clinton County, Iowa, under the authority, direct supervision, employ and control of the Diocese of Davenport.

6. Defendant Bass has been assigned to and held the following positions in the Diocese of Davenport:

- A. Associate Pastor at St. Mary's Parish in Clinton, Iowa (1948-1957)
- B. Associate Pastor at St. Joseph Parish (1957-1966)
- C. Pastor at St. Mary's Parish in Eddyville, Iowa (1967)
- D. Pastor at St. Joseph Parish in East Pleasant Plain (1967-1973)
- E. Pastor at Sacred Heart Parish in Newton, Iowa (1973-1978)
- F. Pastor at St. Patrick's Parish in Iowa City, Iowa (1978-1981)
- G. Pastor at St. Patrick's Parish in Delmar, Iowa (1981-1992)
- H. Pastor at St. Anne's Parish in Welton, Iowa (1984-1992)

7. Defendant Janssen has been assigned to and held the following positions in the Diocese of Davenport:

- A. Assistant Pastor at St. Paul the Apostle in Davenport, Iowa; (1948)

- B. Assistant Pastor at St. Paul Parish in Burlington, Iowa;
(1948-1950)
- C. Assistant Pastor at St. Irenaeus Parish in Clinton, Iowa;
(1950-1953)
- D. Assistant Pastor at St. Joseph Parish in East Pleasant Plain;
(1953)
- E. Assistant Pastor at Sacred Heart Parish in Newton, Iowa;
(1953-1956)
- F. Substitute Pastor at St. Michael Parish in Holbrook;
(1958)
- G. Administrator at St. Patrick's Parish, Delmar, Iowa;
(1959)
- H. Assistant Pastor at St. Mary's Parish in Davenport, Iowa;
(1959-1961)
- I. Assistant Pastor at St. Joseph Parish in Fort Madison, Iowa;
(1961-1967)
- J. Pastor at St. Joseph Parish in Sugar Creek, Iowa;
(1967-1979)
- K. Pastor at St. Mary Parish in Bryant, Iowa;
(1972-1979)
- L. Co-Pastor at St. Anthony Parish in Davenport, Iowa; and
(1979-1980)
- M. Pastor at Ss. Philip & James Parish in Grand Mound, Iowa
(1980-1990)

8. As pastors, teachers and spiritual advisors, Defendant Bass and Defendant Janssen were men of great influence and persuasion as holy men and authority figures. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

9. At all times material, Defendant Bass and Defendant Janssen were under the direct supervision, employment and control of the Defendant Diocese of Davenport.

10. From 1961-1967, Defendant Janssen was an Assistant Pastor at the St. Joseph Parish in Fort Madison, Iowa. While in his position of authority, trust, reverence and control as a Roman Catholic Priest, he engaged in repeated harmful, illegal and immoral sexual contact with minor children of the parish. After learning of Defendant Janssen's improper and illegal conduct, Defendant Diocese of Davenport failed to take actions, including, but not limited to, investigating his actions, defrocking him, reporting him to law enforcement, warning members of the Diocese about him, disciplining him, documenting and maintaining records of his abuse and taking all reasonable steps to insure such actions, while under the Church's authority, control and employ, would not occur again. Instead, the Defendant Diocese of Davenport reassigned Defendant Janssen to the parish in Sugar Creek where similar conduct occurred with the Plaintiff and other minor children.

11. From 1957-1966, Defendant Bass was an Associate Pastor at the St. Joseph Parish in East Pleasant Plain, Iowa. During this time, he witnessed and participated with Defendant Janssen in improper and illegal conduct.

12. The Defendant Diocese of Davenport has engaged in a pattern and practice of transferring priests committing improper sexual conduct with minors from one parish to another without adequately warning or protecting the minor members or their parents in the new parish. Defendant Diocese of Davenport's conduct in Iowa

is consistent with the conduct of other Diocese in the country, including, but not limited to, Father Porter in Falls River, Massachusetts, Father Bos in Dallas, Texas, Father Georgeon in Boston, Massachusetts and Father Gauthe in Louisiana. Records documenting this have either not been maintained or have been destroyed.

13. Defendant Bass and Defendant Janssen identified Plaintiff's family as one with a young male child, sought and gained the trust and confidence of Plaintiff's mother as friends, spiritual guides, pastors, confessors and priests; sought and gained parental consent for Plaintiff to participate in counseling and other activities and to spend time alone with him; and sought and gained parental directive to Plaintiff that he respect Bass' and Janssen's authority and guidance and comply with their instructions. Bass and Janssen also sought and gained Plaintiff's trust, friendship, admiration and obedience. As a result, Plaintiff was conditioned to comply with Bass' and Janssen's direction and to look to them as an authority on matters spiritual, moral, ethical and temporal.

