

**DANIEL F. MONAHAN, ESQUIRE**

Attorney I.D. No. 28557  
300 North Pottstown Pike, Suite 210  
Exton, PA 19341  
610-363-3888  
[dmonahan@JDLLM.com](mailto:dmonahan@JDLLM.com)

**MARCI A. HAMILTON, ESQUIRE**

Attorney I.D. No. 54820  
36 Timber Knoll Drive  
Washington Crossing, PA 18977  
215-353-8984  
[hamilton02@aol.com](mailto:hamilton02@aol.com)

**JEFFREY R. ANDERSON, ESQUIRE**

Attorney I.D. No. 310877  
366 Jackson Street, Suite 100  
St. Paul, MN 55101  
651-227-9990  
[jeff@andersonadvocates.com](mailto:jeff@andersonadvocates.com)

*Attorneys for Plaintiff*

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JOHN DOE 187  
c/o Monahan Law Practice, P.C.  
300 North Pottstown Pike, Suite 210  
Exton, PA 19341

Plaintiff,

v.

ARCHDIOCESE OF PHILADELPHIA  
222 N. 17<sup>th</sup> Street  
Philadelphia, PA 19103  
and  
CARDINAL ANTHONY BEVILACQUA  
222 N. 17<sup>th</sup> Street  
Philadelphia, PA 19103  
and  
CARDINAL JUSTIN RIGALI  
222 N. 17<sup>th</sup> Street  
Philadelphia, PA 19103  
and  
MSGR. WILLIAM LYNN  
222 N. 17<sup>th</sup> Street  
Philadelphia, PA 19103

FR. WILLIAM G. AYRES  
Villa St. Joseph  
1436 Landsdowne Avenue  
Darby, PA 19023

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Defendants,

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY,  
PENNSYLVANIA

CIVIL ACTION

**JURY TRIAL DEMANDED**

OCTOBER TERM, 2011

NO.

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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**DANIEL F. MONAHAN, ESQUIRE**

Attorney I.D. No. 28557  
300 North Pottstown Pike, Suite 210  
Exton, PA 19341  
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[dmonahan@JDLLM.com](mailto:dmonahan@JDLLM.com)

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Defendants,

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COURT OF COMMON PLEAS  
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TERM, 2011

NO.

## PLAINTIFF'S COMPLAINT

And now Plaintiff, John Doe 187, by and through his undersigned counsel, brings this Complaint and sets forth as follows:

### The Parties

1. Plaintiff, John Doe 187, is an adult male individual who is a citizen and resident of the County of Philadelphia in the Commonwealth of Pennsylvania. The identity of this Plaintiff is not pleaded in this Complaint in order to protect the identity of the Plaintiff because the Plaintiff was a victim of sex crimes when Plaintiff was a minor. The identity of the Plaintiff has been made known to the Defendants by separate communication.

2. Defendant, Archdiocese of Philadelphia (“Archdiocese”) was and continues to be a Roman Catholic organization and a non-profit religious corporation authorized to conduct business and conducting business in the Commonwealth of Pennsylvania with its principal place of business located at 222 N. 17<sup>th</sup> Street, Philadelphia, Pennsylvania 19103. This Defendant is organized, exists and operates pursuant and by virtue of the laws of the Commonwealth of Pennsylvania.

3. Former Archbishop, Defendant, Cardinal Anthony Bevilacqua is an adult male individual resident and citizen of the Commonwealth of Pennsylvania, who was the Archbishop of the Archdiocese of Philadelphia from 1987 through 2003.

4. Former Archbishop, Defendant, Cardinal Justin Rigali is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who was appointed and served as Archbishop of the Archdiocese of Philadelphia from 2003 until his resignation in July of 2011. Archbishop Charles Chaput is the current ordinary of the Archdiocese of Philadelphia

5. Defendant, Msgr. William Lynn is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who was Secretary of Clergy for the Archdiocese under Cardinal

Anthony Bevilacqua, and served in that same capacity under Cardinal Rigali until 2004. From 2004 to 2011, when he was given administrative leave, he worked in a parish within the Archdiocese.

6. Defendant, Fr. William G. Ayres is an adult male individual who is a resident and citizen of the Commonwealth of Pennsylvania who was a seminarian at the St. Charles Borromeo Seminary in Wynnewood, PA, a seminary operated by the Archdiocese of Philadelphia. He was ordained to the priesthood in the Archdiocese of Philadelphia by Cardinal Bevilacqua. As seminarian and priest, he served in the Archdiocese of Philadelphia.

