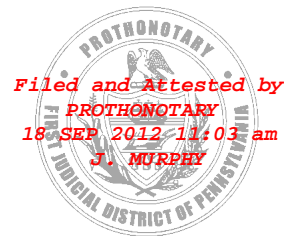


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Attorneys for Plaintiff

John Doe 203 :
c/o Monahan Law Practice, P.C. :
7 Great Valley Parkway, Suite 290 :
Malvern, PA 19355 :
Plaintiff, :
v. :
ARCHDIOCESE OF PHILADELPHIA :
222 N. 17th Street :
Philadelphia, PA 19103 :
and :
CARDINAL JUSTIN RIGALI :
222 N. 17th Street :
Philadelphia, PA 19103 :
and :
ARCHBISHOP CHARLES J. CHAPUT :
222 N. 17th Street :

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY,
PENNSYLVANIA

CIVIL ACTION

JURY TRIAL DEMANDED

_____ TERM, 2012

NO. _____

Philadelphia, PA 19103 :
and :
MSGR. WILLIAM LYNN :
c/o State Correctional Institution Waymart :
PO Box 256, Route #6 :
Waymart, PA 18472 :
and :
RESURRECTION OF OUR LORD SCHOOL :
2000 Shelmire Avenue :
Philadelphia, PA 19152 :
and :
ROBERT L. BRENNAN :
222 N. 17th Street :
Philadelphia, PA 19103 :
: :
Defendants. :
_____ :

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.

Philadelphia Bar Association
Lawyer Referral and Information Service
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John Doe 203	:	COURT OF COMMON PLEAS
c/o Monahan Law Practice, P.C.	:	PHILADELPHIA COUNTY,
7 Great Valley Parkway, Suite 290	:	PENNSYLVANIA
Malvern, PA 19355	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	
	:	
ARCHDIOCESE OF PHILADELPHIA	:	JURY TRIAL DEMANDED
222 N. 17 th Street	:	
Philadelphia, PA 19103	:	_____ TERM, 2012
	:	
and	:	
CARDINAL JUSTIN RIGALI	:	NO. _____
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Philadelphia, PA 19103	:	
	:	
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222 N. 17th Street :
Philadelphia, PA 19103 :
: :
Defendants. :
_____ :

COMPLAINT

Plaintiff John Doe 203, by and through his undersigned counsel, brings this Complaint and sets forth as follows:

The Parties

1. Plaintiff is an adult male individual who is a citizen and resident of Pennsylvania. The Plaintiff was the victim of a sex crime when he was a minor, and his identity is not pleaded in this Complaint in order to protect it. The identity of the Plaintiff will be made known to the Defendants by separate communication upon their agreement to maintain his identity as confidential with respect to the public record.

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. 17th Street, Philadelphia, Pennsylvania 19103. The

Archdiocese is organized, exists and operates pursuant to and by virtue of the laws of the Commonwealth of Pennsylvania.

3. 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 now deceased Cardinal Anthony Bevilacqua. Defendant Lynn is now incarcerated. Cardinal Bevilacqua was Archbishop of the Archdiocese from 1987 to 2003.

4. Cardinal Justin Rigali is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who was the Archbishop of the Archdiocese from 2003 to his retirement in 2011.

5. Archbishop Charles J. Chaput is the current Archbishop of the Archdiocese, having been appointed in 2011. He is joined as a defendant in this action because he is a party necessary for complete relief.

6. Resurrection of Our Lord School is a Roman Catholic school, owned and operated by the Archdiocese of Philadelphia with its principal place of business at 2000 Shelmire Avenue, Philadelphia, PA 19152. It is referred to in this complaint as Resurrection.

7. Robert L. Brennan is an individual and citizen of Philadelphia County, who was employed as a Roman Catholic priest in ministry within the Archdiocese from 1988 to the present. Since 2004 he has been assigned as Chaplain at Camilla Hall, a retirement home for nuns at 1145 West King Road, Malvern, PA 19355. Defendant Brennan has been repeatedly accused of misconduct since 1988, but has been effectively protected by other Defendants who preferred to permit Brennan to continue to molest children rather than take action against him. A section of the 2005 Philadelphia Grand Jury Report on sexual abuse within the Archdiocese discusses information about him beginning at page 405.

Facts about the Archdiocese and Its Agents

8. In 2005 the Philadelphia District Attorney's office released the Report of a Grand Jury which pertained to operations of the Archdiocese. It is referred to in this complaint as the 2005 Grand Jury Report. That report had investigated child sexual abuse by priests of the Archdiocese and documented that the Archdiocese covered up abuse, "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. The primary goal of the Archdiocese was to "reduce the risk of 'scandal' to the Church." 2005 Grand Jury Report at 34.

9. 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." 2005 Grand Jury Report at 34.

10. Through Cardinal Bevilacqua, the Archdiocese seriously understated the number of accused priests in the Archdiocese and "misled the public when he [Bevilacqua] 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 53-54. Through Bevilacqua, the Archdiocese "repeatedly was not forthright with the Grand Jury." 2005 Grand Jury Report at 54. The 2011 Grand Jury Report, at 23, referred to one specific instance where the Archdiocese, through Cardinal Bevilacqua, affirmatively misrepresented information to the 2005 Grand Jury.

11. "[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.

12. The 2005 Grand Jury Report also stated that Vicar of Administration, Auxiliary Bishop Edward R. Cullen, now bishop emeritus of Allentown, PA, confirmed for the grand jury that the Secretary for Clergy was permitted to assign a priest accused of abuse of minors if there was no definitive proof of abuse, or if the priest was “rehabilitated” according to the standards of the Archdiocese, or if the allegations were sufficiently old that the statute of limitations had expired. 2005 Grand Jury Report at 152.

13. The Archdiocese responded publicly to the 2005 Grand Jury Report. Through its agents, using statements Archbishop Rigali knew at the time knew were false, but the falsity of which has only in 2012 become apparent, officials of the Archdiocese represented to the public that the content of the 2005 Grand Jury Report was not to be regarded as accurate. The agents of the Archdiocese publicly stated the report was “reckless rhetoric, dispensed from any burden of proof,” and “not responsible law enforcement.” (Both in the Response on page 5). Through Cardinal Rigali, the Archdiocese held a press conference portraying the Archdiocese, through statements known only in 2012 to have been false, about the extent of the cooperation by the Archdiocese with the 2005 Grand Jury and the commitment by the Archdiocese to protect children from sexual abuse. The tactics used by the Archdiocese in 2005 were deliberately misleading, and were used specifically to dissuade the public, including persons such as the Plaintiff, from pursuing legal action against the Archdiocese and other potential defendants.

