

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

Jane Doe 173, by and through her parents and guardians,
Mother Doe 173 and Father Doe 173,

Case No.

Plaintiff,

COMPLAINT

vs.

Shawn Ratigan, Diocese of Kansas City – St. Joseph,
and Bishop Robert Finn

Defendants.

Plaintiff, for her causes of action against Defendants, alleges that:

PARTIES

1. Plaintiff Jane Doe 173 is a minor female resident of the State of Missouri, who brings this lawsuit through her parents and guardians, Mother Doe 173 and Father Doe 173, who are also residents of the State of Missouri. The true identity of Plaintiff and her guardians is being withheld on the grounds that Plaintiff Jane Doe 173 is a minor and a victim of the sex crimes described herein.

2. Defendant Shawn Ratigan is a resident of the State of Missouri.

3. Defendant Diocese of Kansas City – St. Joseph (“Diocese”) is an unincorporated non-profit organization located at The Catholic Center, 20 West Ninth Street, Kansas City, Missouri 64105.

4. Defendant Bishop Robert Finn is an individual adult male resident of the State of Missouri who is the head of the Diocese of Kansas City – St. Joseph.

JURISDICTION

5. Plaintiff brings her Complaint under federal question jurisdiction under 28 U.S.C.A § 1331, pursuant to federal laws 18 USC §§ 2251, 2252A and 2255 and under supplemental jurisdiction under 28 U.S.C.A. § 1367.

FACTS

6. Beginning in approximately 2006, Defendant Ratigan took photographs and visual images of the minor Plaintiff Jane Doe 173 in poses that displayed her underwear that covered her vaginal area. Said photographs and images constitute child pornography.

7. Beginning in approximately 2006, Defendant Ratigan engaged Plaintiff Jane Doe 173 in sexually explicit conduct.

8. While the minor Plaintiff Jane Doe 173 was engaged in sexually explicit conduct, Defendant Ratigan created visual depictions and/or photographs of the sexually explicit conduct. Said photographs and images constitute child pornography.

9. Upon information and belief, Defendant Ratigan uploaded the sexually explicit images to his computer and Defendant Ratigan distributed the sexually explicit images of the minor Plaintiff over the internet.

10. The computers that Defendant Ratigan used to process, store and distribute the child pornography of the minor Plaintiff Jane Doe 173 were manufactured outside the State of Missouri and said computers were mailed, shipped or transported in or affected interstate or foreign commerce.

11. The cameras that Defendant Ratigan used to photograph and create the child pornography were manufactured outside the State of Missouri and said cameras were mailed, shipped or transported in or affected interstate or foreign commerce.

12. The discs and other storage media used by Defendant Ratigan used to store the child pornography described herein were manufactured outside the State of Missouri and said discs and other storage media were mailed, shipped or transported in or affected interstate or foreign commerce.

13. In approximately 2006, an employee of the Diocese reported to the Diocese that she had observed suspicious behavior involving Defendant Ratigan and a 4 year old girl.

14. In response, the Diocese and Defendant Bishop Finn concealed the report in order to protect Defendants Ratigan, Bishop Finn and Diocese from scandal.

15. In May 2010, the Principal at St. Patrick School in Kansas City, Missouri, reported to the Diocese numerous incidents where Defendant Ratigan had been inappropriate with children at the school.

16. In response, the Diocese and Defendant Bishop Finn concealed the report in order to protect Defendants Ratigan, Bishop Finn and Diocese from scandal

17. In December 2010, the Diocese discovered child pornography of Plaintiff Jane Doe 173, as well as a number of other girls, on a computer owned by Defendant Ratigan.

18. Instead of reporting this information to law enforcement, the Diocese made digital and/or physical copies of the child pornography of Plaintiff Jane Doe 173, as well as a number of other girls, found on Defendant Ratigan's computer.

19. The Diocese and Defendant Bishop Finn then, arranged for the computer to be destroyed and/or manipulated the family of Defendant Ratigan into destroying the computer that contained the child pornography of Plaintiff Jane Doe 173, as well as a number of other girls.

