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Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

JOHN ROE NO. 27,

Plaintiff,

vs.

CONGREGATION OF CHRISTIAN
BROTHERS OF HAWAII, INC, t/a
DAMIEN MEMORIAL SCHOOL; THE
ROMAN CATHOLIC CHURCH IN THE
STATE OF HAWAII; a Hawaii not
for profit corporation; SOCIETY
OF THE PRIESTS OF SAINT SULPICE
a/k/a THE ASSOCIATED SULPCIANS
OF THE UNITED STATES, INC.;
BROTHER ROBERT N. BROUILLETTE;
JOHN DOES 1-10; JANE DOES 1-10;
DOE CORPORATIONS 1-10; DOE
PARTNERSHIPS 1-10; DOE NON-
PROFIT ENTITIES 1-10; and DOE
GOVERNMENTAL ENTITIES 1-10

Defendants.

157 CIRCUIT COURT
STATE OF HAWAII
CLERK
2011 APR -4 PM 3:40

N. MIYATA
CLERK

CIVIL NO. 14-1-0855-04
(Non-Vehicle Tort)

COMPLAINT; SUMMONS; DEMAND FOR
JURY TRIAL

I do hereby certify that this is a full, true, and
correct copy of the original on file in this office.


Clerk, Circuit Court, First Circuit

COMPLAINT

Plaintiff John Roe No. 27, a fictitious name used to protect Plaintiff's privacy interest, alleges the following against Defendants THE CONGREGATION OF CHRISTIAN BROTHERS OF HAWAII, INC, a Hawaii not for profit corporation t/a DAMIEN MEMORIAL SCHOOL, ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII, a Hawaii not for profit corporation, SOCIETY OF PRIESTS OF SAINT SULPICE a/k/a ASSOCIATED SULPICIAN OF THE UNITED STATES INC., and Br. Robert Brouillette:

PARTIES

a. At all times material to the Complaint, Plaintiff John Roe No. 27 (hereinafter referred to as "Plaintiff") was an adult male who resided in the County of Honolulu, State of Hawaii. Plaintiff was a minor at the time of the sexual abuse alleged herein. Plaintiff is currently a resident of Hawaii.

b. At all times material to the Complaint, Defendant The Congregation of Christian Brothers of Hawaii, Inc., a Hawaii not for profit corporation trading as and doing business as Damien Memorial School (hereinafter referred to as "Damien") was an all-boys, Catholic, college preparatory institution based on the tradition of the Irish Christian Brothers and their corporate entity, The Congregation of Christian Brothers of Hawaii, Inc.,

with its principle place of business at 1401 Houghtailing Street, Honolulu, Hawaii 96817.

c. At all times material to the Complaint, Defendant The Roman Catholic Church in The State of Hawaii (hereinafter referred to as "Diocese") was and continues to be a diocese of the Roman Catholic Church, a not for profit religious corporation, authorized to conduct business and conducting business in the State of Hawaii with its principal place of business at 1184 Bishop Street, City and County of Honolulu, State of Hawaii.

d. At all times material to the Complaint, Defendant The Society of the Priests of Saint Sulpice, a/k/a The Associated Sulpicians of the United States, Inc. (hereinafter "Sulpicians"), was and continues to be a Roman Catholic religious order of priests and brothers affiliated with the Roman Catholic Church. At all times material, the Sulpicians owned and operated St. Stephen's Seminary, an all-boys, Catholic, minor seminary institution that was located in Kaneohe, Oahu, Hawaii. The Sulpicians principal place of business is located at 5408 Roland Avenue, Baltimore, Maryland 21210. Father William Queenan (hereinafter "Queenan") was at all times relevant a member of the Sulpicians. As a member of the Sulpicians at all times relevant Queenan was an agent of the Sulpicians and Defendant Diocese, representing them to the community and parishioners such as Plaintiff, and subject

to the control and discipline of the Sulpicians and Defendant Diocese. Such control included but was not limited to choosing where he was to live and work, what functions he could perform as a priest, in what manner he could hold himself out as a representative of the church, and deciding whether and how long he could work or function as a priest. Queenan, as a member of the Sulpicians, was also dependent on the Sulpicians for his financial and spiritual well-being.

