

COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

Survivor Doe)	Case No.	
<i>a protected identity</i>)		
c/o Mark A. Davis)	[Honorable]
The Davis Law Office, LLC)		
500 Madison Avenue, Ste 525)		
Toledo, Ohio 43604)	COMPLAINT; JURY DEMAND;	
)	MILITARY AFFIDAVIT; AND	
and)	PRAECIPE	
)		
Spouse Doe)		
<i>a protected identity</i>)		
c/o Mark A. Davis)		
The Davis Law Office, LLC)		
500 Madison Avenue, Ste 525)		
Toledo, Ohio 43604)		
)		
Plaintiffs)		
)		
v.)		
)		
Gerald Robinson)		
2401 Nebraska)		
Toledo, Ohio 43607)		
and)		
)	Mark A. Davis (0070983)	
)	The Davis Law Office, LLC	
Gerald "Jerry" Mazuchowski)	500 Madison Avenue, Ste 525	
2812 Chestnut)	Toledo, Ohio 43604	
Toledo, Ohio 43608-2462)	Telephone: (419) 297-5088	
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and)	Email: pirecove@yahoo.com	
)	Attorney for Plaintiffs	

Diocese of Toledo)
 1933 Spielbusch Avenue)
 Toledo, Ohio 43620-1616)
)
 and)
)
 St. Adalbert Parish and School)
 3248 Warsaw St.)
 Toledo, OH 43608)
)
 and)
)
 Oblates of St Francis)
 De Sales Inc)
 c/o statutory agent James Cryan)
 2056 Parkwood Avenue)
 Toledo , Oh 43620-1616)
)
 and)
)
 John and Jane Does 1-15)
)
 and)
)
 Catholic Entity Does 1-5)

Now comes Plaintiff, by and through counsel, and for their complaint, states and avers as follows:

Parties, Jurisdiction and Venue

1. At all times material, Plaintiffs Survivor Doe and Spouse Doe are husband and wife living and residing in Lucas County, Ohio. Survivor Doe is the victim of clerical ritual and sexual abuse which occurred during her years as a minor. For the purposes of this action, Plaintiffs file under the “Doe” pseudonym because they fear reprisal and because of the extremely graphic, personally devastating, and deeply embarrassing aspects of the abuse. Concurrent with the filing of this complaint is an ex parte motion to keep their identities protected, in camera to the Court and

defendants, confidential, and under seal.

2. At all times material, Defendant Gerald Robinson (“Father Robinson”) is a former priest, commonly known as “Father Robinson” who is presently indicted for the murder of Sister Margaret Ann Pahl and who engaged in ritual and sexual abuse of Plaintiff Survivor Doe. Plaintiff identified Gerald Robinson and recognized him as one of her abusers for the first time on April 23, 2004 when his picture was flashed on the evening news as being investigated for the murder of Sister Margaret Ann Pahl. Father Robinson worked on behalf of the Defendants, Diocese of Toledo, and St. Adalbert, during the times of which he abused the Plaintiff Survivor Doe.

3. At all times material, Defendant Gerald “Jerry” Mazuchowski lives and resides in Lucas County, Ohio. He is last known as a Catholic church lay minister who “founded” the priest nun drag group known as “Sisters of Assumed Mary.” Plaintiff Survivor Doe recognized and identified him as one of her abusers upon seeing his picture in the Blade newspaper report of February 20, 2005. He has also gone by the female name of “Carrie” and by the name of “Carrie Jerry.”

4. At all times material, The Defendant Diocese of Toledo (hereinafter, “Diocese”) is a non-profit religious corporation organized and existing under the laws of the State of Ohio located and operating in Lucas County, Ohio. The Diocese is an umbrella operation for the local Catholic Church and it controls, manages, oversees and owns St. Anthony’s Villa and St. Adalbert’s Parish and School, along with other Catholic schools, entities, enterprises, and charities in the local area.

5. At all times material, the Defendant St. Adalbert (“St. Adalbert”) is a church parish and school located in Lucas County Ohio which employed Father Robinson during the times

material to the abuse of Plaintiff Survivor Doe. St. Adalbert is not recognized by the Ohio Secretary of State to be a separate entity from the Diocese.

6. At all times material, Defendant Oblates of St. Francis de Sales, (hereinafter "Oblates"), a Roman Catholic religious order of priests, was and continues to be non-profit religious organization authorized to conduct business and conducting business in the State of Ohio. Upon information and belief, Defendants Robinson and Mazuchowski are members of this religious order which permitted, encouraged, fostered, approved, sanctified, condoned, engaged in, or ratified Robinson and Mazuchowski's tortious acts and abuse.

7. At all times material, Defendants John and Jane Doe 1-15 are yet unknown and or unnamed defendants who participated, permitted, encouraged, fostered, approved, sanctified, condoned, engaged in, or ratified Robinson and Mazuchowski's tortious acts and abuse. For all allegations herein involving or referencing tortious actors Robinson and or Mazuchowski, said Does are incorporated within all such allegations as co-actors.

8. At all times material, Defendants Catholic Entity Does 1-5 are additional institutions, organizations, parishes, schools, or other entities which participated, permitted, encouraged, fostered, approved, sanctified, condoned, engaged in, or ratified Robinson and Mazuchowski's tortious acts and abuse. For all allegations herein involving and referencing tortious actors Dioceses, St. Adalbert, and or Oblates, Church Does 1-5 are incorporated within all such allegations as co-actors.

9. Because of the parties reside or have their principle place of business in Lucas County, Ohio and the tortious acts and abuse occurred in Lucas County, Ohio, jurisdiction and venue is proper in the Court of Common Pleas of Lucas County, Ohio.

GENERAL ALLEGATIONS

10. Plaintiffs incorporate the preceding paragraphs of their complaint as if fully restated herein.

11. The worldwide Roman Catholic Church is a hierarchal organization having its principal place of business in Vatican City, Italy. The Vatican is considered a sovereign nation enjoying all the rights and privileges of a sovereign nation. The ultimate political and religious ruler of the worldwide Roman Catholic Church and the Vatican is the pope, currently Pope John Paul II.

12. The Roman Catholic Church in the United States is divided into separate dioceses, including Defendant Diocese. The business of each diocese is generally to promote the interests and activities of the worldwide Roman Catholic church and specifically to promote its own interests and activities. Each diocese is a separate nonprofit corporation, which in turn owns, directs and/or controls the various corporations which own and/or operate the various business interests and operations of the diocese, including but not limited to parish churches, schools, hospitals and rest homes, day care centers, and camps. Each diocese is directed, supervised and/or controlled by a bishop or archbishop, who is appointed by the Supreme Pontiff, or pope; each bishop or archbishop is directly controlled and supervised by and/or answerable to the pope. All substantive activities of the various dioceses are directed and controlled by the bishops or archbishops thereof, however ultimately by the pope.

13. Defendant Diocese directly or indirectly owns, supervises and/or controls various nonprofit corporations which own and/or operate the various business interests and operations within its geographical confines, including but not limited to Defendant St. Adalbert's in Toledo, Ohio.

14. It is specifically alleged that Defendant Diocese and its various parishes, schools and other business interests and operations conduct business publicly as the "Diocese of Toledo."

15. The Oblates of St. Francis de Sales is an order of Roman Catholic priests having chapters, or "provinces" throughout the world, including the United States. Among their other activities and ministries, Oblate priests both operate their own schools and teach in schools operated by various dioceses throughout the world, including Defendant Diocese. Defendant Oblates is a member of the Detroit-Toledo province based in Toledo, Ohio.

16. By tradition, Roman Catholics, including Plaintiff Survivor Doe, are taught to hold priests and bishops in the highest esteem as earthly representatives of God, and that priests and bishops, unlike lay people, belong to a separate and higher state in life, the so called "clerical state," which they represent to be of divine origin and which they represent entitles them to special privileges. For these and other reasons relating to the practices of the Roman Catholic church, priests and other persons in leadership positions in the Roman Catholic Church have traditionally occupied a great position of trust and allegiance among the parents and youth of Ohio, including Plaintiff Survivor Doe.