### **Facts**

7. In 2005, the Philadelphia District Attorney's Office released the Report of the Grand Jury ("2005 Grand Jury Report"), which had investigated child sexual abuse by Philadelphia Archdiocese priests and documented the Archdiocese's cover up of abuse. The Report stated: "To protect themselves from negative publicity or expensive lawsuits – while keeping abusive priests active – the Cardinals and their aides hid the priests' crimes from parishioners, police, and the general public. They employed a variety of tactics to accomplish this end." 2005 Grand Jury Report at 31.

8. The 2005 Grand Jury Report stated that "Msgr. Lynn was handling the [abuse] cases precisely as his boss [Cardinal Bevilacqua] wished." 2005 Grand Jury Report at 33. And "the Archdiocese's primary goal in dealing with these cases was to reduce the risk of 'scandal' to the Church." Id. at 34.

9. Cardinal Bevilacqua seriously understated the number of accused priests in the Archdiocese and "misled the public when he announced in April 2002 that no Philadelphia priest with accusations against him was still active in ministry — when in fact several still were. He certainly was not credible when he claimed before this Grand Jury that protecting children was his highest priority — when in fact his only priority was to cover up sexual abuse against children." 2005 Grand Jury Report at 53. Bevilacqua "was not forthright with the Grand Jury." Id. at 54. 2011 Grand Jury Report at 23.

10. “[T]he abuses that Cardinal Bevilacqua and his aides allowed children to suffer – the molestations, the rapes, the lifelong shame and despair — did not result from failures or lapses, except of the moral variety. They were made possible by purposeful decisions, carefully implemented policies, and calculated indifference.” 2005 Grand Jury Report at 55.

11. The Philadelphia District Attorney’s Office issued a second Grand Jury Report on abuse in the Philadelphia Archdiocese on January 21, 2011 (“2011 Grand Jury Report”).

12. The 2011 Grand Jury Report further establishes that the Archdiocese has a long history of sexual abuse of children by Archdiocese priests that was known, tolerated, and hidden by high church officials, up to and including Cardinal Anthony Bevilacqua. The Grand Jury Report states:

The present grand jury, however, is frustrated to report that much has not changed. The rapist priests we accuse were well known to the Secretary of Clergy, but he cloaked their conduct and put them in place to do it again. The procedures implemented by the Archdiocese to help victims are in fact designed to help the abusers, and the Archdiocese itself. Worst of all, apparent abusers – dozens of them, we believe – remain on duty in the Archdiocese, today, with open access to new young prey.

2011 Grand Jury Report at 1.

13. The 2011 Grand Jury Report establishes that the Archdiocese, under Cardinal Rigali, has made small changes, but continues to tolerate and actively conceal the sexual abuse of children by Archdiocese priests for the benefit of the Archdiocese.

Prompted by the pressure of the prior grand jury report, the Archdiocese has in recent years revamped its policies for handling victims of clergy sexual abuse. Now, at least in some cases, the church reports abusers to law enforcement authorities, something that in the past never occurred. And the Archdiocese pays for counseling, and sometimes other expenses. Those are positive steps, if small ones. We are very

troubled, however, by what we learned about the church's procedures [which now] are burdened by misinformation and conflict of interest.

2011 Grand Jury Report at 7. See also *id.* at 23.

14. The victim assistance coordinators “mislead victims into believing that their discussions with the coordinators are protected by confidentiality.” They are not. 2011 Grand Jury Report at 7.

15. Victims' statements are turned over to the Archdiocese's attorneys. 2011 Grand Jury Report at 7.

16. The victims are pressured to sign releases for records the Archdiocese's coordinators and attorneys otherwise would not be able to see. “Victims are led to believe that these releases will assist the coordinators in helping them. The church's position, it appears, is that coordinators must uncover every fact in order to make a determination about whether to refer the case to law enforcement. But that is not true. . . . The only rational explanation for such procedures is not to guarantee the victim's recovery, but to guard the church against what its highest officials repeatedly refer to as ‘scandal.’” 2011 Grand Jury Report at 7-8.

17. “[V]ictims are virtually hounded to give statements. . . . The only possible reason for this tactic would be to use the statements as ammunition to impeach victims, in an effort to make them appear incredible. . . . Such procedures are, to state it softly, one-sided – and the side taken is not that of the victim.” 2011 Grand Jury report at 9.