14. In 2011, the Philadelphia District Attorney’s office issued a second Grand Jury Report on sexual abuse in the Archdiocese. It is referred to in this Complaint as the 2011 Grand Jury Report.

15. The 2011 Grand Jury Report further reported that the Archdiocese has a long history of sexual abuse of children by Archdiocese priests that was known, tolerated, and hidden

by the agents of the Archdiocese, including high church officials up to and including Monsignor William Lynn and Cardinal Bevilacqua. Procedures supposedly implemented to help victims of sexual abuse were instead used to assist the abusive priests and the Archdiocese to avoid liability. Victims were assured by the Archdiocese, falsely, of confidentiality for statements made to the Archdiocese, but then the statements were used by counsel to build defenses for the Archdiocese and to impeach victims.

16. The 2011 Grand Jury Report states, at page 1:

“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.”

17. The 2011 Grand Jury Report establishes that the Archdiocese, under Cardinal Rigali, had made small changes, but continued to tolerate, and to actively conceal, the sexual abuse of children by Archdiocese priests, and did so 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, the 2011 Grand Jury Report at 23.

18. 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.

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

20. 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.

21. “[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.

22. 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.

23. In February and May, 2011, the Archdiocese again responded publicly to the 2011 Grand Jury Report, as it had done for the report in 2005. The response by the Archdiocese was again calculated to try to persuade victims, such as the Plaintiff, using false statements known only in 2012 to have been false, that the 2011 Grand Jury Report was not accurate. The Archdiocese in its public responses to the 2011 Grand Jury Report sought to dissuade victims,

such as the Plaintiff, from initiating action against the Archdiocese and others responsible for abuse, and to persuade the public that the Archdiocese was not as irresponsible and callous as in fact it actually had been and continued to be. Among other things, documents were withheld from the Grand Jury even as the Archdiocese publicly claimed to have cooperated fully with the Grand Jury.

24. In June, 2012, Monsignor William Lynn, the second-highest ranked official of the Archdiocese, was convicted of felony child endangerment. Throughout his trial, the Archdiocese maintained that Lynn was innocent of the charges against him when the Archdiocese knew the assertion was false.

25. During the trial, which culminated in a guilty verdict against Lynn, substantial evidence was introduced that the Archdiocese has had, and maintains, a policy and practice of concealing sexual abuse and protecting priests who engage in abusive behaviors, while simultaneously representing to victims and the public that there was no basis for claims to be made against the Archdiocese. The Archdiocese continued to maintain, as it had in 2005 and 2011, that it did not endanger children. The Archdiocese made those public comments knowing its public comments were disingenuous, misleading, and false.

26. Msgr. Lynn maintained through his criminal trial for endangering the welfare of children during the summer of 2012, that he did not endanger children, but rather the bishops were responsible. He was simply following orders.

27. The deliberately misleading tactics by the Archdiocese and other Defendants, which continue, are affirmative independent acts of fraudulent concealment by which the Defendants intend to dissuade and discourage persons such as the Plaintiff from initiating action to hold them accountable for the Plaintiff's childhood sexual abuse and the sexual abuse of others.

Facts About the Plaintiff And His Abuse

28. As a child, Plaintiff attended the Archdiocese's school, Resurrection, in Philadelphia, beginning in the early 1990s.

29. Defendant Brennan was assigned to Resurrection of Our Lord Parish, which included the Resurrection school, from December 1993 through June 2004.

30. Multiple complaints had been made about Defendant Brennan starting in 1988, the year he first became a pastor, and those complaints reached Cardinal Bevilacqua in 1988. In 1988, Bevilacqua met with the parents of one of Defendant Brennan's victims. No action was taken to remove Defendant Brennan, ratifying his behavior and implicitly approving Defendant Brennan's access to minors for the purpose of sexually abusing them. Defendant Brennan had the sanction of the Cardinal for his concealed sexual abuse of minors, and all Defendants elected to defer to the Cardinal. When Cardinal Rigali assumed the position as Archbishop of the Archdiocese, he continued the sanction of Brennan's sexual abuse of minors and that it should be concealed.

31. As is typical of priests when bishops become aware they have sexually abused children, Defendant Brennan was often moved from one position and parish to another. This is his assignment history:

06/1964–06/1970 Assistant Pastor, St. Pius X, Broomall
06/1970–11/1974 Assistant Pastor, Our Lady of Calvary, Phila
11/1974–06/1975 Assistant Pastor, Stella Maris, Phila
06/1975–09/1976 Coordinator, Local Committee on the Eucharist Congress
06/1975–06/1981 Residence: Stella Maris, Phila
09/1976–06/1981 Assistant Pastor, Stella Maris, Phila
06/1981–06/1986 Assistant Pastor, St. George, Glenolden
06/1986–06/1988 Assistant Pastor, St. Helena, Phila
06/1988–01/1989 Pastor, St. Ignatius, Yardley
01/1989–09/1989 Resident Priest, St. Eleanor, Collegeville
09/1989–06/1990 Parochial Administrator, St. Mary, Schwenksville
06/1990–09/1992 Pastor, St. Mary, Schwenksville
09/1992–12/1993 Leave of Absence
09/1992–06/1993 Residence: Saint John Vianney Center
06/1993–12/1993 Residence: Private Residence

12/1993–06/2004 Parochial Vicar, Resurrection of Our Lord, Phila
06/2004–09/2005 Chaplain, Camilla Hall (Immaculata, PA)
06/2004–09/2005 Residence: Camilla Hall (Immaculata, PA)

32. By 1993, numerous complaints had been made about Defendant Brennan's interactions with boys such as the Plaintiff, and Brennan had been sent to therapy in response to those complaints, although Cardinal Bevilacqua misrepresented to the public that Brennan's absence was for treatment of Lyme's disease, a knowingly false statement by Bevilacqua.

33. After his family moved to Resurrection, Plaintiff struggled with the move and his relationship with his family became strained.

34. Plaintiff served as an altar boy at Resurrection when he was in the Fifth Grade. Through his service as an altar boy, he met Defendant Brennan, who fostered a relationship with Plaintiff. No one warned Plaintiff that Defendant Brennan was known to act inappropriately with boys.

35. Plaintiff confided in Defendant Brennan with regard to his struggles with the move and his family. Plaintiff's parents thought it was good that Plaintiff developed a relationship with a priest and accepted the implicit representation by the Archdiocese and other Defendants, which was false and known by them at the time to have been false, that Defendant Brennan was trustworthy and posed no danger to the Plaintiff.

