

CAUSE NO. 236 242299 09

JANE DOE I, JANE DOE II, JANE DOE III,
JANE DOE IV, JANE DOE VI, JANE DOE VII
and JANE DOE VIII,
(PSEUDONYMS)

Plaintiffs,

vs.

DIOCESE OF FORT WORTH;
KEVIN W. VANN IN HIS OFFICIAL
CAPACITY AS BISHOP OF THE
DIOCESE OF FORT WORTH, HIS
PREDECESSORS AND SUCCESSORS;
SOUTHERN DOMINICAN PROVINCE
OF ST. MARTIN DE PORRES; AND
FATHER JOSEPH NGOC TU, O. P.,

Defendants.

IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

____ JUDICIAL DISTRICT

FILED
TARRANT COUNTY
2009 DEC 11 PM 12:02
THOMAS A. WILDER
DISTRICT CLERK

PLAINTIFFS' ORIGINAL PETITION AND JURY DEMAND

TO THE HONORABLE DISTRICT COURT JUDGE:

COME NOW Plaintiffs JANE DOE I, JANE DOE II, JANE DOE III, JANE DOE IV, JANE DOE VI, JANE DOE VII and JANE DOE VIII and file this, their Original Petition and Jury Demand, complaining of Defendants, Diocese of Fort Worth; Kevin W. Vann in His Official Capacity as Bishop of the Diocese of Fort Worth, his predecessors and successors; Southern Dominican Province of St. Martin de Porres; and Father Joseph Ngoc Tu Nguyen, O.P., and state the following:

I

DISCOVERY CONTROL PLAN

1.01 As required by TEX. R. CIV. P. 190.1, Plaintiffs file this lawsuit under a Level 3 Discovery Control Plan (Tex. R. Civ. P. 190.4).

II

PARTIES

2.01 Plaintiff JANE DOE I resides in Arlington, Tarrant County, Texas. She is an adult female whose identity is known to Defendants. JANE DOE I was a minor and a resident of Tarrant County, Texas at the time of the sexual abuse alleged herein.

2.02 Plaintiff JANE DOE II resides in Adams County, Pennsylvania. She is an adult female whose identity is known to Defendants. JANE DOE II was a vulnerable young female and a resident of Tarrant County, Texas at the time of the sexual abuse alleged herein.

2.03 Plaintiff JANE DOE III resides in Dubois County, Indiana. She is an adult female whose identity is known to Defendants. JANE DOE III was a vulnerable young female and a resident of Tarrant County, Texas at the time of the sexual abuse alleged herein.

2.04 Plaintiff JANE DOE IV resides in Tarrant County, Texas. She is an adult female whose identity is known to Defendants. JANE DOE IV was a vulnerable young female and a resident of Tarrant County, Texas at the time of the sexual abuse alleged herein.

2.05 JANE DOE V is not a party to this case. Her identity is known to Defendants. She was sexually abused by Father Tu when she was a minor. She will serve as a witness in this case.

2.06 Plaintiff JANE DOE VI resides in Tarrant County, Texas. She is an adult female whose identity is known to Defendants. JANE DOE VI was a minor and a resident of Tarrant County, Texas at the time of the sexual abuse alleged herein.

2.07 Plaintiff JANE DOE VII resides in Ellis County, Texas. She is an adult female whose identity is known to Defendants. JANE DOE VII was a minor and a resident of Tarrant County, Texas at the time of the sexual abuse alleged herein.

2.08 Plaintiff JANE DOE VIII resides in Tarrant County, Texas. She is an adult female whose identity is known to Defendants. JANE DOE VIII was a minor and a resident of Tarrant County, Texas at the time of the sexual abuse alleged herein.

2.09 Defendant Father Joseph Ngoc Tu Nguyen, O.P. (hereinafter "Father Tu") is a natural person who was, at all relevant times, a resident of Tarrant County, Texas. Father Tu is believed to remain under the control of his religious order, the Order of Preachers or Dominican Fathers, Southern Province (hereinafter "Dominicans"). At the time of the events made the basis of this lawsuit, Father Tu was a Roman Catholic priest ordained in Vietnam sometime in 1964 by the Dominicans and hired by Defendant Fort Worth Diocese and its former bishop, Joseph Delaney (now deceased), and assigned by him to work as a priest in Tarrant County from September 1975 until approximately August 1993, including a December 1977 through November 1979 study leave in Dubuque, Iowa. Father Tu was therefore an employee, agent and/or an ostensible agent of Defendant Fort Worth Diocese when he sexually molested and exploited Plaintiffs. As a member of the Dominican Order, he was and is also subject to the jurisdiction of the Southern Dominican Province of St. Martin de Porres and therefore its agent and/or ostensible agent. Father Tu's whereabouts are currently unknown; therefore, he cannot be served with process at this time.

2.10 Defendant Diocese of Fort Worth (hereinafter "Diocese"), which purports to be a religious organization, was the employer or ostensible employer of Father Tu at the time of the sexual abuse and sexual exploitation of these Plaintiffs. Through its then-Bishop Delaney (hereinafter "Delaney"), it granted priestly faculties to Father Tu to serve as a priest at St. Matthew's Catholic Church in Arlington, where JANE DOES I, II, III, IV, VI and VII and their families worshipped, as well as at St. Michael's Catholic Church in Bedford, where JANE DOE VIII and her family worshipped. The Diocese, in the person of Bishop Vann, may be served

through its attorney, John Crumley at 501 University Centre, 1300 South University Drive, Fort Worth, Texas 76107.

2.11 Defendant Kevin Vann, in his official capacity as current Bishop of the Diocese of Fort Worth, His Predecessors and Successors (hereinafter "Vann"), is a natural person and resident of Tarrant County, Texas. He may be served through his attorney, John Crumley at 501 University Centre, 1300 South University Drive, Fort Worth, Texas 76107.

2.12 Defendant Southern Dominican Province of St. Martin de Porres ("Dominicans") purports to be a Non-Profit religious Corporation domiciled in Metairie, Louisiana. As a member of the Dominican Order, Father Tu was and is subject to the jurisdiction of the Southern Dominican Province of St. Martin de Porres and therefore its agent and/or ostensible agent. This Defendant may be served by certified mail through its registered agent, Regina S. Wedig, 108 Myrtle Street, Amite, Louisiana 70422.

2.13 Venue is proper in this case in Tarrant County, Texas pursuant to Texas Civil Practice and Remedies Code §15.002(a)(1) because the *locus delicti* of the Plaintiffs' sexual abuse and exploitation by Father Tu occurred in Tarrant County, Texas.

III

SEXUAL ABUSE OF PLAINTIFFS

3.01 Each Plaintiff alleges that she was sexually abused and exploited as a child or as a vulnerable young female by Defendant Father Tu while he was a member of the Dominican Order and within its jurisdiction and employed as a Roman Catholic priest by Defendant Diocese within its territory by its former Bishop, Delaney.

3.02 Plaintiffs allege that Father Tu, while a Catholic priest of the Dominican Order working in the Fort Worth Diocese, had a psychosexual disorder characterized by an abnormal, impulsive sexual attraction to girls and vulnerable young females. Plaintiffs further allege that

Defendants knew or should have known of Father Tu's perverse proclivities and behavior prior to the abuses complained of herein. These Defendants also knew or should have known that Father Tu's psychosexual disorder rendered him unfit for a position of trust and confidence as priest at St. Matthew's, St. Michael's and other parishes they assigned him to in that it would allow him unsupervised access to victims such as these Plaintiffs. Thus, Plaintiffs rely on Defendant Father Tu's mental condition as part of their claims. *See Texas Rules of Evidence* 509(e) (4) and 510(d) (5).