18. The 2011 Grand Jury Report concludes that victim assistance programs cannot be successfully operated in the interest of victims “by the church itself.” And that the Church is entitled to defend itself in the courts, “but it can no longer try to play both sides of the fence with its victims.” 2011 Grand Jury report at 11. In this respect, the Church has ceased to function as a pastoral organization and instead uses the impression that it is a pastoral organization to function in an adversarial manner as to sexual abuse victims.

19. One of the priests who has been sexually abusive to parish children is Fr. William G. Ayres (hereinafter “Defendant Fr. Ayers”) who was employed and placed in the seminary by the Archdiocese. All assignments were given to Defendant Fr. Ayres by the Archbishop from 1996 through the present.

20. Defendant Fr. Ayers was employed by the Archdiocese from approximately Mid-1990s through the present. At this time, Defendant Fr. Ayers resides at Villa Saint Joseph in Darby, PA, a home for retired priests of the Archdiocese. At Villa Saint Joseph, Defendant Fr. Ayers is currently on suspension and must refrain from any public exercise of his priestly ministry during the grand jury investigations.

21. During those years aforementioned, Defendant Fr. Ayers assignments were as follows:

- a. In the 1990’s, Defendant Fr. Ayers spent time at Mount St. Angels Seminary in St. Benedict, Ore.;
- b. Defendant Fr. Ayers then arrived was assigned and worked at Incarnation of Our Lord Parish in Philadelphia, PA from 1996 through 2002. In that position he was subject to the supervision of the Archdiocese;
- c. On May 15, 1999, Defendant Fr. Ayers was ordained to the priesthood by Cardinal Anthony Bevilacqua after graduating from St Charles Borromeo Seminary in Wynnewood, PA. The seminary is operated by the Archdiocese, which was charged with assessing Defendant Fr. Ayers as an appropriate candidate for ordination and assessing the supervision he would require. After ordination Defendant Fr. Ayers was under the supervision and authority of the Archdiocese. Prior to ordination, Defendant Fr. Ayers was under the direct supervision and authority of the Archdiocese while serving in any facility operated by the Archdiocese;
- d. Between 2001 and 2003, Defendant Fr. Ayers was the coordinator of the Archdiocese’s Laotian Apostolate, under the direct supervision and authority of the Archdiocese;
- e. From approximately 2002 to 2003 Defendant Fr. Ayers was a pastor at St. Katharine Drexel Parish in Chester, PA, under the supervision and authority of the Archdiocese;
- f. Defendant Fr. Ayers then served as director of the Office for Pastoral Care of Migrants and Refugees from 2003 to 2007, under the supervision and authority of the Archdiocese;

- g. From approximately 2005 through 2006, Defendant Fr. Ayers served under the supervision and authority of the Archdiocese at Epiphany of Our Lord in Philadelphia, PA, a church and parish which is school affiliated, with approximately nineteen (19) lay teachers and approximately two hundred and ninety-five children;
- h. In 2006 Defendant Fr. Ayers was parochial administrator/pastor of Immaculate Conception Parish in Philadelphia, Pa., under the supervision and authority of the Archdiocese; and,
- h. In 2007, Defendant Fr. Ayers, was parochial administrator/pastor of St. Michael's Church in Philadelphia, Pa, under the supervision and authority of the Archdiocese.
- i. On Nov. 22, 2010, while under the supervision and authority of the Archdiocese, Defendant Fr. Ayers was suspended and removed from his post at St. Michael's Church and from active ministry following a report of child sex abuse. The decision to remove Defendant Fr. Ayers was made by the Archdiocese. At any time during his tenure within the Archdiocese in any capacity, the Archdiocese had the authority to remove Defendant Fr. Ayers as it removed him in 2010.

22. In the mid 1990's, Plaintiff attended church at Incarnation of Our Lord Parish and two other locations in Philadelphia, Pennsylvania, all are premises under the supervision and authority of the Archdiocese.

23. While attending Incarnation Parish, the minor Plaintiff worked in the Parish rectory as an altar boy and was also an active member of the Parish's youth group and church events.

24. Defendant Fr. Ayers arrived at Incarnation of Our Lord Parish in 1996, and from approximately 1996 through 1999; while attending St. Charles Borromeo Seminary and while he was assigned to work at the parish, Defendant Fr. Ayers sexually abused the Plaintiff at the rectory of Incarnation of Our Lord Parish (in Defendant Fr. Ayers' room) and in the church itself, as well as at other churches within the Archdiocese where Defendant Fr. Ayers was also assigned and serving at that time. At all times during the Plaintiff's abuse, Fr. Ayers was under the supervision and authority of the Archdiocese on premises supervised and controlled by the Archdiocese. At no time did Defendant Fr. Ayers disclose to the Plaintiff that it was his practice to sexually abuse children who participated in

events at the Archdiocese, or that the other individual defendants and the Archdiocese had a long practice of concealing priests who had demonstrated a sexual interest in children.