36. Plaintiff and his family relied on those implicit representations about Defendant Brennan and trusted Brennan as a mentor and a priest.

37. Defendant Brennan began to isolate himself with the Plaintiff when he was a minor, taking him to a movie, dinner, or spending time with Plaintiff at Brennan's office in the rectory. Defendant Brennan provided alcohol to the Plaintiff when he was a minor.

38. Defendant Brennan had implicit approval from other Defendants to sexually abuse children within the Archdiocese. Prior complaints about Defendant Brennan was ignored,

and his reassignment to Resurrection implicitly approved his continuing to take advantage of, and sexually abuse, any child within the Archdiocese.

39. As he was implicitly authorized to do by the other Defendants, Brennan took advantage of his relationship with the Plaintiff and began to sexually abuse him when he was in elementary school. Defendant Brennan would place his hands on the Plaintiff's genitals and would kiss the Plaintiff. Defendant Brennan had him change clothes in front of Defendant Brennan. During Plaintiff's "confessions," which Defendant Brennan would hear, Defendant Brennan would talk in great detail about masturbation, so as to further sexualize the Plaintiff when the Plaintiff was a child.

40. The 2005 Grand Jury Report sets forth starting at page 405 the implicit approval given to Defendant Brennan by the Defendants for his known sexual abuse of minors. In the public response by the Archdiocese to the 2005 Grand Jury Report, which contested the Report, no exception was made for the information reported about Brennan. Defendants all denied the information reported about Defendant Brennan in 2005.

41. Defendant Brennan was ordained as a Roman Catholic Priest in 1964 and began to be assigned to duties within the Archdiocese. Those positions included:

- a. June 1964 through June 1970, Assistant Pastor, St. Pius X Parish, Broomall.
- b. November 1974 through June 1975, Assistant Pastor, Stella Maris Parish, Philadelphia.
- c. June 1975 through September 1976, Coordinator, Local Committee on the Eucharist Congress Assistant.
- d. September 1976 through June 1981, Pastor, Stella Maris Parish, Philadelphia.
- e. June 1981 through June 1986, Assistant Pastor, St. George Parish, Glenolden.
- f. June 1986 through June 1988, Assistant Pastor, St. Helena Parish, Philadelphia.
- g. June 1988 to November 12, 1988, Pastor, St. Ignatius

- h. November 12, 1988 to December 12, 1988, Brennan was sent to Saint John Vianney Hospital to consult with mental health professionals. The Defendants publicly misrepresented the assignment and the mental health review for Brennan, according to the instruction of Cardinal Bevilacqua, as Brennan's being "on retreat." To facilitate continual sexual abuse of minors by Brennan and others, Cardinal Bevilacqua directed that "in all cases involving sexual abuse, parishioners were not to be told the true reason for removal." 2005 Grand Jury Report at 407, referring specifically to Defendant Brennan's 1988 assignment to Saint John Vianney Hospital. All Defendants elected to comply with the directive of Cardinal Bevilacqua, and Cardinal Rigali continued that practice of deliberate misrepresentation when he became Archbishop, since anything other than a practice of deliberate misrepresentation would interfere with sexual abuse of minors, and sexual abuse of minors was an acceptable cost of protecting the Defendants from "scandal."
- i. On December 24, 1988 Defendant Brennan resigned as Pastor of St. Ignatius. He remained at Saint Eleanor Church in Collegeville, PA, with full priestly faculties. 2005 Grand Jury Report at 408. When the Defendants responded publicly to the 2005 Grand Jury Report, no exception was made in their protestations about the Grand Jury Report for this information about Brennan. It was implicitly denied, and contested, by the Defendants in the public response to the 2005 Grand Jury Report, even though the Defendants were aware their protestations were false. The misrepresentations were deliberate, and part of what Defendant Lynn publicly acknowledged only in 2012 was a conspiracy within the Archdiocese.
- j. December 24, 1988 to September 1989, Brennan was sent for a second psychological review but Brennan was permitted to deny, without correction by

the Defendants to the mental health therapist conducting the review, allegations of Defendant Brennan's known sexual misconduct. When the Defendants responded publicly to the 2005 Grand Jury Report, no exception was made in their protestations about the Grand Jury Report for this information about Brennan. It was implicitly denied, and contested, by the Defendants in the public response to the 2005 Grand Jury Report, even though the Defendants were aware their protestations were false. The misrepresentations were deliberate, and part of what Defendant Lynn publicly acknowledged only in 2012 was a conspiracy within the Archdiocese. Cardinal Bevilacqua "assured" Brennan he would be given another pastorate, despite the knowledge of his misconduct. The psychological review was used merely to cover up Brennan's known misconduct.

- k. September 1989 to June 1990, parochial administrator St. Mary's Parish in Schwenksville, PA.
- l. June 1990 to July 22, 1992 Pastor, St. Mary's Parish in Schwenksville, PA.
- m. July 22, 1992, Cardinal Bevilacqua assigned Defendant Brennan to his third psychological evaluation, a four day stay at Saint John Vianney Hospital.
- n. August 6, 1992 Defendant Brennan resigned as pastor of St. Mary's, falsely citing health reasons related to "Lyme's disease" when in fact he resigned because after his four day outpatient treatment the therapist recommended inpatient treatment. 2005 Grand Jury Report at 412. When the Defendants responded publicly to the 2005 Grand Jury Report, no exception was made in their protestations about the Grand Jury Report for this information about Brennan. It was implicitly denied, and contested, by the Defendants in the public response to the 2005 Grand Jury Report, even though the Defendants were aware their protestations were false.

The misrepresentations were deliberate, and part of what Defendant Lynn publicly acknowledged only in 2012 was a conspiracy within the Archdiocese.

- o. August 6, 1992 to June 14, 1993, in-patient treatment at Saint John Vianney Hospital for known sexual misconduct, after which Defendant Brennan was identified (despite lack of full information given to therapists by the Defendants) as a “future risk” to children. 2005 Grand Jury Report at 414. After that treatment Defendant Brennan was given no restrictions on his faculties to minister, even though it was known that restrictions were necessary, and was known that third parties assessed Defendant Brennan as presenting a risk to children.
- p. From June 14, 1993 to December 15, 1993 Defendant Brennan had no assignment as a priest, but also had no restriction placed on his faculties to minister. He enjoyed all of the deference and authority to which a person identified by the Defendants as a "priest" was entitled.
- q. December 15, 1993, Cardinal Bevilacqua, consistent with his practice to promote sexual abuse of minors and conceal misconduct by those who sexually abused minors, appointed Defendant Brennan to be assistant pastor at Resurrection Parish. All Defendants elected to maintain the concealment required by Cardinal Bevilacqua on matters about sexual abuse. As a result of the actions of the Defendants, Defendant Brennan was able to enjoy unsupervised access to the Plaintiff after this appointment by Bevilacqua and the collective concealment by Defendants of Defendant Brennan’s known risk to children. Brennan held that position until June 2004 and continued his sexual misconduct with children, as Defendant knew or should have known he would do. Plaintiff’s sexual abuse by

Brennan was an acceptable cost to maintain secrecy about Brennan's sexual misconduct.

