

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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John Doe 16,  
c/o Jeffrey Anderson  
Jeff Anderson & Associates  
366 Jackson Street, Suite 100  
St. Paul, MN 55101

File No.

Plaintiff,

vs.

**COMPLAINT**

HOLY SEE (State of the Vatican City),  
DOES 1-10,  
Apostolic Palace  
00120 Vatican City  
Europe

Joseph Ratzinger, individually,  
Apostolic Palace  
00120 Vatican City  
Europe

Tarcisio Bertone, individually,  
Apostolic Palace  
00120 Vatican City  
Europe

Angelo Sodano, individually,  
Apostolic Palace  
00120 Vatican City  
Europe

Defendants.

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**PARTIES**

1. Plaintiff John Doe 16 is an adult male resident of the State of Illinois. Plaintiff John Doe 16 was a minor at the time of the sexual abuse alleged herein.

2. At all times material, Defendant Holy See (State of the Vatican City), (hereinafter "Holy See") is a foreign country. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendants Does 1-10 are unknown to Plaintiff who therefore sues said Defendants by such fictitious names. When the true names and capacities of said Defendants have been ascertained, Plaintiff will seek leave of court to amend this complaint to allege the true names and capacities. Plaintiff is informed and believes and based thereon alleges that each of the Defendants, as an agent and/or instrumentality of Defendant Holy See, designated as a Doe herein is liable in some manner for the acts, occurrences and omissions hereinafter alleged. Any reference or allegation against Defendant Holy See includes Does 1 through 10.

3. Joseph Ratzinger (now known as Pope Benedict XVI), resides in the Holy See. He is sued in his individual capacity for his actions before he became Pope.

4. Tarcisio Bertone resides in the Holy See. He is sued in his individual capacity for the actions he took in this case.

5. Angelo Sodano resides in the Holy See. He is sued in his individual capacity for the actions he took in this case.

6. Each individual is also sued for their official acts.

### **JURISDICTION**

7. This court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and the Plaintiff herein, a citizen of the state of Illinois, is diverse in state citizenship from Defendants, citizens of a foreign country. Some of the acts alleged herein occurred within Wisconsin.

8. This Court has both personal and subject matter jurisdiction over all matters in

this action with respect to 28 U.S.C. § 1330, as a claim for relief with respect to a foreign state not entitled to immunity under §§ 1604-1607 of that title.

9. This Court has jurisdiction over Defendant Holy See and/or Does 1-10 because the Holy See engaged in commercial activity in Wisconsin and throughout the United States.

10. This Court has personal jurisdiction over the Defendant Holy See and/or Does 1-10 because a tort was committed by the Defendant against Plaintiff in this district. This Court also has jurisdiction over the Defendant Holy See and/or Does 1-10 in that the actions that the Plaintiff complains of involve an activity for which the law provides an exception to sovereign immunity.

11. This Court has jurisdiction over Defendants Ratzinger, Bertone, and Sodano because each of them committed torts in Wisconsin which they knew would have direct effects in Wisconsin and each has sufficient minimum contacts with Wisconsin.

### **FACTS**

12. At all times material, Lawrence Murphy, (hereinafter "Murphy"), was a Roman Catholic priest, counselor and a teacher educated by, and under the direct supervision, authority, employ and control of Defendant Holy See.

13. Defendant Holy See is the sovereign nation located in Rome, Italy and the ecclesiastical, governmental, and administrative capital of the Roman Catholic Church. Defendant Holy See is the composite of the authority, jurisdiction, and sovereignty vested in the Pope and his delegated advisors and/or agents to direct the activities and business of the worldwide Roman Catholic Church. Defendant Holy See has unqualified power over the Catholic Church including each and every individual and section of the church, including but not limited to all priests, Bishops, Archbishops, Metropolitans, Cardinals, and all other church workers, as

well as dioceses, archdioceses, ecclesiastical provinces, and orders.

14. Defendant Holy See directs, supervises, supports, promotes and engages in the oversight of the sovereign nation, the organization, and its employees for the purpose of the business, foreign affairs, and employees of the worldwide Roman Catholic Church, and provides religious and pastoral guidance, education and counseling to Roman Catholics world-wide in exchange for all or a portion of the revenues collected from its members.

15. The Holy See engages in some of its activities through its agents, cardinals, bishops and clergy, including religious order priests, brothers and sisters, who work under its authority.

16. The Holy See actively engages in commercial activity in the United States by collecting contributions from members. Moreover, Doe's claims are based in part on his perpetrator's commercial employment relationship with the Holy See and its agents. The relevant employment relationship is not peculiar to a sovereign as the employment is not part of civil service, the diplomatic corps, or the military. Nor was the perpetrator privy to governmental policy deliberations or engaged in legislative work.

17. Defendant Holy See's business or private operation, in addition to overseeing its employees not engaged in work peculiar to a sovereign, performs acts that are commercial in nature, including extensive financial operations and fundraising activities throughout the United States. Consistent with its corporate structure, Defendant Holy See has instituted worldwide, mandatory policies that perpetuate its financial strength and stability.

18. The Defendant, Holy See, is a unique entity, with an organizational structure and chain of command that mandates that the Holy See and its head of state, the Pope, have a significantly high level of involvement in the routine and day-to-day activities of its agents and

instrumentalities, particularly with respect to the handling of clergy who have engaged in certain specified conduct, including child sex abuse.

19. It enters into treaties and conventions with other foreign states, including but not limited to the *Universal Declaration of Human Rights* and the *Convention on the Rights of the Child*, maintains diplomatic relations with other foreign states, including the United States, and has observer status in the United Nations. The Defendant occupies its own sovereign territory located within the city of Rome.

20. The Defendant, Holy See, engages in commercial activity in the State of Wisconsin, the United States and throughout the world.

21. As part of its fundraising activities, the Holy See has continued the long and entrenched tradition of Peter's Pence. Peter's Pence fundraising for the Holy See has been active since 1871 when it was created by the "Saepe Venerabilis" encyclical authored by Pope Pius IX. Members are encouraged to send their donations throughout the year directly to the Office of the Holy Father in Vatican City, but the Holy See also directs and coordinates an international campaign each and every year on June 29 or the closest Sunday to the Solemnity of Saints Peter and Paul for its subdivisions, agencies, and/or instrumentalities to take up a specific collection for the benefit of the Holy See.

[Http://www.vatican.va/roman\\_curia/secretariat\\_state/obolo\\_spietro/documents/index\\_en.htm](http://www.vatican.va/roman_curia/secretariat_state/obolo_spietro/documents/index_en.htm)

(last visited July 9, 2009).

22. Peter's Pence raises funds that are required to be sent directly to the Holy See. Dioceses, Bishops, Archbishops and other agents are ordered to send the funds directly to "His Holiness Pope Benedict XVI, 00120, Vatican City State – Europe." As part of Peter's Pence, the Holy See is involved in the United States in creating materials to advertise for its campaign and

benefits directly from solicitation letters sent to members of its organization throughout the United States. It is also directly involved in and authorizes and supports appeals at parishes throughout the United States for members to give money to the Holy See and the creation and distribution of materials to help its agents recruit funds for the Peter's Pence Collection. The Holy See also uses other forms of media such as ads and posters to solicit funds in the United States.

23. On information and belief the Peter's Pence operation has provided the Holy See with millions of dollars each year from the United States. The Peter's Pence collection brought in almost \$80 million for the Holy See in 2007 and over \$100 million in 2006, with the United States providing the largest percentage of the funds. The Holy See's business divisions in the United States facilitate the largest portion of money collected for the Holy See in the Peter's Pence Collection.

24. As part of its business and private operation Defendant Holy See requires its agents in charge of its operation in a particular geographical location to come to Rome and report about the state of the Holy See's operations, including any problems involving issues that are commercial in nature, including financial status and business issues. The Holy See calls these Ad Limina visits. These agents, as appointed leaders of the local business and private operations including those in the United States, are required to make this visit at least once every five years. As part of its business and private operation, the Holy See also requires its divisions to write detailed reports about the status of the operation including but not limited to personnel issues, finances, and real estate holdings. With respect to the income of pastors and their supervisors, the Holy See requires information regarding whether it is from real estate, public funds, an uncertified sum accruing through individual stole fees, or from a contribution made by the

faithful or by the diocese. These reports are sometimes called “quinquennial reports.”

25. The Holy See has direct involvement with seminaries in the United States including Wisconsin, where it trains agents in its organization and operation. On August 15, 1990, Pope John Paul II issued an apostolic constitution on Catholic higher education entitled *Ex corde Ecclesiae*. The Apostolic Constitution described, in detail, the top-down relationship between the Holy See and its educational institutions like seminaries. According to the Catholic Church Extension Society, no matter where it's located or how it's structured, every institution within the organization answers to the Holy See. The Vatican's Congregation for Catholic Education has jurisdiction over all Catholic institutions of higher learning, including seminaries. As a result, it oversees and controls the admissions requirements and curricula to ensure that candidates are properly prepared. In addition, since 1971, U.S. seminaries have adhered to the Program of Priestly Formation (PPF) promulgated by the U.S. bishops' conference and also approved by Rome. Inside the Seminary, [http://www.catholicextension.org/site/epage/54472\\_667](http://www.catholicextension.org/site/epage/54472_667) (last visited July 10, 2009). The Holy See has a vast enterprise in the United States which recruits and solicits members in order to support its business operations in the United States and worldwide.