17. The Roman Catholic Church in Ohio and its dioceses and associated orders, including Defendants Diocese and Oblates, and their various business interests and operations, including Defendant St. Adalbert, are supported primarily by assessments and/or contributions by individual members of the Roman Catholic Church in Ohio.

18. Although the Roman Catholic Church and its dioceses, churches and associated orders, including Defendants Diocese and Oblates and their various business interests and

operations, including Defendant St. Adalbert's, hold themselves out as nonprofit entities, exempt from taxation as "charitable institutions", they have used these assessments and contributions in part to amass great wealth, which provides, among other things, the resources to mount sophisticated and protracted defenses and public relations campaigns to suppress scandal regarding those organizations.

19. Leaders in the Roman Catholic Church, including local leaders of Defendants Diocese, Oblates, and St. Adalbert's, were aware since at least the 1950's that there was a disturbing number of incidents involving sexual molestation and abuse of minor children by Roman Catholic priests.

20. Leaders in the Roman Catholic Church, including local leaders of Defendants Diocese, Oblates and St. Pius X, were aware that child molesters, also variously characterized as pedophiles, ephebophiles and/or those with psychosexual disorders, were predatory, recidivistic, mobile, had multiple victims at one time, and gravitated to activities with young persons in order to continue to molest.

21. Leaders in the Roman Catholic Church, including local leaders of Defendants Diocese, Oblates, and St. Adalbert, were aware that the effects of sexual molestation upon youthful victims could be devastating, and knew that the potential victims were largely naive and ignorant of the reality and prevalence of pedophilia, ephebophilia and/or psychosexual disorders generally, and in the priesthood, particularly.

22. Any scandal regarding the "Diocese of Toledo", particularly with regard to criminal sexual assaults on children, adversely impacts revenues collected by Defendants Diocese, Oblates, and St. Adalbert, from parishioners, alumni and/or other donors.

23. The Roman Catholic Church and its affiliated Orders and Societies operates a large network of private psychiatric treatment centers and hospitals for the treatment of Catholic priests upon referral by their Bishops or Superiors General. These treatment centers have included the treatment of Catholic priests, including priests of Defendants Diocese and Oblates, exhibiting psychosexual disorders including pedophilia and ephebophilia.

24. Defendant Diocese and their various business entities and organizations, including Defendants Oblates, and St. Adalbert's, have used this private treatment system to conceal and suppress the existence of the problem of pedophile priests from the public, and to affirmatively deceive the public by misrepresenting that a priest is "on leave," on "retreat," on "sabbatical" and/or participating in "advanced studies," when in fact he is sent away for evaluation and treatment due to sexual misconduct.

25. Leaders of the Roman Catholic Church, including local leaders of Defendants Diocese, Oblates and St. Adalbert's, were aware that priests serving in various capacities and at various assignments within the Diocese of Toledo had sexually molested children during the period of time from at least the 1950's to the present; and further, that Defendant Diocese had privately paid financial settlements to some child victims of molestation by priests within that time period.

26. Further, the leaders of Defendants Diocese, Oblates, and St. Adalbert's, acting alone and with others, have represented to the general public and to the victims of such sexual molestation by priests and the victim's families that the offending priest's problems would be "taken care of", while secretly colluding and conspiring to conceal those offenses using such means as: transferring the offending priests to other assignments without informing subsequent supervisors of their prior molestation; continuously listing offending clerics in official Catholic Directories by

euphemism, such as "absent on leave," "on duty outside Diocese," "advanced studies," "on special assignment" or "retired" after removal from their assignments or suspension for misconduct; or allowing them to honorably "retire."

27. While maintaining that they viewed sexual assaults of children by priests as moral failings, Defendants Diocese, Oblates and St. Pius X professed to be saddened and claimed that at all times they took appropriate steps to detect and prevent such activities. In fact, to protect their reputations and income, Defendants Diocese, Oblates, and St. Adalbert's treated the sexual assaults of children by priests as scandal that was to be suppressed at any cost, despite knowing that suppression put the minor children of the Diocese of Toledo at risk.

28. It is specifically alleged that leaders of the Roman Catholic church, including local leaders of Defendants Diocese, Oblates and St. Adalbert's, deliberately adopted a policy of public deception.

29. It was and is the policy and practice of Defendants Diocese, Oblates, and St. Adalbert's, as well as other business interests and operations owned and/or controlled by them to secrete the identities, retain the services of, and protect sexual offenders who are or had been Roman Catholic priests incardinated to and functioning within the Diocese of Toledo over whose conduct the Defendants Diocese and Oblates had control, and for whom Defendants Diocese and Oblates were responsible in a master to servant relationship.

30. Defendants Diocese, Oblates, St. Adalbert purposely suppressed the identity of said sexual offenders to prevent the filing of both criminal and civil complaints in courts of competent jurisdiction, thus enabling further criminal conduct of those sexual offenders, while preventing the diminution of the flow of donated funds.

31. In instances where local leaders of Defendants Diocese, Oblates, and St. Adalbert's had actual knowledge about offending clerics, including Defendants Robinson and Mazuchowski, they failed to warn children and their parents and denied knowledge thereof.

32. In furtherance of their own interests, a primary concern of Defendants Diocese, Oblates, and St. Adalbert's has been the protection of the reputation of priests, including Defendants Robinson and Mazuchowski. Despite having actual knowledge of Defendant Robinson and Mazuchowski's pedophile propensities and previous instances of molestation of other children and other wrong doings, said Defendants and others concealed the danger that he and other offending clerics presented by misrepresenting them as priests in good standing, thus enabling those offending clerics to retain their continued unrestricted and unchaperoned access to minor children in Ohio.

33. The effect of these practices of Defendants Diocese, Oblates, and St. Adalbert's in concert was such as to create the misperception in the mind of Plaintiff Survivor Doe and others that she and other children were safe with priests in general and with Defendants Robinson and Mazuchowski in particular, and that, if there was conduct about which Plaintiff or her family might be concerned, it was an isolated instance of spurious misconduct, when in fact Plaintiff was a victim of a known and preventable hazard that Defendants Diocese, Oblates, St. Adalbert's, Robinson, and Mazuchowski had both created and allowed to continue.

34. These practices of Defendants Diocese, Oblates, St. Adalbert's, Robinson, and Mazuchowski gave the impression that Plaintiff and her family could appropriately rely on them to protect both their interests and the interests of potential future victims or other children in disciplining an offending cleric's clear misconduct.

35. Plaintiff had the right to rely, and did rely on the representation of the Defendants Diocese, Oblates, St. Adalbert's, Robinson, and Mazuchowski that Defendants Robinson and Mazuchowski were priests "in good standing,"; Plaintiff also had and the right to expect that Defendants Diocese, Oblates, St. Adalbert's would not tolerate criminal misconduct that represented a known threat to children by him or any other priests working in or assigned to them.

36. Defendants Diocese, Oblates, St. Adalbert's, Robinson, and Mazuchowski had a fiduciary relationship with Plaintiff grounded upon the duty of good faith, fair dealing and the duty to act with the highest degree of trust and confidence. This fiduciary relationship includes the duty to warn, and to disclose, and protect children from sexual abuse and exploitation by Catholic priests whom these Defendants promote as being celibate and chaste representatives of God on Earth. Said Defendants' fiduciary relationship with Plaintiff was based upon a justifiable trust on her side, and superiority and influence on their side.

37. As a child, Plaintiff Survivor Doe was instructed and indoctrinated to show obedience to all priests. Further, Plaintiff Survivor Doe was instructed and indoctrinated to believe, and did believe, that priests and bishops could not and would not engage in conduct considered evil or wrong, and further, that it accordingly would be "sinful" or wrong for anyone to make any kind of an accusation against a priest or bishop, as well as any church or school in which they served.

38. As a result of her early instruction and indoctrination, it would never have occurred to Plaintiff that any Roman Catholic bishop or priest would engage in criminal behavior, or knowingly or actively be involved in a conspiracy to conceal criminal behavior. Accordingly, even after Defendants Robinson and Mazuchowski had sexually molested her, Plaintiff assumed that she was somehow the guilty party, rather than said Defendants.