25. On or about November of 2010, Plaintiff, reported the abuse by Defendant Fr. Ayers to the current pastor of Incarnation of Our Lord Parish, Fr. Jerry Pinero, who informed Plaintiff that Defendant Fr. Ayers was already under investigation and there had been reports filed before the Plaintiff's abuse had occurred.

26. As set forth above, the Archdiocese has a long history of concealing the sexual abuse of children by its clergy, and the individual defendants have acted consistently with that established practice of concealment.

27. Throughout his tenure as Secretary of Clergy under both Cardinal Bevilacqua and Cardinal Rigali, Msgr. William Lynn effectuated the Archdiocese's practice of affirmative acts to conceal priests known to have sexually abused children. Such priests were assisted so they could obtain new assignments within the Archdiocese, in order to conceal their criminal activity and protect the Archdiocese's reputation. 2011 Grand Jury Report at 43-53.

28. Msgr. Lynn's purposeful failure to remove pedophile priests caused Msgr. Lynn to be criminally charged by the Philadelphia County District Attorney with endangering the welfare of a child, a felony of the third degree.

29. Acting pursuant to the practice endorsed by each of Cardinal Bevilacqua and Cardinal Rigali, Msgr. Lynn did more than passively allow the known molesters to remain in positions where they could continue to prey on children. When victims complained, reported or threatened to expose a scandal within a particular church, Msgr. Lynn recommended that the abusers be transferred to new parishes, where the unsuspecting faithful would not know to be wary and vigilant, and where the abusive clergymen could go on exploiting their positions of trust and authority to pursue criminal activity directed against children.

30. Cardinal Bevilacqua controlled the Archdiocese's handling of child sex abuse, as did Cardinal Rigali after him. Each knew or should have known of Msgr. Lynn's history and practice of concealing abuse reports and to quietly transfer priests who had demonstrated a sexual interest in children.

31. While he was Archbishop, Cardinal Bevilacqua established for the Archdiocese a practice that in all cases involving the sexual abuse of minors by priests, parishioners would not be told the truth about the Archdiocese's knowledge about the abuse by the priest, and if needed, misstatements would be made to parishioners about priests who had demonstrated a sexual interest in children. Msgr. Lynn followed this practice, as he was expected to do by Cardinal Bevilacqua and Cardinal Rigali.

32. Upon information and belief, as part of its long-standing practice of affirmative acts of concealment, the Archdiocese concealed its knowledge that Defendant Fr. Ayers had sexually abused, or been otherwise sexually inappropriate with, children prior to Defendant Fr. Ayers sexually abusing the Plaintiff, archdiocesan officials had reason to know or should have had reason to know that Defendant, Fr. Ayres posed a risk to minors.

33. Prior to the time that Defendant Fr. Ayers sexually abused the Plaintiff, Cardinal Bevilacqua, Msgr. Lynn and the Archdiocese were aware, or should have been aware, that (a) Defendant Fr. Ayers had a sexual interest in children, (b) would require extra supervision to avoid acting on his sexual interest in children, (c) should receive only assignments with functions that did not involve children, (d) if assigned to a function that placed Defendant Fr. Ayers around children would pose a danger to those children unless adequate notice was given to families whose children would be around Defendant Fr. Ayers, and/or (e) had sexually abused one or more children.

34. Upon information and belief, the Archdiocese and the individual defendants concealed the knowledge they each had that Defendant Fr. Ayers had sexually abused, or been otherwise sexually inappropriate with, children prior to sexually abusing Plaintiff.

35. Upon information and belief, including the factual findings published in the 2005 and 2011 Philadelphia Grand Jury Reports, the Archdiocese has a long history and practice of concealing the sexual abuse of children by its clergy, and the individual defendants have honored that practice of concealment.

36. At all times during which Plaintiff was sexually abused, and prior to the Plaintiff's sexual abuse by Defendant Fr. Ayers, Msgr. Lynn, was the Secretary of Clergy acting as the personnel director for priests under Cardinal Bevilacqua, and later Cardinal Rigali.

37. It was Msgr. Lynn's job to review all reports of abuse, to recommend action, and to monitor the abuser's future conduct.