20. The Diocese and Defendant Bishop Finn possessed the child pornography of Plaintiff Jane Doe 173, as well as a number of other girls, for approximately six months before

contacting law enforcement in order to conceal the images and photographs from law enforcement in order to protect the Diocese, Defendants Ratigan and Bishop Finn from scandal.

21. In May 2011, the child pornography of Plaintiff Jane Doe 173, as well as a number of other girls, was turned over to law enforcement and Defendant Ratigan was arrested on three counts of possessing child pornography.

22. In May 2011, law enforcement searched a computer owned by Defendant Diocese which was located at St. Mary parish in St. Joseph, Missouri and found child pornography of Plaintiff Jane Doe 173, as well as a number of other girls.

23. In May 2011, law enforcement served a search warrant on family members of Defendant Ratigan and found additional child pornography of Plaintiff Jane Doe 173, as well as a number of other girls, that were stored on compact discs.

24. Plaintiff has been damaged as described herein as a result of the sexual abuse, production, distribution, receipt and viewing of the child pornography of the minor Plaintiff.

25. As a direct result, Plaintiff has suffered and will continue to suffer severe emotional distress, fear for safety, shock, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing her normal daily activities and obtaining the full enjoyment of life, will sustain income loss and loss of earning capacity and has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

**COUNT I: PRODUCTION OF CHILD PORNOGRAPHY IN
VIOLATION OF 18 U.S.C.A. §§ 2251 AND 2255
(DEFENDANT RATIGAN)**

26. Plaintiff Jane Doe 173 incorporates all paragraphs of this Complaint as if fully set forth herein.

27. Defendant Ratigan used and employed minor Plaintiff Jane Doe 173 to engage in sexually explicit conduct of which Defendant Ratigan produced numerous visual depictions and photographs.

28. Defendant Ratigan knew or had reason to know that such visual depiction would be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, and/or that the visual depiction was produced or transmitted using materials that have been mailed, shipped or transported in or affecting interstate or foreign commerce by any means, including a computer.

29. Defendant Ratigan's acts violated 18 U.S.C.A. §§ 2251 (a) and 2255.

30. As a direct result of Defendant Ratigan's violations described herein, Plaintiff Jane Doe 173 has suffered and will continue to suffer the damages described herein.

**COUNT II: RECEIVING AND DISTRIBUTING CHILD
PORNOGRAPHY IN VIOLATION OF 18 U.S.C.A. §§ 2252A AND 2255
(DEFENDANTS RATIGAN, DIOCESE AND BISHOP FINN)**

31. Plaintiff Jane Doe 173 incorporates all paragraphs of this Complaint as if fully set forth herein.

32. Upon information and belief, Defendants Ratigan, Diocese and Bishop Finn knowingly received and/or distributed sexually explicit visual depictions of the minor Plaintiff Jane Doe 173 engaged in sexually explicit conduct which constitutes child pornography.

33. Defendants knew or had reason to know that such visual depiction would be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, and/or that the visual depictions were produced or transmitted using materials that have been mailed, shipped or transported in or affecting interstate or foreign commerce by any means, including a computer.

34. Defendants' acts violated 18 U.S.C.A. §§ 2252A and 2255.

35. As a direct result of Defendants Ratigan, Diocese and Bishop Finn's violations described herein, Plaintiff Jane Doe 173 has suffered and will continue to suffer the damages described herein.

**COUNT III: INVASION OF PRIVACY
(DEFENDANTS RATIGAN, DIOCESE AND BISHOP FINN)**

36. Plaintiff Jane Doe 173 incorporates all paragraphs of this Complaint as if fully set forth herein.

37. Defendant Ratigan invaded the privacy of Plaintiff Jane Doe 173 by committing the acts described herein by intentionally intruding upon Plaintiff Jane Doe 173's seclusion or private affairs by taking photographs and images of the minor Plaintiff Jane Doe 173 under her clothing, revealing her underwear and while Plaintiff Jane Doe 173 was nude.

38. Said photographs and images were taken by Defendant Ratigan while Defendant Ratigan was acting within the course and scope of employment with Defendant Diocese and/or Defendant Bishop Finn, were taken while Defendant Ratigan was an agent of Defendant Diocese and/or Defendant Bishop Finn and/or were ratified by Defendant Diocese and/or Defendant Bishop Finn.

