

COPY

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

**SUPERIOR COURT DEPT.
OF THE TRIAL COURT
CIVIL ACTION NO.:**

02-4080 F

**LEELAND ELI EISENBERG
formerly known as RALPH E.
WOODWARD, JR.,**

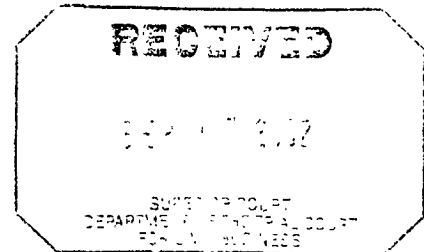
Plaintiff,

v.

**ROMAN CATHOLIC ARCHBISHOP
OF BOSTON, a Corporation Sole, and
BERNARD CARDINAL LAW a.k.a
CARDINAL BERNARD LAW**

Defendants.

COMPLAINT AND JURY DEMAND



THE PARTIES

1. Plaintiff Leeland E. Eisenberg, formerly known as Ralph E. Woodward, Jr., is an adult residing in Bridgewater, Plymouth County, Commonwealth of Massachusetts.

2. Defendant, the Roman Catholic Archbishop of Boston is a Corporation Sole, with its principal place of business at 2121 Commonwealth Avenue, Boston, Suffolk County, Commonwealth of Massachusetts. The RCAB operates parishes, schools and programs for children.

3. Defendant, Bernard Cardinal Law a.k.a. Cardinal Bernard F. Law is an adult individual residing at 2121 Commonwealth Avenue, Brighton, Suffolk County, Commonwealth of Massachusetts. Cardinal Law was elevated from Archbishop to Cardinal in 1985. Cardinal Law is the head of the RCAB.

STATEMENT OF RELEVANT FACTS

4. In or about 1971, Father Richard A. Buntel was ordained a priest within the RCAB. In or about 1982-1983, Father Buntel was assigned to St. Catherine's Parish in Westford, Massachusetts ("St. Catherine's"), his third such assignment.

5. In or about 1982-1983, the Plaintiff who was approximately 21 years old, was homeless and living in abandoned cars in a local junk yard in Ayer, Massachusetts.

6. In a state of desperation, the Plaintiff went for help to St. Catherine's. The Plaintiff discussed at length with Father Daniel Cronin, the senior priest in charge of St. Catherine's, his homelessness, the loss of his mother and the abuse he suffered at the hands of his violent, alcoholic father. The Plaintiff asked Father Cronin if there was work he could do at St. Catherine's to enable him to get on his feet.

7. Father Cronin agreed to hire the Plaintiff to paint St. Catherine's and also offered the Plaintiff room and board until he could get back on his feet. The Plaintiff slept on a folding cot in the basement boiler room of St. Catherine's. Father Cronin explained the living and employment arrangement of the Plaintiff to the three other priests at St. Catherine's: Father Buntel, Father Sullivan and one older priest who, upon information and belief, was retired but living at the rectory.

8. The Plaintiff was paid by check for the work he did at St. Catherine's and in fact, was authorized by St. Catherine's to purchase paint supplies and other tools on credit at the local hardware store.

9. Shortly after moving into St. Catherine's, the Plaintiff learned that Father Cronin's day off was on Monday. Father Buntel was put in charge of St. Catherine's during Father Cronin's absence. On Mondays, with Father Buntel in charge of St.

Catherine's, Father Buntel would take the Plaintiff out to eat at a local restaurant in Westford (Monday was also the St. Catherine's cook's day off). Father Buntel always ordered alcoholic beverages for the Plaintiff and himself along with the meal. Father Buntel charged these meals to St. Catherine's.

10. Each Monday, for many weeks, after leaving the restaurant, Father Buntel would take the Plaintiff back to the Rectory at Saint Catherine's and offer the Plaintiff additional alcoholic beverages. After supplying the Plaintiff numerous drinks, Father Buntel would bring out a box of pornographic material, sit beside the Plaintiff on a couch, pull out pornographic pictures and magazines and insist the Plaintiff look at the pornographic materials. Father Buntel would then sexually molest the Plaintiff.