26. Defendant Holy See is solely responsible for creating new divisions of its business and private enterprise (called a “Diocese” or “Archdiocese”) around the world. Only the Holy See has this power. The Holy See created all of the Dioceses in Wisconsin. It creates, divides and re-aligns dioceses, archdioceses and ecclesiastical provinces see comment. It also gives final approval to the creation, division or suppression of provinces of religious orders and it is solely responsible for modification or elimination of one of the divisions of its business enterprise. Defendant Holy See reserves the exclusive right to perform numerous local activities

within its business operation within the United States including but not limited to marriage annulments, marriage dissolutions, Pius Wills, laicization of clerics, dispensations from canon law, and appeals of a bishop's decision. The Holy See has control over and involvement with property owned by all Catholic entities in Wisconsin. The Holy See's permission is required for the alienation (sale, gift, etc.) of much of the property owned by Catholic Entities in Wisconsin. Can. 1292 §2 ("The permission of the Holy See also is required for the valid alienation of goods whose value exceeds the maximum sum, or if it is a question of the alienation of something given to the Church by reason of a vow, or of objects which are precious by reason of their artistic or historical significance."); Can. 1296 ("When alienation has taken place without the prescribed canonical formalities, but is valid in civil law, the competent authority must carefully weigh all the circumstances and decide whether, and if so what, action is to be taken, namely personal or real, by whom and against whom, to vindicate the rights of the Church.").

27. Defendant Holy See directly and definitely controls the standards, morals, and obligations of the clergy of the Catholic Church. Defendant Holy See also does this by and through its agents and instrumentalities, including the Congregation for the Clergy and the Congregation for Religious both delegated by the Pope and acting on his behalf and acting under his authority. Defendant Holy See interacts with its local business units including those in the United States in a manner that controls their day-to-day business and provides for no discretion on numerous issues, and in particular the handling of child sex abuse by clergy and the determinations whether clergy remain in the Holy See's employ. The Holy See routinely promulgates its policies through various means including encyclical, canon law, and Papal pronouncements.

28. Defendant Holy See promotes the sacred liturgy, directs and coordinates the



spreading of its doctrine and other things necessary to promote its doctrine. It creates, appoints, assigns and re-assigns bishops, superiors of religious orders, and through the bishops and superiors of religious orders has the power to directly assign. The Holy See has the final and sole power to remove individual clergy. All bishops, clergy, and priests, including religious order priests, vow to show respect and obedience to the Pope and their bishop.

29. Defendant Holy See also examines and is responsible for the work and discipline and all those things which concern bishops, superiors of religious orders, priests and deacons of the religious clergy. In furtherance of this duty, Defendant Holy See requires bishops to file a report, on a regular basis, outlining the status of, and any problems with clergy. Defendant Holy See promulgates and enforces the laws and regulations regarding the education, training and standards of conduct and discipline for its members and those who serve in the governmental, administrative, judicial, educational and pastoral workings of the Catholic Church world-wide. Defendant Holy See is also directly and solely responsible for removing superiors of religious orders, bishops, archbishops and cardinals from service and/or making them ineligible for positions of leadership in the various divisions and offices of the Catholic church.

30. The Defendant, Holy See, buys and sells real and personal property, and purchases and supplies goods and services in pursuit of its private and business activities.

31. The Defendant, Holy See – even beyond its collection through Peter's Pence and other means, is supported through the contributions of its parishioners, which are received as part of a regular course of commercial conduct in the form of donations of money, real property and personal property.

32. A major source of funds for the Defendant, Holy See, is monies received from its parishioners in the form of tithing. The amount of money flowing to the Defendant from the

United States is directly affected by the beliefs of its parishioners in the righteousness of the Defendant and its conduct. As members of the Church, they are obligated to revere, respect, and obey the edicts issued from the Holy See, and are under threat of a denial of the sacraments or excommunication if they do not follow those edicts.

33. Another major source of funding that the Holy See and its agents receive is in the form of tuition for attendance at its Catholic Schools.

34. The Defendant, Holy See, directs and mandates the morals and standards of conduct of all clergy of the Roman Catholic Church. The Defendant, Holy See, ostensibly does this by and through its agents and instrumentalities, by enforcement of the CODE OF CANON LAW written and promulgated by the Defendant, Holy See and used as the employee manual for clergy.

35. The Defendant, Holy See, creates, appoints, assigns, reassigns and retires all clerics in the order of bishop. It accords definitive approval to the election of the heads of religious orders and, through the religious superiors and the bishops of dioceses, it exercises the power to directly assign and remove individual priests and deacons. It also determines whether religious orders are to be disciplined for inappropriate behavior and whether they may remain in the Church following inappropriate behavior.

36. All bishops, priests and clergy, including religious order priests, vow to show respect and obedience to the Defendant, Holy See. For example, when a priest is ordained, he kneels before his bishop and promises him and his successors obedience and respect. On the day a priest receives the fullness of the priesthood in his ordination to the episcopacy, he stands before his consecrators and the assembled people of God and promises his obedience and loyalty to the supreme Roman pontiff, the Defendant, Holy See. He receives financial support

throughout the full length of his life, and he may not be deprived of his pension or his clerical status unless the Holy See approves.

37. Each Cardinal takes an oath upon becoming a Cardinal which requires obedience to the Holy See and also requires secrecy in certain circumstances. An English translation of that oath is "I [name and surname], Cardinal of the Holy Roman Church, promise and swear to be faithful henceforth and forever, while I live, to Christ and his Gospel, being constantly obedient to the Holy Roman Apostolic Church, to Blessed Peter in the person of the Supreme Pontiff [name of current Pontiff], and of his canonically elected Successors; to maintain communion with the Catholic Church always, in word and deed; not to reveal to anyone what is confided to me in secret, nor to divulge what may bring harm or dishonor to Holy Church; to carry out with great diligence and faithfulness those tasks to which I am called by my service to the Church, in accord with the norms of the law."

38. The Defendant, Holy See, examines and is responsible for the work and discipline and all those things which concern bishops, superiors or religious orders, priests and deacons. In furtherance of this duty, the Defendant, Holy See, among other things, requires bishops to file a report, on a regular basis, outlining the status of and any problems with priests and clergy.

39. The Defendant, Holy See, promulgates and enforces the laws and regulations regarding the education, training and standards of conduct and discipline for those who serve in the governmental, administrative, judicial, educational and pastoral workings of the Roman Catholic Church worldwide.

40. No priest, cleric, superior of a religious order, bishop, archbishop or cardinal may be removed from service or a position of leadership without the approval of the Defendant, Holy

See; nor can any priest, cleric, superior of a religious order, bishop, archbishop or cardinal remain in service or a position of leadership over the objection of the Defendant, Holy See.

41. The Defendant, Holy See, is directly and absolutely responsible for removing bishops, archbishops and cardinals from service and/or making them ineligible for positions of leadership in the various divisions and offices of the Roman Catholic Church by issuing instructions, mandates and dictates in the United States.

42. The problem of childhood sexual abuse committed by Roman Catholic clerics and others within the Defendant's control is almost as old as the Roman Catholic Church itself. The first formal legislation was passed at the Council of Elvira in Spain in 306 A.D. This council passed legislation condemning sexual abuse by the clergy, including sexual abuse of boys. The Council of Elvira was the first in a series of legislative attempts by the Church to curb its problem of childhood sexual abuse committed by its clergy.

43. In the 11th century, a writing authored by Father Peter Damien, THE BOOK OF GOMORRAH, was presented to the Defendant, Holy See. This work encouraged punishment of priests and clerics who sexually molested and abused children, particularly boys.

44. In 1917 the Defendant, Holy See, codified all of its rules, regulations and laws, including those applicable to its employees, agents, and instrumentalities, in one document known as the CODE OF CANON LAW. This code specifically forbade priests and clerics from having sexual relations or relationships with children under the age of sixteen, demonstrating that the Defendant, Holy See, was well aware of the centuries-old practice of childhood sexual abuse by Roman Catholic priests and clerics. Today, in the current version of the Code (Vatican II), the sexual abuse of children by priests and clerics continues to be expressly forbidden.

45. The Defendant, Holy See, has known about the widespread problem of childhood sexual abuse committed by its clergy for centuries, but has covered up that abuse and thereby perpetuated the abuse. Secret settlement agreements with victims have been used to silence the victims and their families and to protect the abuser from criminal prosecution by United States and state authorities. This practice was designed to shield the Defendant, Holy See, from "scandal", and has been mandated not only in the United States but throughout the world, including North and South America, Europe and Australia. The Defendant, Holy See, is responsible for the historically verified practice of the hierarchy, including the bishops, moving sexually abusive priests to areas where allegations of the offender's abusive conduct were not known. The Defendant, Holy See, has never taken appropriate or effective steps to remove sexually abusive priests from the ministry. The absolute power of the Defendant, Holy See, over its bishops and clergy in the United States was demonstrated in 2002, when the most powerful American bishop's organization, the U.S. Conference of Catholic Bishops adopted a proposed policy designed to protect children from priest sexual abuse. The bishops were powerless to implement this policy without approval from the Defendant, Holy See. The Defendant, Holy See, denied approval of key provisions sought by the U.S. bishops which would have required that its agents in the United States report all known or suspected child abuse to the civil authorities. The Defendant, Holy See, also refused to give the U.S. bishops the power to remove abusive priests from the ministry.