3.03 All Plaintiffs were raised in devout Roman Catholic families. They and their parents attended church and tithed regularly. Plaintiffs each were taught to hold the clergy and hierarchy of the Roman Catholic Church in great trust, confidence, reverence and respect and to obey and to rely, without question, upon the secular counseling and spiritual guidance of their priests and bishops.

3.04 As good Catholics, Plaintiffs trusted that the church, its official representatives, its priests and bishops, would always be and behave as they represented, namely, as chaste men acting in parishioners' best interests and as embodiments of holiness who would never knowingly expose any of them, certainly not children, to any danger, especially of sexual injury, and particularly from one of their own clergy. Plaintiffs trusted and expected with the highest degree of confidence, good faith and loyalty that all Defendants would act prudently on their behalf. Plaintiffs' parents thus depended on their Bishops to provide them with pastors who were honest, of good moral character, sexually safe and otherwise suitable for service among them all.

3.05 Father Tu sexually abused Jane Doe I in her home in the spring of 1997 when she was a girl of thirteen. The abuse occurred over a period of at least two hours when Tu found Jane Doe I alone in the family home one afternoon. Father Tu had called the home before

coming over. Jane Doe I told him that her parents were not home and that she had just gotten home from school. She was still wearing her school uniform. She was surprised when the doorbell rang and Father Tu was standing at the door. That afternoon, Father Tu fondled her breasts and repeatedly grasped her left thigh and pulled it tightly against his right thigh. Father Tu asked Jane Doe I not to tell her parents that he had come over to the house. However, when Jane Doe I's mother came home, she noticed her daughter was visibly upset. When Jane Doe I's mother pressed her on what was wrong, Jane Doe I told her what had happened. Her mother then reported the incident to the Diocese. Despite this report, Father Tu was allowed to continue his ministry in Fort Worth.

3.06 Father Tu abused Jane Doe II as a vulnerable young female when she sought counseling with him following her decision to leave a religious community of women. Troubled, she sought spiritual direction and help from Father Tu, whom she had known previously. During these sessions of secular counseling, "spiritual guidance" and confession, Father Tu began suggestively hugging her, rubbing up and down her arms and kissing her on the lips. Jane Doe II felt ashamed and confused by these acts, particularly when they were committed within the context of the Sacrament of Reconciliation and counseling. She reported the incidents to then-Bishop Delaney in 1991, telling him of others she had found whom Father Tu had victimized. Delaney told her that he believed her and that he would send Father Tu for treatment and then to the Dominicans where he would be "watched." Jane Doe II believed Delaney and trusted him to keep Father Tu from serving as a priest anywhere and continuing to prey on young girls and vulnerable females like herself. Instead, Delaney enabled Father Tu to be transferred to the Galveston-Houston Diocese where his superiors, in concert with the Bishop there, assigned him to Holy Rosary Church in Houston, Texas.

3.07 Jane Doe III was abused by Father Tu as a vulnerable young female when she went to him for spiritual guidance and vocational counseling, as well as to confession. She was interested in becoming a nun. Father Tu used these counseling and confessional sessions to make unwanted sexual advances toward Jane Doe III. He kissed her, touched her breasts, and groped her, pulling her body against his. Jane Doe III told a Dominican priest about these episodes. He told her nothing could be done because Father Tu “had not gone far enough.” Later, in a letter, she reported the incidents to Delaney. She met with him and other Diocesan representatives and learned of two other young girls (in addition to her friend Jane Doe II) whom Father Tu had molested. She believed the Diocese would “handle the situation” and remove Father Tu from service where he could pose danger to other vulnerable young females or adolescent girls. Jane Doe III later followed up to make sure Father Tu was no longer afforded the opportunity to molest girls and young females. She was told by the Fort Worth chancery office that he was a chaplain at a nursing home. At the time, she believed what she was told. Subsequently, in “double checking” she discovered he was working as a priest in Houston under another version of his Vietnamese name. Defendant Dominicans claimed that it had conducted an investigation and “Tu had been cleared.” No one had contacted Jane Doe III about her claims against Father Tu. All Defendants misled victims such as Jane Doe III and their other parishioners about the conduct and status of Father Tu.

3.08 While he was a priest at St. Matthews Catholic Church in Arlington, Father Tu abused Jane Doe IV under the pretense of coming to her for tutoring in English. As a devout Catholic and vulnerable young female, she felt proud that her priest sought her out for this help. He betrayed her, fondling her breasts and leaving her shocked and ashamed. She did not tell anyone about the incident until Father Tu’s sundry acts of sexual abuse were made public.

3.09 Jane Doe VI is the younger sister of Jane Doe VII. Father Tu molested her when she was a child about seven or eight years old. He called her into his office to show her some Christmas cards and had her sit on his lap, holding her tightly. As he showed each card, he kissed her on her neck, face, and mouth. She now remembers the wetness of the kisses. He did the same to her older sister. When Jane Doe VI reported Father Tu's abuse to the Defendant Diocese's Misconduct Board, she was not told about his other victims.

3.10 Jane Doe VII was abused by Father Tu when she was approximately eight or nine years old. On two or three occasions, Father Tu called Jane Doe VII and her younger sister, Jane Doe VI, into his office to show them some Christmas cards he received from Vietnam. He pulled Jane Doe VII and her sister, one at the time, onto his lap to show them the cards. He repeatedly kissed her, as well as her sister, on the mouth. Jane Doe VII did not tell anyone what happened until years later.

3.11 Jane Doe VIII was abused by Father Tu when she was a young girl about age twelve or thirteen. She and her family were parishioners at St. Michael's in Bedford where Father Tu was assigned by the Diocese. In approximately the summer of 1980, Father Tu visited her home several times. While her parents were at work or when her father slept following his night shift work, Father Tu would sit by Jane Doe VIII, caress her and rub her leg. He would also corner her and grab her breast while looking down her shirt. Father Tu told her no one would believe her if she told anyone what had happened. Later in 1980, soon after Father Tu's reassignment to St. Matthews, Jane Doe VIII reported the incident to Monsignor Joseph Schumacher, pastor of St. Michael and Vicar General of the Diocese. He told her that she was lying, that she was fat and ugly, and that he never wanted to hear about the incident again. She sat outside St. Michael's and cried. After Father Tu's sexual misconduct was made public, she later filed a complaint with the Euless Police Department.

3.12 At the time of all of the incidents alleged herein, Father Tu was a member of the Dominican Order serving as a priest of the Fort Worth Diocese, receiving from both entities financial support and other benefits.

3.13 Plaintiffs allege that as a direct result of the negligence of Defendant Diocese and its Bishop, as well as Defendant Dominicans, Father Tu was afforded repeated opportunities to sexually abuse and exploit Plaintiffs and potentially other girls and thus to irreparably damage their lives.

IV

SUMMARY OF CLAIMS

4.01 The Bishops of the Fort Worth Diocese and the Dominican Order had both the authority and the responsibility to supervise and monitor the activities of Father Tu or at least to warn parishioners that he was a sexual predator. They did neither. They either actively concealed these facts or were purposefully silent when they had a duty to speak and to protect innocent minor girls and vulnerable young females from sexual abuse. Further, these church entities conspired with Father Tu and reassigned him to Holy Rosary in Houston following reports of his abusive conduct.

