

Court File No.

64487

ONTARIO  
**SUPERIOR COURT OF JUSTICE**

BETWEEN:

**B.M.B**

Plaintiff

-and-

**MICHAEL FALLONA,  
CHRISTOPHER QUINLAN  
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF THE DIOCESE OF  
LONDON IN ONTARIO,  
BISHOP RONALD PETER FABBRO, and  
THE CONGREGATION OF SAINT BASIL**

Defendants

**STATEMENT OF CLAIM**

TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this statement of claims is served on you, if you are served in Ontario.


If you are served in another province or territory of Canada or in the United States of America, the period for service and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: NOV 25 2009

Issued by

  
 Registrar,  
 Ontario Superior Court of Justice  
 Ground Floor, Unit "A"  
 Court House  
 80 Dundas Street,  
 LONDON, ON N6A 6A3

TO: **Michael Fallona**  
 Anglin House  
 95 St. Joseph Street  
 Toronto, ON M5S 3C2

AND TO: **Christopher Quinlan**  
 270 Lester Dr.  
 Essex, ON N8M 3G9

AND TO: **The Roman Catholic Episcopal  
 Corporation of The Diocese of  
 London in Ontario**  
 1070 Waterloo Street  
 London, ON N6A 3Y2

AND TO: **Bishop Ronald Peter Fabbro**  
 1070 Waterloo Street  
 London, ON N6A3Y2

AND TO: **The Congregation of Saint Basil**  
 95 St. Joseph Street  
 Toronto, ON M5S 3C2

## CLAIM

### The Plaintiff claims:

1. The plaintiff, B.M.B., claims damages as follows:
  - a) non-pecuniary damages for pain and suffering in the amount of \$300,000.00;
  - b) past and future pecuniary damages estimated in the amount of \$1,500,000.00;
  - c) special damages in the amount of \$100,000.00;
  - d) damages for mental distress in the amount of \$100,000.00;
  - e) aggravated damages in the amount of \$100,000.00;
  - f) punitive and exemplary damages in the amount of \$1,000,000.00;
  - g) pre-judgment and post-judgment interest on the above-noted amounts pursuant to the terms and provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended,;
  - h) her costs of this action on a substantial indemnity basis;
  - i) an order for the sealing and/or non-publication of her name; and
  - j) such further and other relief as to this Honourable Court may deem just.

### Parties:

2. The plaintiff, B.M.B. (the "Plaintiff"), was born November 7, 1963 and resides in the City of Windsor, in the province of Ontario. The Plaintiff was at all material times a member of the Roman Catholic Church through the Roman Catholic Episcopal Corporation of The Diocese of London in Ontario (the "Diocese"). Specifically, the Plaintiff was a member of St. Vincent De Paul (the "Church") in Windsor, Ontario.

3. The defendant perpetrator, Michael Fallona ("Fallona"), was during all material times, a priest of the Roman Catholic Church and was employed by the Diocese and the Congregation of Saint Basil (the "Congregation"). Specifically, during the material time, Fallona was an Associate Pastor at the Church.
4. The defendant Christopher Quinlan ("Quinlan") was during the material times, a priest of the Roman Catholic Church and was employed by the Diocese. Specifically, Quinlan was the Pastor at the Church and responsible for the conduct and supervision of Fallona, who was an associate pastor under the guidance of Quinlan at the Church.
5. The Diocese is a diocese of the Roman Catholic Church charged with the administration of parishes of the Roman Catholic Church within their geographical jurisdiction, being south-western Ontario. The head office of the Diocese is located in the City of London in the Province of Ontario.
6. The defendant, Bishop Ronald Peter Fabbro (the "Bishop") was ordained as a Bishop of the defendant Diocese on August 15, 2002 and presently holds that appointment and resides in the city of London, in the Province of Ontario. As Bishop he is the corporate sole of the defendant Diocese.
7. The Congregation of Saint Basil (the "Congregation") is a religious order of priests. The head office of the Congregation is located in the city of Toronto, in the province of Ontario. The Congregation is a community of faith within the Roman Catholic Church, which acts in partnership or agency with the Diocese in carrying out

the aims and functions of the Roman Catholic Church within its geographical jurisdiction.