46. While the "public" policy of the Defendant, Holy See, is to forbid childhood sexual abuse by priests and clerics within its control, the actual "private" or secret policy is to harbor and protect its abusive priests, clerics, bishops, archbishops, cardinals, agents, and employees from public disclosure and prosecution, in order to maintain the Pope's rightful claim

of control and thereby ensure that its parishioners, followers and financial contributors will keep confidence in the institution, continue to view the Holy See and the Pope as deserving of allegiance, and, therefore, continue to contribute money and property to the Defendant, Holy See.

47. The Defendant, Holy See, has mandated a multi-level policy of mandatory secrecy over all matters involving the administrative, legislative and judicial activities of the Vatican offices and departments under the direct authority of the Pope, as well as over all similar activity in the various dioceses throughout the world. There are degrees of secrecy demanded of the bishops, clergy, and members. The highest level of secrecy is the absolute secrecy mandated for all communications which take place in the sacrament of penance, commonly referred to as "confession." The highest level of secrecy outside the confessional is known as the "Pontifical secret," which is imposed on certain activities of the various departments or congregations of the Holy See. Violation of the Pontifical Secret results in certain severe penalties, including excommunication.

48. At all times material hereto, and as part of both its course of commercial conduct and particular commercial transactions and acts, the Defendant directed its bishops in the United States to conceal from its parishioners and the general public the sexual abuse of children committed by its priests, bishops, clerics, agents and employees in order to avoid public scandal, and to perpetuate its Christian public image and power to ensure the continued receipt of funds from its parishioners and other financial contributors, all in furtherance of the Defendant's commercial activities.

49. Plaintiff was sexually abused as a child by one of the Defendant's clerics, agents or employees. The Defendant's directives to conceal the sexual abuse of children committed by

its clerics, agents, and employees in order to maximize revenue and image by avoiding scandal was a substantial factor in bringing about Plaintiff's abuse.

50. At all times material hereto, the Defendant, Holy See, violated customary international law of human rights by ignoring, tolerating, disregarding, permitting, allowing, condoning and/or failing to report inhuman and degrading treatment such as the sexual abuse of minor children. This conduct constitutes a violation of various human rights conventions, including the Universal Declaration of Human Rights and the Convention on the Rights of the Child, which the Defendant signed and ratified, and the Defendant's violation of customary international law and conventions was a substantial factor in bringing about the Plaintiff's injuries.

51. At all times material hereto, the Defendant, Holy See, breached duties owed to the Plaintiffs under customary international law of human rights, the federal common law, the law of the fifty states, and the law of the State of Wisconsin, thereby causing injury to Plaintiff.

52. At all times material hereto, the Defendant, Holy See's directives, which, among other things, prohibited the reporting of child sexual abuse to law enforcement authorities, constitute an act or acts of concealment or misleading or obstructive conduct under statutory law, common law, and customary international law.

53. At all times material hereto, the Defendant, Holy See's concealment of its policy of harboring and protecting its abusive priests, clerics, bishops, archbishops, cardinals, agents and employees from public disclosure and prosecution constitutes an act or acts of concealment or misleading or obstructive conduct under statutory law, common law, and customary international law.

54. The Holy See has established exclusive policies and standards that dictate how

sexual abuse of children by its employees will be handled. With respect to this aspect of its employment policy and business, the Holy See mandates certain procedures and absolute secrecy by all involved on pain of immediate removal from the organization (excommunication), retains the power at all times to conduct the inquisition of the case itself, and admits no deviations from its mandate. Through its mandated policies and its agents and instrumentalities, the Holy See is an integral part of the day-to-day handling of cases of child sex abuse by clergy.

55. In 1922, the Holy See released a confidential document regarding cases of solicitation of sex in the confessional. This document mandated a specific procedure for the Holy See's agents to use when a cleric abused kids using the confessional. The document required strict secrecy.

56. The 1922 document showed that the Holy See was fully aware that there was a systemic problem of its agents sexually molesting children using the confessional.

57. In 1962, the Holy See released the confidential document, Instruction on The Manner of Proceeding in Cases of Solicitation, (The Vatican Press, 1962), available at <http://www.scribd.com/doc/8690038/The-1962-Vatican-Document-on-Clergy-Sexual-Abuse> (The heading of the document says "From the Supreme and Holy Congregation of the Holy Office To All Patriarchs, Archbishops, Bishops and Other Diocesan Ordinaries 'Even of the Oriental Rite'") (Hereinafter referred to as "Crimen Sollicitationis"), which is a document containing mandatory and specific instructions regarding the handling of child sex abuse by clergy. It permits no discretion in the handling of such cases. According to the document itself, it is an "instruction, ordering upon those to whom it pertains to keep and observe it in the minutest detail." Crimen Sollicitationis at paragraph 24.

58. The 1962 document again reinforced that the Holy See had knowledge that there



was a systemic problem of its agents sexually molesting children using the confessional.

59. In Ireland, a government-generated in-depth report that investigated and analyzed the sexual abuse of minors by clergy documented that the Catholic Church had a systemic problem of numerous clergy sexually abusing youth. The report reached several conclusions including but not limited to: Cases of sexual abuse were managed within the institution with a view to minimizing the risk of public disclosure and consequent damage to the institution; the offenses were not reported to the police; the recidivist nature of sexual abuse was well known to authorities within the institution; the Church authorities knew that the sexually abusing clergy were often long-term offenders who repeatedly abused children wherever they were working; When confronted with evidence of sexual abuse, a standard response of the religious authorities was to transfer the offender to another location where, in many instances, he was free to abuse again; sexual abuse was endemic in boys' institutions <http://www.childabusecommission.com/rpt/04-06.php> (last viewed July 14, 2009). The Holy See, was an active manager and mandated the policies that led to these horrific occurrences in Ireland.

60. Also during this time Defendant Holy See was involved in the formation of secret facilities in the United States where sexually offending clergy would be sent for short periods of time. In 1962, Fr. Gerald Fitzgerald, working in the United States, was in communication with Defendant Holy See. At the request of the prefect, Cardinal Alfredo Ottaviani, one of the Holy See's officials, he prepared a report dated April 11, 1962. In this report he discussed the various types of sexual problems of priests, including sexual abuse of minors: "On the other hand, where a priest for many years has fallen into repeated sins which are considered, generally speaking, as abnormal (abuse of nature) such as homosexuality and most especially the abuse of children, we

feel strongly that such unfortunate priests should be given the alternative of a retired life within the protection of monastery walls or complete laicization.”

61. In 1963 Fr. Gerald had a private audience with Pope Paul VI (1963-1978) and on August 27, 1963 submitted a report to the pope at the pope’s request. Concerning priests who sexually abuse minors he said to the pope: “Problems that arise from abnormal, homosexual tendencies are going to call for, not only spiritual, but understanding psychiatric counseling. Personally I am not sanguine of the return of priests to active duty who have been addicted to abnormal practices, especially sins with the young.....Where there is indication of incorrigibility, because of the tremendous scandal given, I would most earnestly recommend total laicization.” The Holy See, chose to keep this report and knowledge a secret under its long standing policy to avoid scandal at all costs. At this point the Holy See knew that it had a widespread problem of its clergy sexually molesting minors, including in the United States, and it authorized, facilitated and participated in the creation of these facilities in the United States where sexually offending clergy could be sent before they were moved to another parish to work and potentially abuse again.

62. Defendant Holy See’s policy of secrecy under penalty of immediate removal from the organization (excommunication) for all involved in an accusation against clergy for the crime of solicitation – which includes sexual abuse of a minor – created a shroud of secrecy insulating Murphy from consequence. This policy is explicitly laid out in the 1962 Vatican secret document, *Crimen Sollicitationis*. Which specifies, in paragraph 4, that although the penalty for a Church member who violates the vow of secrecy regarding child sex abuse by clergy is usually excommunication, extreme cases can also result in removal from ministry or “They [the Ordinary, or controlling agent] will also be able to transfer him to another [assignment], unless

the Ordinary of the place has forbidden it because he has already accepted the denunciation and has begun the inquisition.” Through this policy and others the Holy See knowingly allowed, permitted and encouraged child sex abuse by its priests, including Murphy.

63. The Holy See retains at all times the power over who conducts the “inquisition” that investigates claims regarding the “crime of solicitation.” *Crimen Sollicitationis* at paragraph 2. While it delegates power over such proceedings to its chosen agents, it retains the unilateral power at all times to “summon[] the case to itself.” *Id.* In addition, if it is unclear whether the “denounced person” is under the jurisdiction of any of the Holy See's agents, the 1962 document orders the agent with knowledge of the abuse to send the case “to the Supreme Holy Congregation of the Holy Office.” *Crimen Sollicitationis* at paragraph 31.