4.02 Plaintiffs would show that although Defendant Diocese and Defendant Dominicans knew or should have known that Father Tu was a danger to minor girls and vulnerable young females, they negligently retained him as Associate Pastor at St. Matthew's Church in Arlington from September 1975 to November 1977 and as pastor of St. Michael's Church in Bedford from November 1979 until September 1980. He was then reassigned back to St. Matthew's Church in 1980 through 1993. Plaintiffs further allege that Defendants knew of complaints about Father Tu's history of improper sexual activities with minor girls and young females which had been reported to them during this time. Some church investigators found the

reported incidents to be “pedophilia.” At that point Father Tu was sent away to the Servants of the Paraclete’s (church-run) treatment center in New Mexico.¹ Shockingly (but not surprisingly), he was welcomed back into the “fold” when officials from the Dominican Order told Bishop Delaney his diagnosis was “sexual immaturity,” not pedophilia. Bishop Delaney recounted to Bishop Joseph Fiorenza of the Galveston-Houston Diocese that the 1993 allegations “were never proven.” Without inquiring into the claims himself or warning parents, Bishop Fiorenza allowed Father Tu to work in his Diocese. During his assignments at the Fort Worth parishes, Father Tu gained access to Plaintiffs and used his power and influence as a Roman Catholic priest to sexually molest them.

4.03 Plaintiffs would show the court that the proximate cause of Father Tu’s access to Plaintiffs was his position as a priest in the Defendant Diocese. Father Tu was an employee, agent and servant of Defendant Diocese and Defendant Dominicans, or, alternatively, was a non-employee agent of one or both of these Defendants and subject to their joint supervision and oversight by then-Bishop, Delaney.

4.04 The sexual abuse of Plaintiffs resulted from the authority, power and access associated with Father Tu’s position as a Catholic priest. Although both Defendant Diocese and its Bishops and Defendant Dominicans knew or should have known of the dangerous sexual propensities of Father Tu, Defendants did nothing to remove him from a position where he could

¹ In 1972, a study authorized by the National Conference of Catholic Bishops concluded that 57% of all Catholic priests in the United States were underdeveloped emotionally, 29% were developing, 8% were maladapted and only 6% were developed psycho-sexually. By 1976, the problem of Catholic clergy sexually acting out with minors was generally recognized as a serious mental illness. In that year, Richard Sipe, a renowned psychotherapist and former Benedictine monk, along with Dr. Leo Bartemier (who had been a consultant to the American Bishops since the late 1920s), reported to the church hierarchy on their studies of those priests who responded and concluded that 6% of all Catholic priests had acted out sexually with children. By 1976, the Servants of the Paraclete in Jemez Springs, New Mexico, developed programs to specifically address psycho-sexual disorders of clerics who were abusing minors. The Paraclete center documented its treatment of these priests by terming it “tampering with the virtue of the young.” The Servants of the Paraclete center alone treated and evaluated over 3,000 priests and religious during its years of existence. Ostensibly contemptuous of the consequence of spoliation, The United States Bishops Conference even went so far as to issue directives to the Paraclete facilities to destroy records. The Paraclete Fathers complied, “under....present legal advisement to do so.”

gain unfettered access to young girls and vulnerable young females. Instead, they negligently made him associate pastor with authority over these affected parish families.

4.05 As a proximate result of the actions of Defendants Diocese, its Bishops, the Dominicans and Father Tu, Plaintiffs have suffered serious injuries, all of which were the foreseeable result of the failures of both Defendant Diocese and Defendant Dominicans who were responsible for the assignment, empowerment and supervision of Defendant Father Tu. Thus, they negligently allowed the foreseeable and predictable sexual abuse and sexual exploitation of the Plaintiffs to occur.

4.06 Plaintiffs allege that prior to the incidents of sexual abuse complained of herein, it was and is well known to Defendant Diocese and its Bishops past and present, as well as to the Dominican Order that a number of Catholic priests within and without its territory, before and during the times of the offenses in question, displayed signs and symptoms associated with the propensity to sexually abuse minor children and vulnerable persons. Yet, Defendant and Defendant Dominicans negligently failed to adopt and implement policies and procedures to identify potential and actual sexual offenders, to prevent them from having positions providing access to children and other vulnerable adults, to monitor and supervise their actions, to report their crimes as required by law instead of concealing them, and to assist known sex abuse victims instead of dismissing, misleading and ignoring them.

4.07 Plaintiffs herein have been subjected to continual mental and emotional disability and to duress, including religious duress, and traumatic bonding due to the injuries they suffered at the hands of Father Tu, compounded by the acts and/or omissions of Defendant Diocese and its Bishops and Defendant Dominicans.

4.08 All Defendants were in a confidential, fiduciary or special relationship with the

Plaintiffs grounded upon the duty of good faith and fair dealing and the obligation to act with the highest degree of trust, confidence and loyalty. This fiduciary relationship includes the duty to disclose and the duty to act to protect the Plaintiffs from sexual abuse and exploitation by Catholic priests such as Father Tu, whom bishops had promoted as being celibate, chaste and otherwise sexually safe to be among youngsters. Each of the Plaintiffs herein were devout Roman Catholics prior to the sexual abuse and exploitation complained of herein.

4.09 Plaintiffs allege that both Defendant Diocese and Defendant Dominicans concealed Father Tu's psycho-sexual disorders and furthered other acts of negligence, fraud, fraudulent concealment, undue influence and breach of fiduciary duty, thereby giving rise to a "civil conspiracy." Plaintiffs thus plead delayed discovery of their claims, as well as delayed discovery of fraud, fraudulent concealment, continuing overt acts in furtherance of a civil conspiracy, and other causes of action against these Defendants despite reasonable diligence on the part of Plaintiffs.

4.10 The evidence in this case will show that despite the knowledge of Defendant Diocese and its Bishops and Defendant Dominicans that Father Tu was a dangerous sexual predator of adolescent girls and vulnerable young females, he was negligently transferred from parish to parish within the Fort Worth Diocese and the state of Texas as a priest in good standing. Their actions in placing him in the ministry gave him the disguise, position, access, opportunity and the means to sexually molest minor girls and vulnerable young female adults, including Plaintiffs, as well as others.

4.11 All of the Defendants knew or should have known that Father Tu was unsuitable to work in their territories as a Catholic priest. Yet he continued to remain on duty and presumably is still a priest today. Defendant Diocese and its Bishops as well as Defendant

Dominicans also knew or should have known of Father Tu's background and that minor girls and young females would not be sexually safe with him.

4.12 While he was employed as priest, Father Tu used his position and influence as a trusted priest to gain access to Plaintiffs and to sexually molest and exploit them.

4.13 Defendant Diocese and its Bishops and Defendant Dominicans were aware or should have been aware that, given the opportunity, Father Tu would sexually molest and exploit minor girls and vulnerable young females such as Plaintiffs.

4.14 As a direct result of the sexual abuse, molestation and exploitation by Father Tu and the events pled herein prior to and following the abuse, Plaintiffs suffer from chronic psychological injuries, including low self-esteem, depression, suicidal thoughts, and other symptoms consistent with post traumatic stress disorder.