8. The Diocese, during all material times, had the following purpose and responsibility:

- a) the establishment and maintenance of a uniform set of rules and principles which collectively define the ideology of the Roman Catholic religion;
- b) the establishment of churches and schools to teach and inculcate these rules and principles in their members; and
- c) the recruitment, selection and training of priests to carry out their purposes.

9. The Diocese and the Bishop had a duty of care to its parishioners owing to the close proximity of its priests to the lives of the parishioners as well as the level of trust and faith which the parishioners and others extended to the Diocese, its priests and employees.

10. During the material time, the Congregation provided priests to serve in the Diocese, acting in partnership with the Diocese. Accordingly, the Congregation also owed a duty of care to its parishioners owing to the close proximity of its priests to the lives of the parishioners as well as the level of trust and faith which the parishioners and others extended to the Congregation and its priests.

11. Both Fallona and Quinlan had a duty of care to the Plaintiff arising from their relationships of close proximity with the Plaintiff, specifically their priest/parishioner relationships.

**The Actions of Fallona:**

12. In 1967 Fallona was ordained to the priesthood by the Diocese and the Congregation following their recruitment, selection and training of him.

13. In approximately the summer of 1977, the Plaintiff met Fallona through the Church which she attended regularly. During the material time Fallona was an Associate Pastor at the Church and was employed by the Diocese and Congregation.

14. Fallona engaged in activities with the Plaintiff in his capacity as a priest, counselling her in religion, Catholic education and other matters. His activities included providing spiritual guidance, hearing confessions and conducting Mass.

15. Through his position as a priest and representative of the Diocese and Congregation, Fallona was to the Plaintiff the ultimate ecclesiastical authority.

16. Fallona used his position as a priest of the Diocese and Congregation, which was a position of authority and trust, to develop a close personal relationship with the Plaintiff when she was young. The relationship that Fallona developed with the Plaintiff, under the guise of a priest-parishioner relationship, allowed Fallona an opportunity to be alone with the Plaintiff and to exert total control over her, prey upon her and

sexually abuse her.

17. Commencing in or about 1977, when the Plaintiff was approximately 13 years old, and on several occasions over the following year, Fallona repeatedly sexually abused, assaulted and exploited the Plaintiff. The particulars of same include the following:

- a) Fallona fondled the clothed body of the Plaintiff, including but not limited to her breasts, genitals and buttocks;
- b) Fallona fondled the naked body of the Plaintiff, including but not limited to her breasts, genitals and buttocks;
- c) Fallona directed the Plaintiff to touch his genitals;
- d) Fallona directed the Plaintiff to perform oral sex on him;
- e) Fallona engaged in other sexual activities with the Plaintiff;
- f) In order to facilitate the abuse Fallona engaged in a pattern of behaviour which was intended to make the Plaintiff feel that she was special in the eyes of Fallona, the Church and God; and
- g) In order to facilitate the abuses Fallona also engaged in a pattern of behaviour which was intended to make the Plaintiff feel that her soul was in jeopardy and that she would suffer eternally in Hell if she did not concede to his demands.

18. The aforementioned behaviours occurred on premises which were owned or controlled by the Diocese, specifically the Church.

19. Throughout the period of time that the aforementioned behaviour was occurring, Fallona used his position of authority and trust, as well as the dependency relationship that he had fostered with the Plaintiff, to ensure that the Plaintiff did not tell anyone about the behaviours they had engaged in. Fallona continued to minister to the Plaintiff during this time, which included the hearing of her confessions and the provision of Mass.

20. Fallona's behaviour constituted sexual abuse and assault. It was also a breach of the duty of care that he owed to the Plaintiff in that, *inter alia*, he did wilfully and/or negligently inflict pain and suffering, mental suffering, humiliation and degradation upon the Plaintiff, assaulted the Plaintiff and interfered with her normal upbringing and childhood solely for the purpose of his own gratification.