64. The Holy See specifically has carved out the treatment of child sex abuse by clergy from other employment issues in order to have continuing control over this issue, and governs it every day and perpetually according to non-negotiable and mandatory standards that it first set into place in 1867, which is approximately when civil law also outlawed child sex abuse, and then reiterated and elaborated in 1922, 1962 and 2001. The Holy See has defined the “worst crime” to be covered by its dictated procedures, standards, and mandatory treatment, as “any obscene, external act, gravely sinful, perpetrated in any way by a cleric or attempting by him with youths of either sex or with brute animals (bestiality).” *Crimen Sollicitationis* at paragraph

73. There is no discretion given to its agents in the handling of such cases:

What is treated in these cases has to have a greater degree of care and observance so that those same matters be pursued in a most secretive way, and, after they have been defined and gives over to execution, they are to be restrained by a perpetual silence. (Instruction of the Holy Office, February 20, 1867, n. 14), each and everyone pertaining to the tribunal in any way or admitted to knowledge of the matters because of their office, is to observe the strictest secret, which is commonly regarded as a secret of the Holy Office, in all matters and with all persons, under the penalty of excommunication *latae sententiae*,

ipso facto and without any declaration [of such a penalty] having been incurred and reserved to the sole person of the Supreme Pontiff, even to the exclusion of the Sacred Penitentiary, are bound to observe [this secrecy] inviolably. *Crimen Sollicitationis* at paragraph 11.

65. Defendant Holy See mandated secrecy for all those involved, including agents and itself, in handling allegations of sexual abuse. Penalties for the crime of solicitation include an order to move offending priests to other locations once they have been determined to be “delinquent.” In response to allegations, the document mandates that supplementary penalties include “As often as, in the prudent judgment of the Ordinary, it seems necessary for the amendment of the delinquent, for the removal of the near occasion [of soliciting in the future], or for the prevention of scandal or reparation for it, there should be added a prescription for a prohibition of remaining in a certain place (Canon 2302).” *Crimen Sollicitationis* at paragraph 64. Defendant Holy See created and maintained this policy of secrecy and transfers, threatening all involved with excommunication and, thus, damnation, if they do not comply. According to *Crimen Sollicitationis*, once these non-discretionary penalties are levied, only the Holy See through the Congregation of the Holy Office, has the power to alter or remit the punishment.

66. In *Crimen Sollicitationis*, the Holy See created a specific procedure which local Ordinaries, as agents of Defendant Holy See were required to follow. Moreover, the commandment of silence regarding cases of sexual abuse embodied in the instruction on pains of removal (excommunication) operated to deprive the local agents of any meaningful discretion. Even if *Crimen Sollicitationes* can be read to allow the local agent of the Holy See to choose one of a limited number of options, the instruction from the Holy See nonetheless mandates which of those specific options should be chosen, and mandates how each is to be handled. In addition, the Holy See reserves to itself the power to reverse whichever of the limited set of options is

chosen.

67. Pope John Paul II issued an Apostolic Letter, *Sacramentorum Sanctitatis Tutela*, dated April 30, 2001, available at [http://www.bishop-accountability.org/resources/resource-files/churchdocs/Sacramentorum AndNormaeEnglish.htm#\\_ftn27](http://www.bishop-accountability.org/resources/resource-files/churchdocs/Sacramentorum%20AndNormaeEnglish.htm#_ftn27) (last visited July 10, 2009), which confirms the direct relationship between Defendant Holy See and employees who commit these crimes of solicitation. The letter supplemented the 1962 *Crimen Solicitationis* and confirmed its position as an executive disciplinary handbook:

“It is to be kept in mind that an Instruction of this kind had the force of law since the Supreme Pontiff, according to the norm of can. 247, § 1 of the *Codex Iuris Canonici* promulgated in 1917, presided over the Congregation of the Holy Office, and the Instruction proceeded from his own authority... Pope Paul VI... confirmed the Congregation’s judicial and administrative competence... Finally, by the authority with which we are invested, in the Apostolic Constitution, *Pastor Bonus*, promulgated on June 28, 1988, we expressly established, “[The Congregation for the Doctrine of the Faith] examines delicts against the faith and more grave delicts whether against morals or committed in the celebration of the sacraments, which have been referred to it and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law,” thereby further confirming and determining the judicial competence of the same Congregation for the Doctrine of the Faith as an Apostolic Tribunal.

68. Actions of the Defendant occurring in the United States include the transmission and receipt in the United States of policies, directives, orders or other direction or guidance, whether explicit or implicit.

69. Plaintiff was harmed as a result of the Defendant’s practice and policy of not reporting suspected child abuse to law enforcement officials and requiring secrecy of all its agents who received reports of abuse. There are children today who are in imminent danger of abuse because the Defendant has failed to report or release the names of agents that have been either been convicted or credibly accused of molesting children, or that Defendant itself has found guilty of abuse.

70. There are a number of priests, brothers, and agents who Defendant continued in ministry after Defendant knew or suspected that those agents had molested children.

71. Defendant knew that there was a high probability that these clerics would sexually molest more children, but sought to protect itself from scandal, sought to keep its income stream going, at the peril of children.

72. On information and belief, Defendant did not report all allegations of childhood sexual abuse by its agents and former agents to law enforcement, those directly in the path of danger, or the public. Further Defendant adopted and enforced a policy and practice where its agents were not supposed to report abuse by Defendant's agents to law enforcement, those directly in the path of danger, or the public.

73. After 2001 Defendant instructed its agents that all cases of sexual abuse by its agents were to be handled through Defendant. Since then Defendant has found out about thousands of cases. Defendant has not released the names of the sex offenders that it learned about since 2001 to the public and to law enforcement.

74. Defendant has known that child molesters have a very high rate of recidivism, meaning that they are likely to abuse more children. As such, Defendant knew that children, parents, and guardians who did not possess Defendant's knowledge about its agents and former agents and who unsuspectingly were around these agents and former agents were at a high risk to be sexually molested.

75. Because of the high rate of recidivism, Defendant Holy See's agents and former agents had probably already molested numerous children. As such, Defendant Holy See knew that there were many victims out there that were hurt because of Defendant Holy See's policies of secrecy, deception, and self protection.

76. Children are at risk because the public and law enforcement do not know the identity and the locations of these agents and former agents of Defendant Holy See who have been accused of sexual misconduct.

77. At all times material, Defendant Holy See employed priests, including one Father Lawrence Murphy ("Murphy"), to provide religious and pastoral services. Father Murphy's duties were limited to performing ecclesiastical and parochial services. At no time did he perform legislative work or governmental functions on behalf of the Holy See and was not a civil servant or diplomatic or military employee of the sovereign Holy See. Father Murphy was employed by Defendant as a priest. The duties of Murphy's employment included but were not restricted to teaching the word of God and the law of the church, providing religious, educational, and counseling services, and obtaining financial support for the Church. Defendant Holy See controlled Murphy, was responsible for punishment if there was wrongdoing, and had some stake in paying Murphy for his services. Defendant controlled all aspects of Murphy's conduct including his clothing, his routine, his practices, and his teachings. Defendant also supplied Murphy with materials for his fundraising and solicitation of property. Defendant Holy See had the sole authority to remove Murphy from his position as a priest. At all times material, Murphy was a Roman Catholic priest, employed by and an agent of Defendant Holy See, under its direct supervision and control, particularly on the issue of child sex abuse.

78. Lawrence Murphy was ordained as a Roman Catholic priest in 1950 and remained under Defendant Holy See's direct supervision, employ and control during all times material to this Complaint.

79. At Ordination, each priest agreed to be obedient to their Bishop and the Holy See (the Pope).

80. The Holy See has complete and final control over each Bishop, Archbishop, Cardinal, Religious leader and priest within the Catholic Church.

81. The Holy See has complete and total control, including day to day control, over each aspect of the Catholic Church. To the extent that some of the entities underneath the Holy See's absolute control are separate corporations, the Holy See maintains complete control over these separate corporations. The Holy See directs and requires each of these entities to strictly follow all of its policies and procedures, requires each of these entities to report its activities to the Holy See, requires each cleric working with the separate corporation to swear absolute obedience to the Holy See, and is the only entity that can create or terminate these corporations. And with respect to the particular issue of child sex abuse, the Holy See demands complete and unswerving obedience regarding procedures, the scope of potential penalties, and how each case will be disposed of ultimately.

82. Any corporations, including but not limited to any Archdiocese or Diocese in Wisconsin which was or is incorporated, were and are an alter ego of the Holy See. The Holy See retained and does still retain complete and final control over these corporations.

83. Additionally, the Holy See determined long ago that it would require some of the entities under its control to incorporate in order to reduce the Holy See's exposure to claims by people that it harmed, in order to keep the public from discovering the Holy See's involvement in the systematic cover-up and concealment of child sex abuse by its agents, and in order to defraud those people that its agents harmed, including those that its agents sexually abused as children.