4.15 Plaintiffs have regressed emotionally and behaviorally, suffered emotional trauma, anguish and loss of respect for authority, and have commenced and continued self-destructive courses of conduct, all as a direct result of Father Tu's sexual abuse and the associated conduct of the Diocese and its Bishops and the Dominican Order.

4.16 Defendant Diocese and its Bishops, as well as Defendant Dominicans, were aware or should have been aware of other complaints about Father Tu's sexual abuse of minor girls and vulnerable young females. Additionally, Defendant Diocese, its Bishops and Defendant Dominicans fraudulently concealed material information and fraudulently misstated material facts in order to conceal from Plaintiffs the fact that they had legal recourse against the Defendants. Not until the Fort Worth Court of Appeals issued its Order on August 28th, 2008 upholding the District Court's mandate to allow Father Tu's file to be publicly released were these Plaintiffs able to pursue their own individual remedies for damages. Defendants should

thus be estopped from now claiming the defense of limitations since such fraudulent concealment suspended or delayed the accrual of Plaintiffs' causes of action.

4.17 Plaintiffs were also unable to discover that Defendant Diocese, its Bishops, and Defendant Dominicans breached the duty owed to them, thus giving rise to these claims against these Defendants due to the acts of fraud, fraudulent concealment, breach of informal fiduciary (confidential) duty, undue influence and concert of action to enable these criminal activities to rise to a "civil conspiracy." These duties include the duty of good faith and fair dealing and disclosure. Defendants had knowledge of the facts giving rise to Plaintiffs' claims or other claims against them but fraudulently concealed and failed to disclose these facts. Plaintiffs thus plead delayed discovery of this fraud, fraudulent concealment, continuing overt acts in furtherance of a civil conspiracy, and their various other causes of action against these Defendants despite reasonable diligence until the Court of Appeals' Order dated August 28, 2008 was entered.

V

CAUSES OF ACTION AGAINST DEFENDANT FATHER JOSEPH NGOC TU NGUYEN, O. P.

5.01 Father Tu at all times relevant herein was a Roman Catholic priest of the Dominican Order working in the Diocese of Fort Worth. He took holy oaths and vows and held himself out to be a priest in good standing, honest, celibate and chaste, a man of good moral character, fit to be revered as a delegated co-worker with his Bishop and his fellow Dominicans and entrusted by them with the care, counseling, teaching and guidance of innocent girls and vulnerable young females among the laity. As such, he assumed the duties of his position as priest on behalf of his Bishop and Superior, including the duty to protect those in his care and not to sexually violate them. Nevertheless, as a result of his official delegated capacity as a priest,

Father Tu gained access to Plaintiffs for the purpose of sexually abusing, molesting and exploiting them.

5.02 Father Tu, Defendant Diocese and its Bishops and Defendant Dominicans knew or should have known of Father Tu's dangerous sexual propensities. Father Tu himself knew that he had a serious psycho-sexual disorder, to-wit, an unnatural, incurable, insatiable and uncontrollable sexual attraction to female children and vulnerable young female adults. He, himself, was therefore negligent in accepting a position guaranteeing access to girls and young females and thereafter in sexually abusing and exploiting the Plaintiffs. Plaintiffs rely on Father Tu's mental condition as part of their claims. *See Texas Rules of Evidence* 509(e)(4) and 510(d)(5).

5.03 In that Father Tu's conduct was intentional when he sexually abused, molested and exploited the Plaintiffs, his behavior constitutes the intentional infliction of emotional distress.

5.04 Father Tu's conduct was in violation of state and federal criminal statutes for sexual abuse of children and vulnerable persons, including but not limited to Tex. Pen. Code §21.11, §22.04 and §22.041.

5.05 Father Tu maintained himself in a position of trust, confidence and authority as a parish priest for Plaintiffs and their families. He negligently and intentionally abused this trust, confidence and authority to gain access to the Plaintiffs and to sexually abuse and sexually exploit them.

5.06 The actions of Father Tu alleged herein in Paragraphs 5.01-5.05 proximately caused the incidents in question and the resultant damages sustained by the Plaintiffs.

VI

CAUSES OF ACTION AGAINST DEFENDANTS **THE DIOCESE OF FORT WORTH** **AND ITS FORMER BISHOPS AND CURRENT BISHOP VANN**

6.01 Defendant Diocese and its former Bishop, Delaney, negligently retained Father Tu and assigned him to a position of trust, confidence, and authority as a parish priest in direct contact with minor girls and vulnerable young females. Defendant Diocese and its Bishop knew or should have known he was sexually dangerous and grossly unsuited for such assignments. These Defendants negligently and recklessly entrusted and exposed potential victims to Father Tu's care, counseling and predation.

6.02 Defendant Diocese and its Bishops negligently failed to provide reasonable monitoring and supervision of Father Tu. Defendant Bishop of the Diocese of Fort Worth retained overall responsibility for all aspects of religious life in the Diocese, including the following duties: (a) to have inquired and investigated before granting faculties to Tu; (b) to have supervised, evaluated, monitored, inspected and overseen all activities of Father Tu; (c) to have investigated, monitored and supervised Father Tu as a parish priest in the Diocese; (d) to have revoked Father Tu's faculties upon early and repeated notice that Father Tu was decidedly unsuited for the position to which he was assigned; and (e) to ensure that Father Tu was not transferred to another Diocese with the same opportunities to abuse minor girls and vulnerable young females. Defendant Diocese was negligent in relation to each of these duties. Had the Diocese and its Bishops not been negligent, Father Tu would never have had the opportunity, means and power to sexually abuse and exploit these Plaintiffs.

6.03 Prior to Father Tu's sexual abuse of Plaintiffs, Defendant Diocese and its Bishops negligently failed to investigate numerous notices of Father Tu's sexual misconduct or to act on

knowledge that he was unsuitable for a position affording access to young females and to respond responsibly by removing him from a position affording contact with such persons.

6.04 Subsequent to the sexual abuse of the Plaintiffs, Defendant Diocese and its Bishop made numerous representations, promises and agreements to avoid the criminal prosecution of several other priests of the Diocese which were either false and fraudulent when made or were made with the intent to not act as represented. Plaintiffs did not learn of this fraud until Father Tu's file was finally made available to the public in August 2008.

6.05 Defendant Diocese negligently failed to warn the Plaintiffs, their families or any of the Catholic faithful in the Diocese about Defendant Father Tu's dangerous sexual propensities despite their knowledge and notice of these dangerous proclivities.

6.06 On numerous occasions before and after the sexual abuse of the Plaintiffs, Defendant Diocese and its Bishop knowingly failed and refused to report Father Tu, a sexual predator of minors, to the civil authorities as clearly and responsibly required by law.