38. While he was Archbishop, Cardinal Bevilacqua established for the Archdiocese a practice that in all cases involving the sexual abuse of minors by priests, parishioners would not be told the truth about the Archdiocese's knowledge about the abuse by the priest, and if needed, misstatements would be made to parishioners about priests who had demonstrated a sexual interest in children. 2005 Grand Jury Report at 36. Msgr. Lynn followed this practice, 2011 Grand Jury Report at 23-24, as he was expected to do by each of Cardinal Bevilacqua and Cardinal Rigali.

39. The Archdiocese holds out its "Victims Assistance Program" as a program intended to assist victims. In fact, it is a program used by the Archdiocese to give it an adversarial advantage over sexual abuse victims.

40. Not knowing that Archdiocese would intend him harm in the guise of ostensibly helping him, Plaintiff contacted and met with the Archdiocese's victims' assistance coordinators, in order to obtain assistance with the serious psychological, social, and physical problems that he has experienced following his abuse by Defendant Fr. Ayers.

41. The Archdiocese publicly promotes its victim assistance programs as ways for victims of sexual abuse to get help when in fact, the victim assistance programs are used by the Archdiocese for the adversarial purpose of gathering information to give to its attorneys in order to discredit the victims,

defend the Archdiocese against any claims, and conceal the crimes of Archdiocese employees. According to the 2011 Grand Jury Report, the Archdiocese “victim assistance coordinators” misled victims into believing that the victim’s discussions with the coordinators are protected by confidentiality, when in fact that is not the case. In fact, the victim assistance coordinators did not keep the victim’s statements confidential and instead turned the statements over to the attorneys for the Archdiocese.

42. Victim assistance coordinators also forced victims to sign releases for records in the possession of third parties, such as outside therapists and the military. The victims are led to believe that these releases will assist the coordinators in helping the victim. Instead, the records secured through the releases are turned over to Archdiocese attorneys and used to defend the Archdiocese against any claims made by the victim. Specifically, the records were used by Archdiocese attorneys to build the defense that the statute of limitations had expired on the victim’s claim.

43. The victim assistance coordinators and others employed by the Archdiocese regularly encouraged victims to not report the incidents of sexual abuse to law enforcement. 2005 Grand Jury Report at 38-40; 2011 Grand Jury Report at 7, 77-82.

44. The Archdiocese maintains “secret archive files” which contain reports of priest sexual abuse of minors. These “secret archive files” contain evidence of criminal and tortious conduct of Archdiocese clergy that, according to the January 2011 Grand Jury Report, was and continues to be withheld from law enforcement. 2011 Grand Jury Report at 22, 43; 2005 Grand Jury Report at 42-43.

45. According to Msgr. Lynn, the Archdiocese has a policy that it “does not make cash settlements [to victims] but does pay for therapy, especially when the priest has admitted guilt.” 2005 Grand Jury Report, Appendix, at D-27c.

46. The sexual abuse and exploitation of Plaintiff, and the circumstances under which it occurred, caused Plaintiff to develop various psychological coping mechanisms, including not

recognizing the extent of the injuries he experienced, as a result of the sexual abuse, negligence and conspiracy described herein.

47. As a direct result of the wrongful conduct alleged herein, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and continues to sustain loss of earnings and earning capacity; and/or has incurred and continues to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe 187, demands judgment for compensatory and punitive damages against Defendants Defendant Fr. Ayers and Archdiocese of Philadelphia, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT I - CHILDHOOD SEXUAL ABUSE AND VICARIOUS LIABILITY**  
**Plaintiff, John Doe 187 v. Defendants Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua,**  
**Cardinal Justin Rigali, Mgrs. William Lynn, and William Ayres**

48. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

49. The Archdiocese operates St. Charles Borromeo Seminary. While attending St. Charles Borromeo Seminary, Defendant Fr. Ayers was assigned to work at Incarnation of Our Lord Parish and beginning in approximately 1996, Defendant Fr. Ayres engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiff, in violation of Pennsylvania state law. Said conduct was undertaken while Defendant Fr. Ayers was under the supervision and authority of the Archdiocese, an employee and agent of Defendant Archdiocese, and a Seminarian at the Seminary

operated by the Archdiocese. The conduct by Defendant Ayres was committed while during the course and scope of his employment with Defendant Archdiocese, and/or was ratified by Defendant Archdiocese.