84. The Holy See is the only entity that can fire a priest.

85. The Holy See is the only entity that can fire a Bishop, Cardinal, or Religious



leader.

86. St. John's School for the Deaf was controlled operated and ran under the Holy See's policies and protocols. The Holy See controlled and mandated all aspect so of the school. St. John's was a full time boarding school for deaf children. These children relied upon Defendant and its agents to provide them with teaching, food, and shelter at the facility. As such Defendant Holy See was in loco parentis with the children at the school.

87. Lawrence Murphy was a top fundraiser and solicitor of members for the Holy See. He was known as a gifted fundraiser and did raise a great deal of resources for the Holy See. Murphy was also able to recruit numerous children, adults and families to become paying members of the Holy See's organization.

88. The Holy See wanted to retain Murphy's services as a fund raiser and recruiter.

89. During Murphy's tenure as a priest, Murphy worked at St. John's School for the Deaf in St. Francis, Wisconsin from approximately 1950 to 1975 and then at St. Anne Church in Boulder Junction, Wisconsin.

90. On information and belief, sometime in approximately 1955 to 1957, Father David Walsh reported to Archbishop Albert Meyer that several deaf boys had reported to him that Father Murphy had sexually molested them. Archbishop Meyer was in charge of the Archdiocese at that time. On information and belief, Murphy admitted to Archbishop Meyer that he sexually abused boys at St. Johns. Both Archbishop Meyers and David Walsh were agents of the Holy See at the time under its direct control.

91. In October of 1972, the Archdiocese received a letter from a mother that outlined an "unfortunate episode involving [her] daughter [redacted] and the administration at St. John's School for the Deaf in the person of Father Murphy."

92. In approximately 1972 or 1973 a boy at St. John's told James Heidenthal, an employee working at St. Johns, that Father Murphy had sexually molested him. Mr. Heidenthal confirmed with numerous other minor students that they too were sexually abused by Murphy.

93. On information and belief, in 1973 a deaf child reported to the St. Francis Police Department that Murphy had sexually molested him as a child.

94. On information and belief, Defendant Holy See's agent Archbishop William Cousins knew about this report to the police in 1973. Archbishop Cousins was the Holy See's agent and under its direct and absolute control at all times material.

95. At some point before or in 1974, Father David Walsh reported Murphy's abuse of children to the Holy See's apostolic delegate in Washington, D.C.

96. In approximately 1974, Father David Walsh reported to Archbishop Cousins that Father Murphy was still sexually active with deaf children from St. John's.

97. In 1974 a group of deaf students reported to the Milwaukee police and the St. Francis police that they had been sexually molested by Murphy.

98. In 1974, a group of deaf students delivered approximately 15 to 20 affidavits to Archbishop Cousins that stated that they had been sexually molested by Murphy when they were children.

99. On information and belief some of these deaf students met with Archbishop Cousins in 1974. The Archbishop told the students that he had been aware of Murphy's problem of sexually molesting minor students but that Murphy was too valuable to the deaf school to remove him.

100. In approximately 1975 the Holy See's agents moved Murphy out of St. Johns and placed him to work as a priest in Boulder Junction, Wisconsin and sometime later at Lincoln

Hills School in Irma, Wisconsin.

101. On information and belief, Defendant Holy See allowed Lawrence Murphy to have unsupervised and unlimited access to children at St. John's.

102. By placing Lawrence Murphy and allowing him to work with children at St. John's in approximately 1950 and continuing until approximately 1974, Defendant Holy See, affirmatively represented to minor children and their families, including Plaintiff John Doe 16, that Lawrence Murphy did not have a history of molesting children and was not a danger to children, that Defendant did not know or suspect that Lawrence Murphy had a history of molesting children and that Defendant did not know that Lawrence Murphy was a danger to children.

103. Defendant Holy See was in a specialized position where it had knowledge that Plaintiff did not. Defendant was in a position to have this knowledge because it was Murphy's employer and because the Defendant was responsible for Murphy and because its policies mandated secrecy with respect to the sort of knowledge learned about Murphy. Plaintiff on the other hand was a child. As a child he was not in a position to have information about Murphy's molestation of other children or Defendant's knowledge of the danger Murphy posed to children. Nor was he in a position to know that the Defendant mandated that its employees keep such knowledge from others, including children like him.

104. In addition to the representations regarding safety being made directly to Plaintiff, Defendant Holy See made these representations with knowledge and intent that they would be communicated to the minor Plaintiff through his parents/caregivers words and actions. Defendant also had reason to believe that the representations made to Plaintiff's parents/caregivers would influence Plaintiff and particularly that the representations would

influence the amount and type of time spent alone with Murphy, Murphy's access to Plaintiff, and Murphy's ability to molest Plaintiff.

105. Particularly, Defendant Holy See knew that Lawrence Murphy was a child molester and knew that Lawrence Murphy was a danger to children before Murphy molested Plaintiff.

106. Because of the superiority and influence that Defendant Holy See had over him, Plaintiff believed and relied upon these misrepresentations.

107. Lawrence Murphy repeatedly sexually molested the Plaintiff. This abuse occurred over a number of years while Plaintiff was a minor student at St. John's. Murphy solicited sex from Plaintiff using the confessional.

108. Had Plaintiff or his family known what Defendant Holy See knew - that Lawrence Murphy was a suspected child molester and a danger to children before Plaintiff was first molested by Murphy, Plaintiff would not have been sexually molested.

109. Had Plaintiff and his family known that the Holy See knew that there was a wide spread problem of its agents sexually molesting children using the confessional, Plaintiff would not have been abused.

110. In 1995, Plaintiff wrote two letters to Angelo Sodano reporting the abuse by Murphy to him and asking for help. The letters indicated that Murphy admitted molesting 34 children.

111. On information and belief, Sodano informed Joseph Ratzinger, and Tarcisio Bertone about Murphy's abuse of children and also that one of the deaf students that had written to him.

112. On information and belief, Ratzinger, Sodano and Bertone each knew or should

have known before Plaintiff's letters to Sodano that Murphy had sexually molested students.

113. On information and belief, Ratzinger, Sodano, and Bertone each came to the decision to intentionally conceal and cover up from Plaintiff and other deaf students all information about Murphy's past abuse of children and their knowledge about it.

114. On information and belief, Ratzinger, Sodano, and Bertone each came to the decision that they would intentionally fail to make any response to Plaintiff's requests.

115. On information and belief, Ratzinger, Sodano, and Bertone knew that Plaintiff would suffer severe emotional distress as a result of their intentional failure to respond to Plaintiff and intentional failure to take any appropriate action with Murphy. Defendants also knew that the effects of their actions would be directly felt by Plaintiff and other deaf children, some of whom were in Wisconsin.

116. On information and belief, Ratzinger, Sodano, and Bertone came to a meeting of the minds that they would knowingly and intentionally fail to respond to Plaintiff's pleas and came to a meeting of the minds that they would cover up and conceal the information that they had about Murphy's abuse of children.

117. Ratzinger, Sodano, and Bertone each assumed a duty to Plaintiff when they covered up and concealed Murphy's crimes and when they intentionally caused Plaintiff harm.

118. As a result of Ratzinger's, Sodano's, and Bertone's conduct, Plaintiff suffered severe emotional distress and physical pain.

119. Ratzinger and Bertone assumed responsibility for and a duty to Plaintiff when they took control of the Murphy situation in 1996. First, each decided to delay responding to the Wisconsin Bishops. It took at least two different letters to Cardinal Ratzinger at the Congregation of the Doctrine of Faith and another letter to a different division of the Holy See,

for Ratzinger's second in command, Cardinal Bertone to respond to the situation involving Murphy. It took Ratzinger and Bertone eight months to respond to the Wisconsin Bishops' request for action relating to Murphy.

120. Ratzinger and Bertone each knew that their inaction and delay would cause harm to Plaintiff and other former deaf students.

121. Ratzinger and Bertone received a request from Murphy to go light on him because he was old and the abuse happened a long time ago. Ratzinger and Bertone did request if it was possible for the Wisconsin Bishops to go lighter on Murphy because of his age, health and time since the abuse. Bertone, working under Ratzinger's control, sent a letter to Wisconsin asking the Bishops to go lighter on Murphy.

122. Ratzinger and Bertone each knew that this would cause harm to Plaintiff and other former deaf students.

123. Ratzinger and Bertone also required the Wisconsin Bishops to meet with them regarding Murphy. On information and belief, there were contacts made by Ratzinger and Bertone's office with the Wisconsin Bishops to plan their meeting. Bertone did meet with the Wisconsin Bishops. At that meeting it became clear that Bertone, Ratzinger, and the Congregation for the Doctrine of Faith did not want the Bishops to go forward with any type of procedure to fire Murphy.

124. Ratzinger and Bertone each knew that their decision and actions to influence and command the Wisconsin Bishops to allow Murphy to remain a priest would cause harm to Plaintiff and other former deaf students.