6.07 Defendant Diocese and its Bishop negligently failed to implement reasonable policies and procedures to detect and prevent the sexual abuse of girls and vulnerable young females by Father Tu even though Defendants knew or should have known that Father Tu was a predictable risk for such sexual abuse and sexual misconduct. The negligent and reckless acts arising out of Defendants' policies and practices, include, but are not limited to:

1. supervising, reassigning, and retaining Father Tu, as well as other Fort Worth clerics known to have abused minors;
2. ignoring warnings from medical professionals, even those within the Catholic Church, that certain priests were potentially sexually dangerous to children and vulnerable adults;
3. ignoring warnings from others within the dioceses' and bishops' conferences who believed that such priests were threats to children;

4. failing to alert parishioners, previous parishes and the surrounding communities where abusive priests had served that they were exposed to known or suspected child molesters;
5. failing to inform the public that Father Tu and other such priests assigned to their parishes were sexual threats;
6. failing to report the crimes committed by Father Tu and other such priests to law enforcement and obstructing or interfering with law enforcement investigations concerning abusive priests;
7. using Church influence to circumvent the criminal legal process relating to priests who had been engaging in illegal sexual acts and to conspire to recycle them back into active ministry;
8. making decisions which reflected that the reputations of abusive priests and the desire to avoid scandal were vastly superior and more important to the Diocese than the welfare of victims who had been abused by priests and of their families;
9. fostering an environment and culture where abuse of children could flourish and in which it was clearly understood that there was no accountability for criminal acts toward children; and
10. misrepresenting facts to victims who requested information about Father Tu and other priests who abused them in order to fraudulently conceal their own negligence.

6.08 Plaintiffs allege that the Defendant Diocese and its Bishop are liable for the acts and/or omissions of Father Tu under the legal doctrine of negligent assumption of the risk of intentional or criminal conduct. Defendants Diocese and its Bishop realized or should have realized that Father Tu posed an unreasonable risk of harm to minor girls and vulnerable female adults, including Jane Doe I, Jane Doe II, Jane Doe III, Jane Doe IV, Jane Doe VI, Jane Doe VII and Jane Doe VIII. The Plaintiffs thus plead Section 302B of the Restatement (Second) of Torts, Section 302B.

6.09 Defendant Diocese and its Bishop's conduct at the times and on the occasions in question, and continuing through the present day, is so outrageous as to result in the intentional infliction of emotional distress upon the Plaintiffs.

6.10 The conduct of Defendant Diocese and its Bishop was in violation of state and federal criminal statutes regarding sexual abuse of children and vulnerable persons including but not limited to Texas Penal Code §21.11, §22.04 and §22.041.

6.11 Defendant Diocese and its Bishop fraudulently concealed their knowledge of the criminal activities of Father Tu and other such predatory priests for the purpose of preventing Plaintiffs and the public from learning the cause of their injuries and the existence of just claims against the Defendant Diocese for Father Tu's assignment and retention, and learning of its failure to supervise, investigate and remove Father Tu from his position of power over and access to unwitting victims. Defendant Diocese used deception to conceal Father Tu's past crimes as well as those of other predatory Fort Worth priests such as James Hanlon, William Hoover, Philip Magaldi, Gilbert Pansza, James Reilly, Rudolf Renteria, John Howlett, Francis Zimmerer, Thomas Teczar and others currently unknown to Plaintiffs, and to conceal its own negligence in failing to properly assign, supervise, investigate, report and remove Father Tu for his injurious criminal misconduct. Plaintiffs reasonably relied upon this deception which they failed to discover despite due diligence until after August 2008.

6.12 The Plaintiffs also allege that Defendant Diocese failed to timely apprise them and their families and the local communities in both Fort Worth and in Houston of Father Tu's sexually deviant and predatory nature. Thus, the Diocese's representation that Father Tu was not sexually dangerous to young girls placed Plaintiffs and other girls and vulnerable young females in the community in peril. Plaintiffs plead that Defendant Diocese and its Bishop failed to exercise reasonable care and thus negligently misrepresented and negligently gave false information with the intent to mislead, which proximately caused harm to the Plaintiffs because they reasonably relied upon the knowingly false representation that Father Tu was suitable for a position involving access to minor girls and vulnerable young females. Plaintiffs thus plead

Section 311 of the Restatement (Second) of Torts and the legal doctrine of negligent misrepresentation involving the risk of physical harm.

6.13 Plaintiffs allege that these Defendants breached their fiduciary duty to the Plaintiffs by failing to disclose their knowledge of the criminal activities, past and present, of Father Tu and the other Fort Worth clerics who abused minors and by fraudulently concealing these activities. This duty includes the duty of good faith, fair dealing, and disclosure. Plaintiffs did not and could not in the exercise of reasonable diligence learn of this breach of duty due to false representations and material misstatements of fact.

6.14 The sexual abuse and sexual exploitation in this case arose from Father Tu's exercise of authority and power and access to victims and their families created by his employment and position as a Catholic priest in good standing by Defendant Diocese. Plaintiffs thus plead vicarious liability under the doctrine of respondeat superior in that Defendant Diocese and its Bishop knew or should have known of the sexual misconduct and continuing dangerous propensities of Father Tu and in that Father Tu's injurious sexual actions thus were clearly foreseeable. The authority of Defendant Diocese and its Bishops over their priests exceeds the customary employer/employee relationship. Defendant Diocese is thus vicariously liable for all actions as described above of Father Tu as well as its own abandonment of prudence, indulgence in willful blindness and abuse of authority through omission and commission that resulted in injury to these victims.

6.15 During the existence of the fiduciary relationship pled herein, Defendants actively and constructively stated and/or represented numerous falsehoods, including representing that Defendant Father Tu was a man of good moral character and fit to be a priest; a holy man who could be entrusted with the care, counseling, teaching, and instruction of children and vulnerable female adults. These representations, among others outlined in this pleading, were false and

misleading and were known to be false and misleading at the time they were made, or were made with a reckless disregard as to whether they were true or false or of potential consequence to parishioners. These falsehoods and non-disclosures were material facts made with the intent to deceive and to induce reliance. Plaintiffs did not learn of the Defendants' knowledge of the falsity of said representations, and/or of the failure to disclose the unfitness of Defendant Father Tu. Plaintiffs neither knew of nor could they have discovered through the exercise of due diligence the fraud against them that had been committed by Defendants.

6.16 The actions of Defendants pled in Paragraphs 6.01-6.15 herein proximately caused the incidents in question and the consequent damages sustained by the Plaintiffs.

VII

CAUSES OF ACTION AGAINST DEFENDANT DOMINICAN ORDER

7.01 Defendant Dominicans negligently retained Father Tu and assigned him to a position of trust, confidence, and authority as a parish priest in direct contact with minor girls and vulnerable young females. Defendant Dominicans knew or should have known he was sexually dangerous and grossly unsuited for such assignments. This Defendant negligently and recklessly entrusted and exposed minors to Father Tu's care, counseling and predation.

7.02 Defendant Dominicans negligently failed to provide reasonable monitoring and supervision of Father Tu. Defendant Dominicans retain overall responsibility for all aspects of religious life within the Dominican Order, including the following duties: (a) to have inquired and investigated before allowing Father Tu to have faculties; (b) to have supervised, evaluated, monitored, inspected and overseen all activities of Father Tu; (c) to have investigated, monitored and supervised Father Tu, a Dominican priest working as a parish priest in the Fort Worth Diocese; (d) to have denied Father Tu's faculties upon early and repeated notice that Father Tu was decidedly unsuited for the position to which he was assigned; (e) to actually have conducted

an investigation of the allegations against Father Tu; and (f) to have denied his transfer and assignment to Holy Rosary in Houston in light of credible notices of his sexual misconduct. Defendant Dominican Order was negligent in relation to each of these duties. Had the Dominican Order not been negligent, Father Tu would never have had the opportunity, means and power to sexually abuse and exploit these Plaintiffs.

7.03 Defendant Dominicans negligently failed to warn the Plaintiffs, their families and the Catholic faithful about Father Tu's dangerous sexual propensities despite their knowledge and notice of these dangerous proclivities.