39. Further, as a result of that early instruction and indoctrination, Plaintiff assumed that Defendants Robinson's and Mazuchowski's sexual molestation of her was an isolated series of occurrences happening only to her and several other children and that Defendants Diocese, Oblates, and St. Adalbert's were unaware and uninvolved, regarding both that criminal sexual behavior and the wide-ranging efforts to conceal that criminal conduct from her and others.

40. Defendants Diocese, Oblates, and St. Adalbert's deliberately exploited the respect and reverence for the Roman Catholic Church and its clergy which had been inculcated into Plaintiff and other victims and their families to influence them and dissuade them from exercising their rights through the system of civil and criminal justice, by promising that "they would handle the matter".

41. The local leaders of Defendants Diocese, Oblates, and St. Adalbert's were in a specialized or superior position to receive and did receive specific information regarding misconduct by priests and other agents and employees that was of critical importance to the well-being or care or treatment of innocent child victims, including Plaintiff - knowledge not otherwise readily available - and exercised their special or superior position to assume control of said knowledge and any response thereto.

42. Plaintiff Survivor Doe, on the other hand, was in a subordinate position of weakness, vulnerability, inequality and lacking in such knowledge. Further, the ability of Plaintiff Survivor Doe or her family to monitor the use or misuse of the power and authority of Defendants Diocese, Oblates, St. Adalbert's, Robinson's or Mazuchowski's as such was exercised with regard to action upon or response to such knowledge was deliberately compromised, inhibited or restricted by said Defendants.

43. Accordingly, Defendant Diocese, Oblates, St. Adalbert's, Robinson and Mazukowski had a secular standard of fiduciary duty which they breached by failing to act upon, or insufficiently acting upon or responding to, information which they had obtained by virtue of their superior status, known only or secretly to them, that was indicative or highly suggestive of a pattern of wrongful, unlawful or criminal behavior on their parts.

44. Defendant Diocese, Oblates, St. Adalbert's, Robinson and Mazukowski breached this duty through inaction, manipulation, intimidation, evasion, intended deception, undue influence, duress or otherwise - as more fully described and set forth elsewhere in this complaint - resulting in negative consequences to the welfare and well-being of Plaintiff.

SPECIFIC ALLEGATIONS

45. Plaintiffs incorporate the preceding paragraphs of their complaint as if fully restated herein.

46. Plaintiff Survivor Doe attended St. Adalbert's school and church as a young child on or about the years 1968 through the end of 1972.

47. During that time, Father Robinson was employed by the Diocese as a priest at St. Adalbert's church and as a teacher at the school.

48. While Survivor Doe was vulnerable, and or in Father Robinson's care and or supervision, or under the care of someone in Father Robinson's control, Survivor Doe was kidnapped and held either against her will or through beguilement in the basement of St. Adalbert's.

49. While held in the basement, Father Robinson and other clergy colleagues, including Jerry Mazuchowski, engaged in elaborate, ritualistic ceremonies dressed as nuns. While dressed as nuns, Robinson, Mazuchowski, and their cohorts referred to each other with the first

name of a woman and then their own name. For example, Jerry Mazuchowski was named or referred to himself and by his colleagues as “Carrie” and “Carrie Jerry.” Father Robinson was named or referred to as “Mary Jerry.” Another yet unknown and unnamed John Doe defendant was referred to or called himself “Sue” and Survivor Doe recalls suppressed memories of him as “the man named Sue.”

50. The clergyman, including Defendants Robinson and Mazuchowski, dressed in nun drag, circled around Plaintiff Survivor Doe while she was on a table and chanted satanical verses and “Son of Sam” and their female names. They intoned that Jesus was Satan’s son. They cut Survivor Doe with a knife as a sacrifice to Satan and drew an upside down cross on her stomach. They forced Survivor Doe to drink blood of a sacrificed animal. At each such instance, the clergymen forced Survivor Doe to masturbate the clergymen in the circle. Furthermore, the clergymen would rape and or sodomize her, engage in sexual touching, demand and force her to suck their cock. She would try to escape, but they pulled her back into the circle and hit her. Afterwards, they would intimidate her, tell her she was Satan’s child, force her to clean the blood off the floor, and threaten to kill her if she told.

51. At other times, the same Defendants and their cohorts would engage in the same or similar rituals and sexual abuse which escalated dramatically. In addition to the basement, she was placed on a table and tied down. They killed rabbits and made her drink the blood and then vaginally raped with a dead snake that had its head cut off. They would also burn her feet and light matches, blow them out, and burn them into the corner of her eyes.

52. The rituals and abuse continued even after Survivor Doe left St. Adalberts because Defendants Robinson and Mazukowski had a close relationship with Survivor Doe’s

mother, who also participated in the ceremonies in the woods and was becoming high priestess of Satan.

53. During all this time, Defendants Robinson and Mazukowski were employed by the Diocese and Oblates as priests and teachers providing religious instruction and counseling for Plaintiff Survivor Doe and other Roman Catholics. Defendant Diocese assigned Robinson and Mazuchowski to serve at other parishes and/or schools under its supervision and control of, and within its geographical confines.

54. On information and belief, Defendants Robinson and Mazuchowski abused children while serving at St. Abalbert's and his different assignments with Defendant Diocese.

55. Defendants Diocese and Oblates knew or should have known of Defendants Robinson and Mazuchowski sexually abusive behavior yet continued to conceal their abuse and to move him from parish to parish and school to school.

56. Plaintiff was raised as a devout Roman Catholic and was baptized, confirmed, regularly celebrated mass and received the sacraments through the Roman Catholic Church. As a result, Plaintiff developed great admiration, trust, reverence, and respect for, and obedience to, the Roman Catholic Church and its member priests and other agents.

57. Plaintiff came to know Defendant Warren as a priest and a teacher; as such, Plaintiff came to admire, trust, revere and respect him as a person of great influence and persuasion as a holy man and authority figure.

58. Defendants Robinson and Mazuchowski used his position of authority, trust, reverence, and control as a priest to enable him to engage in illegal and harmful sexual contact with Plaintiff.

59. Prior to Defendants Robinson and Mazuchowski's sexual abuse of Plaintiff Survivor Doe, Defendants Diocese, Oblates, and St. Adalbert's had actual knowledge of Defendant Robinson and Mazuchowski's past pedophile criminal propensities and behavior towards children, as well as a reasonable suspicion that he would repeat such criminal pedophile behavior in the future with other children. Nevertheless, Defendants Diocese, Oblates and St. Adalbert's failed to report Defendants Robinson and Mazukowski's past criminal pedophile behavior and their own reasonable suspicions to Plaintiff, as required by Ohio statutory and/or common law.

60. Defendants Diocese, Oblates and St. Adalbert's officials knew or should have known about Defendant Robinson's and Mazuchowski's sexual misconduct with Plaintiff and other children.

61. Defendants Diocese, Oblates and St. Adalbert's, by and through their agents, ratified Defendants Robinson and Mazuchowski's conduct by failing to report it to Plaintiff, the public, other victims, prospective students, current students, their families, parishioners and/or the public as required by Ohio statutory and/or common law.

62. Further, the conduct of Defendants Diocese, Oblates and St. Adalbert's communicated to Plaintiff and other victims and their families that Defendant Robinson's and Defendant conduct was proper. Therefore, Defendants knew or should have known that their actions would silence Plaintiff and other possible victims; prevent them from discovering their injuries; prevent them from discovering Defendants' roles in conspiring to conceal Defendant' Robinson and Mazuchowski's criminal sexual conduct; and ultimately exacerbate the resultant emotional distress and trauma.

63. The sexual abuse of Plaintiff and the circumstances under which it occurred

caused Plaintiff to develop confusion, various coping mechanisms and symptoms of psychological disorders, including great shame, guilt, self-blame, depression, repression and disassociation. As a result, Plaintiff was unable to immediately perceive or know that the conduct of Defendants Robinson and Mazuchowski was wrongful or abusive, the existence or nature of her psychological and emotional injuries and their connection to the sexual abuse perpetrated upon her by said Defendants.

64. Defendants Diocese, Oblates, St. Adalbert's, Robinson and Mazuchowski not only fraudulently concealed and/or failed to report the criminal nature of the abuse of Plaintiff, despite a statutory and/or common law duty to do so, but also conspired to conceal said conduct.