e. At all times material, Defendant Brother Robert N. Brouillette (hereinafter referred to as "Brouillette"), was a Roman Catholic Brother, a member of, educated by, and under the direct supervision, authority, employ, and control of the Defendant Diocese and Defendant Damien. Brouillette is currently a resident of Missouri.

f. Plaintiff has attempted to ascertain the names and identities of possible defendants who are presently unknown to Plaintiff. Plaintiff's efforts include reviewing records and interviewing witnesses including other potential victims.

g. Plaintiff alleges, upon information and belief, that the conduct of other defendants, presently unknown to Plaintiff, was or may have been a proximate or legal cause of the harm that he has suffered as alleged herein.

h. Plaintiff has satisfied the requirements of Hawaii Revised Statutes, Section 657-1.8.

FACTS

1. At all times material, Father William Queenan was a Catholic priest, educated, trained, ordained, and employed by Defendant Sulpicians and Defendant Diocese and under the direct supervision, employ, agency, and control of the Sulpicians and the Diocese.

2. At all times material, Bishop Joseph Ferrario (hereinafter "Ferrario") was a Catholic priest, educated, trained, ordained, and employed by Defendant Diocese and under the direct supervision, employ, agency, and control of the Diocese and the Sulpicians.

3. At all times material, Brouillette and Brother Thomas C. Ford (hereinafter "Ford") were Catholic brothers, educated, trained, ordained, and employed by Defendant Damien and Defendant Diocese and under the direct supervision, employ, agency, and control of Damien and the Diocese.

4. Plaintiff alleges, upon information and belief, Queenan and Ferrario began working as priests and teachers at St. Stephen's

Seminary in the 1960s including the time period when Plaintiff attended St. Stephen's.

5. St. Stephen's existed within the borders and jurisdiction of Defendant Diocese for its benefit and under its control.

6. Generally, Queenan and Ferrario's employment duties with the Defendants included teaching and working with children. Queenan and Ferrario were teachers and provided guidance for the spiritual and emotional needs of children, including Plaintiff, entrusted to their care.

7. Plaintiff attended St. Stephen's Seminary starting in 1968. Plaintiff was raised in a devout Roman Catholic family. As a result of his upbringing, Plaintiff developed great admiration, trust, reverence, and respect for the Roman Catholic Church and its agents, and came to know Queenan and Ferrario as people of great influence and persuasion, authority figures, priests, teachers, spiritual advisors, and/or counselors.

8. In approximately 1968, when Plaintiff was approximately 14 years old and a student at St. Stephen's, Queenan and Ferrario served as Plaintiff's teachers, spiritual directors, and/or counselors.

9. In approximately 1968, Queenan, using his position of authority, trust, reverence, and control as a Roman Catholic priest and teacher, engaged in unpermitted, harmful and

offensive sexual contact upon the person of Plaintiff. The sexual contact and/or acts constituted or would have constituted a criminal offense under part V of chapter 707, Hawaii Revised Statutes (Haw. Rev. Stat. Sections 707-730 to 707-742 (2013)).

10. Following the sexual contact by Queenan and in approximately 1969, Plaintiff approached Ferrario who, using his position of authority, trust, reverence, and control as a Roman Catholic priest and teacher, also engaged in unpermitted, harmful and offensive sexual contact upon the person of Plaintiff. The sexual contact and/or acts constituted or would have constituted a criminal offense under part V of chapter 707, Hawaii Revised Statutes (Haw. Rev. Stat. Sections 707-730 to 707-742).

11. From approximately 1970-1972, Plaintiff attended Damien Memorial High School, where he also resided upon his graduation in 1972.

12. Plaintiff alleges, upon information and belief, Brouillette and Ford worked as brothers and teachers at Damien during the 1970s including the time period when Plaintiff attended and resided at Damien.

13. Damien exists within the borders and jurisdiction of Defendant Diocese for its benefit and under its control.

14. Generally, Brouillette and Ford's employment duties with the Defendants included teaching and working with children.

Brouillette and Ford were teachers and provided guidance for the spiritual and emotional needs of children, including Plaintiff, entrusted to their care.