7.04 Prior to Father Tu's sexual abuse of Plaintiffs, Defendant Dominicans negligently failed to investigate numerous notices of sexual misconduct or to act on knowledge that Father Tu was unsuitable for a position affording access to minor girls and vulnerable young females and to respond responsibly by removing him from a position affording contact with persons.

7.05 Subsequent to the sexual abuse of the Plaintiffs, Defendant Dominicans made numerous representations, promises and agreements to avoid the criminal prosecution of several other priests of the Dominican Order which were either false and fraudulent when made or were made with the intent to not act as represented. Plaintiffs did not learn of this fraud until Father Tu's file was made public in August 2008.

7.06 On numerous occasions before and after the sexual abuse of the Plaintiffs, Defendant Dominicans illegally failed and refused to report Father Tu as a sexual predator to the civil authorities as clearly and responsibly required by law.

7.07 Defendant Dominicans negligently failed to implement reasonable policies and procedures to detect and prevent the sexual abuse of girls and vulnerable young females by Father Tu even though Defendants knew or should have known Father Tu was a predictable risk

for such sexual abuse and sexual misconduct. The negligent and reckless acts arising out of Defendants' policies and practices include but are not limited to:

1. supervising, reassigning, and retaining Father Tu, as well as other Order clerics known to have abused minors;
2. ignoring warnings from medical professionals, even those within the Catholic Church, that certain priests were potentially sexually dangerous to children and vulnerable adults;
3. ignoring warnings from others within the Order at conferences and meetings who believed that such priests were threats to children;
4. failing to alert parishioners, previous parishes and the surrounding communities where abusive priests had served that they were exposed to known or suspected child molesters;
5. failing to inform the public that Father Tu and such priests assigned to their parishes were sexual threats;
6. failing to report the crimes committed by such priests to law enforcement and obstructing or interfering with law enforcement investigations concerning abusive priests;
7. using Church influence to circumvent the criminal legal process relating to priests who had been engaging in illegal sexual acts and to conspire to recycle them back into active ministry;
8. making decisions which reflected that the reputations of abusive priests and the desire to avoid scandal were vastly superior and more important to the Order than the welfare of victims who had been abused by priests and of their families;
9. fostering an environment and culture where abuse of children could flourish and in which it was clearly understood that there was no accountability for criminal acts toward children; and
10. misrepresenting facts to victims who requested information about Father Tu and other such priests who abused them in order to fraudulently conceal their own negligence.

7.08 Plaintiffs allege that the Defendant Dominicans are liable for the acts and/or omissions of Father Tu under the legal doctrine of negligent assumption of the risk of intentional or criminal conduct. Defendants Dominicans realized or should have realized that Father Tu posed an unreasonable risk of harm to minor girls and vulnerable female adults including Jane

Doe I, Jane Doe II, Jane Doe III, Jane Doe IV, Jane Doe VI, Jane Doe VII and Jane Doe VIII. The Plaintiffs thus plead Section 302B of the Restatement (Second) of Torts, Section 302B.

7.09 Defendant Dominicans' conduct at the times and on the occasions in question, and continuing through the present day, is so outrageous as to result in the intentional infliction of emotional distress upon the Plaintiffs.

7.10 Defendant Dominicans' conduct was in violation of state and federal criminal statutes for sexual abuse of children and vulnerable persons including but not limited to Texas Penal Code §21.11, §22.04 and §22.041.

7.11 Defendant Dominicans fraudulently concealed their knowledge of the criminal sexual activities of Father Tu and other such predatory priests for the purpose of preventing Plaintiffs from learning the cause of their injuries and the existence of just claims against the Defendant Dominicans for Father Tu's assignment and retention, and from learning of its failure to supervise, investigate and remove Father Tu from his position of power and access to unwitting victims. Defendant Dominicans used deception to conceal Defendant's past crimes as well as those of other predatory Dominican Order priests and to conceal its own negligence in failing to properly assign, supervise, investigate, report and remove Father Tu for his injurious criminal sexual misconduct. Plaintiffs reasonably relied upon this deception which they failed to discover despite due diligence until August 2008.

7.12 Plaintiffs also allege that Defendant Dominicans failed to apprise them and their families and the local communities of Father Tu's sexually deviant and predatory nature. Thus, the Dominican's representation that Father Tu was not sexually dangerous placed Plaintiffs and other young victims in the community in peril. Plaintiffs plead that Defendant Dominicans failed to exercise reasonable care, and thus negligently misrepresented and negligently gave false information with the intent to mislead, which proximately caused harm to the Plaintiffs because

they reasonably relied upon the knowingly false representation that Defendant Father Tu was suitable for a position involving access to trusting minor girls and vulnerable young females. Plaintiffs thus plead Section 311 of the Restatement (Second) of Torts and the legal doctrine of negligent misrepresentation involving the risk of physical harm.

7.13 Plaintiffs allege that these Defendants breached their fiduciary duty to the Plaintiffs by failing to disclose their knowledge of the criminal activities, past and present, of Defendant Father Tu and the other Order clerics who abused minors and by fraudulently concealing these activities. This duty includes the duty of good faith, fair dealing, and disclosure. Plaintiffs did not and could not in the exercise of reasonable diligence learn of this breach of duty due to false representations and material misstatements of fact.

7.14 The sexual abuse and sexual exploitation in this case arose from Father Tu's exercise of authority and power and access to victims and their families created by his position and employment as a Catholic priest in good standing by Defendant Dominicans. Plaintiffs thus plead vicarious liability under the doctrine of respondeat superior in that Defendant Dominicans knew or should have known of the sexual misconduct and continuing dangerous propensities of Father Tu and in that Father Tu's injurious sexual actions thus were clearly foreseeable. Defendant Dominicans' authority over its priests exceeds the customary employer/employee relationship. Defendant Dominicans are thus vicariously liable for all actions as described above of Father Tu as well as its own abandonment of prudence, indulgence in willful blindness and abuse of authority through omission and commission that resulted in injury to these victims.

7.15 During the existence of the fiduciary relationship pled herein, Defendants actively and constructively stated and/or represented numerous falsehoods, including representing that Father Tu was a man of good moral character and fit to be a priest; a holy man who could be entrusted with the care, counseling, teaching, and instruction of children and vulnerable female

adults. These representations, among others outlined in this pleading, were false and misleading and were known to be false and misleading at the time they were made, or were made with a reckless disregard as to whether they were true or false or of potential consequence to parishioners. These falsehoods and non-disclosures were material facts made with the intent to deceive and to induce reliance. Plaintiffs did not learn of the Defendant's knowledge of the falsity of said representations and/or of the failure to disclose the unfitness of Father Tu. Plaintiffs neither knew of nor could they have discovered through the exercise of due diligence the fraud against them that had been committed by Defendants until his file was publicly available in August 2008.

7.16 The actions of Defendants pled in Paragraphs 7.01-7.15 herein proximately caused the incidents in question and the consequent damages sustained by the Plaintiffs.

VIII

STATEMENTS TO THE COURT

8.01 Plaintiffs plead that the Discovery Rule applies in this case due to the insidious, intimate and secretive nature of the crime of sexual abuse of a child and/or vulnerable adult rendering the victims' claims inherently undiscoverable. Further, all Plaintiff Jane Does have claims which are objectively verifiable by the sexual abuse of the other seven known victims by the same pedophile priest, Father Tu, while he was employed by Defendant Diocese and its Bishop and/or Defendant Dominicans.