125. Ratzinger, Sodano and Bertone each reached out and had substantial and ongoing contacts with the United States, particularly Wisconsin. Each took responsibility for a

Wisconsin perpetrator, each assumed duties to Wisconsin children and sex abuse survivors, each committed torts within Wisconsin, and each knew that their actions and inactions would have direct and serious effects on people in Wisconsin.

126. Plaintiff did not discover that he had been defrauded or have any reason to believe that Defendant had defrauded him until recently.

127. Plaintiff did not discover that Defendant Holy See knew about Murphy's abuse of children before he was abused until recently.

128. Plaintiff did not discover that the Holy See had wrongfully and fraudulently taken his property until recently.

129. Plaintiff did not discover that the Holy See had long standing knowledge and policies relating to its agents sexually molesting children using the confessional.

130. Plaintiff did not discover that Ratzinger, Sodano and Bertone had defrauded him until recently.

131. Plaintiff did not discover that Ratzinger, Sodano and Bertone intentionally came to a decision to cause him emotional harm until recently.

132. Plaintiff did not discover Ratzinger, Sodano and Bertone's official acts and official involvement in this case until recently.

133. Each Defendant was responsible for Plaintiff's inability to discover the fraud and each Defendant's involvement because each Defendant enforced and maintained secrecy around their knowledge of Murphy, enforced and maintained secrecy around their involvement in Murphy's wrongdoing, and actively concealed information from Plaintiff and other deaf students.

134. As a direct and proximate result of Defendant Holy See's conduct described

herein, Plaintiff John Doe 16 and his family have suffered a monetary loss, a loss of their property, a loss of Plaintiff's time, a loss of Plaintiff's labor and a loss of Plaintiff's services.

135. Defendant Holy See had Plaintiff work for and solicit further funds for Defendant and its agents. Defendant undertook this fraudulently, meaning that it was unjustly enriched by it.

136. If the Holy See had not engaged in its vast enterprise of soliciting funds, recruiting members, and other commercial activities, and had not deceived Plaintiff while undertaking this commercial activity, Plaintiff would not have been abused.

137. Peter's Pence, the Holy See's seminary activities, its solicitation of funds, and the other commercial and business activities described herein all had a direct role in causing Plaintiff's harms.

138. As a direct and proximate result of Defendant Holy See's conduct described herein, Plaintiff John Doe 16 has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and has incurred and will continue to incur expenses for medical and/or psychological treatment, therapy and counseling. The amount of Plaintiff's damages will be fully ascertained at trial.

139. Separate and apart from the loss of money and the damages from the abuse, Plaintiff suffered injuries as a result of Defendants Ratzinger, Sodano and Bertone's actions.

140. In addition to the separate injuries, Defendants Ratzinger, Sodano and Bertone's actions and inactions exacerbated, aggravated, and compounded already existing injuries.



**FIRST CAUSE OF ACTION**  
**BREACH OF CONTRACT/ BREACH OF**  
**IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING**  
**AGAINST DEFENDANT HOLY SEE**

141. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

142. A contract was formed between Plaintiff and Plaintiff's family, on the one hand, and Defendant on the other, when Plaintiff's family agreed to place their child at St. John's, which required of Plaintiff's family financial support of the relevant school controlled by Defendant. Plaintiff was a party to and an intended beneficiary of this contract.

143. The contract also required services and labor by the Plaintiff to pay for his schooling.

144. This contract was continually renewed as Plaintiff and Plaintiff's family year after year continued their support of Defendant.

145. Additional contracts were formed when Father Murphy developed a special relationship with Plaintiff.

146. One of the implied terms of these contracts was to keep the Plaintiff safe from childhood sexual assault.

147. Another implied term of the contracts was that Defendant would not employ priests who are childhood sexual abusers.

148. Another implied term of the contract was that the Defendant would not conceal knowledge of sexual abuse by agents from children and their families

149. Another implied term of the contracts was that the Defendant would provide a reasonably safe environment.

150. Another implied term of the contracts was that the Defendant would not allow parishioners and students to be sexually molested and abused at the school.

151. Another of the implied terms of the contracts was that if priests or other employees of Defendant observed, or became aware of, the Plaintiff being sexually abused by a priest, they would immediately take the necessary steps to cause the illegal and outrageous conduct to cease.

152. Another of the implied terms of the contracts was that neither priests nor other employees at St. John's would sexually abuse minor children.

153. Defendant breached these duties under each of the contracts formed with Plaintiff's family, in part for the benefit of Plaintiff.

154. As a direct result of Defendant's breach of its contractual duties, Plaintiff has suffered the injuries and damages described herein.

155. As a direct result of Defendant's breach of its contractual duties, Plaintiff and his family suffered a loss of money and a loss of his services.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable

**SECOND CAUSE OF ACTION**  
**UNJUST ENRICHMENT / CONSTRUCTIVE TRUST**  
**AGAINST DEFENDANT HOLY SEE**

156. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

157. Defendant Holy See was unjustly enriched financially through Plaintiff and his family's payments for school at St. John's.

158. Defendant Holy See was also unjustly enriched financially through Plaintiff's labor and services.

159. Plaintiff and his family held valid legal title to the funds which they paid to Defendant and his services. Those funds and services were fraudulently obtained, obtained through the Holy See's position of power over Plaintiff, and because of the Holy See's concealment and cover up of child sex abuse for decades.

160. Defendant Holy See should not be allowed to be unjustly enriched through its wrongful actions.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

**THIRD CAUSE OF ACTION**  
**CONVERSION**  
**AGAINST DEFENDANT HOLY SEE**

161. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

162. Defendant Holy See intentionally, wrongfully and fraudulently obtained property belonging to Plaintiff and his family.

163. Defendant Holy See did not have proper consent to take this property or alternatively the consent that was obtained should be declared invalid because it was obtained through fraud and wrongdoing.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

**FOURTH CAUSE OF ACTION**  
**MISREPRESENTATION TO OBTAIN PROPERTY**  
**AGAINST DEFENDANT HOLY SEE**

164. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

165. Defendant affirmatively represented to Plaintiff and his family that Defendant and its agents would provide a safe environment at St. John's in exchange for Plaintiff and his family's money paid to Defendant and the school.

166. Defendant also affirmatively represented to Plaintiff and his family that Defendant and its agents would not knowingly allow child molesting agents to work at St. John's in exchange for Plaintiff and his family's money paid to Defendant and the school.

167. Defendant knew that it would not provide Plaintiff a safe environment at St. John's.

168. Defendant also knew that Lawrence Murphy did have a history of sexually molesting children. Defendant knew that Lawrence Murphy had a history of sexually molesting children and that he was a danger to children.

169. Plaintiff and his family justifiably relied upon Defendant's misrepresentations which caused Plaintiff and his family to pay money to Defendant and the school.

170. Defendant knew that its misrepresentations were false or at least were reckless without care of whether these representations were true or false.

171. Defendant made the misrepresentations with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other

relief that the Court deems just and equitable.

**FIFTH CAUSE OF ACTION**  
**MISREPRESENTATION (INTENTIONAL NON-DISCLOSURE)**  
**TO OBTAIN PROPERTY**  
**AGAINST DEFENDANT HOLY SEE**

172. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

173. Defendant knew that it could not provide a safe environment at St. John's.

174. Defendant also knew that Lawrence Murphy had a history of sexually molesting children before Murphy sexually molested Plaintiff.

175. Whether or not St. John's was a safe environment was a material fact to Plaintiff.

176. Whether or not Murphy had a history of sexual abuse was a material fact to Plaintiff.

177. Defendant failed to disclose its knowledge about the non-safe environment and also failed to disclose its knowledge about Murphy's history of sexual abuse.

178. Plaintiff relied on these non-disclosures.

179. Defendant intentionally did not disclose this fact to the then minor Plaintiff in order to induce him to act on the misrepresentations to his detriment.

180. Plaintiff relied upon this intentional non-disclosure, which caused him and his family to pay money to Defendant.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

**SIXTH CAUSE OF ACTION**  
**NEGLIGENT MISREPRESENTATION TO OBTAIN PROPERTY**  
**AGAINST DEFENDANT HOLY SEE**

181. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

182. Defendant, through its agents including Archbishop Cousins, represented to Plaintiff and his family that St. John's was a safe environment.

183. Defendant, through its agents including Archbishop Cousins, represented to Plaintiff and his family that Murphy did not have a history of molesting children and that Murphy was not a danger to children.

184. St. John's was not a safe environment for children.

185. Murphy did have a history of sexually molesting children and was a danger to children.

186. Defendant owed a duty of care to Plaintiff because it should have known that St. John's was not a safe environment for children, should have known that Murphy would have access to children including Plaintiff, should have known that Murphy was a danger to children, and should have known that Murphy had molested children before he molested Plaintiff, and should have known that parents and children would place the utmost trust in Murphy.

187. The Holy See, through its agents including Archbishop Cousins, failed to use ordinary care in making the representation or in ascertaining the facts related to Murphy. The Holy See reasonably should have foreseen that its representation would cause Plaintiff and his family to pay money to Defendant and the School.

188. The Holy See, through its agents including Archbishop Cousins, failed to use ordinary care in making the representation or in ascertaining the facts related to the safety of

children at St. John's. The Holy See reasonably should have foreseen that its representation would cause Plaintiff and his family to pay money to Defendant and the School.