#### **The Actions of Quinlan:**

21. Quinlan was the Pastor of the Church during the material time and therefore was responsible for the safety and spiritual well-being of the parishioners under his care. Quinlan failed to inquire about Fallona's history and conduct proper screening and background checks of Fallona prior to allowing Fallona close and intimate access to the Plaintiff. Quinlan, as pastor of the Church, was responsible for the conduct and supervision of Fallona while Fallona was Associate Pastor at the Church.

22. The Plaintiff pleads that the particulars of negligence of the Diocese outlined below in paragraphs 26-30 and 32-37 equally apply to the conduct of Quinlan and that Quinlan failed in his duty of care to the Plaintiff and was thereby negligent.



23. Additionally, shortly after the abuse occurred the plaintiff reported the abuse to her father who then reported it to the defendant Quinlan. Quinlan failed to act on the report in any matter and failed to offer counselling or assistance to the Plaintiff. As a result of Quinlan's failure to take proper steps following the report of abuse, the Plaintiff's damages and psychological suffering has been substantially aggravated. Had Quinlan taken the proper steps to offer counselling and assistance to the Plaintiff, the effects of the abuse would have been substantially reduced.

24. The plaintiff pleads that the defendant Quinlan breached his duty of care to the Plaintiff and was thereby negligent.

**The Actions of the Diocese and the Bishop:**

25. The Diocese taught the Plaintiff as well as other members of the Catholic Church the following:

- a) that the Roman Catholic Church is the one true religion and is the representation of God's true teachings on earth;
- b) that the authority of the Roman Catholic Church is supreme;
- c) that by following the rules, principles and ideologies of the Roman Catholic Church one will gain the right to go to Heaven and that by failing to follow same one will not go to Heaven and will go to Hell;
- d) that parents must bring their children up in the ways of the Roman Catholic Church and that children must attend at Catholic schools so that they can be educated with respect to the ways of the Church;
- e) that you must go to church at least once a week and attend Catholic

schools where the rules, principles and ideologies of the Roman Catholic Church and religion are taught;

- f) that the rule of God is supreme and that to disobey the rule of God is a mortal sin which will cause one to go to Hell;
- g) that God's representation on earth and the teaching of God are done through priests;
- h) that priests are the chosen representatives on earth of God and have special powers; and
- i) that priests are to be viewed with special reverence, power, respect, honour and authority.

26. The Diocese employed Fallona to carry out the purposes and teachings referred to above in dealing with the Plaintiff. It provided Fallona with the opportunity and means to come into contact with the Plaintiff. It fostered a relationship between Fallona and the Plaintiff. It provided Fallona with a position of respect and trust which the Plaintiff was bound by the rules set out above to follow and honour.

27. The Plaintiff pleads that, at all material times, Fallona was acting in the course of his duties as a priest of the Roman Catholic Church and the Diocese and was using the aforementioned rules, principles and ideologies to further his attempts to manipulate the Plaintiff and engage in deviant activities.

28. The Plaintiff pleads that the aforementioned rules, principles and ideologies of the Diocese created an opportunity for Fallona to exert power and authority over the

Plaintiff. This power and authority allowed Fallona to engage in the aforementioned behaviour and to continue to engage in same without resistance or question of the Plaintiff without risk of getting caught and thereby put the Plaintiff at risk of being abused by Fallona.

29. The Plaintiff pleads that Fallona was, as a result of his position with the Diocese, allowed to use the premises owned by the Diocese, where the aforementioned behaviours and activities occurred. As such, the Diocese presented Fallona with an opportunity to foster a trusting relationship with the Plaintiff and engage in the aforementioned behaviours for a considerable period of time without getting caught. The Diocese therefore put the Plaintiff at a direct risk of being abused by Fallona.