11. On one occasion, Father Buntel, after supplying the Plaintiff with numerous alcoholic drinks, took the Plaintiff to a pornographic "peep show" in Lowell, Massachusetts and during this show again molested the Plaintiff.

12. One night, the Plaintiff became grossly intoxicated after drinking at a local club. When they saw the Plaintiff on the street, the local police took the Plaintiff into protective custody and called St. Catherine's for someone to come and pick up the Plaintiff. Father Buntel came to the police station to take the Plaintiff back to St. Catherine's. On the ride back to St. Catherine's the Plaintiff passed out in the front seat of Father Buntel's car. The Plaintiff awoke to find himself being raped by Father Buntel in the driveway of St. Catherine's rectory.

13. The Plaintiff, after escaping the grasp of Father Buntel went to the boiler room at St. Catherine's, packed his belongings and left St. Catherine's never to say a word to anyone.

14. Within a week after being raped by Father Buntel, the Plaintiff attempted to take his own life by jumping off of a bridge in Ayer, Massachusetts. The Plaintiff was taken by ambulance to the hospital and was later sent to a psychiatric facility for observation and treatment.

15. During the time he was being abused, the Plaintiff felt that he needed to stay in the good graces of Father Buntel. He relied on him for food and shelter and employment. He never wanted to offend Father Buntel, fearful that if he did, his only means of survival would be ripped away from him.

16. Father Buntel gained the Plaintiff's trust, preyed on his vulnerabilities, and then abused this trust by sexually exploiting the Plaintiff.

17. Upon information and belief, prior to and during the Plaintiff's sexual abuse by Father Buntel, the RCAB knew, or should have known that Father Buntel was committing sexually predatory acts, and, thus, posed a danger to the Plaintiff. Nevertheless, the RCAB failed to act to protect the Plaintiff.

18. Upon information and belief, despite the RCAB's knowledge of Father Buntel's problems with sexual abuse, Father Buntel was given unsupervised access to the parishioners at St. Catherine's.

19. The RCAB, at all times relevant hereto, was responsible for the management and control of St. Catherine's and was responsible for employing agents, employees and staff to operate it.

20. Upon information and belief, Father Buntel appeared before the RCAB's Clergy Review Board in 1994 and again in 1996 for allegations of sexual abuse.

21. Upon information and belief, in 2002 Father Buntel was removed from his

position as non-ministerial business manager at St. Thomas of Villanova Church in Wilmington, Massachusetts, in the wake of allegations of sexual abuse.

22. Plaintiff has suffered from severe psychological harm that is directly and causally related to childhood sexual abuse that was perpetrated against him by Father Buntel.

23. Cardinal Law and the RCAB served no notification on the Plaintiff, or his family of the potential problems with Father Buntel, despite the fact that Cardinal Law and the RCAB were fully aware that Father Buntel was a sexual predator. Cardinal Law's and the RCAB's willful nondisclosure was a deliberate attempt to conceal any cause of action from the Plaintiff so as to toll the statute of limitations pursuant to the provisions of M.G.L. c. 260 § 12.

24. The Plaintiff did not know, and could not in the exercise of reasonable diligence have known, of the factual basis and causal connection for his causes of action against Cardinal Law and the RCAB until recently.

COUNT I
Negligence
(The Plaintiff Against the Defendants)

25. The Plaintiff realleges and incorporates by reference herein in their entirety the allegations contained in above paragraphs.

26. The Defendants had a duty to (a) supervise and retain competent, fit and otherwise qualified priests for the RCAB; (b) protect the parishioners of the RCAB from foreseeable damaging acts of third persons; and (c) investigate/warn of unreasonable risks of harm on the premises of the RCAB; (d) remove Father Buntel once they knew or should have known that Father Buntel was sexually abusing parishioners.

27. The Defendants knew or should have known that Father Buntel was a sexual predator and was unfit to work with parishioners, particularly children.