189. The Holy See failed to use ordinary care to determine whether St. John's was a safe environment for children. The Holy See's failures include but are not limited to: failure to ask its agents about the conditions at St. John's, failure to investigate the information it had about St. John's, and failure to have a sufficient system to determine whether the environment at St. John's was safe for children.

190. The Holy See failed to use ordinary care to determine Murphy's history of molesting children and whether he was safe for work with children before it made its representation about Murphy. The Holy See's failures include but are not limited to: failure to ask Murphy whether he sexually molested children, failure to ask Murphy's co-workers whether he molested children or whether they had any concerns about Murphy and children, failure to investigate Murphy's interest in children, failure to have a sufficient system to determine whether Murphy molested children and whether he was safe, failure to train its employees properly to identify signs of child molestation by fellow employees, and failure to investigate warning signs about Murphy when they did arise.

191. Plaintiff believed and justifiably relied upon Defendant Holy See's representations which caused him and his family to pay money to Defendant and the school.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

**SEVENTH CAUSE OF ACTION**  
**RESPONDEAT SUPERIOR LIABILITY**  
**AGAINST DEFENDANT HOLY SEE**

192. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

193. The conduct of the agents, servants, employees and ostensible agents of the Defendant, Holy See, in the United States set forth herein was committed in the course and scope of delegated duties and authority granted by the Defendant, Holy See, in the United States, thereby rendering the Defendant, Holy See, vicariously liable under the common law of the states, the federal common law, the laws of the fifty states, and customary international law of human rights for the conduct of those agents, servants, employees and ostensible agents under the doctrine of *respondeat superior* ("let the master answer").

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable

**EIGHTH CAUSE OF ACTION**  
**BREACH OF FIDUCIARY DUTY**  
**AGAINST DEFENDANT HOLY SEE**

194. Plaintiff incorporates all paragraphs of this complaint into this count as if alleged herein.

195. A special legal relationship existed between the Plaintiff and the Defendant, Holy See, in the nature of a fiduciary relationship, which relationship was carried out by and through priests, clerics and administrators under the direct and absolute control of the Defendant, Holy See, in their capacity as paid educators and/or counselors of minor children in the private schools of the Roman Catholic Church in the United States.



196. The Defendant breached fiduciary duties owed to the Plaintiff under the common law of the states, the federal common law, the laws of the fifty states, and customary international law of human rights, including but not limited to:

- a. The duty to warn parents, who entrusted their children's care, custody and control to the churches and schools of the Roman Catholic Church, that its priests, clerics and agents in those churches and schools were known pedophiles, sexual predators and perpetrators of childhood sexual abuse.
- b. The duty to report known or suspected perpetrators of childhood sexual abuse to authorities as required by statutory law, the common law, and customary international law.
- c. A duty to provide a reasonably safe environment at its institutions.
- d. A duty to mandate safe policies and procedures for its institutions.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable

**NINTH CAUSE OF ACTION**  
**VIOLATION OF CUSTOMARY INTERNATIONAL**  
**LAW OF HUMAN RIGHTS**  
**AGAINST DEFENDANT HOLY SEE**

197. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

198. The instructions, mandates and dictates of the Defendant, Holy See in the United States prohibiting the disclosure of the identity and existence of pedophiles and sexual predators under its control, thereby placing children in a position of peril, is a gross violation of

established, universally recognized norms of international law of human rights. The customary international law of human rights has been codified in various international agreements, including but not limited to:

- a. the *Universal Declaration of Human Rights*, in that the Defendant, Holy See, as a matter of policy, at all times practiced, ignored, tolerated, disregarded, permitted, allowed, condoned or failed to report childhood sexual abuse which the international community and the civilized world views as cruel, inhumane and degrading; and
- b. the *Convention on the Rights of the Child*, in that the Defendant, Holy See, among other things, did not make the interests of minor children in its control their primary responsibility; did not conform to international standards for the safety and health of those children in considering the suitability of their priests, clerics, bishops, archbishops, cardinals, agents and servants; did not take all appropriate legislative, administrative, social and educational measures to protect those children from sexual abuse; did not prevent, identify, report, investigate, treat or follow-up on instances of childhood sexual abuse of which it had knowledge; did not take all appropriate measures to ensure that school discipline was administered in a manner consistent with human dignity; and did not undertake to protect those children from sexual exploitation and abuse.

199. The Defendant, Holy See, signed the *Universal Declaration of Human Rights* in 1948; the Defendant, Holy See, signed the *Convention on the Rights of the Child* in 1990.

200. The worldwide acceptance of various international agreements, including the *Convention on the Rights of the Child*, demonstrates that some of their provisions have attained

the status of customary international law. The *Convention on the Rights of the Child* provides that "in all actions concerning children . . . the best interests of the child shall be a primary consideration," Art. 3, that the signatories "shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, ... , including sexual abuse," Art. 19, and that they "undertake to protect the child from all forms of sexual exploitation and sexual abuse," Art. 34. These provisions codify longstanding legal human rights norms that reflect actual practices of states in prohibiting childhood sexual abuse, are not so novel as to be considered outside the bounds of what is customary, and are of universal concern.

201. The practices, instructions, mandates, and dictates of the Defendant, Holy See, in the United States prohibiting the disclosure of the identity and existence of pedophiles and sexual predators under its control and thereby placing children in positions of harm, whether undertaken under the color of law or only in its capacity as a private actor, are violations of customary international law, and are crimes to which the law of nations attributes individual responsibility.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable

**TENTH CAUSE OF ACTION**  
**NEGLIGENCE**  
**AGAINST DEFENDANT HOLY SEE**

202. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

203. The Defendant, Holy See, by and through its agents, servants and employees, breached duties owed to the Plaintiffs under the common law of the states, the federal common

law, the laws of the fifty states, the law of the State of Wisconsin and customary international law of human rights, including but not limited to:

- a. The duty to provide safe care, custody and control of the minor children entrusted by their parents to the Roman Catholic churches and schools under the absolute control of the Defendant, Holy See.
- b. The duty to warn parents who entrusted their children's care, custody and control to the churches and schools of the Roman Catholic Church that priests and other clerics were known pedophiles, sexual predators and perpetrators of childhood sexual abuse.
- c. The duty to report known or suspected perpetrators of childhood sexual abuse to authorities as required by statutory law, common law, and customary international law.

204. The Defendant, Holy See, knew that its priests, clerics and agents in the United States, including Wisconsin, were committing acts of childhood sexual abuse and engaging in dangerous and exploitive conduct as pedophiles, sexual predators and perpetrators of childhood sexual abuse, and that these priests, clerics, bishops, archbishops, cardinals, agents, and employees created an unsafe condition on the premises of the aforesaid churches and schools, institutions to whom the custody and control of said minor children was placed.

205. The acts and omissions of the Defendant, Holy See alleged herein, including the concealment of its policy of harboring and protecting its abusive priests, agents and employees from public disclosure and prosecution and directives prohibiting the reporting of child sexual abuse to authorities, as part of a regular course of commercial conduct and particular commercial transactions and acts, were a substantial factor in bringing about the damages suffered by the Plaintiffs as a result of childhood sexual abuse.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable

**ELEVENTH CAUSE OF ACTION**  
**FRAUD**  
**AGAINST DEFENDANT HOLY SEE**

206. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

207. Defendant affirmatively represented to Plaintiff and his family that Lawrence Murphy did not have a history of molesting children, that Defendant did not know or suspect that Lawrence Murphy had a history of molesting children and that Defendant did not know that Lawrence Murphy was a danger to children.

208. Lawrence Murphy did have a history of sexually molesting children. Defendant knew that Lawrence Murphy had a history of sexually molesting children and that he was a danger to children.

209. Plaintiff justifiably relied upon Defendant's misrepresentations which caused him to be sexually molested by Lawrence Murphy and suffer the other damages described herein.

210. Defendant knew that its misrepresentations were false or at least were reckless without care of whether these representations were true or false.

211. Defendant made the misrepresentations with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

**TWELFTH CAUSE OF ACTION**  
**FRAUD (INTENTIONAL NON-DISCLOSURE)**  
**AGAINST DEFENDANT HOLY SEE**

212. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

213. Defendant knew that Lawrence Murphy had a history of sexually molesting children before Murphy sexually molested Plaintiff.

214. Whether or not Murphy had a history of sexual abuse was a material fact to Plaintiff.

215. Plaintiff relied on this non-disclosure.

216. Defendant intentionally did not disclose this fact to the then minor Plaintiff in order to induce him to act on the misrepresentations to his detriment.

217. Plaintiff relied upon this intentional non-disclosure, which caused him to be sexually molested by Murphy and suffer the other damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

**THIRTEENTH CAUSE OF ACTION**  
**FRAUD (NEGLIGENT MISREPRESENTATION)**  
**AGAINST DEFENDANT HOLY SEE**

218. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

219. Defendant, through its agents including Archbishop Cousins, represented to Plaintiff and his family that Murphy did not have a history of molesting children and that Murphy was not a danger to children.