30. As a result, the Diocese is vicariously responsible and liable for the actions of Fallona.

31. The Plaintiff pleads that the Diocese was negligent and failed in its duty to the Plaintiff, the particulars of which are set out below:

- a) it failed to recognize that a certain percentage of the priests would become sexually deviant and would make sexual advances to young children;
- b) it failed to instruct priests in training and ordained priests about the possibilities of becoming sexually deviant and/or making advances to children;
- c) it failed to properly investigate Fallona's background, character and

- psychological state prior to accepting him into the seminary and later the priesthood;
- d) it failed to document, discipline or expel Fallona for his shortcomings as a seminarian;
  - e) it failed to follow its own internal policies in ordaining Fallona to the priesthood;
  - f) it failed to warn Fallona's immediate supervisors, parishioners, students and others who may come into contact with Fallona of his difficulties as a seminarian;
  - g) it failed to educate members of the Roman Catholic Church about the possibilities of such deviant behaviours;
  - h) it failed to have any, or a proper, system of self-reporting, other-reporting or counselling in place for priests who engage in such behaviour;
  - i) it fostered a system, based on the rules, principles and ideologies of the church, in which deviant sexual practices were bound to develop among a percentage of the priests;
  - j) it fostered a system, based on the rules, principles and ideologies of the church, in particular, the rule that priests have absolute authority, whereby the reporting of such deviant sexual behaviour of a priest by its members would be considered to be "wrong";
  - k) it denied the existence, or alternatively was wilfully blind to the existence of the behaviours described herein;
  - l) it implemented and maintained a system which was designed to cover-up the existence of such behaviour if such behaviour was ever reported;

- m) it failed to protect the Plaintiff from Fallona when it knew or ought to have known that she was vulnerable to the attentions and influence of Fallona;
- n) it failed to properly supervise, control and give guidance to its employee Fallona;
- o) it failed to screen and/or monitor the character, sexual orientation and sexual activity of Fallona;
- p) it failed to warn the Plaintiff and others of the propensities of Fallona;
- q) it failed to remove Fallona from his duties upon learning of the allegations of sexual and other inappropriate conduct thereby leaving the Plaintiff exposed to Fallona and his actions without protection;
- r) it failed to protect the Plaintiff;
- s) it failed to take steps to investigate the activities of Fallona once it was fully aware of his shortcomings in an effort to locate and assist any victims; and
- t) it failed to identify, counsel and assist the Plaintiff once it knew of Fallona's prior behaviour.

32. Despite its knowledge of same, the Diocese took no steps to stop the behaviour or to protect the Plaintiff and, instead, took steps to attempt to cover-up the behaviour.

33. In the alternative, if the Diocese did not have direct knowledge of the aforementioned behaviours the Plaintiff pleads that the Diocese ought to have known about same because of the circumstances, as detailed above, surrounding the acts.

34. If the Diocese did not know of the aforementioned behaviour, it was because of the existence of its own rules, principles and ideologies which allowed Fallona to conceal his activities and cover up his deviant behaviour.

35. The Plaintiff pleads that the Diocese owed a special duty to the Plaintiff by virtue of their relationship with her to identify the Plaintiff and counsel and render assistance to the Plaintiff once they became aware of the behaviour of Fallona following the receipt of parishioner complaints during the tenure of Bishop Sherlock. Furthermore, they should have sought out Fallona's victims and offered an apology, counselling and assistance to them. The Diocese's failure to assist the Plaintiff upon discovering Fallona's actions aggravated the Plaintiff's injuries. If the Diocese had assisted the Plaintiff upon first discovering Fallona's actions, her injuries would have been reduced.

36. The Diocese knew or ought to have known that Fallona had engaged in deviant behaviour while ministering and failed to investigate such. In failing to investigate and identify any past failings of Fallona, they also failed to identify any victims who may have been in need of counselling, assistance and support because of the actions of the Fallona. Such assistance would be necessary in order to minimize the consequences of Fallona's actions and the effect of same on the Plaintiff. They have failed to this day to investigate the extent of Fallona's past behaviour and have failed to render any assistance to the Plaintiff, contrary to their own internal policies and the policies of the Canadian Catholic Conference of Bishops.