- r. From June 2004 to the present Defendant Brennan has been the Chaplain at Camilla Hall, a retirement home for nuns in Malvern, PA.

42. Prior to the time that Defendant Brennan sexually abused the Plaintiff, Cardinal Bevilacqua, Msgr. Lynn and the Archdiocese were aware or should have been aware that Defendant Brennan had sexually abused children:

- a. In 1988, immediately upon being assigned to St. Ignatius Parish in Yardley, Fr. John C. Marine reported to the Chancellor of the Archdiocese, Msgr. Samuel E. Shoemaker, that from the first day at that Parish, Defendant Brennan's "actions with young boys and teenagers caused Father Marine to feel very ill at ease." According to Fr. Marine, Defendant Brennan's interest in boys was "extreme."
- b. In 1988, Fr. Marine also reported that Defendant Brennan had minor boys from his previous assignment at St. Helena Parish spend the night with Defendant Brennan in the St. Ignatius Parish rectory.
- c. In 1988, Fr. Marine reported his concerns to Msgr. Lynn and Msgr. Alexander Palmieri and that Fr. Marine was concerned that something more might be happening with the boys.
- d. In 1988, Msgr. Schumaker interviewed a 13-year-old boy who answered the telephone in the St. Ignatius rectory, and his parents. At that interview, the boy reported that Defendant Brennan had the boy sit on Defendant Brennan's lap and Defendant Brennan rubbed the boy's belly at the same time. During this interview and after interviews with the St. Ignatius rectory secretary and cook, Msgr. Shoemaker and the Archdiocese learned the names of six boys from St. Ignatius with whom Defendant Brennan had been inappropriate. Consistent with

the 1988 directive of Cardinal Bevilacqua, all Defendants elected to maintain the information as confidential, and the affirmatively deny the information to parishioners and the public.

- e. In response to the 1988 complaints, Defendant Brennan was sent for a psychological evaluation at St. John Vianney Hospital in Downingtown, Pennsylvania. Instead of telling parishioners the truth as to why Fr. Brennan was sent to St. John Vianney, the Archdiocese told parishioners that Fr. Brennan was “on retreat.”
- f. This active misrepresentation about Defendant Brennan was consistent with Cardinal Bevilacqua’s directive that deliberate misrepresentations were to be given to parishioners when a priest was removed for reasons related to sexual abuse of one or more minors. The practice of intentional deception was specific to sexual abuse of children, and was known to facilitate the sexual abuse of children.
- g. In early 1991, Fr. Rymdeika, a teacher at St. Pius X High School reported to the Archdiocese that Defendant Brennan’s behavior with students was “very alarming” and suspect.
- h. On March 18, 1991, five 7th grade boys from the grade school at St. Mary’s Parish in Schwenksville, PA, reported to the principal at that school that Defendant Brennan had touched them in inappropriate ways. The youths were altar boys or worked in the rectory answering the telephone. One of the boys also reported that Defendant Brennan had numerous boys staying at the rectory in Defendant Brennan’s bedroom.
- i. In 1992, another student from St. Mary’s reported to the Archdiocese that Defendant Brennan had touched his “butt” and had the student sit on Defendant

Brennan's lap. The student also reported that Defendant Brennan had been inappropriate with another student by doing "weird things . . . touching him and stuff." 2005 Grand Jury Report at 411.

- j. On July 22, 1992, Defendant Brennan was sent for another psychological evaluation at St. John Vianney Hospital. After the evaluation, Defendant Brennan entered sexual abuser treatment for a period of 10 months.
- k. According the therapists and evaluators of Defendant Brennan, Defendant Brennan presented a future risk of reoffending and sexually abusing other boys. One therapist observed that Defendant Fr. Brennan has very serious problems which might predispose the Archdiocese to major scandal and litigation in the future. 2005 Grand Jury Report at 414. When the Defendants responded publicly to the 2005 Grand Jury Report, no exception was made in their protestations about the Grand Jury Report for this information about Brennan. It was implicitly denied, and contested, by the Defendants in the public response to the 2005 Grand Jury Report, even though the Defendants were aware their protestations were false. The misrepresentations were deliberate, and part of what Defendant Lynn publicly acknowledged only in 2012 was a conspiracy within the Archdiocese.
- l. Despite these warnings, Cardinal Bevilacqua appointed Defendant Brennan as the assistant pastor at Resurrection Parish where Defendant Brennan took advantage of the opportunity he was given by Defendants, as was known he would, to sexually abuse the Plaintiff and other children.
- m. At the same time that Defendant Brennan was assigned to Resurrection Parish, Cardinal Bevilacqua instructed Msgr. Lynn to check with legal counsel and ask, in the event of a "public relations crisis in this case, can we say that Fr. Brennan

had been sent away and can we have a statement that he is not a pedophile?" This directive was part of the coordinated plan of action among the Defendants to actively conceal matters related to sexual abuse of minors.

- n. After being assigned to Resurrection Parish, Defendant Brennan operated without restriction, so had full access to and opportunity to sexually abuse the Plaintiff and other children. No one from the Archdiocese informed the pastor, Fr. Scanlon, about Defendant Brennan's known four year history of inappropriate conduct with children. No one from the Archdiocese asked the pastor to supervise Defendant Brennan or to report any suspicious behavior by Defendant Brennan. Fr. Scanlon was never told to keep Defendant Brennan away from youth.
- o. While Defendant Brennan was assigned to Resurrection Parish, the social minister at the Parish, Marie McGuire, repeatedly reported Defendant Brennan's inappropriate and sexual behavior with adolescent boys. In response to the social minister's reports, the pastor of Resurrection Parish told her to "shut up," and she was later removed because she complained. Father Scanlon, who also complained about Defendant Brennan, was also removed. The Defendants protected Brennan in his position so as to facilitate his sexual abuse of children, including the Plaintiff. Continued sexual abuse of children was an acceptable cost of maintaining secrecy about the sexual abuse.