220. Murphy did have a history of sexually molesting children and was a danger to children.

221. The Holy See owed a duty of care to Plaintiff because it knew or should have known that Murphy would have access to children including Plaintiff, should have known that Murphy was a danger to children, and should have known that Murphy had molested children before he molested Plaintiff, and should have known that parents and children would place the utmost trust in Murphy.

222. The Holy See, through its agents including Archbishop Cousins, failed to use ordinary care in making the representation or in ascertaining the facts related to Murphy. The Holy See reasonably should have foreseen that its representation would subject Plaintiff to the unreasonable risk of harm.

223. The Holy See failed to use ordinary care to determine Murphy's significant/lengthy history of molesting children and whether he was safe for work with children before it made its representation about Murphy. The Holy See's failures include but are not limited to: failure to ask Murphy whether he sexually molested children, failure to ask Murphy's co-workers whether he molested children or whether they had any concerns about Murphy and children, failure to investigate Murphy's interest in children, failure to have a sufficient system to determine whether Murphy molested children and whether he was safe, failure to train its employees properly to identify signs of child molestation by fellow employees, and failure to investigate warning signs about Murphy when they did arise.

224. Plaintiff believed and justifiably relied upon Defendant Holy See's representations which caused him to be sexually molested by Murphy and suffer the other damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys fees, interest, and such other relief that the Court deems just and equitable.

**FOURTEENTH CAUSE OF ACTION**  
**INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS**  
**AGAINST DEFENDANTS RATZINGER, BERTONE, AND SODANO**

225. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

226. Each Defendant intentionally caused severe emotional harm to Plaintiff.

227. Each Defendant's actions and inactions were extreme and outrageous.

228. Each Defendant's actions and inactions was a cause in fact of Plaintiff's emotional distress.

229. Plaintiff suffered a severe disabling emotional response to each Defendant's conduct.

WHEREFORE, Plaintiff demands judgment against each Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable

**FIFTEENTH CAUSE OF ACTION**  
**NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS**  
**AGAINST DEFENDANTS RATZINGER, BERTONE, AND SODANO**

230. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

231. Each Defendant's conduct fell below any standard of care relating to students that were sexually abused as children.

232. Plaintiff suffered severe emotional distress as a result of each Defendant's actions.



233. Each Defendant's conduct was a cause in fact of this severe emotional distress.

WHEREFORE, Plaintiff demands judgment against each Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable

**SIXTEENTH CAUSE OF ACTION**  
**FRAUD**  
**AGAINST DEFENDANTS RATZINGER, BERTONE, AND SODANO**

234. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

235. Each Defendant knew or should have known that Lawrence Murphy had a history of sexually molesting children before Murphy sexually molested Plaintiff.

236. Whether or not Murphy had a history of sexual abuse was a material fact to Plaintiff.

237. Each Defendant assumed a duty towards Plaintiff when they intentionally decided to conceal and cover-up the information that they had regarding Murphy.

238. Plaintiff relied on this non-disclosure.

239. Each Defendant intentionally did not disclose this fact to the then Plaintiff in order to induce him to act to his detriment, in order to induce him take no further action against Defendants, and in order to minimize any scandal.

240. Plaintiff relied upon this intentional non-disclosure, which caused him to suffer additional damages besides those caused by the abuse and actions around the time of the abuse.

WHEREFORE, Plaintiff demands judgment against each Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

**SEVENTEENTH CAUSE OF ACTION**  
**CONSPIRACY TO CAUSE EMOTIONAL DISTRESS AND DEFRAUD**  
**AGAINST DEFENDANTS RATZINGER, BERTONE, AND SODANO**

241. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

242. Each Defendant entered into a conspiracy to defraud, cover-up and conceal from the public, including John Doe 16, information regarding Murphy. The Defendants entered into to conspiracy at least by 1997. It was a continuing conspiracy that operated until at least recently. The Defendants came to a meeting of the minds that they would keep all information about their knowledge of Murphy's abuse of children, and all information about the Holy See's involvement in Murphy's abuse of children secret.

243. Each Defendant took wrongful acts pursuant to this conspiracy.

244. Plaintiff was defrauded and suffered harm as a result of this conspiracy.

WHEREFORE, Plaintiff demands judgment against each Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable

**EIGHTEENTH CAUSE OF ACTION**  
**NEGLIGENCE**  
**AGAINST DEFENDANTS RATZINGER, BERTONE, AND SODANO**

245. Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count.

246. Each Defendant owed a duty to Plaintiff.

247. By intervening and taking responsibility for the Murphy situation, each Defendant assumed a duty to Plaintiff and other former deaf children.

248. Each Defendant further assumed a duty to Plaintiff and other former deaf students

to not aggravate any of their existing injuries through their handling of Murphy.

249. Each Defendant breached these duties when each failed to adequately care for Plaintiff and other former deaf students.

250. Each also breached these duties through their handling of the Murphy case.

251. As a direct result of each Defendant's negligent conduct, Plaintiff has suffered the injuries and damages described herein and Plaintiff's former injuries were aggravated.

WHEREFORE, Plaintiff demands judgment against each Defendant in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

**NINETEENTH CAUSE OF ACTION**  
**INJUNCTION AGAINST DEFENDANT HOLY SEE**  
**FOR RELEASE OF NAMES OF SEX OFFENDERS**

252. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

253. Defendant's practices have endangered numerous children in the past and these practices will continue to put children at risk in the future.

254. Plaintiff, when he was a child, and other children today have the right to not be harmed or sexually molested by agents and former agents of Defendant.

255. Defendant owes a duty to warn all children and their parents that come into contact with its agents or former agents of allegations of sexual misconduct by the agents and former agents because these children and their parents hold many of these agents and former agents in esteemed positions, believe in the infallibility of the Pope, and the trustworthiness of the Holy See, all of which gives them virtually unlimited access to children.

256. Defendant also owes a duty to children and their parents to release all of the

names of its agents and former agents against whom Defendant has deemed to have credible allegations of sexual misconduct with children to law enforcement and to the public at large.

257. Unless injunctive relief is granted, numerous children across the United States, including in Wisconsin, and across the world are at risk of being sexually molested by Defendant's agents and former agents. In order to ensure that children are protected and free from sexual molestation by Defendant's agents and former agents, Plaintiff is entitled to an injunction ordering that Defendant:

- a. Release the names of Defendant's agents and former agents that it found guilty of sexual misconduct with children to the public and to law enforcement,
- b. Release the names of Defendant's agents or former agents that have admitted abusing children to the public and to law enforcement,
- c. Release the names of Defendant's agents and former agents that have been convicted of sexually abusing a child to law enforcement and to the public.

**TWENTIETH CAUSE OF ACTION**  
**INJUNCTION AGAINST DEFENDANT HOLY SEE**  
**FOR RELEASE OF DOCUMENTS REGARDING SEX OFFENDERS**

258. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

259. Defendant's practices have endangered numerous children in the past and these practices will continue to put children at risk in the future.

260. Plaintiff, when he was a child, and other children today the right to not be harmed or sexually molested by agents and former agents of Defendant.

261. Defendant's practices of retaining, hiding, and concealing evidence of crimes of its agents and former agents has endangered numerous children and continues to put children in

peril.

262. Defendant owes a duty to all children and their parents to release all documents relating to agents and former agents accused of sexually molesting children and also to release.

263. Unless injunctive relief is granted, numerous children across the United States, including in Wisconsin, and across the world are at risk of being sexually molested by Defendant's agents and former agents. In order to ensure that children are protected and free from sexual molestation by Defendant's agents and former agents, Plaintiff is entitled to an injunction ordering that Defendant:

- a. Release all documents related to Defendant's agents and former agents that it found guilty of sexual misconduct with children to the public and to law enforcement,
- b. Release all documents related to Defendant's agents or former agents that have admitted abusing children to the public and to law enforcement,
- c. Release all documents related to Defendant's agents and former agents that have been convicted of sexually abusing a child to law enforcement and to the public.

**TWENTY-FIRST CAUSE OF ACTION**  
**ADDITIONAL INJUNCTIVE RELIEF**  
**AGAINST THE HOLY SEE**

264. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

265. As a result of the violations under the common law of the states, the federal common law, the laws of the fifty states and customary international law of human rights set forth herein, and in addition to monetary damages for those violations, the Plaintiff seeks orders:

- a. requiring that the Defendant, Holy See, cease its violations of the internationally

- recognized human rights of children;
- b. requiring the Defendant, Holy See, to report all allegations of childhood sexual abuse in each and every one of the United States;
  - c. requiring that the Defendant, Holy See, conform its conduct to the mandates of the common law of the states, the federal common law, the laws of the fifty states, and customary international law of human rights;
  - d. requiring that Defendant, Holy See, act in ways that are in the best interests of children; and
  - e. retaining jurisdiction in this Court for a period of no less than ten (10) years to ensure that the interests of children are not further compromised by the conduct of the Defendant, Holy See.

**DEMAND FOR TRIAL**

Plaintiff hereby demands a trial by jury in this matter as to all Defendants.

Dated: April 22, 2010

AIKEN & SCOPTUR



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