37. The Plaintiff states that the relationship between her and the Diocese and Fallona commenced when the Plaintiff was a child, as such, the defendants owe the Plaintiff a duty of care and a high standard of care, in particular, to protect her from harm by its employees (i.e. priests) and specifically sexual abuse.

38. The Plaintiff says that the Diocese for the aforementioned reasons failed in their duty of care to her and were thereby negligent.

### **The Actions of the Congregation**

39. The defendant Congregation, in partnership with the defendant Diocese, engaged in the teachings referred to in paragraph 25 above.

40. The defendant Congregation employed Fallona and other members of the Congregation in partnership with the defendant Diocese to carry out the purposes and teachings referred to above in dealing with the Plaintiff. They provided Fallona with the opportunity and means to come into contact with the Plaintiff. They fostered a relationship between Fallona and the Plaintiff. They provided Fallona with a position of respect and trust which the Plaintiff was bound by the rules set out above to follow and honour. They provided Fallona with access and control of religious facilities which further added to his position of power and respect.

41. The Plaintiff pleads that, at all material times, the defendant Fallona was acting in the course of his duties as a priest of the Congregation and was using the aforementioned rules, principles and ideologies to further his attempts to manipulate

the Plaintiff and engage in deviant activities.

42. The Plaintiff pleads that the aforementioned rules, principles and ideologies of the defendant Congregation created an opportunity for Fallona to exert power and authority over the Plaintiff. This power and authority allowed Fallona to engage in the aforementioned behaviour and to continue to engage in same without resistance or question of the Plaintiff without risk of getting caught and thereby put the Plaintiff at risk of being abused by Fallona.

43. The Plaintiff pleads that Fallona was, as a result of his position with the defendant Congregation which allowed him to use the premises owned by the defendant Diocese and managed in partnership or agency with the Congregation, where the aforementioned behaviours and activities occurred and to gain access to the Plaintiff, afforded an opportunity to foster a trusting relationship with the Plaintiff and engage in the aforementioned behaviours for approximately a year without the risk of getting caught and thereby put the Plaintiff at risk of being abused by Fallona.

44. As a result, the defendant Congregation is vicariously responsible and liable for the actions of Fallona.

45. The Plaintiff pleads that the defendant Congregation was negligent and failed in their duty to the Plaintiff, the particulars of which are set out below:

- (a) they failed to recognize that a certain percentage of the priests would become sexually deviant and would make sexual advances to young male



- persons;
- (b) they failed to apply sufficient scrutiny to Fallona's application to become a priest in the Congregation;
  - (c) they failed to effectively instruct their membership with respect to dealing with pressures of one's own sexuality and the relationship boundary issues with respect to the laity;
  - (d) they failed to instruct their priests about the possibilities of priests and becoming sexual deviant and/or making advances to young persons and how to guard against or detect such activities;
  - (e) they failed to properly investigate Fallona's background, character and psychological state prior to accepting him to act as their priest and employee;
  - (f) they failed to document, discipline or expel Fallona for his shortcomings within the Congregation;
  - (g) they failed to follow their own internal policies in authorizing him to act as their employee in the Congregation;
  - (h) they failed to warn Fallona's immediate supervisors, parishioners, and others who may come into contact with Fallona of his difficulties;
  - (i) they failed to provide a safe environment for the Plaintiff to engage in her religious pursuits;
  - (j) they failed to properly supervise Fallona's activities at the Church;
  - (k) they failed to educate members of the Roman Catholic Church about the possibilities of such deviant behaviours;
  - (l) they failed to have any, or a proper, system of self-reporting, other-