50. Prior to or during the abuse alleged above Defendants, the Archdiocese, Cardinal Bevilacqua, Cardinal Rigali and Msgr. William Lynn, had reason to know or should have had reason to know that Defendant, Fr. Ayres, posed a risk and would harm minors including Plaintiff a minor at the time of the abuse.

51. As a result of the above-described conduct, Plaintiff has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe 187, demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and William Ayres jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT II - NEGLIGENCE**  
**Plaintiff, John Doe 187 v. Archdiocese of Philadelphia**

52. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

53. The Archdiocese had a duty to protect the minor Plaintiff when he was entrusted to its care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to the Archdiocese when Plaintiff attended functions sponsored by the Archdiocese and when on

properties and premises operated by the Archdiocese. The Archdiocese voluntarily accepted the entrusted care of Plaintiff. As such, the Archdiocese owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care to protect children from harm that is owed them by adults supervising children in their care. Plaintiff was owed by the Archdiocese a duty to be protected from harm inflicted upon the Plaintiff by Defendant Fr. Ayers when Plaintiff attended the churches where Defendant Fr. Ayers was assigned and served, and when Plaintiff preformed his duties as an altar boy at Incarnation of Our Lord Parish.

54. Defendant Archdiocese, by and through its agents, servants and employees, knew or reasonably should have known of Defendant Fr. Ayers' dangerous and exploitive propensities and/or that Defendant Fr. Ayers was an unfit agent because of his sexual interest in children. It was reasonably foreseeable that if the Archdiocese did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to the Archdiocese's care would be vulnerable to sexual abuse by Archdiocese employees, including Defendant Fr. Ayers.

55. The Archdiocese breached the duty of care owed to the minor Plaintiff by failing to protect the Plaintiff from foreseeable harm of the sexual misconduct of employees of the Archdiocese, including Defendant Fr. Ayers.

56. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe 187, demands judgment for compensatory and punitive damages against Defendant, Archdiocese of Philadelphia, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT III - NEGLIGENT SUPERVISION**  
**Plaintiff, John Doe 187 v. Archdiocese of Philadelphia**

57. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

58. The Archdiocese had a duty to provide reasonable supervision of its employee and agent, Defendant Fr. Ayers.

59. It was reasonably foreseeable that employees and agents of the Archdiocese with a sexual interest in children, including Defendant Fr. Ayers, would sexually abuse children unless they were properly supervised.

60. The Archdiocese, by and through its agents, servants and employees, knew, or reasonably should have known, of Defendant Fr. Ayers' dangerous and exploitive propensities and/or that Defendant Fr. Ayers was an unfit agent due to his sexual interest in children. Despite such knowledge, Defendant Archdiocese breached its duty to provide reasonable supervision of Defendant Fr. Ayers who was in the position of trust and authority, even as a seminarian, acting as Roman Catholic parochial administrator, pastor, clergy, religious instructor, counselor, school teacher, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiff.

61. Said acts of sexual abuse occurred upon the premises of the Archdiocese.

62. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and

continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe 187, demands judgment for compensatory and punitive damages against Defendant, Archdiocese of Philadelphia, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT IV - CIVIL CONSPIRACY TO ENDANGER CHILDREN**  
**Plaintiff, John Doe 187 v. Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali Msgr. William Lynn and Fr. William Ayres**

63. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

64. Defendants Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, Fr. William Ayres, and in addition, the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops), acting with a common purpose, conspired to endanger the welfare of children, including the Plaintiff, in violation of Pennsylvania law.

65. In Pennsylvania, there is an implied civil cause of action for endangering the welfare of children by a child whose welfare was endangered.

66. Also in Pennsylvania, there is a civil cause of action for negligence per se for violation of the endangering the welfare of children statute.

67. Plaintiff has standing to bring this claim because he was one of the children who was sexually abused as a result of this conspiracy to endanger the welfare of children.

68. The Holy See is the ecclesiastical, governmental, and administrative capital of the Roman Catholic Church. The Holy See is the composite of the authority, jurisdiction, and sovereignty vested in the Pope and his delegated advisors to direct the world-wide Roman Catholic Church, including the Archdiocese.

69. The Holy See controls the Archdiocese by appointing the Archbishop and by promulgating the policies and procedures, including policies and procedures regarding handling reports of childhood sexual abuse that must be followed by the Archdiocese and the Archbishop of the Archdiocese who, in this case, was Cardinal Bevilacqua until succeeded by Cardinal Rigali.

70. The Holy See has control of all seminaries in the United States including Pennsylvania, where it trains agents in its 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 relationship between the Holy See and its educational institutions like seminaries. According to the Catholic Church Extension Society, no matter where located or how structured, every institution 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 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.