15. Plaintiff was raised in a devout Roman Catholic family. As a result of his upbringing, Plaintiff developed great admiration, trust, reverence, and respect for the Roman Catholic Church and its agents, and came to know Brouillette and Ford as people of great influence and persuasion, authority figures, brothers, teachers, spiritual advisors, and/or counselors.

16. In approximately 1972, Ford, using his position of authority, trust, reverence, and control as a Roman Catholic brother and teacher, engaged in unpermitted, harmful and offensive sexual contact upon the person of Plaintiff. The sexual contact and/or acts constituted or would have constituted a criminal offense under part V of chapter 707, Hawaii Revised Statutes (Haw. Rev. Stat. Sections 707-730 to 707-742).

17. After Ford's sexual contact with Plaintiff, and in approximately 1972, Brouillette, using his position of authority, trust, reverence, and control as a Roman Catholic brother and teacher, engaged in unpermitted, harmful and offensive sexual contact upon the person of Plaintiff. The sexual contact and/or acts constituted or would have constituted

a criminal offense under part V of chapter 707, Hawaii Revised Statutes (Haw. Rev. Stat. Sections 707-730 to 707-742).

18. Prior to Queenan, Ferrario, Ford, and Brouillette's (hereinafter collectively referred to as "the Perpetrators") sexual abuse of Plaintiff, Defendants knew or should have known about the Perpetrators' inappropriate interactions with children and sexual abuse of children.

19. Prior to the Perpetrators' sexual abuse of Plaintiff, Defendants knew or should have known that the Perpetrators were child molesters and knew or should have known that the Perpetrators were a danger to children.

20. Before Plaintiff was sexually abused by the Perpetrators, Defendants knew or should have known material facts regarding the Perpetrators' sexual misconduct, impulses, and behavior, but failed to act on that knowledge thereby increasing the likelihood that Plaintiff would be harmed. The Defendants' failure to act on that knowledge also contributed to Plaintiff's injuries and inability to: appreciate the abuse and resulting injuries sustained; or obtain help for the abuse and injuries suffered.

21. The Perpetrators' practice of sexually accessing and abusing children was known or should have been known to Defendants.

22. As a result of the Perpetrators' inappropriate behavior and sexual abuse of minor students, Defendants moved the Perpetrators among several locations in Defendant Diocese.

23. Defendants grossly negligently or recklessly believed that the Perpetrators were fit to work with children and/or that any previous problems they had were fixed and cured; that the Perpetrators would not sexually molest children and that the Perpetrators would not injure children; and/or that the Perpetrators would not hurt children.

24. The sexual abuse and exploitation of Plaintiff reflected a greater pattern of conduct by the Perpetrators and Defendants that occurred for multiple years. At all times relevant, Plaintiff was entrusted to Defendants' care, custody, and control while the Perpetrators were under the direct supervision, employ and control of each and all Defendants.

25. Defendants engaged in a pattern and practice of fraudulent conduct in order to conceal the criminal and harmful acts of their agents and employees. Defendants, by and through their agents, misrepresented and/or failed to present the facts of known sexual misconduct to victims, their families, students, the public and/or law enforcement authorities in furtherance of a scheme to protect predatory priests and other clergy from criminal prosecution, to maintain or increase charitable

contributions and/or avoid public scandal thereby creating and perpetuating a conspiracy of silence and/or misrepresentation.

26. By holding the Perpetrators out as qualified priests, brothers, teachers, counselors, and/or administrators employed by Defendants, and by undertaking the instruction and spiritual and emotional guidance of the minor Plaintiff, Defendants entered into special relationships with Plaintiff. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the then vulnerable Plaintiff, Defendants held a position of empowerment over Plaintiff.

27. Further, Defendants, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment.

28. Defendants and their agents and representatives held themselves out to students and their parents, including Plaintiff, as counselors and instructors on matters that were spiritual, moral, and ethical. Accordingly, Plaintiff placed trust in Defendants so that Defendants gained superiority and influence over Plaintiff. Defendants, by maintaining and encouraging such a relationship with Plaintiff and preventing the then minor Plaintiff from effectively protecting himself, entered into fiduciary relationships with Plaintiff.