- reporting or counselling in place for priests who engage in such behaviour;
- (m) they fostered a system, based on the rules, principles and ideologies of the church, in which deviant sexual practices were bound to develop among a percentage of the priests;
  - (n) they fostered a system, based on the rules, principles and ideologies of the church, in particular, the rule that priests have absolute authority, whereby the reporting of such deviant sexual behaviour of a priest by its members would be considered to be "wrong";
  - (o) they denied the existence, or alternatively were wilfully blind to the existence of the behaviours described herein;
  - (p) they implemented and maintained a system which was designed to cover-up the existence of such behaviour if such behaviour was ever reported;
  - (q) they failed to protect the Plaintiff from Fallona when they knew or ought to have known that she was vulnerable to the attentions and influence of Fallona;
  - (r) they failed to properly supervise, control and give guidance to their agent and/or employee Fallona;
  - (s) they failed to screen and/or monitor the character, sexual orientation and sexual activity of the Fallona;
  - (t) they failed to warn the Plaintiff and others of the propensities of Fallona;
  - (u) they failed to remove Fallona from his duties upon learning of the allegations of sexual and other inappropriate conduct thereby leaving the Plaintiff exposed to Fallona and his actions without protection;
  - (v) they failed to protect the Plaintiff;

- (w) they failed to take steps to investigate the activities of Fallona once they were fully aware of his shortcomings in an effort to locate and assist any victims;
- (x) they failed to identify, counsel and assist the Plaintiff once they knew of Fallona's prior behaviour.

46. In addition to, and in the alternative to, the above the Plaintiff pleads that the defendant Congregation knew that the defendant, Fallona had the propensity to engage in such deviant behaviours and that he was, in fact, engaging in such deviant behaviour because of the following:

- (a) Fallona's difficulties as a seminarian;
- (b) Fallona's difficulties with alcohol;
- (c) Fallona's difficulties with sexuality;
- (d) The concerns of other clergy, religious, parishioners and others;
- (e) the frequency with which the Plaintiff and other young persons were involved with Fallona;
- (f) the unusual interest that Fallona took in young persons particularly the Plaintiff;
- (g) the duration of the period with which the Plaintiff and other young persons spend regular time alone with Fallona; and
- (h) the fact that the defendant, Fallona, would have, in accordance with the rules of the Roman Catholic Church, confessed about these deviant sexual behaviours (i.e. sins) from time to time to one or more of the other priests.

47. Despite their knowledge of same the defendant Congregation took no steps to stop the behaviour or to protect the Plaintiff and, instead, took steps to attempt to cover-up the behaviour.

48. In the alternative, if the defendant Congregation did not have direct knowledge of the aforementioned behaviours the Plaintiffs plead that the defendant Congregation ought to have known about same because of the circumstances, as detailed above, surrounding the acts.

49. If the defendant Congregation did not know of the aforementioned behaviour, it was because of the existence of its own rules, principles and ideologies which allowed the defendant Fallona to conceal his activities and cover up his deviant behaviour.

50. The Plaintiff pleads that the defendant Congregation owed a special duty to the Plaintiff by virtue of its relationship with her to identify the Plaintiff and counsel and render assistance to the Plaintiff once they became aware of the behaviour of the Fallona.

51. The Congregation knew or ought to have known that Fallona had engaged in deviant behaviour while ministering and failed to investigate such. In failing to investigate and identify any past failings of Fallona, they also failed to identify any victims who may have been in need of counselling, assistance and support because of the actions of the Fallona. Such assistance would be necessary in order to minimize the

consequences of Fallona's actions and the affect of same on the Plaintiff. They have failed to this day to investigate the extent of Fallona's past behaviour and have failed to render any assistance to the Plaintiff.

52. The Plaintiff states that the relationship between her and the defendant Congregation and Fallona commenced when the Plaintiff was a young person, as such, the defendants owed to the Plaintiff a high duty/standard of care and, in particular, a duty to protect her from harm by its priests, agents and employees, specifically from sexual abuse.

53. The Plaintiff says that the defendant Congregation for the aforementioned reasons failed in their duty of care to her and were thereby negligent.

**Damages:**

54. The Plaintiff states, and the fact is, that as a direct result of the behaviour of the defendants she has suffered damages and losses the particulars of which are as follows:

- a) physical pain;
- b) mental anguish;
- c) nervous shock, humiliation, degradation;
- d) shame, guilt and feelings of worthlessness;
- e) loss of enjoyment of faith;
- f) loss of religious life/beliefs;
- g) impairment of her opportunity to experience a normal adolescence and

adulthood;

- h) impairment of her ability and opportunity to obtain and complete an education appropriate to her abilities/aptitude;
- i) impairment of her ability to earn an income and support herself and time off work due to emotional trauma;
- j) impairment of her physical health, mental health and emotional well being;
- k) anxiety and related panic attacks;
- l) depression; and
- m) a loss of enjoyment of life.