28. The Defendants breached their duty by, among other things, the following acts or omissions: (a) failing to supervise Father Buntel so that he would not pose an unreasonable risk of harm to RCAB parishioners; (b) failing to protect the Plaintiff from Father Buntel's foreseeable and probable sexual molestation; and (c) failing to investigate/warn of the unreasonable risk of harm on the premises of the RCAB; (d) failing to remove Father Buntel when they knew or should have known that Father Buntel was sexually abusing parishioners.

29. The Defendant's actions deprived the Plaintiff of treatment opportunities which could have ameliorated his mental anguish, emotional distress and other damages which he suffered.

30. As a direct and proximate result of the Defendants' careless and wrongful acts and omissions, the Plaintiff suffered pain and suffering, emotional distress and other substantial injuries.

WHEREFORE, the Plaintiff respectfully requests the finder of fact to render a verdict in favor of the Plaintiff in an amount which is faire and just, plus interest and costs therein.

COUNT II
Intentional/Reckless Infliction of Emotional Distress
(The Plaintiff Against the RCAB)

31. The Plaintiff realleges and incorporates by reference herein in their entirety the allegations contained in above paragraphs.

32. The RCAB recklessly and/or intentionally assigned Father Buntel to St.

Catherine's and allowed Father Buntel to remain in active ministry for the RCAB after knowing that he was sexually molesting children.

33. The conduct of the RCAB was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

34. The conduct of the RCAB directly and proximately caused the Plaintiff's extreme emotional distress of a nature that no reasonable man could be expected to endure.

35. The conduct of the RCAB was not privileged.

36. As a direct and proximate result of the RCAB's careless and wrongful acts and omissions, the Plaintiff suffered pain and suffering, emotional distress and other substantial injuries.

WHEREFORE, the Plaintiff respectfully requests the finder of fact to render a verdict in favor of the Plaintiff in an amount which is faire and just, plus interest and costs therein.

COUNT III
Negligent Infliction of Emotional Distress
(The Plaintiff Against the RCAB)

37. The Plaintiff realleges and incorporates by reference herein in their entirety the allegations contained in the above paragraphs.

38. At all times relevant to this action, the Plaintiff was entrusted in the care and attention of Father Buntel at St. Catherine's.

39. The RCAB fostered and encouraged the relationship between priest and parishioner and had a duty to exercise reasonable care in doing so.

40. The RCAB breached their duty by providing Father Buntel with unfettered

contact with people under its care when they knew or should have known that emotional distress was likely to result from Father Buntel's inappropriate conduct.

41. The RCAB's conduct directly and proximately caused the Plaintiff's emotional distress, which a reasonable person would have suffered under the circumstances.

42. As a direct and proximate result of the RCAB's careless and wrongful acts and omissions, the Plaintiff suffered pain and suffering, emotional distress and other substantial injuries.

WHEREFORE, the Plaintiff respectfully requests the finder of fact to render a verdict in favor of the Plaintiff in an amount which is fair and just, plus interest and costs therein.

COUNT IV
Breach of Fiduciary Duty
(The Plaintiff Against the RCAB)

43. The Plaintiff realleges and incorporates by reference herein in their entirety the allegations contained in the above paragraphs.

44. At all times relevant to this action, the RCAB fostered and encouraged the relationship between priest and parishioner and people under the care of the RCAB. The Plaintiff reposed trust and confidence in the RCAB to whom Father Buntel reported.

45. The RCAB, as fiduciary to the parishioners and to people entrusted to the care and attention of priests acting on behalf of the RCAB, owed the Plaintiff a duty of trust and loyalty.

46. The RCAB breached their fiduciary duty owed to the Plaintiff and abused its position of trust and confidence.

47. As a direct and proximate result of the Defendant' careless and wrongful acts and omissions, the Plaintiff suffered pain and suffering, emotional distress and other substantial injuries.

WHEREFORE, the Plaintiff respectfully requests the finder of fact to render a verdict in favor of the Plaintiff in an amount which is fair and just, plus interest and costs therein.

JURY DEMAND

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

LEELAND ELI EISENBERG
formerly known as
RALPH E. WOODWARD, JR.

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Dated: September 16, 2002

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