65. Upon information and belief, since approximately 1950 through the present, Defendants have conspired to and have engaged in conduct, including intentionally, recklessly, and/or negligently concealing criminal conduct of its agents, including Defendant Warren; aiding and abetting the concealment of criminal conduct; aiding and abetting criminal sexual conduct; failing to report criminal conduct of its agents; obstructing justice; obstructing state and/or local criminal investigation; evading civil and/or criminal prosecution and liability; perjury; destroying and/or concealing documents and records; witness intimidation; bribing and/or paying money to victims in order to keep their criminal conduct secret; violating the civil rights of children and families; engaging in mail and/or wire fraud; and committing fraud and/or fraudulent inducement of its parishioners in furtherance of its scheme to protect predatory priests and other clergy and/or agents from criminal or civil prosecution in order to maintain or increase charitable contributions and/or to avoid public scandal in the Catholic Church.

66. Plaintiff Survivor Doe only recently came to know of the ongoing conspiracy

and/or conduct, and Defendant Robinson's involvement therein, through the news coverage of Father Robinson's arrest and or investigation as reported on April 23, 2004. Upon seeing his picture on the evening news on April 23, 2004, Plaintiff recognized and identified Robinson as one of the abusers, and further recognized him as "Mary-Jerry" from the basement and the woods.

67. Furthermore, Plaintiff Survivor Doe only recently came to know of the ongoing conspiracy and/or conduct, and Defendant Mazuchowski's involvement therein, through Toledo Blade's article of February 20, 2005 whereby she recognized Mazukowski as one of the abusers and further recognized him as "Carrie-Jerry" from the basement and the woods.

68. Until these events of recognition occurring on April 23, 2004 and February 20, 2005, Plaintiff Survivor Doe had no reason to believe that the Diocese was negligent in protecting her, in failing to prevent further harm, or in breaching a fiduciary duty by failing to identify and assist her.

69. Further, due to her earlier instruction and indoctrination as a child into the Roman Catholic Church and its practices and beliefs, Plaintiff Survivor Doe did not realize for many years that Defendants Robinson and Mazuchowski's repeated ritual and sexual abuse of her constituted criminal conduct. Further, even after Plaintiff became aware of the criminal nature of Defendant Robinson and Mazuchowski's conduct, that knowledge alone was not sufficient to apprise her or put her on notice of Defendants Diocese, Oblates and St. Adalbert's possible negligence in failing to protect her or of their possible involvement in a conspiracy to conceal that criminal conduct from herself and others. Plaintiff's action as to all Defendants is therefore timely.

70. As a direct result of the sexual abuse and sexual exploitation, Plaintiff has suffered and continues to suffer severe and permanent emotional distress, resulting in physical

manifestations, embarrassment, loss of self-esteem, humiliation and psychological injuries, was prevented and will continue to be prevented from performing her normal daily activities and obtaining the full enjoyment of life, and has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling, and on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity.

71. Further, said actions and/or omissions, threats and intimidations of Defendants Diocese, Oblates, St. Adalbert's, Robinson and Mazuchowski caused Plaintiff to delay in asserting her rights and prevented her from discovering her possible *choses* in action against Defendants as a result of their conduct described herein. As such, Defendants are equitably estopped from asserting the statute of limitations as a defense in this case and thereby benefitting from their misconduct.

COUNT ONE

(CORRUPT ACTIVITY)

72. Plaintiffs incorporate the preceding paragraphs of their complaint as if fully restated herein.

73. The relationship between Defendant Diocese, Defendant Oblates, Defendant St. Adalbert's, Defendant Robinson, Defendant Mazuchowski, the National Council of Catholic Bishops ("NCCB"), the United States Catholic Conference ("USCC"), the United States Conference of Catholic Bishops ("USCCB"), Fr. Martin Donnelly, Frank Di Lallo, officials at Defendant CS, Fr. Michael Billian, Bishop A. James Quinn and various unknown persons whose identities cannot reasonably be ascertained at this time, constitutes one or more "association in fact enterprises" under O.R.C. §2923.31(c)).

74. The persons controlling the affairs of the enterprise(s) have conducted and/or participated, directly or indirectly, the affairs of the enterprise(s) through a pattern of corrupt activity in activities or pattern or practice of corrupt activity in violation of O.R.C.§2923.32.

75. Defendants Diocese, Oblates, St. Adalbert's, Robinson and Mazuchowski maintained and exercised control over the enterprise(s) alleged.

76. Upon information and belief, since approximately 1950 through the present, Defendants and other persons controlling or directing the affairs of the enterprise(s) conspired to and did engage in conduct involving the commission of two or more specifically prohibited state or federal criminal offenses, including intentionally, recklessly and/or negligently concealing criminal conduct of its agents, aiding and abetting the concealment of criminal conduct, aiding and abetting criminal sexual conduct, failing to report criminal conduct of its agents, obstructing justice, obstructing criminal investigation, obstructing state and/or local law enforcement, evading criminal and/or civil prosecution and liability, perjury, destroying records, witness intimidation, bribing and/or paying money to victims in order to keep its criminal conduct secret, violating the civil rights of children and families, engaging in mail and/or wire fraud, and committing fraud and/or fraudulent inducement of its parishioners in furtherance of its scheme to protect predatory priests and other clergy from criminal and civil prosecution, to maintain or increase charitable contributions and/or avoid public scandal in the Roman Catholic Church.

77. The persons controlling or directing the affairs of the enterprise(s) knew that its clergy and employees, including Defendants Robinson and Mazuchowski were sexually exploiting and abusing children, including the Plaintiff, and they showed willful indifference and/or reckless or intentional disregard for the children under their guidance and/or supervision in order

to further their scheme. As a result of their acts, the enterprise(s), intentionally and showing willful indifference and/or reckless disregard, maintained a web of predatory priests who perpetrated criminal acts of child abuse throughout Ohio for over fifty (50) years.

78. As a result of the acts of persons and/or entities controlling or directing the affairs the enterprise(s), the enterprise(s) intentionally, showing willful indifference and/or with reckless disregard, maintained a web of predatory priest who perpetrated criminal acts of child sexual abuse throughout Ohio, the United States and the world for over at least a fifty (50) year

79. The prohibited criminal conduct of the enterprise(s) constitutes a pattern of corrupt activity, in that there were two or more predicate incidents of corrupt activity that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and space that they constitute a single event.

80. Upon information and belief, persons controlling or directing the affairs of the enterprise(s) committed a continuing pattern of corrupt activity in furtherance of its scheme by engaging in fraudulent conduct across Ohio and the world, including but not limited to the following:

A. The Roman Catholic Church has been directly involved with and specifically furthered a conspiracy to coverup criminal sexual conduct by its priests and other agents for decades and has maintained secret *sub secreto* archival files of the sexual misconduct of priests which are not disclosed or made available to law enforcement authorities.

For example, in In 1962, the Vatican prepared a document for “all Patriarchs, Bishops and Other Diocesan Ordinaries” entitled “***Instruction On The Manner Of Proceeding In Cases of Solicitation***” (hereinafter “the Document”). The Document would have been supplied to, and been binding upon, all American bishops and officials, including agents of Defendant Diocese. The Document cautioned that “[This text is] (sic) to be diligently stored in the secret

archives of the Curia as strictly confidential” The Document is essentially an instruction manual to church officials on how to handle allegations of sexual abuse made against priests and other religious “in a most secretive way, and after they have been defined and given over to execution, they are to be restrained by a perpetual silence...under penalty of excommunication.”

Significantly, the Document seems more concerned with form than substance; the first 16 pages are informational, describing the methods of the investigation or “inquisition” of the accused and possible penalties, ranging from suspension from the celebration of Mass to reduction to the status of lay brother. In contrast, the remaining 23 pages are an Appendix containing various “formulas” or scripts of the mandatory language for each stage of the proceeding, eg. “Formula A: The Formula For Taking An Oath To Exercise One’s Office Faithfully And To Observe The Secret Of The Holy Office”, “Formula B: Formula Of Renunciation (Abjuration)”, etc.