43. Defendant Brennan sexually abused the Plaintiff, as Defendants knew or should have known Defendant Brennan would do.

44. After the Plaintiff was sexually abused by Defendant Brennan, the Defendants continued to ignore reports that Defendant Brennan was being sexually inappropriate with parish boys, and did so as to conceal their knowledge, prior to the sexual abuse of Defendant Brennan

of the Plaintiff, so as to facilitate Brennan's ability to continue to sexually abuse children without being accountable to the Plaintiff for Defendant Brennan's having sexually abused him.

- a. On June 11, 1996, Fr. Scanlon reported to Msgr. Lynn a number of incidents of sexual inappropriateness by Defendant Brennan, including that Defendant Brennan had been seen to be on top of a boy in the sacristy, wrestling with boys and taking boys in Defendant Brennan's car to the mall and for ice cream. In his notes from the meeting, Msgr. Lynn wrote, referring to Defendant Brennan for purposes of discussing Defendant Brennan with the Archbishop, "may want to move but maybe shouldn't" and "powder-keg situation I believe."
- b. Despite these reports and all of Defendant Brennan's known history, Cardinal Bevilacqua allowed Fr. Brennan to remain at Resurrection Parish with no restrictions on his ministry, consistent with the secrecy practiced by Defendants for all matters related to sexual abuse of children.

45. Defendant Brennan continues to be a priest.

46. Upon information and belief, including the factual findings published in the 2005 and 2011 Philadelphia Grand Jury Reports, the Archdiocese has a long history of concealing the sexual abuse of children by its clergy, which the Defendants have repeatedly and publicly denied.

47. Upon information and belief, Msgr. Lynn acted as the personnel director for priests.

48. In that role, it was Msgr. Lynn's job to review all reports of abuse, to recommend action, and to monitor the abuser's future conduct.

49. Msgr. William Lynn assisted priests that Lynn knew had sexually abused children by helping those priests obtain new assignments within the Archdiocese in order to conceal their

criminal activity. Specific details of his having done so are published in the 2011 Grand Jury Report at 43-53, and those details are incorporated into this complaint as if fully stated.

50. Other details of Defendant Lynn's active efforts to enable sexual abuse of minors are published in the 2005 Grand Jury Report. The information in those Grand Jury Reports have been denied by Defendants.

51. Msgr. Lynn's purposeful failure to remove pedophile priests caused Msgr. Lynn to be charged by the Philadelphia County District Attorney with endangering the welfare of a child, a felony of the third degree. A jury of his peers convicted Msgr. Lynn of endangering the welfare of a child in 2012.

52. Msgr. Lynn did more than passively allow the molesters to remain in positions where they could continue to prey on children. When victims complained or scandal threatened, Msgr. Lynn recommended that the abuser be transferred to a new parish, 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 by repeating the abusive acts which caused them to be moved by Lynn.

53. By Lynn's actions he assured offending priests of a continuing supply of child victims. As put by the 2011 Grand Jury Report, at 53, italics in the original, "abusive priests were able to secure victims and molest, sodomize, or rape them *because of* actions taken deliberately by Msgr. Lynn."

54. Protecting children was not Msgr. Lynn's priority, so for decades he made no reports of the criminal activity about which he was informed. Sexual assault of children was, for Lynn, an acceptable consequence of his priority to protect each of the offending priests.

55. As discussed in the 2011 Grand Jury Report at 23 – 24, Msgr. Lynn complied with and followed the policy established by Cardinal Bevilacqua while he was Archbishop of the Archdiocese, discussed in the 2005 Grand Jury Report at 36, that in all cases involving the sexual

abuse of minors by priests, parishioners were to be lied to about the knowledge Archdiocese officials had about the abuse by priests.

56. The Archdiocese holds out its “Victims Assistance Program,” falsely, as a program intended to assist victims.

57. In 1994, Msgr. Lynn, acting as Secretary for Clergy, and as part of the conspiracy to cover up abuse in the Archdiocese, compiled an internal list of 35 priests who were “guilty” of sexual abuse or who had been accused of child sex abuse. Defendant Brennan was named on the list.

58. Cardinal Bevilacqua ordered that list of 35 priest abusers be shredded. A handwritten note from the late Msgr. James E. Molloy described the Cardinal ordering that the list be shredded, which was done by Molloy, and witnessed by Joseph R. Cistone, now bishop of Saginaw, Michigan.

59. Vicar of Administration, Edward P. Cullen, participated in a meeting to discuss what to do with the list of 35 abuser priests, along with Bevilacqua, Molloy, and Lynn.

60. The Archdiocese publicly promotes its Victim Assistance Program as a way for victims of sexual abuse to get help when in fact, the victim assistance programs are used by the Archdiocese to gather 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 starting at 77, 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.

61. 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 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.

62. 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 - 8, 77 - 83.

63. Although various former victims confirmed abuse by Defendant Brennan, there was no report made about Brennan. The Archdiocese made no acknowledgment that it had knowledge that Defendant Brennan was dangerous to children prior to Plaintiff's abuse by Brennan, or even after that abuse.

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

65. 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.

66. The sexual abuse and exploitation of the 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.

67. 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.

COUNT I - CHILDHOOD SEXUAL ABUSE AND VICARIOUS LIABILITY
Against Defendants Robert L. Brennan and Archdiocese of Philadelphia

68. 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.

69. Starting after December 15 1993, Robert L. Brennan 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 the Defendant Brennan was an employee and agent of Defendant Archdiocese at Defendant Resurrection, while in the course and scope of employment with Defendant Archdiocese, and/or was ratified by Defendant Archdiocese.

70. Prior to or during the abuse alleged above, the Archdiocese knew, had reason to know, or were otherwise on notice of the unlawful sexual conduct of Defendant Brennan and/or other priests within the Archdiocese. The Archdiocese failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by Brennan, including, but not limited to, preventing or avoiding placement of Brennan in functions or environments in which contact with children was an inherent part of those functions or

environments. Furthermore, at no time during the periods of time alleged did the Archdiocese have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to ensure that they did not molest or abuse minors in the care of the Archdiocese, including the Plaintiff.

71. The statute of limitations on this claim is tolled until 2012, when Defendant Lynn was convicted of child endangerment for failing to report persons known to be dangerous to children. The statute of limitations is tolled because the Archdiocese fraudulently concealed its knowledge about Brennan, falsely denied all wrongdoing as to Brennan, failed to further investigate the wrongdoing Plaintiff and others reported, and Archdiocese officials had allowed Defendant Brennan to continue functioning as a priest at Resurrection and elsewhere in the Diocese. These actions by the Archdiocese, and its repeated denials of wrongdoing in its responses to the two grand jury reports, caused Plaintiff to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to the Plaintiff. Such conduct deceived Plaintiff into understanding that Plaintiff had no claim or injury from the sexual contact. It was not until Defendant Lynn was convicted that Plaintiff could have learned that objective information existed which cast doubt on the repeated denials of the Archdiocese about Defendant Brennan and other priests, indicating that abuse of the Plaintiff had occurred and were injurious to Plaintiff.