39. Defendants Diocese and Bishop Finn have separate liability for acts of Defendant Ratigan because Defendants Diocese and Bishop Finn aided and abetted Defendant Ratigan in invading the privacy of the minor Plaintiff Jane Doe 173 by actively participating in the invasion of privacy by protecting Defendant Ratigan from detection and by concealing previous acts of invasion of privacy by Defendant Ratigan from law enforcement, parishioners, students and other children who would necessarily come into contact with Defendant Ratigan.

40. Mother Doe 173 and Father Doe 173 are entitled to recover damages for medical expenses that were paid for the treatment of Plaintiff Jane Doe 173 that were incurred as a result of the improper conduct described herein.

41. Defendants' actions were willful, wanton or reckless for which punitive damages and/ or an award for aggravating circumstances are appropriate.

42. As a direct result of Defendants Ratigan, Diocese and Bishop Finn's improper conduct described herein, Plaintiff has suffered and will continue to suffer the damages described herein.

**COUNT IV: CONSPIRACY TO COMMIT INVASION OF PRIVACY
(DEFENDANTS RATIGAN, DIOCESE AND BISHOP FINN)**

43. Plaintiff Jane Doe 173 incorporates all paragraphs of this Complaint as if fully set forth herein.

44. Defendants conspired with each other to invade the privacy of the minor Plaintiff Jane Doe 173, as well as a number of other minor children by the acts described herein.

45. Defendants came to an agreement, understanding or meeting of the minds with an unlawful objective to do the unlawful act of invading the privacy of the minor Plaintiff Jane Doe 173, as well as a number of other minor children.

46. The acts described herein constitute acts that were committed in furtherance of the conspiracy or a concerted design.

47. Mother Doe 173 and Father Doe 173 are entitled to recover damages for medical expenses that were paid for the treatment of Plaintiff Jane Doe 173 that were incurred as a result of the improper conduct described herein.

48. As a direct result of Defendants Ratigan, Diocese and Bishop Finn's conspiracy

described herein, Plaintiff has suffered and will continue to suffer the damages described herein.

**COUNT V: CHILD SEXUAL ABUSE AND/OR BATTERY
(DEFENDANTS RATIGAN, DIOCESE AND BISHOP FINN)**

49. Plaintiff Jane Doe 173 incorporates all paragraphs of this Complaint as if fully set forth herein.

50. From approximately 2006 to 2010, Defendant Ratigan engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiff Jane Doe 173. Said acts were committed while Defendant Ratigan was acting within the course and scope of employment with Defendant Diocese and/or Defendant Bishop Finn, were taken while Defendant Ratigan was an agent of Defendant Diocese and/or Defendant Bishop Finn and/or were ratified by Defendant Diocese and/or Defendant Bishop Finn.

51. Defendants Diocese and Bishop Finn have separate liability for acts of Defendant Ratigan because Defendants Diocese and Bishop Finn aided and abetted Defendant Ratigan in the sexual abuse and battery of the minor Plaintiff Jane Doe 173 by actively participating in the sexual abuse and battery by protecting Defendant Ratigan from detection and by concealing previous acts of sexual abuse and/or battery by Defendant Ratigan from law enforcement, parishioners, students and other children who would necessarily come into contact with Defendant Ratigan.

52. Mother Doe 173 and Father Doe 173 are entitled to recover damages for medical expenses that were paid for the treatment of Plaintiff Jane Doe 173 that were incurred as a result of the improper conduct described herein.

53. Defendants' actions were willful, wanton or reckless for which punitive damages and/ or an award for aggravating circumstances are appropriate.

54. As a direct result of Defendants Ratigan, Diocese and Bishop Finn's improper conduct described herein, Plaintiff has suffered and will continue to suffer the damages described herein.

**COUNT VI: INTENTIONAL FAILURE TO SUPERVISE CLERGY
(DEFENDANTS DIOCESE AND BISHOP FINN)**

55. Plaintiff Jane Doe 173 incorporates all paragraphs of this Complaint as if fully set forth herein.

56. At all times material, Defendants Diocese and Bishop Finn were the supervisors and employers of Defendant Ratigan.

57. Defendants Diocese and Bishop Finn were aware of previous sexual misconduct by clergy within its boundaries, including Defendant Ratigan, and that future harm was certain or substantially certain to result without proper supervision. Defendants Diocese and Bishop Finn caused Defendant Ratigan to be transferred from earlier assignments because of his inappropriate activity with minor girls.