Curiously, the Document cautions that “In every way the judge is to remember that it is never right for him to bind the accused by an oath to tell the truth.” Further, it is evident from a review of the Document that a prime objective of the Vatican was the suppression of scandal attaching to priest molestation cases for the express purpose of avoiding financial losses. The Document specifically advised that “delinquent” priests should not “[remain] in a certain place, [i.e. be transferred to another assignment] if necessary to “remove the near occasion [i.e. temptation]...or for the prevention of scandal or reparation for it.” (Exhibit A, ¶ 64 d) Finally, despite the elaborate attention paid to the process of investigating priests and the emphasis on secrecy, two issues are conspicuous by their absence: 1. The Document never even mentions the victims of “delinquent priests”; nor does the document advise or direct bishops and other church officials to give notice of potential risk to any civil or religious authority, in order to protect future victims and prevent future molestation. 2. The Document never advises or directs bishops and other church officials to report criminal sexual conduct of “delinquent” priests to appropriate law enforcement agencies.

B. The Roman Catholic Church has fraudulently purged the files of priests who have committed sexual abuse of minors. For example, in April of 1990 at a Midwest Canon Law Society conference in Ohio, Bishop James Quinn of Cleveland gave an address titled “NCCB Guidelines, and other Considerations in Pedophilia Cases,” in which he stated:

[P]ersonnel files should be carefully examined to determine their content. Unsigned letters alleging misconduct should be expunged. Standard personnel files should contain no documentation relating to possible criminal behavior. Serious moral questions, signed allegations, those should be a part of the secret file anyhow. But they still subpoena them. But comb through your files.

Now what files have been subpoenaed, they cannot be tampered with; destroyed, removed; that constitutes obstruction of justice and contempt of court. Prior, however, thought and study ought to be given if you think it is going to be necessary; if there's something there you really don't want people to see you might send it off to the Apostolic Delegate, because they have immunity to protect something that is potentially dangerous, or that you consider to be dangerous, you might send it there

C. In 1985, former priest Dennis Gray was accused of criminal misconduct by the parents of a minor child at St. Joseph's Church in Maumee, Ohio. The parents of that minor child did not publicize the incident or their concerns about Gray for two reasons: (a) the pastor of St. Joseph's begged them not to and assured them the matter was being resolved internally, and (b) the child's father, whose employment was indirectly linked to Central Catholic High School, operated by Defendant Diocese, was intimidated by its agents and officials to drop the matter.

D. Further, the psychiatrist who interviewed the minor child sent warning letters to the pastor of St. Joseph's and to Fr. Martin Donnelly, then principal at Defendant Central Catholic High School. Those letters stated her belief in the allegations, recommended that Gray be evaluated and treated, and expressed specific concern that his access to other young children could well be putting them at risk. Despite those explicit warnings, Defendant Diocese did not restrict Gray's ministry; rather he continued to serve as priest and teacher of young children for Defendant Diocese for some years. Investigation by the Maumee Police Department revealed that Gray and another priest from the Lima area were also being investigated on charges of having taken minor children to a cottage in Michigan for illegal sexual purposes.

E. One affirmative misrepresentation of Defendant Diocese concerns another victim of Gray, Tony Comes. In July of 2002, Tony informed Bishop Hoffman, then bishop of Defendant Diocese, that Gray had sexually molested him in 1983 at Central Catholic High School. Bishop Hoffman met with Tony and his family, and specifically assured them that Tony's molestation was an "isolated incident" and "the first complaint he [Bishop Hoffman] had ever heard against Gray". Yet in October of 2002, only weeks after his meeting with the Comes family, Bishop Hoffman stated in the Diocesan weekly newspaper *Catholic Chronicle* that the first claim of sexual abuse against Gray had come to his attention in 1995.

F. In fact, in addition to the circumstances set forth in ¶ 66(C), Defendant Diocese had received actual notice of Gray's sexual misconduct as early as the mid-1980's while he was teaching at Defendant Central Catholic High School, including but not limited to an underground school newspaper article regarding Gray's sexual molestation of other students at his cottage in Crystal Lake, MI. Despite that knowledge, Defendant Diocese and Central Catholic High School failed to properly investigate the matter, and Gray remained in active ministry and in contact with minor children for some years, several of whom he also sexually molested.

G. Another affirmative misrepresentation by Defendant Diocese concerns Jon Schoonmaker who had been molested by former priest Joe Schmelzer. In 1986, Plaintiff, who had been considering becoming a priest, reported the molestation to his supervisory priest at his parish, Father Paul Kwiatkowski.

H. At the time Jon reported the molestation to Fr. Kwiatkowski in mid-1986, he was within the stated statute of limitations for civil and criminal prosecution. Nevertheless, Fr. Kwiatkowski never advised Jon that his molestation was a crime. On the contrary, he assured Jon that nothing wrong had occurred; that "priests were lonely men"; and that "that was just Fr. Joe's way of showing affection."

I. In 1992, Jon filed a claim of sexual abuse against Joe Schmelzer with Bishop Hoffman. During the several months of meetings and/or correspondence following his initial claim, Jon

strongly expressed his overriding concern that Schmelzer, who was then still a priest, be removed from active ministry so that he would not have access to any more minor victims. Bishop Hoffman improperly influenced and appealed to Jon to spare embarrassment to the Roman Catholic Church by “letting him take care of the matter” rather taking his claim public or pursuing civil and/or criminal remedies. That guilt trip was successful. Jon did not pursue the matter because he relied on Bishop Hoffman’s word that a thorough investigation would be made and that Schmelzer’s access to children would be closely monitored. In fact, no proper investigation was pursued and Schmelzer remained in active parish ministry in contact with minor children for some years.

J. In March of 1993, Bishop Hoffman apologized to Jon and promised him that Schmelzer would not only undergo counseling in the area of “personal behavior” but also pay for his counseling for a “reasonable period of time”, and that he [Bishop Hoffman] would establish an “accountability procedure” to provide closer oversight of Schmelzer’s ministry. To Jon’s knowledge, none of those promises were kept.

K. In 2002, frustrated that Schmelzer still continued in active parish ministry in contact with minor children, Jon renewed his claim of sexual abuse against Schmelzer Gray and asked about the oversight process which had been promised. Jon’s complaints were referred to the Diocesan Lay Review Board (hereinafter “DLRB”) for investigation and hearing.

L. After his hearing, Jon asked for a copy of the DLRB conclusions and recommendations; the office of Fr. Michael Billian, Chancellor of Defendant Diocese, forwarded him a copy of a letter dated January 20, 2003 signed by Frank Link, DLRB chair. The letter stated that the DLRB had found Jon’s allegations regarding Schmelzer “credible” and recommended certain “precautionary measures”.

M. Curiously, a large portion of that January 20, 2003 letter forwarded by Fr. Billian’s office had been redacted. See, copy of redacted DLRB attached hereto as Exhibit B. When Jon questioned Frank DiLallo, Case Manager for Defendant Diocese, about the redacted portion, DiLallo told Jon that it “did not pertain” to his case. That statement was repeated by Terry Albert, executive administrator for Bishop Hoffman, who had faxed that letter to

Jon.

N. Some days later, Jon asked Mr. Link about the redacted letter. Mr. Link informed Jon that the redacted portion did indeed pertain to his case and faxed him an unredacted copy of the letter. The redacted portion stated that the DLRB considered that Schmelzer presented a “risk...to the members of the Church and the community at large” and recommended that he be monitored and encouraged to participate in “on-going, specialized sexual offender treatment”

81. Said conduct of Defendants as detailed herein constitute a violation of O.R.C. §2923.01, *et seq.* as it relates to a pattern of corrupt activity.

82. Upon information and belief, the enterprise’s unlawful conduct has not ended and is ongoing. Furthermore, Plaintiff Survivor Doe only recently came to know of the ongoing conspiracy and/or Defendants’ conduct and involvement therein, particularly the February 20, 2005 article in the Toledo Blade, regarding the conspiracy to conceal criminal sexual abuse of children by priests throughout the nation in general and within Defendant Diocese in particular. Plaintiffs’ action is therefore timely.

83. Defendants acted with a conscious disregard for the rights and safety of Plaintiff Survivor Doe and other minor children with a great probability of causing substantial harm; said acts and/or omissions of Defendants were made with actual malice.