72. Archdiocese officials allowed Defendant Brennan to continue to be a priest and permitted him to retire. These actions caused Plaintiff to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to the Plaintiff. Such conduct deceived Plaintiff into understanding that Plaintiff had no claim or injury from the sexual contact.

73. 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 demands judgment for compensatory and punitive damages against Defendants Brennan 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 II - NEGLIGENCE
Against the Archdiocese of Philadelphia

74. 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.

75. The Archdiocese had a duty to protect the minor Plaintiff when he was entrusted to their care by Plaintiff's caregivers. Plaintiff's care, welfare, and/or physical custody were temporarily entrusted to the Archdiocese, and 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 that adults dealing with children owe to protect them from harm.

76. Defendant Archdiocese, by and through its agents, servants and employees, knew or reasonably should have known of Defendant Brennan's dangerous and exploitive propensities and/or that Brennan was an unfit agent. It was 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 Brennan.

77. Defendants breached their duty of care to the minor Plaintiff by failing to protect the Plaintiff from foreseeable harm from the sexual misconduct of employees of the Archdiocese, including Brennan. Defendants further breached their duty of care by failing to warn the Plaintiff of the propensities of the perpetrator and by failing to provide a safe and secure environment for the Plaintiff.

78. The statute of limitations on this claim is tolled until 2012, when Defendant Lynn was convicted of child endangerment for failing to report persons known to be dangerous to children. The statute of limitations is tolled because the Archdiocese fraudulently concealed its knowledge about Brennan, falsely denied all wrongdoing as to Brennan, failed to further investigate the wrongdoing Plaintiff reported, and Archdiocese officials allowed Defendant Brennan to continue functioning as a priest in Resurrection and elsewhere in the Diocese, and permit him to function as a priest to this day. These actions caused Plaintiff to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to the Plaintiff. Such conduct deceived Plaintiff into understanding that Plaintiff had no claim or injury from the sexual contact. It was not until Defendant Lynn was convicted that Plaintiff could have learned that objective information existed which cast doubt on the repeated denials of the Archdiocese about Defendant Brennan and other priests, indicating that abuse of the Plaintiff had occurred and were injurious to Plaintiff.

79. 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 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
Against the Archdiocese of Philadelphia

80. 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.

81. The Archdiocese had a duty to provide reasonable supervision of its employee and agent, Defendant Brennan.

82. It was reasonably foreseeable that employees and agents of the Archdiocese, including Defendant Brennan, would sexually abuse children unless they were properly supervised. Indeed, as to Defendant Brennan it was known with certainty, prior to December 15, 1993 and the sexual abuse of the Plaintiff, that Defendant Brennan had and has a sexual interest in children.

83. The Archdiocese, by and through their agents, servants and employees, knew or reasonably should have known of the Defendant Brennan's dangerous and exploitive propensities and/or that the Defendant Brennan was an unfit agent. Despite such knowledge, Defendant Archdiocese breached its duty to provide reasonable supervision of the Defendant Brennan who was in the position of trust and authority as Roman Catholic 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.

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

85. The statute of limitations on this claim is tolled until 2012, when Defendant Lynn was convicted of child endangerment for failing to report persons known to be dangerous to children. The statute of limitations is tolled because the Archdiocese fraudulently concealed its knowledge about Brennan, falsely denied all wrongdoing as to Brennan, failed to further investigate the wrongdoing Plaintiff reported, and Archdiocese officials had allowed Defendant Brennan to continue functioning as a priest. These actions by the Archdiocese, and its repeated denials of wrongdoing in its responses to the two grand jury reports, caused Plaintiff to believe that the sexual acts did not occur, or if they did occur they were not illegal and injurious to the Plaintiff. Such conduct deceived Plaintiff into understanding that Plaintiff had no claim or injury from the sexual contact. It was not until Defendant Lynn was convicted that Plaintiff could have learned that objective information existed which cast doubt on the repeated denials of the Archdiocese about Defendant Brennan and other priests, indicating that abuse of the Plaintiff had occurred and were injurious to Plaintiff.

86. 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 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 – FRAUDULENT CONCEALMENT
Against The Archdiocese of Philadelphia, Cardinal Justin Rigali,
Msgr. William Lynn, Robert L. Brennan, Resurrection of Our Lord Catholic School

87. 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.

88. Defendants Archdiocese, Cardinal Justin Rigali, Msgr. William Lynn, Robert L. Brennan, and Resurrection, each engaged in a policy of secrecy to protect the Archdiocese, as alleged above. Those who reported Brennan were challenged, questioned, intimidated, and denied, to extend the policy of secrecy and to intimidate others from further reporting. Doing so was an act of fraud in violation of Pennsylvania law.

89. Accordingly, Plaintiff was injured by the Archdiocese's affirmative acts of concealing its actual purpose to enable those who molested children and to attack those who reported abuse by Defendant Brennan.

90. Plaintiff did not discover, nor could he have discovered through the use of reasonable diligence, the fraudulent misrepresentation described herein until 2012, when Msgr. Lynn was convicted, and Msgr. Lynn admitted publicly that a conspiracy to endanger children existed within the Archdiocese.

91. 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, demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, Cardinal Justin Rigali, Msgr. William Lynn, Robert L. Brennan, Resurrection Catholic School, 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 V - CIVIL CONSPIRACY TO ENDANGER CHILDREN
Against the Archdiocese of Philadelphia, Cardinal Justin Rigali,
Msgr. William Lynn, Robert L. Brennan, Resurrection of Our Lord Catholic School

92. 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.

93. Defendants Archdiocese, Cardinal Justin Rigali, Msgr. William Lynn, Robert L. Brennan, and Resurrection Catholic School, acted with a common purpose and conspired with others to endanger the welfare of children, including the Plaintiff, in violation of Pennsylvania law.

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

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

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

97. As was true of Cardinal Bevilacqua before him, Cardinal Rigali was appointed by The Holy See to be Archbishop of Philadelphia.

98. The Holy See contends it is a separate and independent entity from the Archdiocese, and has no control over the Archdiocese as to its operations. In practice, the

Archdiocese and its officials have some discretionary latitude but are answerable to The Holy See.