14. On more than one occasion, before improper sexual contacts with the Plaintiff, Defendant Janssen would state "This is how we build trust".

15. Beginning in 1967, while the Pastor at St. Joseph Parish in Sugar Creek, Defendant Janssen, while using his position of authority, trust, reverence and control as a Roman Catholic Priest, engaged in repeated harmful and illegal sexual contact with Plaintiff when Plaintiff was a child under the age of 14. Once committing harmful and illegal sexual contacts with Plaintiff under the age of 14, Defendant

Janssen continued repeated improper and immoral sexual contacts with the Plaintiff while Plaintiff was a minor and member of the parish.

16. In fostering and developing trust to enable him to carry out his ongoing wrongful sexual contacts, Defendant Janssen committed the following acts with Plaintiff while Plaintiff was a minor:

- a. Engaged in improper, illegal and immoral sexual contacts with a child under the age of 14.
- b. Took Plaintiff, while a minor, and other minor members of the church, to an adult xxx movie theater in Clinton, Iowa, to watch a graphic sexually explicit movie.
- c. Took Plaintiff and other minor members of the church out of state where he encouraged them to shoplift.

17. In fostering and developing trust to enable him to carry out his ongoing wrongful sexual contacts, Defendant Bass committed the following acts with Plaintiff while Plaintiff was a minor:

- a. Engaged in improper, illegal and immoral sexual contacts with a child under the age of 14.

18. The above referenced improper and harmful sexual contacts by Defendant Janssen occurred on the property of the church rectory in Sugar Creek, Iowa, and elsewhere.

19. The above referenced improper and harmful sexual contacts by Defendant Bass occurred at the Sugar Creek rectory and the rectory at the parish in Newton, Iowa, and in hotels out of state, including, but not limited to, Daytona Beach, Florida.

20. During the time that Defendant Bass and Defendant Janssen were molesting the Plaintiff, Defendant Diocese of Davenport either knew, or should have known, of the improper sexual abuse perpetrated by Defendant Bass and Defendant Janssen. Defendant Diocese of Davenport intentionally or negligently failed to take action against Defendant Bass or Defendant Janssen, including, but not limited to, investigating their actions, defrocking them, reporting them to law enforcement, warning members of the Diocese about them, disciplining them, documenting and maintaining records of their abuse and taking all reasonable steps to insure such actions, while under the Church's authority, control and employ, would not occur again.

21. The sexual abuse of the Plaintiff and the concealment of the wrongful nature of it by the Defendant Diocese of Davenport injured Plaintiff. Further, Plaintiff was unable to discover both the damages and the causal relationship between the damages and the abuse perpetrated upon him by the Defendants until approximately May, 2003.

COUNT I
ASSAULT AND BATTERY BY DEFENDANT BASS
AND DEFENDANT JANSSEN

1. Plaintiff incorporates Paragraphs 1-21 of the Common Allegations as if fully set forth herein.

2. Beginning in 1967 and continuing thereafter, Defendant Bass and Defendant Janssen engaged in wrongful sexual conduct and contact upon the person of the Plaintiff.

3. Plaintiff did not consent to the acts of assault and battery committed against him by Defendant Bass and Defendant Janssen.

4. As a result of the above described conduct, Plaintiff has suffered, and continues to suffer, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self esteem, loss of enjoyment of life, was and is permanently prevented from performing his normal daily activities and obtaining the full enjoyment to life, has and will continue to incur expenses for medical and psychological treatment, therapy and counseling, and has incurred and will continue to incur loss of income and loss of earning capacity.

5. The acts of assault and battery committed by Defendant Bass and Defendant Janssen are a proximate cause of the injuries suffered by the Plaintiff.

6. Defendant Bass and Defendant Janssen acted willfully and recklessly and with intentional and willful disregard for the rights of the Plaintiff. Plaintiff is therefore entitled to punitive damages.

WHEREFORE, Plaintiff demands judgment against Defendant Bass and Defendant Janssen for assault and battery in an amount that will fully and fairly compensate him for his injuries and damages, and for punitive damages in an amount sufficient to deter others and punish Defendant Bass and Defendant Janssen, and for any other relief the Court deems appropriate.

COUNT II
CHILDHOOD SEXUAL ABUSE BY DEFENDANT BASS AND DEFENDANT JANSSEN
(IN VIOLATION OF IOWA CODE SECTION 709.1(3))

1. Plaintiff incorporates Paragraphs 1-21 of the Common Allegations in this Petition as if set forth herein.