84. As a direct and proximate result of the conspiracy and pattern of corrupt activity, Plaintiff Survivor Doe and other victims of the church have been deprived of their legal rights, including but not limited to *choses* in action resulting from the corrupt activity alleged herein and Plaintiff has sustained actual injuries and damages as set forth herein.

COUNT TWO
(Battery and Sexual Battery)

85. Plaintiffs incorporate the preceding paragraphs of their complaint as if fully restated herein.

86. From approximately 1968 through 1975, when Plaintiff was approximately five to thirteen years old, Defendants Robinson and Mazuchowski intentionally engaged in illegal, harmful, and offensive sexual abuse and exploitation of her as previously stated herein. In summary, said Defendants intentionally repeatedly and offensively touched the Plaintiff Survivor Doe upon her person, including but not limited to hitting, striking, spanking, cutting, beating and burning about her body. Said Defendants also intentionally engaged in sexual attacks and offensive touches upon her person including but not limited to raping her with a dead snake, raping her with their penises (vaginally and sodomy) or other objects, and or jamming their penises into her mouth and throat. Said conduct constitutes battery and sexual battery as defined by Ohio law.

87. Defendants Diocese, Oblates, and St. Adalberts intentionally permitted, fostered, consented, approved, ratified or otherwise allowed this battery and sexual battery to occur, or should have know, or was recklessly indifferent to the truth of such knowledge, so as to allow such battery and sexual battery to take place, and or assisted in its concealment and or transfer of such vile priests to protect the entities own financial interest and gain, and or failing to stop or prevent such battery and sexual battery, thereby participating in such battery and sexual battery as if they had done it themselves, or as if they aided and abetted such battery and sexual battery so as to be equally culpable.

88. As a direct result of the battery and sexual battery by Defendants Diocese, Oblates, St. Adalberts, Robinson, Mazuchowski, Does 1-15, and Church Does 1-5, Plaintiff Survivor Doe suffered the injuries and damages described herein.

COUNT THREE
(ASSAULT)

89. Plaintiffs incorporate the preceding paragraphs of their complaint as if fully restated herein.

90. From approximately 1968 through 1975, when Plaintiff was approximately five to twelve years old, Defendants Robinson and Mazuchowski intentionally caused apprehension in Plaintiff Survivor Doe during the preludes to their repeated batteries and sexual batteries as stated above. Defendants Robinson and Mazuchowski intentionally caused apprehension by approaching in a threatening and menacing manner, by raising their hands or instrumentalities in a threatening and menacing manner just prior to, hitting, striking, spanking, cutting, beating and burning about her body. Said Defendants also intentionally caused apprehension in Survivor Doe immediately and imminently prior to sexual attacks and offensive touches upon her person including but not limited to raping her with a dead snake, raping her with their penises (vaginally and sodomy) or other objects, and or jamming their penises into her mouth and throat. In addition, said Defendants Robinson and Mazuchowski intentionally intimidated, menaced, and caused apprehension in Plaintiff Survivor Does by telling her she would be killed if she told anyone of the abuse or rituals.

91. Defendants Diocese, Oblates, and St. Adalberts intentionally permitted, fostered, consented, approved, ratified or otherwise allowed this assault to occur, or should have know, or was recklessly indifferent to the truth of such knowledge, so as to allow such assault to take place, and or assisted in its concealment and or transfer of such vile priests to protect the entities own financial interest and gain, and or failing to stop or prevent such assault, thereby participating in such assault as if they had done it themselves, or as if they aided and abetted such assault so as to be equally culpable.

92. As a direct result of the assault by Defendants Diocese, Oblates, St. Adalberts, Robinson, Mazuchowski, Does 1-15, and Church Does 1-5, Plaintiff Survivor Doe suffered the injuries and damages described herein.

COUNT FOUR

(Negligent and or Intentional Infliction of Emotional Distress)

93. Plaintiffs incorporate the preceding paragraphs of their complaint as if fully restated herein.

94. The sexual abuse of Plaintiff Survivor Doe was reasonably foreseeable and Plaintiff Survivor Doe was within the reasonably foreseeable zone of danger. Defendants Diocese, Oblates, and St. Adalberts had a duty to protect Plaintiff Survivor Doe from sexual abuse, but breached that duty when they negligently failed to so protect her.

95. Defendants' Diocese, Oblates, and St. Adalbert's actions as described herein, including their knowledge and or reckless indifference to the abuse, and or wanton disregard for the rights and safety of children, including Survivor Doe, constitute extreme and outrageous conduct which goes beyond the bounds of decency and/or is intolerable in a civilized society.

96. Defendants Robinson's and Mazuchowski's actions as described in the previous allegations, incorporated herein, constitute extreme and outrageous conduct which goes beyond the bounds of decency and/or is intolerable in a civilized society.

97. All Defendants, in their individual, entity, and/or representative capacities, intentionally, willfully, wantonly and/or recklessly intended to cause Plaintiff emotional distress, and knew or should have known that their actions would result in serious emotional distress to her.

98. In addition to their own direct actions and failures constituting intentional and or negligent infliction of emotional distress, Defendants Diocese, Oblates, and St. Adalberts permitted, fostered, consented, approved, ratified or otherwise allowed this intentional and or negligent infliction of emotional distress to occur, or should have know, or was recklessly indifferent to the truth of such knowledge, so as to allow such intentional and or negligent infliction of emotional distress to take place, and or assisted in its concealment and or transfer of such vile priests to protect the entities own financial interest and gain, and or failing to stop or prevent such intentional and or negligent infliction of emotional distress, thereby participating in such intentional and or negligent infliction of emotional distress, as if they had done it themselves, or as if they aided and abetted such intentional and or negligent infliction of emotional distress so as to be equally culpable.

99. As a direct result of the sexual abuse and Defendants' negligent and/or intentional actions described herein, Plaintiff has suffered and continues to suffer severe emotional distress, loss of self esteem, humiliation and psychological injuries, and was prevented and will continue to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; and Plaintiff has sustained loss of earning capacity and has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

100. As a direct result of the intentional and or negligent infliction of emotional distress by Defendants Diocese, Oblates, St. Adalberts, Robinson, Mazuchowski, Does 1-15, and Church Does 1-5, Plaintiff Survivor Doe suffered the injuries and damages described herein.

COUNT FIVE
(Breach of Fiduciary Duty)

101. Plaintiffs incorporate the preceding paragraphs of their complaint as if fully

restated herein.

102. By holding themselves out as a qualified Roman Catholic priests, religious instructors and counselors, and by undertaking the religious instruction and spiritual and emotional counseling of the minor Plaintiff Survivor Doe, Defendants Robinson and Mazuchowski entered into a fiduciary relationship with Plaintiff.

103. By holding Defendants Robinson and Mazuchowski as qualified Roman Catholic priests, religious instructor and counselor, and by undertaking the religious instruction and spiritual and emotional counseling of the minor Plaintiff Survivor Doe, Defendants Diocese, Oblates and St Adalbert's entered into a fiduciary relationship with the minor Plaintiff. Further, by holding Defendant St. Adalbert out as a safe environment for learning, worship and spiritual growth, Defendants Diocese, Oblates and St. Adalbert entered into a fiduciary relationship with the minor Plaintiff Survivor Doe.

104. The acts and/or omissions of Defendants Diocese, Oblates and St. Adalbert's as set forth herein constitute an implicit endorsement of Defendants Robinson and Mazuchowski's good character and trustworthiness. Further, said acts and/or omissions by Defendants Diocese, Oblates and St. Adalbert's were made with the specific intent of inducing Plaintiff and others into relying upon that implicit endorsement.

105. Defendant Diocese, Oblates, St. Adalbert's, Robinson and Mazuchowski breached their fiduciary duty to Plaintiff Survivor Doe by engaging in the negligent and wrongful conduct described herein.

106. Defendants Diocese, Oblates and St. Adalbert's knew or should have known that Plaintiff Survivor Doe would rely on their implicit endorsement of Defendants Robinson's and

Mazuchowski's good character and trustworthiness, and Plaintiff Survivor Doe did justifiably rely thereupon, to her detriment.