99. The organization now known as the United States Conference of Catholic Bishops (referred to in this Complaint as the USCCB), and its predecessors, contend that it too is a separate and independent entity from the Archdiocese, and has no control over the Archdiocese as to its operations. In practice, the Archdiocese and its officials have some discretionary latitude but are theoretically required to operate within the guidelines established by USCCB. As a practical matter the USCCB contends it has no authority over the Archdiocese or other Defendants, and that they answer to only The Holy See in a limited respect but otherwise operate independently.

100. In his capacity as Archbishop, Cardinal Rigali controlled the Archdiocese and believed The Holy See's assertions that he was answerable to only The Holy See. In fact, Cardinal Rigali and the Archdiocese are answerable not only to The Holy See, but in certain matters are answerable also to state and federal governmental authorities.

101. Through its Archbishop, the Archdiocese has control of all seminaries operating within the area it comprises. It trains agents for its operation. It does so within the methods and procedures authorized by The Holy See, and remains responsible to The Holy See for those operations.

102. Among the documents which clarify the responsibilities of seminaries operating with the Archdiocese is the August 15, 1990, publication by Pope John Paul II of 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 such as seminaries.

103. As described by the Catholic Church Extension Society, each seminary is answerable, ultimately, to The Holy See's Congregation for Catholic Education, which

establishes the admissions requirements and curricula to ensure that seminary candidates are properly prepared.

104. The Holy See has delegated to its Congregation for the Clergy and its Congregation for Religious various responsibilities with respect to the standard, morals, and obligations of clergy qualification. With respect to seminarians and clergy qualification, the Archdiocese is responsible to The Holy See through those groups, which are authorized by the Pope to act on his behalf.

105. Since 1971, the Archdiocese and its officials were also required, with respect to seminarians and clergy, to adhere to the Program of Priestly Formation (PPF) promulgated by the collective Bishops of the United States and also approved by The Holy See.

106. Cardinal Rigali, and each other official of the Archdiocese, as well as seminarians within the area of the Archdiocese, are answerable in all respects to the Holy See and its leader, the Pope, and in certain other respects, which are not ecclesiastical, to federal and state governmental authorities. The conduct described in this cause of action relates to the Defendants' responsibilities to federal and state governmental authorities, not to matters of church doctrine protected by the First Amendment.

107. The Archdiocese is obligated to make a periodic report to The Holy See, through its designees, outlining the status of, and any problems with, clergy.

108. The Defendants operate within policies and standards proscribed by the Holy See that dictate how sexual abuse of children by Archdiocese employees, including its clergy and seminarians within its area of authority, will be handled. This aspect of the operations of the Archdiocese are employment and business policies, not practices within religious freedoms protected by the First Amendment.

109. Among other things, the Holy See mandates, and the Defendants have elected to adopt and utilize, certain procedures and absolute secrecy by all involved on pain of immediate

removal from the organization by means of excommunication. The Defendants have also elected to permit the Holy See to retain the power at all times to conduct the inquisition of any particular case itself. The Defendants further accept that the operating requirements of The Holy See admits no deviations from its mandates. 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, even though The Holy See and the Defendants contend that The Holy See is an independent entity from the Archdiocese, and that the Archdiocese operates independently of the Holy See, at least as to matters involving employment and business policies.

110. 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*”).

111. The document contains instructions, which the Defendants chose to accept, 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.

112. Because the Defendants accepted it as mandatory, the *Crimen Sollicitationis* requires the Archdiocese to conceal incidents of childhood sexual abuse by priests, employees or agents of the Archdiocese.

113. Because the Defendants accepted it as mandatory, the *Crimen Sollicitationis* requires the Defendants to adopt employment and business practices that keep in “secret archives” any documents that evidence childhood sexual abuse by a priest, employee or agent of the Archdiocese.

114. Because the Defendants accepted it as mandatory, the *Crimen Sollicitationis*

requires them to keep completely secret from law enforcement all information relating to childhood sexual abuse by a priest, employee or agent of the Archdiocese.

115. The defendants accepted as mandatory the *Crimen Sollicitationis* and adopted as their own its priority, above that of protecting children, to avoid scandal to any part of the world-wide Roman Catholic Church, of which the Archdiocese is a member.

116. Because the Defendants adopted as their own The Holy See's proposal to use secrecy and avoiding scandal to the Church as their highest priority, the employment and business practices of the Archdiocese, which all Defendants accepted, endangered the welfare of children.

117. The Defendants combined to act with a common purpose to do illegal acts, and to do lawful acts by unlawful means and for the unlawful purpose of maintaining secrecy about crimes against children. Accepting the recommendations of The Holy See and the United States Conference of Catholic Bishops as their own, the Defendants took overt acts to pursue the common purpose of secrecy and protecting priests, all of which caused damage to the Plaintiff.

118. In February, 2012, Defendant Lynn filed with the criminal court of Philadelphia County a document which stated, "that an overarching Archdiocesan conspiracy existed in Philadelphia in the 1990s." Defendant Lynn asserted that among the persons engaged in that conspiracy, which he contended was to endanger children, were Cardinal Bevilacqua, Bishop Joseph Cistone, and Monsignor James Malloy.

119. In 2012, Defendant Lynn was convicted of endangering children.

120. Among the overt acts committed in pursuance of the common purpose to endanger the welfare of children recommended by The Holy See, and adopted by the Defendants, were:

- a. The Defendants Archdiocese, Cardinal Rigali, Msgr. William Lynn, Robert L. Brennan, and Resurrection maliciously concealed from the Plaintiff known

incidents of childhood sexual abuse within the Archdiocese, including incidents of childhood sexual abuse by Defendant Brennan.

- b. The concealment directly injured Plaintiff because prior incidents of sexual abuse by Defendant Brennan were hidden from Plaintiff, and Defendant Brennan was able to gain unsupervised access to Plaintiff and to others as a result.
- c. This concealment also directly injured Plaintiff because the concealment recommended by The Holy See, and accepted by the Defendants, created a false public impression that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not, and were known by the Defendants to not be safe to be around children. This false impression, which the Defendants each deliberately fostered, caused the Plaintiff and his family to allow Defendant Brennan to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.
- d. Defendants implemented programs and procedures of The Holy See and the USCCB that were misrepresented to the public as providing help to victims of childhoods 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 which were used by all Defendants to further conceal the identity and illegal activities of predatory priests from law enforcement, parishioners and the public. The Archdiocese victims assistance program was proposed by the USCCB and adopted by the Defendants, but its true purpose was concealed by the Defendants. That concealment directly injured Plaintiff because the concealment by the Defendants created a false public impression that priests, deacons and

seminary students within the Archdiocese were safe around children, when they, in fact, were not, and were known by the Defendants to not be safe around children. This caused the Plaintiff and his family to allow Defendant Brennan to gain access to the Plaintiff and ultimately sexually abuse the Plaintiff.