58. Defendants Diocese and Bishop Finn disregarded the known risk of sexual misconduct

59. Defendants Diocese and Bishop Finn's inaction caused injury to Plaintiff Jane Doe 173.

60. Plaintiff Jane Doe 173 was sexually abused on the property owned and operated by Defendants Diocese and Bishop Finn.

61. Defendants Diocese and Bishop Finn knew or should have known that inappropriate touching and photographing of young children by their employees and/or designated agents would cause or was substantially certain to cause those children harm.

62. Despite the risk posed by Defendant Ratigan, Defendants Diocese and Bishop Finn continued to place Defendant Ratigan in positions in which he would have daily contact with children.

63. By engaging in these actions, Defendants Diocese and Bishop Finn disregarded the risk posed by Defendant Ratigan to these children.

64. Mother Doe 173 and Father Doe 173 are entitled to recover damages for medical expenses that were paid for the treatment of Plaintiff Jane Doe 173 that were incurred as a result of the improper conduct described herein.

65. Defendants Diocese and Bishop Finn's actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

66. As a direct result of Defendants Ratigan, Diocese and Bishop Finn's improper conduct described herein, Plaintiff has suffered and will continue to suffer the damages described herein.

**COUNT VII: NEGLIGENCE
(DEFENDANTS DIOCESE AND BISHOP FINN)**

67. Plaintiff Jane Doe 173 incorporates all paragraphs of this Complaint as if fully set forth herein.

68. Defendants had a duty to protect children served by their churches.

69. Upon information and belief, Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Defendant Ratigan's dangerous and exploitive propensities and/or that he was an unfit agent, and despite such knowledge, Defendants breached their duty to protect Plaintiff Jane Doe 173 when they failed to protect her

from the sexual abuse and breach of privacy described herein.

70. Mother Doe 173 and Father Doe 173 are entitled to recover damages for medical expenses that were paid for the treatment of Plaintiff Jane Doe 173 that were incurred as a result of the improper conduct described herein.

71. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages.

72. As a direct result of Defendants Ratigan, Diocese and Bishop Finn's improper conduct described herein, Plaintiff has suffered and will continue to suffer the damages described herein.

**COUNT VIII: NEGLIGENT SUPERVISION
(DEFENDANTS DIOCESE AND BISHOP FINN)**

73. Plaintiff Jane Doe 173 incorporates all paragraphs of this Complaint as if fully set forth herein.

74. Upon information and belief, Defendants Diocese and Bishop Finn, by and through their agents, servants and employees, knew or reasonably should have known of Defendant Ratigan's dangerous and exploitive propensities and/or that he was an unfit agent, and despite such knowledge, Defendants Diocese and Bishop Finn failed to supervise Defendant Ratigan in the position of trust and authority as a Roman Catholic priest where he was able to commit the wrongful acts against Plaintiff Jane Doe 173.

75. Mother Doe 173 and Father Doe 173 are entitled to recover damages for medical expenses that were paid for the treatment of Plaintiff Jane Doe 173 that were incurred as a result of the improper conduct described herein.

76. As a direct result of Defendants Ratigan, Diocese and Bishop Finn's improper

conduct described herein, Plaintiff has suffered and will continue to suffer the damages described herein.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all issues triable in this case.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally as follows:

- a. For a sum of money to fairly and adequately compensate Plaintiff Jane Doe 173 for her past and future emotional distress, pain and suffering, fear for safety, shock, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, loss of the ability to perform her normal daily activities and obtaining the full enjoyment of life, loss of future income and earning capacity for and has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.
- b. For Mother Doe 173 and Father Doe 173's costs incurred for medical and psychological treatment for Plaintiff Jane Doe 173;
- c. For Plaintiff's costs, disbursements and attorney fees as allowed by law; and
- d. For such other and further relief as the Court deems just and equitable.

Dated: June 2, 2011

RANGLES, MATA & BROWN, L.L.C.

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Pro Hac Vice motions pending

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