107. As a direct and proximate result of Plaintiff's reasonable reliance on the implicit endorsement of Defendants Robinson and Mazuchowski by Defendants Diocese, Oblates and St. Adalbert, and as a direct and proximate result Defendants' breach of their fiduciary duties, Plaintiff Survivor Doe has suffered actual injuries and damages as set forth herein and Defendants are equitably estopped from asserting certain affirmative defenses.

108. As a direct result of the breaches of fiduciary duty by Defendants Diocese, Oblates, St. Adalberts, Robinson, Mazuchowski, Does 1-15, and Church Does 1-5, Plaintiff Survivor Doe suffered the injuries and damages described herein.

COUNT SIX

(Negligent Retention, Supervision, and or Entrustment)

109. Plaintiffs incorporate the preceding paragraphs of their complaint as if fully restated herein.

110. At all times material, Defendants Robinson and Mazuchowski were employed and/or supervised by Defendants Diocese, Oblates and St. Adalbert's and was under their direct supervision, employ and control when they committed the wrongful acts alleged herein. Defendants Robinson and Mazuchowski engaged in the wrongful conduct while acting in the course and scope of his employment with Defendants Diocese, Oblates and St. Adalbert's, and accomplished the sexual abuse by virtue of his job-created authority. Defendants Diocese, Oblates and St. Adalbert's failed to exercise ordinary care in supervising and retaining Defendant Warren, thereby failing to prevent the foreseeable misconduct of Defendant Warren from causing harm to others.

111. Therefore, Defendants Diocese, Oblates and St. Adalbert's had a duty to avoid

retention of pedophile and abusive priests and or had a duty to supervise said priests, and or had a duty not to entrust children to said priests, and in particular, Defendants Robinson and Mazuchowski, whom Defendants Diocese, Oblates and St. Adalbert's knew, or should have known, or negligently or recklessly turned a blind eye to their abusive activities.

112. By failing to fire, remove, supervise, and or prevent entrustment to these abusive priests, the Defendants Diocese, Oblates and St. Adalbert's breached their duties described above.

113. As a direct result of the breaches of negligent retention, supervision, and or entrustment by Defendants Diocese, Oblates, St. Adalberts, Robinson, Mazuchowski, Does 1-15, and Church Does 1-5, Plaintiff Survivor Doe suffered the injuries and damages described herein.

COUNT SEVEN

(Vicarious Liability and Respondeat Superior)

114. Plaintiffs incorporate the preceding paragraphs of their complaint and subsequent counts as if fully restated herein.

115. Defendants Robinson and Mazuchowski were employed by Defendants Diocese, Oblates and St. Adalbert's as a priest, spiritual advisor and holy authority figure, and was under their direct supervision, employ and control when they committed the wrongful acts alleged herein. Defendants Robinson and Mazuchowski engaged in his conduct while acting in the course and scope of his employment with Defendants Diocese, Oblates and St. Adalbert's, and accomplished the sexual abuse by virtue of his job-created authority. Therefore, Defendants Diocese, Oblates and St. Adalbert's are liable for the wrongful conduct of Defendants Robinson and Mazuchowski under the law of vicarious liability including the doctrine of *respondeat superior*.

116. Additionally, Defendants Robinson and Mazuchowski were acting at least in part to serve the interests of his employers, Defendants Diocese, Oblates and St. Adalbert's, when they committed the sexual abuse. Specifically, Defendants Robinson and Mazuchowski were acting as a priest, as well as using the trust, power and authority the position granted, while they were with the Plaintiff. Simultaneously, Defendants Robinson and Mazuchowski used that same trust, power and authority to gain Plaintiff's confidence and trust and to sexually abuse Plaintiff.

117. Defendants Robinson and Mazuchowski's conduct occurred substantially within authorized time and space limits as it occurred on Defendant's property and during Defendant Warren's employment with Defendants Diocese, Oblates and St. Adalbert's.

118. Furthermore, by using their position as a priest and the trust, power and authority it granted, Defendants Robinson and Mazuchowski purported to act and/or speak on behalf of Defendants Diocese, Oblates and St. Adalbert's when he committed the tortious acts alleged herein. Plaintiff further relied upon Defendants Robinson and Mazuchowski's apparent authority.

119. Defendants Robinson and Mazuchowski would not have been able to commit the sexual abuse were he not given the title of priest by Defendants Diocese, Oblates and St. Adalbert's and was in fact aided in accomplishing his tortious conduct by the existence of his agency relationship with Defendants Diocese, Oblates and St. Adalbert's. Therefore, these Defendants are liable for the negligent and wrongful conduct of Defendant Warren under the law of vicarious liability, including the doctrine of *respondeat superior*.

120. As a direct result of the breaches of vicarious liability and or respondeat superior by Defendants Diocese, Oblates, St. Adalbert's, Robinson, Mazuchowski, Does 1-15, and Church Does 1-5, Plaintiff Survivor Doe suffered the injuries and damages described herein.

COUNT EIGHT

(Additional Negligence Against Dioceses, Oblates, & St. Adalbert's)

121. Plaintiffs incorporate the preceding paragraphs of their complaint and subsequent counts as if fully restated herein.

122. By establishing, operating and staffing Defendant St. Adalbert's, and holding Defendant St. Adalbert's out to be safe environments for learning, worship and spiritual growth, Defendants Diocese, Oblates and St. Adalbert's entered into an express and/or implied duty to provide a reasonably safe learning and spiritual environment. Defendants Diocese, Oblates and St. Adalbert's further assumed that duty by holding Defendants Robinson and Mazuchowski out to the public, including the Plaintiff Survivor Doe, as a competent and trustworthy minister, teacher and counselor of high morals and by transferring him from parish to parish. Defendants Diocese, Oblates and St. Adalbert's breached their duty by exposing Plaintiff to Defendant Warren, an unfit, dangerous, and exploitive agent.

123. As a direct result of the additional negligence by Defendants Diocese, Oblates, St. Adalbert's, and Church Does 1-5, Plaintiff Survivor Doe suffered the injuries and damages described herein.

COUNT NINE

(Fraud and or Negligent Misrepresentation)

124. Plaintiffs incorporate the preceding paragraphs of their complaint and subsequent counts as if fully restated herein.

125. Defendants Diocese, Oblates and St. Adalbert's held Defendant St. Adalbert's out as a safe environment for learning, worship and spiritual growth, and represented its instructors and priests as qualified to provide religious instruction and spiritual and emotional counseling and did so hold out or state to Plaintiff Survivor Doe.. In addition, Defendants Robinson and Mazuchowski also held themselves out to be safe, knowledgeable, reliable representatives of the Lord by whose divine authority may care for Survivor Doe.

126. As such, Defendants Diocese, Oblates, St. Adalbert's, Robinson and Mazuchowski each had an independent duty to disclose the sexual misconduct of Defendants Robinson and Mazuchowski to their students, parents, victims, and parents of victims, including Survivor Doe.

127. Defendants Diocese, Oblates, St. Adalbert's Robinson and Mazuchowski each knew of the sexual misconduct and/or propensity for sexual abuse of Defendants Robinson and Mazuchowski prior to, during, and/or after the abuse of Plaintiff Survivor Doe..

128. However, Defendants Diocese, Oblates, St. Adalbert's, Robinson and Mazuchowski each misrepresented, concealed and/or failed to disclose information relating to the sexual misconduct of and/or propensity for sexual abuse of Defendants Robinson and Warren as described herein, with the intent of preventing its discovery

129. Additionally, Defendants Diocese, Oblates and St. Adalbert's made affirmative factual misrepresentations concerning their alleged lack of knowledge of the abuse of Plaintiff Survivor Doe and/or other children by Defendants Robinson and Warren; circumstances

known by Defendants surrounding the abuse of Plaintiff Survivor Doe and/or other children; Defendants Diocese, Oblates and St. Adalbert's role in deceitfully transferring Defendants Robinson and Mazuchowski from parish to parish because of allegations of sexual abuse; its willingness to investigate the allegations; and/or representations that the matter would be handled and/or that Defendants Diocese, Oblates and St. Adalbert's would take actions to make sure that Defendants Robinson and Mazuchowski would not abuse other young people or be given unrestricted access to children.