55. The Plaintiff has suffered and will continue to suffer physical, emotional and mental pain and suffering and a loss of enjoyment of life. The Plaintiff was deprived of a normal healthy childhood and adolescence as a result of the actions or in-actions of the defendants. The life of the Plaintiff was fundamentally and forever changed by the above-noted behaviour.

56. The Plaintiff was so profoundly negatively affected by these behaviours and activities that she spent many of the formative years of her life struggling to deal with the physical, mental, psychological and emotional sequelae of these events. The Plaintiff has suffered the following:

- a) impaired performance in school;
- b) inability to develop and engage in normal human relations, including difficulties with trust and severe difficulty in establishing relationships of

- intimacy;
- c) mistrust of authority figures;
- d) hyper-vigilance;
- e) disassociation;
- f) sleeping difficulties and "flashbacks";
- g) a propensity to engage in reckless and careless behaviour.

57. The Plaintiff has suffered a tremendous loss of enjoyment of life and ongoing pain and suffering. Her ability to carry in a normal life has been extinguished or impaired.

58. The Plaintiff has suffered physical, mental, psychological and emotional stress, shock and suffering which will continue forever.

59. The Plaintiff has been required to undergo medical treatment and psychological counselling and will continue to require same indefinitely throughout her lifetime.

60. The Plaintiff has sustained out-of-pocket expenses the particulars of which will be provided prior to the trial of the within action.

61. The Plaintiff has suffered and will continue to suffer economic losses, including, past income loss, future and ongoing income loss, and various other out-of-pocket expenses the particulars of which will be provided.

62. The Plaintiff pleads that the conduct of Fallona described herein was harsh, high-handed, and malicious and, as such, should be punished with aggravated and/or punitive damages, for which the Diocese and the Congregation is vicariously liable.

63. The Plaintiff further pleads that the conduct of the Diocese and the Congregation described herein was harsh, high-handed and malicious, and as such, should be punished with aggravated and/or punitive damages, including but not limited to:

- a) failing to appropriately react to reports of Fallona's sexual misconduct and instead transferring him to new postings where further unsuspecting victims awaited;
- b) consciously and deliberately suppressing information concerning his sexual misconduct in an effort to protect the reputation of the Diocese over the safety of children; and
- c) promoting a culture of secrecy with respect to the sexual misconduct of clergy which was intended to benefit the Diocese rather than stop the misconduct or assist the victims.

64. The Plaintiff has only recently been able to face these effects and still to this day has not fully realized the extent of her victimization. The Plaintiff became sufficiently capable of appreciating the impact of Fallona's actions in early 2009 and relies upon the principle of discoverability.

65. The Plaintiff relies on the *Criminal Code of Canada*, R.S.C. 1985, c. C-46, the *Negligence Act*, R.S.O. 1990, c. N.1, as amended, the *Victims Bill of Rights*, 1995, S.O.



1995, c.6, and the *Limitations Act 2002*, S.O. 2002, c.24 Schedule B, the *Occupiers' Liability Act*, R.S.O. 1990, c. O.2, and any and all predecessor legislation.

66. The Plaintiff also relies upon the 1917 Code of Canon law and the 1983 Code of Canon Law and related canonical and papal pronouncements as the internal policies and procedures of the Diocese.

67. The Plaintiff proposes that this action be tried in the City of London, in the County of Middlesex.

Date of Issue: *November 25, 2009*

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Solicitors for the Plaintiff

U4687

**B.M.B.**  
Plaintiff

- and -

**FALLONA et al**

Defendants

Court File No.

*ONTARIO*  
**SUPERIOR COURT OF JUSTICE**  
Proceeding commenced at LONDON

**STATEMENT OF CLAIM**

LEDROIT BECKETT  
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