- e. When a report that an Archdiocese priest had sexually abused a child was made to the Archdiocese, Defendants Archdiocese, Cardinal Justin Rigali, and Msgr. William Lynn maliciously transferred the clergymen, including Defendant Brennan, to a new parish or other new assignment, where the unsuspecting parishioners, including Plaintiff, had no idea of the need to be on their guard as to abusive acts by Brennan. As a result, Defendant Brennan gained the advantage of unsupervised access to Plaintiff and used that advantage to sexually abuse the Plaintiff. The Defendants adopted as their own the mandates of The Holy See that rather than report known crimes, it was preferable that priests, employees and agents of the Archdiocese were to be secretly transferred to new parishes when they were discovered to have sexually abused parish children.
- f. Instead of protecting children within the area of the operations of the Archdiocese, including the Plaintiff, from sexual abuse by known predator priests and other agents and employees, including Defendant Brennan, Defendants Archdiocese, Cardinal Justin Rigali, Msgr. William Lynn, and Resurrection instead shielded abusive priests and other agents and employees from criminal detection, shielded the Archdiocese hierarchy from scandal, and shielded the Archdiocese from financial liability. The Defendants adopted as their own the proposal by The Holy See to shield abusive priests, employees

and agents of the Archdiocese from criminal liability. These acts of shielding directly injured Plaintiff because prior incidents of sexual abuse by Defendant Brennan were hidden from Plaintiff, and Defendant Brennan was able to gain unsupervised access to Plaintiff as a result. These acts of shielding also directly injured Plaintiff because the concealment by the individual Defendants, each a person in authority with respect to the Plaintiff, challenged and dismissed as false the Plaintiff's own report of abuse, as well as created a false public impression that priests, deacons and seminary students within the Archdiocese, including Defendant Brennan, were safe around children, when they, in fact, were not safe, and were known by the Defendants to not be safe to be around children. This caused the Plaintiff and his family to allow Defendant Brennan to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff, and caused the Plaintiff to not report further his abuse when his report of abuse was challenged and dismissed by the Defendants.

- g. "Victim assistance" coordinators in the Archdiocese also forced victims to sign releases for records in the possession of third parties, such as outside therapists and the military. This practice was required by the Defendants of the "victim assistance" coordinators. The victims were led to believe that their releases would assist the coordinators in helping the victim. Instead, the records secured through the releases were turned over to Archdiocese attorneys and used to defend the Archdiocese and other Defendants against any claims by any victim.
- h. The "victim assistance" coordinators employed by the Archdiocese regularly discouraged victims from reporting to law enforcement the sexual abuse by a

priest.

- i. Defendants also accepted the employment and business practice proposed by The Holy See to maintain “secret archive files” containing reports of criminal sexual abuse by any priest, employee and other agent within the area of or responsible to the Archdiocese. Those “secret archive” files were withheld from law enforcement. Those “secret archive” files were also periodically ordered to be destroyed, to maintain their secrecy and prevent them from being reported to law enforcement. These acts of concealing evidence of criminal sexual conduct of priests, employees and other agents of the Archdiocese directly injured Plaintiff because prior incidents of sexual abuse by Defendant Brennan were hidden from Plaintiff, and Defendant Brennan was able to use the practice of secrecy 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 of the Archdiocese also directly injured Plaintiff because the concealment by the Defendants created the public impression, known by Defendants to have been false, that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not and were known to not be safe around children. This caused the Plaintiff and his family to allow Defendant Brennan to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.
- j. In cases involving the sexual abuse of minors by priests, employees and other agents of the Archdiocese, Defendants maliciously lied to parishioners about the knowledge within the Archdiocese about the abuse. The Defendants’ lies involving criminal sexual conduct of priests, employees and other agents

directly injured Plaintiff because prior incidents of sexual abuse by Defendant Brennan were hidden from Plaintiff and Defendant Brennan was able to use the secrecy promoted by the lying to gain unsupervised access to Plaintiff as a result. As a consequence of the Defendants having adopted the secrecy proposed by The Holy See for purposes related to sexual abuse, Defendants elected to lie to parishioners about what the Archdiocese knew of sexually abusive priests, employees and other agents. The USCCB also supported the practice of lying to those within the Archdiocese. These lies also directly injured Plaintiff because the concealment by the Defendants created a public impression, known by Defendants to be false, 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 Brennan to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

k. Defendants accepted a recommendation from the USCCB to operate an internal Archdiocese Review Board, supposedly responsible for determining whether sexual abuse reports against a clergy member were credible. However, to honor the priority of secrecy adopted by recommendation of The Holy See, the Defendants adopted a practice, derived from that commitment to secrecy, to conclude, no matter what the facts were, that allegations of sexual abuse of minors by priests, employees and agents were “unsubstantiated.” This practice by Defendants was malicious, and was used even when there was very convincing evidence that the accusations were true. The USCCB accepted the priority of the Defendants to favor secrecy over disclosure so that subsequent reports would appear more positive than was in

fact the case, and so all Defendants, as well as the USCCB and The Holy See could falsely claim a “progress” which did not exist.

1. Upon information and belief, the Defendants destroyed documents that were evidence of criminal sexual conduct against children. This was done to honor the proposal by The Holy See to favor secrecy over reporting criminal conduct, and to favor the practice by the USCCB to claim openness, for public relations purposes, but to in fact operate by maintaining the traditional secrecy associated with matters relating to sexual abuse within the Archdiocese. The Defendants’ 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 Brennan were hidden from Plaintiff and Defendant Brennan 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 created the public impression, known by Defendants to be false, that priests, deacons and seminary students within the Archdiocese were safe around children, when they, in fact, were not and it was known they were not safe around children. This caused the Plaintiff and his family to allow Defendant Brennan to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

121. The actions alleged in this Complaint were committed with malice and with the intention that the welfare of children within the Archdiocese be endangered by being subordinated to the priority of secrecy proposed by The Holy See and the USCCB and adopted by the Defendants as their operating policy for employment and business practices.

122. 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 demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, Cardinal Justin Rigali, Msgr. William Lynn, Robert L. Brennan, Resurrection of Our Lord Catholic School, 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: 9.17.12

BY: 

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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.

A handwritten signature in cursive script, appearing to read "D. F. Monahan", written in black ink.

Daniel F. Monahan, Esquire

Dated: 9.17.12