29. These fiduciary relationships with Plaintiff established a duty of good faith and fair dealing and the duty to act with the highest degree of trust and confidence. These fiduciary relationships included the duty to warn, the duty to disclose, and the duty to protect children from sexual abuse and exploitation by Catholic employees whom Defendant promoted as being safe with children. Defendants' fiduciary relationships with Plaintiff were based upon a justifiable trust by Plaintiff and superiority and influence by Defendants.

30. At all times material, by accepting custody of the then minor Plaintiff, Defendants accepted custody *in loco parentis*, as a parent, and owed Plaintiff the duty of full disclosure of all information they had or should have had regarding the Perpetrators' history of sexual misconduct.

31. Further, Defendants and their agents were in a specialized or superior position to receive and did receive specific information regarding misconduct by priests and other agents and employees that was of critical importance to the well-being, protection, care and treatment of innocent minor victims, including Plaintiff. This knowledge was not otherwise readily available. Defendants exercised their special or superior positions to assume control of said knowledge and any response thereto.

32. Plaintiff, on the other hand, was in a subordinate position of weakness, vulnerability, and inequality and lacked such knowledge. Further, the ability of Plaintiff or his family to monitor the use or misuse of the power and authority of Defendants was compromised, inhibited or restricted by Defendants.

33. Defendants held their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to their programs, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe.

34. Defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risk that the Perpetrators posed to Plaintiff, the risk of abuse in general in their programs and/or the risks that their facilities posed to minor children.

35. Defendants owed Plaintiff a duty of reasonable care because they solicited youth and parents for participation in their youth programs; encouraged youth and parents to have the youth participate in their programs; undertook custody of minor children, including Plaintiff; promoted their facilities and

programs as being safe for children; held their agents including the Perpetrators out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including the Perpetrators, to spend time with, interact with, and recruit children.

36. Defendants breached their fiduciary duties to Plaintiff by failing to act upon or insufficiently acting upon or responding to, information obtained by virtue of their superior status, known only or secretly to them, that was indicative of a pattern of wrongful, unlawful or criminal behavior on their part.

37. Defendants also breached their duties to Plaintiff by failing to warn him and his family of the risks that the Perpetrators posed and the risks of child sexual abuse by clerics. They also failed to warn him about any of the knowledge that Defendants had about child sexual abuse in general, and in their programs.

38. Defendants also breached their duties to Plaintiff by failing to report the Perpetrators' abuse of children to the police and law enforcement.

39. Defendants breached this duty, as well as other duties, through inaction, manipulation, intimidation, evasion, intended deception, undue influence, and duress or otherwise, as more fully described and set forth elsewhere in this complaint,

resulting in negative consequences to the welfare and well-being of Plaintiff.

40. Defendants knew or should have known that some of the leaders and people working at Catholic institutions within the Diocese were a danger to those in their care.

41. Defendants knew or should have known that they did not have sufficient information about whether or not their leaders and people working at Catholic institutions within the Diocese were a danger to those in their care.

42. Defendants knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese.

43. Defendants knew or should have known that they had numerous agents who had sexually molested children. They knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a specific danger of child sex abuse for children participating in their youth programs.

44. Defendants were grossly negligent and made grossly negligent representations to Plaintiff and his family during each and every year of his minority.

45. By tradition, Roman Catholics and those within their custody and control, including Plaintiff, are taught to hold religious

figures in the highest esteem as earthly representatives of God, and that religious figures, unlike lay people, belong to a separate and higher state in life, which Defendants represent to be of divine origin and which they represent, entitles them to special privileges. For these and other reasons relating to the practices of the Church, religious figures and other persons in leadership positions in the Church have traditionally occupied positions of great trust, respect and allegiance among parents and youth, including Plaintiff.

46. By placing the Perpetrators at St. Stephen's and Damien, Defendants, through their agents, affirmatively represented to minor children and their families that the Perpetrators did not have histories of molesting children, that Defendants did not know that the Perpetrators had histories of molesting children, and that Defendants did not know that the Perpetrators were a danger to children.

47. By allowing the Perpetrators to remain in active ministry, Defendants, through their agents, made continuing affirmative representations to minor children and their families, including Plaintiff and his family, that the Perpetrators did not have histories of molesting children, that Defendants did not know that the Perpetrators had histories of molesting children and

that Defendants did not know that the Perpetrators were a danger to children.