130. These facts known, represented, and/or concealed by Defendants Diocese, Oblates, St. Adalbert's, Robinson and Mazuchowski each were material.

131. Defendants Diocese, Oblates, St. Adalbert's, Robinson and Mazuchowski each knew that they misrepresented, concealed or failed to disclose information relating to the criminal sexual misconduct of Defendants Robinson and Mazuchowski.

132. Plaintiff Survivor Doe justifiably relied on the misrepresentations and/or concealment and as a result, suffered the injuries described herein.

133. Plaintiff Survivor Doe came to know of Defendants Diocese, Oblates, St. Adalbert's, Robinson and Mazuchowski fraudulent concealment and/or misrepresentations most recently, and in particular the February 20, 2005 Blade Article. Therefore, Plaintiff's claim is timely within the proper statute of limitations.

134. As a direct result of fraud and or negligent misrepresentations by Defendants Diocese, Oblates, St. Adalbert's, Robinson, Mazuchowski, Does 1-15, and Church Does 1-5, Plaintiff Survivor Doe suffered the injuries and damages described herein.

COUNT TEN

(Negligence Per Se)

135. Plaintiffs incorporate the preceding paragraphs of their complaint and subsequent counts as if fully restated herein.

136. Defendants Diocese, Oblates, St. Adalbert's, Robinson and or Mazuchowski each committed and or aided and abetted criminal acts and or unlawful acts pursuant to the laws of the State of Ohio. In particular, said Defendants each violated, aided or abetted, among other laws, O.R.C. § 2151.421 (Duty to Report Child Abuse); § 2907.05. (Gross sexual imposition); § 2919.22. (child endangerment); and the state criminal law equivalents of the tort counts set forth herein.

137. Said state laws were intended to protect a specific class of persons from specific harm of which Plaintiff Survivor Doe is a member of said protected class. Furthermore, the injuries inflicted upon Plaintiff Survivor Doe are the type from which protection of the Ohio statutes or law was sought

138. The Defendants violations of said laws was the direct and proximate cause of Plaintiff Survivor Doe's injuries.

139. As a direct result of fraud and or negligent misrepresentations by Defendants Diocese, Oblates, St. Adalbert's, Robinson, Mazuchowski, Does 1-15, and Church Does 1-5, Plaintiff Survivor Doe suffered the injuries and damages described herein.

COUNT ELEVEN

(Strict Liability)

140. Plaintiffs incorporate the preceding paragraphs of their complaint and subsequent counts as if fully restated herein.

141. Defendants Diocese, Oblates, St. Adalbert's knew or should have known that Robinson and Mazuchowski were dangerous instrumentalities with a very high likelihood of harming others similar to that of a dangerous animal, dangerous product, or dangerous activity. Robinson and Mazuchowski were in fact dangerous instrumentalities, monsters really, who did cause severe harm to Plaintiff Survivor Doe.

142. In addition, Defendants Diocese, Oblates, St. Adalbert's set Defendants Robinson and or Mazuchowski into the stream of commerce by advertising and accepting payment for their teaching services at St. Adalbert's school, which Plaintiff Survivor Doe attended.

143. For these reasons and under the circumstances set forth herein, the doctrine of strict liability is applicable.

144. As a direct and proximate cause and result of Defendants Diocese, Oblates, St. Adalbert's and Church Does 1-5 utilization in their enterprise of Defendants Robinson and Mazuchowski for which they are strictly liable, Plaintiff Survivor Doe suffered the injuries and damages described herein.

COUNT TWELVE

(Loss of Consortium)

145. Plaintiffs incorporate the preceding paragraphs of their complaint and subsequent counts as if fully restated herein.

146. Plaintiff Spouse Doe is the spouse and husband of Plaintiff Survivor Doe.

147. For each and every count set forth herein, as well as the instant, all of which

is incorporated into this Count, Plaintiff Spouse Doe has suffered the loss and continuing loss of his wife's companionship and consortium.

148. As a direct and proximate cause of Defendant's actions resulting in his loss of consortium, Plaintiff Spouse Does' has suffered injury thereby.

COUNT THIRTEEN

(Punitive Damages)

149. Plaintiffs incorporate the preceding paragraphs of their complaint and subsequent counts as if fully restated herein.

150. The heinous acts of each of the Defendants, as set for previously and incorporated herein, constitutes malicious and wanton conduct and a conscious disregard for the safety and well being of our most fragile child citizens such that a punitive damages instruction to the jury is appropriate, proper, and just.

151. As a direct and proximate result of Defendant's actions, punitive damages should be imposed.

COUNT FOURTEEN

(Civil Conspiracy)

152. Plaintiffs incorporate the preceding paragraphs of their complaint and subsequent counts as if fully restated herein.

153. Defendants Diocese, Oblates and St. Adalberts, by and through their agents, had or reasonably should have had actual knowledge of Defendants Robinson and or Mazuchowski's criminal activities and propensities, as set forth hereinabove.

154. Defendants Diocese, Oblates and St. Adalbert's had a statutory and

common law duty to report Defendants Robinson and or Mazuchowski's criminal activities to law enforcement authorities pursuant to Ohio law, but failed to do so.

155. Based on their fiduciary relationship with Plaintiff Survivor Doe, as well as their students, families and parishioners, Defendants Diocese, Oblates and St. Adalbert's had a material duty to warn Plaintiff Survivor Doe as well as other victims, both current and prospective, and/or the public of Defendant Robinson's and or Mazuchowski's criminal activities and propensities, but failed to do so.

156. Defendants Diocese, Oblates and St. Adalbert's conspired and acted together in a way not competent for one alone to move Defendants Robinson and Mazuchowski from parish to parish; to affirmatively conceal his criminal actions as set forth described herein; and to fail to warn victims, current and prospective students, their families, parishioners and/or the public of his criminal actions and propensities.

157. Said acts and/or omissions of Defendants Diocese, Oblates and St. Adalbert's were made with the purpose of committing, promoting or facilitating the crimes and covering up the crimes of sexual exploitation of minors, witness intimidation, obstruction of justice, perjury, destruction of records, and other notorious crimes.

158. Defendants Diocese, Oblates and St. Adalbert's acted with a conscious disregard for the rights and safety of Plaintiff and other minor children with a great probability of causing substantial harm; said acts and/or omissions of Defendants Diocese, Oblates and St. Adalbert's were made with actual malice.

159. For each and every act alleged herein, Defendants acted in concert to aid, abet, and or conceal said tortious and criminal acts so as to constitute a conspiracy.

160. As a direct and proximate result of Defendants' conspiracy, Plaintiff and other victims have been deprived of their legal rights, and Plaintiff has sustained actual injuries and damages as set forth herein.

COUNT FIFTEEN

(Unconstitutionality and or Inapplicability of SB 80, i.e. Ohio's Tort Reform Law)

161. Plaintiffs incorporate the preceding paragraphs of their complaint and subsequent counts as if fully restated herein.

162. To the extent that Senate Bill 80 (SB 80) is applicable, it violates the Ohio Constitution's Open Court's Clause, the Ohio Constitution's equal protection clause, the Ohio Constitution's due process clause, the Ohio Constitution's Separation of Church and State clause, the Ohio Constitution's interference with contracts provisions, and any other applicable clauses of the Ohio Constitution.

WHEREFORE, Plaintiff prays for judgment as follows: a) compensatory damages in an amount in excess of \$25,000.00; (b) punitive damages as appropriate; (c) treble damages provided by applicable law; (d) attorney fees, interest and costs of litigation; and (e) any other relief this Court deems proper, just, and appropriate.

Of Counsel,

The Davis Law Office, LLC

By _____
Mark A. Davis (0070983)

JURY DEMAND

The Plaintiff demands a trial by jury as to all issues so triable.

Mark A. Davis (0070983)

MILITARY AFFIDAVIT

The undersigned hereby states and avers to the best of his knowledge and belief that the defendants named in the above captioned are not serving in the United States Military or in any conflict or police action on behalf of the United States or the State of Ohio.

Mark A. Davis (0070983)

PRAECIPE

TO THE CLERK OF COURTS:

Please provide service upon the above Defendants at their addresses as shown in the caption to the complaint above by certified U.S. mail.

Mark A. Davis (0070983)