8.02 Plaintiffs plead delayed discovery of their claims against Defendants despite the exercise of reasonable diligence on their part, thus tolling the statute of limitations.

8.03 Plaintiffs plead delayed discovery of the harm caused by the sexual abuse and the delay in treatment despite the exercise of reasonable diligence on their part due to repressed and/or suppressed memory and dissociative disorder, thus tolling the statute of limitations.

8.04 Plaintiffs plead that emotional duress additionally delayed the filing of this lawsuit due to the traumatic bond forged by their abuser, Father Tu.

8.05 Plaintiffs plead fraud and fraudulent concealment of this fraud on the part of Defendants, thus suspending the running of limitations as to all claims.

8.06 Plaintiffs have pled fraudulent concealment of fraudulent statements and other fraudulent misrepresentations known to Defendants that concealed Plaintiffs' claims, thus suspending the running of limitations.

8.07 Plaintiffs plead breach of fiduciary duty and the duty to disclose, including the use of deception to conceal the breach of duty of due care against all Defendants, thus suspending the running of limitations against all Defendants.

8.08 Plaintiffs plead a civil conspiracy to conceal criminal acts, to conceal the commission of criminal acts, to conceal negligence by unlawful means, to conceal fraud, to conceal the breach of the duty of trust and confidence, and to conceal the use of deception to avoid claims by illegal means until limitations expire, thus suspending the running of limitations against all Defendants as to all claims.

8.09 Plaintiffs plead that they were unable to discover this fraud, fraudulent concealment, or the civil conspiracy despite reasonable diligence on their part until within two (2) years of the filing of their case.

8.10 Plaintiffs plead that undue influence additionally delayed the filing of this lawsuit due to the traumatic bond forged by their abuser, Father Tu.

8.11 Plaintiffs allege that Defendants have altered, destroyed, removed or spoiled evidence that one may reasonably have inferred would be unfavorable to Defendants. Such acts by Defendants have resulted in prejudice to Plaintiffs, causing them injury. Thus, at a minimum, Plaintiffs are entitled to submit a spoliation presumption instruction to the jury.

8.12 Plaintiffs allege that the actions of all Defendants, because of their conduct, statements and promises, preclude them under the doctrine of estoppel and quasi-estoppel from claiming the bar of limitations to any of Plaintiffs' claims.

8.13 Plaintiffs allege that these Defendants have acted in concert to fraudulently conceal their predatory priests, including Father Tu, by recycling them, by concealing the extent and nature of the abuse perpetrated by those priests, and by trivializing the harmful effects of such abuse on the victims of these priests.

IX

DEFENDANTS' CONCERT OF ACTION

9.01 Plaintiffs incorporate by reference as if set forth at length all allegations referenced above, and assert that all entities and individuals who are named as Defendants are liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 876, under the legal doctrine of concert of action, as joint ventures, as agents of these entities, and as shareholders of this entity under which theories Plaintiffs seek damages from all Defendants jointly and severally.

X

DAMAGES

A. Damages to Jane Doe I

10.01 As a result of the conduct and incidents described herein, Jane Doe I has incurred counseling expenses in the past which were reasonable and necessary. In all reasonable probability such expenses will continue in the future.

10.02 As a result of the conduct, incidents and injuries described herein, Jane Doe I has experienced severe emotional and psychological pain and suffering in the past and, in all

reasonable probability, will sustain severe psychological and emotional pain and suffering in the future.

10.03 As a result of the conduct and incidents described herein, Jane Doe I has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future.

10.04 As a result of the conduct and incidents described herein, Jane Doe I has suffered many other damages, including loss of self-esteem, depression, impairment of marital relations, loss of faith and loss of trust. In all reasonable probability, her social and professional adjustment in the past has been affected and, in all probability, her future social and professional life will be adversely impacted as well.

10.05 Jane Doe I also seeks punitive and exemplary damages in order to punish and deter the outrageous conduct of the Defendants. By clear and convincing evidence, facts as alleged above will be proven by Jane Doe I, namely that Defendants acted maliciously, either by act or omission, and thereby exposed Jane Doe I to an extreme degree of risk of both immediate, actual and potential harm considering the probability and magnitude of the continuing injuries to her. Further, Defendants had real, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety and welfare of Jane Doe I. The exemplary damages cap does not apply because under TEX. CIV. PRAC. & REM. CODE §41.008(c)(7) the conduct complained of is based upon injury to a child.

B. Damages to Jane Doe II

10.06 As a result of the conduct and incidents described herein, Jane Doe II has incurred counseling expenses in the past which were reasonable and necessary. In all reasonable probability such expenses will continue in the future.

10.07 As a result of the conduct, incidents and injuries described herein, Jane Doe II has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future.

10.08 As a result of the conduct and incidents described herein, Jane Doe II has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future.

10.09 As a result of the conduct and incidents described herein, Jane Doe II has suffered many other damages, including loss of self-esteem, depression, alcohol and drug abuse, attempted suicide, loss of faith and loss of trust. In all reasonable probability, her social and professional adjustment in the past has been affected and, in all probability, her future social and professional life will be adversely impacted as well.

10.10 Jane Doe II also seeks punitive and exemplary damages in order to punish and deter the outrageous conduct of the Defendants. By clear and convincing evidence, facts as alleged above will be proven by Jane Doe II, namely that Defendants acted maliciously, either by act or omission, and thereby exposed Jane Doe II to an extreme degree of risk of both immediate, actual and potential harm considering the probability and magnitude of the continuing injuries to her. Further, Defendants had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety and welfare of Jane Doe II.

C. Damages to Jane Doe III

10.11 As a result of the conduct and incidents described herein, Jane Doe III has incurred counseling expenses in the past which were reasonable and necessary. In all reasonable probability such expenses will continue in the future.

10.12 As a result of the conduct, incidents and injuries described herein, Jane Doe III has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future.

10.13 As a result of the conduct and incidents described herein, Jane Doe III has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future.

10.14 As a result of the conduct and incidents described herein, Jane Doe III has suffered many other damages, including loss of self-esteem, depression, impairment of marital relations, loss of faith and loss of trust. In all reasonable probability, her social and professional adjustment in the past has been affected and, in all probability, her future social and professional life will be adversely impacted as well.

10.15 Jane Doe III also seeks punitive and exemplary damages in order to punish and deter the outrageous conduct of the Defendants. By clear and convincing evidence, facts as alleged above will be proven by Jane Doe III, namely that Defendants acted maliciously, either by act or omission, and thereby exposed Jane Doe III to an extreme degree of risk of both immediate, actual, and potential harm considering the probability and magnitude of the continuing injuries to her. Further, Defendants had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety and welfare of Jane Doe III.

D. Damages to Jane Doe IV

10.16 As a result of the conduct and incidents described herein, Jane Doe IV has incurred counseling expenses in the past which were reasonable and necessary and, in all reasonable probability, such expenses will continue in the future.

10.17 As a result of the conduct, incidents and injuries described herein, Jane Doe IV has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future.

10.18 As a result of the conduct and incidents described herein, Jane Doe IV has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future.

10.19 As a result of the conduct and incidents described herein, Jane Doe IV has suffered many other damages including loss of self-esteem., depression, loss of faith and loss of trust. In all reasonable probability, her social and professional adjustment in the past has been affected and, in all reasonable probability, her future social and professional life will be adversely impacted as well.