71. The Holy See directly controls the standards, morals, and obligations of the clergy of the Catholic Church. The 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.

72. All bishops, clergy, priests and seminarians answer to the Holy See and its leader, the Pope. The Holy See also examines, and is responsible for, the work and discipline and all those things which concern bishops, superiors of religious orders, priests, deacons of the religious clergy, and

seminarians who aspire to fill those roles and are evaluated for that purpose during seminary. In furtherance of this duty, the Holy See requires bishops to file a report, on a regular basis, outlining the status of, and any problems with, clergy.

73. The Holy See has established exclusive policies and standards that dictate how sexual abuse of children by its employees, including its clergy and seminarians, 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, the Holy See is an integral part of the day-to-day handling of cases of child sex abuse by clergy.

74. In 1962, the Holy See released the confidential document, Instruction on The Manner of Proceeding in Cases of Solicitation, (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 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. This document requires the Archdiocese to conceal incidents of childhood sexual abuse by priests, employees or agents of the Archdiocese, and did so as to the abuse of the Plaintiff. This document requires the Archdiocese to keep any documents that evidence childhood sexual abuse by a priest, employee or agent of the Archdiocese in “secret archives.” This document requires the Archdiocese to keep all information relating to childhood sexual abuse by a priest, employee or agent of the Archdiocese completely secret from law enforcement in order to avoid scandal to the world-wide Roman Catholic Church.

75. The overt acts committed in pursuance of the common purpose to endanger the welfare of children include, but are not limited to:

- a. The Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, Fr. William Ayres, and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) maliciously concealed from Plaintiff known incidents of childhood sexual abuse within the Archdiocese, including incidents of childhood sexual abuse by Defendant Fr. Ayers. The concealment of childhood sexual abuse by priests, employees and agents of the Archdiocese is mandated by the Holy See. This concealment directly injured Plaintiff because prior incidents of sexual abuse by Defendant Fr. Ayers were hidden from Plaintiff and Defendant Fr. Ayers was able to gain unsupervised access to Plaintiff as a result. This concealment also directly injured Plaintiff because the concealment by the Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, Defendant Fr. Ayers and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) created a false public impression that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not. This caused the Plaintiff and his family to allow Defendant Fr. Ayers to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.
- b. Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, Fr. William Ayers, and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) implemented programs and procedures that were misrepresented to the public as providing help to victims of childhood sexual abuse by clergy, but were instead maliciously used to develop information to protect the Archdiocese from liability for its

misconduct in handling predatory priests and used to further conceal the identity and illegal activities of predatory priests from law enforcement, parishioners and the public. The Archdiocese victims assistance program was created by and mandated by the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops). This concealment directly injured Plaintiff because the concealment by the Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, Fr. William Ayres, and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) created a false public impression that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not. This caused the Plaintiff and his family to allow Defendant Fr. Ayers to gain access to the Plaintiff and ultimately sexually abuse the Plaintiff.

- c. When a report that an Archdiocese priest had sexually abused a child was made to the Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali and Msgr. William Lynn, and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) maliciously transferred the clergymen, including Defendant Fr. Ayers, to new parishes or other assignments, where the unsuspecting parishioners, including Plaintiff, did not suspect that the priest was an abuser. As a result, Defendant Fr. Ayers gained unsupervised access to Plaintiff and sexually abused the Plaintiff. The Holy See mandates to the Archdiocese that priests, employees and agents of the Archdiocese are to be secretly transferred to new parishes when they are discovered to have sexually abused children.
- d. Instead of protecting Archdiocese children, including Plaintiff, from sexual abuse by known predator priests and other agents and employees, including Defendant Fr. Ayers,

Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali and Msgr. William Lynn and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) instead shielded abusive priests such as Defendant Fr. Ayers, and other abusive agents and employees, from criminal detection, shielded the Archdiocese hierarchy from scandal, and shielded the Archdiocese from financial liability as higher priorities than protecting children. The Holy See required that the Archdiocese shield from criminal liability abusive priests, employees and agents of the Archdiocese. These acts of shielding directly injured Plaintiff because prior incidents of sexual abuse by Defendant Fr. Ayers were hidden from Plaintiff and Defendant Fr. Ayers was able to gain unsupervised access to Plaintiff as a result. These acts of shielding also directly injured Plaintiff because the concealment by the Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) created a false public impression that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not. This caused the Plaintiff and his family to allow Defendant Fr. Ayers to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

- e. Victim assistance coordinators also forced victims to sign releases for records in the possession of third parties, such as outside therapists and the military. The victims are led to believe that these releases would assist the coordinators in helping the victim. Instead, the records secured through the releases are turned over to Archdiocese attorneys and used to defend the Archdiocese against any claims by the victim.