10.20 Jane Doe IV also seeks punitive and exemplary damages in order to punish and deter the outrageous conduct of the Defendants. By clear and convincing evidence, facts as alleged above will be proven by Jane Doe IV, namely that Defendants acted maliciously, either by act or omission, and thereby exposed Jane Doe IV to an extreme degree of risk of both immediate, actual, and potential harm considering the probability and magnitude of the continuing injuries to her. Defendants further had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety and welfare of Jane Doe IV.

E. Damages to Jane Doe VI

10.21 As a result of the conduct and incidents described herein, Jane Doe VI has incurred counseling expenses in the past which were reasonable and necessary and, in all reasonable probability, such expenses will continue in the future.

10.22 As a result of the conduct, incidents and injuries described herein, Jane Doe VI has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future.

10.23 As a result of the conduct and incidents described herein, Jane Doe VI has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future.

10.24 As a result of the conduct and incidents described herein, Jane Doe VI has suffered many other damages including loss of self-esteem, depression, loss of faith and loss of trust. In all reasonable probability, her social and professional adjustment in the past has been affected and, in all reasonable probability, her future social and professional life will be adversely impacted as well.

10.25 Jane Doe VI also seeks punitive and exemplary damages in order to punish and deter the outrageous conduct of the Defendants. By clear and convincing evidence, facts as alleged above will be proven by Jane Doe VI, namely that Defendants acted maliciously, either by act or omission, and thereby exposed Jane Doe VI to an extreme degree of risk of both immediate, actual, and potential harm considering the probability and magnitude of the continuing injuries to her. Defendants further had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety and welfare of Jane Doe VI. The exemplary damages cap does not apply because under TEX. CIV. PRAC. & REM. CODE §41.008 (c)(7) the conduct complained of is based upon injury to a child.

F. Damages to Jane Doe VII

10.26 As a result of the conduct and incidents described herein, Jane Doe VII has incurred counseling expenses in the past which were reasonable and necessary and, in all reasonable probability, such expenses will continue in the future.

10.27 As a result of the conduct, incidents and injuries described herein, Jane Doe VII has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future.

10.28 As a result of the conduct and incidents described herein, Jane Doe VII has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future.

10.29 As a result of the conduct and incidents described herein, Jane Doe VII has suffered many other damages including loss of self-esteem, depression, loss of faith, loss of trust, and impairment of marital relations. In all reasonable probability, her social and professional adjustment in the past has been affected and, in all reasonable probability, her future social and professional life will be adversely impacted as well.

10.30 Jane Doe VII also seeks punitive and exemplary damages in order to punish and deter the outrageous conduct of the Defendants. By clear and convincing evidence, facts as alleged above will be proven by Jane Doe VII, namely that Defendants acted maliciously, either by act or omission, and thereby exposed Jane Doe VII to an extreme degree of risk of both immediate, actual, and potential harm considering the probability and magnitude of the continuing injuries to her. Defendants further had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety and welfare

of Jane Doe VII. The exemplary damages cap does not apply because under TEX. CIV. PRAC. & REM. CODE §41.008 (c)(7) the conduct complained of is based upon injury to a child.

G. Damages to Jane Doe VIII

10.31 As a result of the conduct and incidents described herein, Jane Doe VIII has incurred counseling expenses in the past which were reasonable and necessary and, in all reasonable probability, such expenses will continue in the future.

10.32 As a result of the conduct, incidents and injuries described herein, Jane Doe VIII has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future.

10.33 As a result of the conduct and incidents described herein, Jane Doe VIII has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future.

10.34 As a result of the conduct and incidents described herein, Jane Doe VIII has suffered many other damages including loss of self-esteem, depression, loss of faith and loss of trust. In all reasonable probability, her social and professional adjustment in the past has been affected and, in all reasonable probability, her future social and professional life will be adversely impacted as well.

10.35 Jane Doe VIII also seeks punitive and exemplary damages in order to punish and deter the outrageous conduct of the Defendants. By clear and convincing evidence, facts as alleged above will be proven by Jane Doe VIII, namely that Defendants acted maliciously, either by an act or omission, and thereby exposed Jane Doe VIII to an extreme degree of risk of both immediate, actual, and potential harm considering the probability and magnitude of the continuing injuries to her. Defendants further had actual, subjective awareness of the risk

involved, but nevertheless proceeded with conscious indifference to the rights, safety and welfare of Jane Doe VIII. The exemplary damages cap does not apply because under TEX. CIV. PRAC. & REM. CODE §41.008 (c)(7) the conduct complained of is based upon injury to a child.

10.36 As a result of the conduct and incidents described herein, all Plaintiffs seek actual damages in a total amount in excess of the jurisdictional limits of the Court.

XI

GROSS NEGLIGENCE AND PUNITIVE DAMAGES

11.01 Plaintiffs also seek punitive and exemplary damages in order to punish and deter the outrageous conduct of all of the Defendants herein. Facts as alleged above will be proven by Plaintiffs' clear and convincing evidence that Defendants acted fraudulently and maliciously and were grossly negligent in that, either by act or omission, they exposed Plaintiffs to an extreme degree of risk of harm, considering the probability, magnitude and extent of the harm that would likely impact them and which ultimately did. Further, Defendants had real, subjective awareness of the risks involved, but nevertheless proceeded with callous indifference to the rights, safety, and welfare of Plaintiffs, physically, psychologically and spiritually. These damages, in concert with the conduct of Defendant Father Tu, are described as felonies where applicable, specifically Tex. Pen. Code §21.11 (indecentcy with a child), §22.04 (injury to a child) and §22.041 (abandoning or endangering a child). They were committed knowingly, in consequence of which the punitive damage cap does not apply. *See* Tex. Civ. Prac. & Rem. Code § 41.008(c).

11.02 To the extent that this case arises out of criminal conduct committed by Defendant Father Tu, an unfit employee or agent of Defendants, Defendants are liable for exemplary damages because the agent was notably unfit; Defendants acted with malice in employing or retaining him and in failing to supervise him; the employee or agent was employed

in a managerial capacity and was acting in the scope of employment; and/or Defendants effectively ratified or approved his acts.

XII

CLAIM FOR PRE-JUDGMENT AND POST-JUDGMENT INTEREST

12.01 Plaintiffs claim interest in accordance with §304.104, et seq., Texas Finance Code and any other applicable law.

XIII

JURY DEMAND

13.01 Plaintiffs request a jury of their peers to hear the evidence in this case.

XIV

REQUEST FOR INITIAL DISCLOSURE

14.01 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants herein are required to disclose to Plaintiffs within fifty (50) days of service of this request the information or material described in Rule 194.2 to be produced to Tahira Khan Merritt, attorney for Plaintiff, 8499 Greenville Avenue, Suite 206, Dallas, Texas 75231-2424 during normal business hours.

XIII

PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiffs Jane Does I, II, III, IV, VI, VII and VIII pray that a jury render judgment against all Defendants, jointly and severally, for actual damages described herein, for pre-judgment interest, for punitive damages, if appropriate, and for such other and further relief to which Plaintiffs may be justly entitled.

RESPECTFULLY SUBMITTED,

TAHIRA KHAN MERRITT, P.L.L.C.

By: 

TAHIRA KHAN MERRITT

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