- f. The victim assistance coordinators employed by the Archdiocese regularly discouraged victims from reporting the sexual abuse by a priest to law enforcement.
- g. Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali and Msgr. William Lynn, and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) maintained “secret archive files” containing reports of priest’s, employee’s and other agents of the Archdiocese’s criminal sexual abuse of minors which was withheld from law enforcement. The Holy See required the Archdiocese to keep “secret archive files.” These acts of concealing evidence of criminal sexual conduct of priests, employees and other agents directly injured Plaintiff because prior incidents of sexual abuse by Defendant Fr. Ayers were hidden from Plaintiff and Defendant Fr. Ayers was able to gain unsupervised access to Plaintiff as a result. Maintaining the secret files and concealing evidence of criminal conduct of priests, employees and other agents also directly injured Plaintiff because the concealment by the Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) created a false public impression that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not. This caused the Plaintiff and his family to allow Defendant Fr. Ayers to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.
- h. Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali and Msgr. William Lynn, in cases involving the sexual abuse of minors by priests, employees and other agents, maliciously lied to parishioners about the Archdiocese’s knowledge about the abuse by the priests, employees and other agents. These lies involving criminal sexual conduct of priests, employees and other agents

directly injured Plaintiff because prior incidents of sexual abuse by Defendant Fr. Ayers were hidden from Plaintiff and Defendant Fr. Ayers was able to gain unsupervised access to Plaintiff as a result. The Holy See required that the Archdiocese lie to parishioners about its knowledge of sexually abusive priests, employees and other agents. These lies also directly injured Plaintiff because the concealment by the Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) created a false public impression that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not. This caused the Plaintiff and his family to allow Defendant Fr. Ayers to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

- i. Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali and Msgr. William Lynn maliciously ensured that the internal Archdiocese Review Board, that is responsible for determining whether sexual abuse reports against a clergy member are credible, regularly found allegations of sexual abuse of minors by priests, employees and agents as being “unsubstantiated” even when there was very convincing evidence that the accusations were true. The National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) required the Archdiocese to organize an Archdiocese Review Board and to regularly find allegations of sexual abuse of minors by priests, employees and agents as being unsubstantiated.
- j. Upon information and belief, the Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali and Msgr. William Lynn destroyed documents that were evidence of criminal sexual conduct of children. The Holy See

requires the Archdiocese to destroy documents that were evidence of criminal sexual conduct of children. These acts of destroying evidence of criminal sexual conduct of priests, employees and other agents directly injured Plaintiff because prior incidents of sexual abuse by Defendant Fr. Ayers were hidden from Plaintiff and Defendant Fr. Ayers was able to gain unsupervised access to Plaintiff as a result. Maintaining the secret files and concealing evidence of criminal conduct of priests, employees and other agents also directly injured Plaintiff because the concealment by the Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) created a false public impression that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not. This caused the Plaintiff and his family to allow Defendant Fr. Ayers to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

76. Said acts were committed with malice and with the intention that the welfare of children within the Archdiocese be endangered.

77. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe 187, demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Fr. William Ayers, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

Dated: \_\_\_\_\_

BY: \_\_\_\_\_

**DANIEL F. MONAHAN, ESQUIRE**  
300 N. Pottstown Pike, Ste. 210  
Exton, PA 19341  
610-363-3888  
[dmonahan@JDLLM.com](mailto:dmonahan@JDLLM.com)

**MARCI A. HAMILTON, ESQUIRE**  
36 Timber Knoll Drive  
Washington Crossing, PA 18977  
215-353-8984  
[hamilton02@aol.com](mailto:hamilton02@aol.com)

**JEFFREY R. ANDERSON, ESQUIRE**  
Attorney I.D. No. 310877  
366 Jackson Street, Suite 100  
St. Paul, MN 55101  
651-227-9990  
[jeff@andersonadvocates.com](mailto:jeff@andersonadvocates.com)

Attorneys for Plaintiff John Doe 187

**VERIFICATION**

I, Daniel F. Monahan, Esquire, verify that I am the attorney for the Plaintiff and that the facts set forth in the foregoing Plaintiff's Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Daniel F. Monahan, Esquire

Dated: October 19, 2011