48. Defendants, through their agents, made representations directly to Plaintiff and his family. Defendants knew or should have known that the representations made to Plaintiff's parents would influence Plaintiff and the amount and type of contact that Plaintiff had with the Perpetrators, the Perpetrators' access to Plaintiff, and the Perpetrators' ability to molest Plaintiff.

49. Defendants were in a specialized position where they had knowledge unknown to Plaintiff. Defendants were in a position to have this knowledge because they were the Perpetrators' employers and were responsible for the Perpetrators. Plaintiff, as a child, was not in a position to have information about the Perpetrators' inappropriate tendencies towards children.

50. Had Plaintiff or his family known what Defendants knew or should have known - that the Perpetrators had sexually molested children before Plaintiff and/or that the Perpetrators were a danger to children- Plaintiff would not have been sexually molested.

51. Despite having actual or constructive knowledge of the Perpetrators' pedophilic propensities and/or previous instances of molestation of other children, Defendants concealed the

danger which the Perpetrators and other offending priests, clerics, brothers, and/or consecrated members of religious communities presented by holding them out as in good standing, thus enabling offenders to retain their continued, unrestricted access to minor children.

52. As a result of his early instruction and indoctrination, Plaintiff was taught to rely upon, and did rely upon, the representations and teachings of Defendants including, but not limited to, representations regarding priests, clerics, brothers, and/or consecrated members of religious communities in general and the Perpetrators in particular (including the representation that the Perpetrators were priests and brothers in good standing). Plaintiff also expected and believed that Defendants would not tolerate criminal misconduct that represented a known threat to children by priests, clerics, brothers, and/or consecrated members of religious communities. Accordingly, even after the Perpetrators had sexually molested him, Plaintiff assumed that he was somehow the guilty party, rather than the Perpetrators.

53. Further, as a result of that early instruction and indoctrination, Plaintiff assumed that the Perpetrators' sexual molestation of him were isolated occurrences and that Defendants were unaware and uninvolved, regarding both the criminal sexual

conduct and the wide-ranging efforts to conceal that criminal conduct from Plaintiff and others.

54. In approximately 2002, Defendant Diocese publicly admitted that there were 5 clerics who worked in the Diocese who had been credibly accused of sexually molesting minors. Upon information and belief the Diocese has not released these names to the public. As a result, children are at risk of being sexually molested. Plaintiff believes the Diocese is aware of more than 5 clerics who have been accused of sexual molestation of minors.

55. The sexual abuse of Plaintiff and the circumstances under which the abuse occurred caused Plaintiff to develop confusion, various coping mechanisms and symptoms of psychological disorders, including post-traumatic stress disorder, anxiety, depression, repression and disassociation. As a result, Plaintiff formed a reasonable and rational fear that he would be disbelieved and was unable to fully perceive or know that 1) the conduct of the Perpetrators was pervasive; 2) Defendants knew or had reason to know that the Perpetrators were pedophiles prior to his abuse; 3) Defendants were responsible for the abuse; and 4) the injuries he suffered were the result of the abuse. Because Plaintiff's emotional and psychological injuries at times manifested themselves in ways seemingly unconnected to the sexual abuse by the Perpetrators, Plaintiff was unable to

perceive or know the existence or nature of his psychological and emotional injuries and the causal connection to the sexual abuse.

56. As a direct result of Defendants' conduct, Plaintiff has suffered and continues to suffer from injuries including, but not limited to: great pain of mind and body; severe and permanent emotional distress; physical manifestations of emotional distress; psychological injuries, including post-traumatic stress disorder and depression; feelings of shame, embarrassment, and powerlessness; was prevented and will continue to be prevented from performing normal daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity.

COUNT ONE

SEXUAL ASSAULT AND BATTERY AGAINST BROTHER ROBERT BROUILLETTE

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

58. While Plaintiff was a minor child, Brouillette intentionally touched and manipulated the body and genitals of Plaintiff in a sexual manner.

59. At all times material, the aforesaid conduct of Brouillette

was offensive to Plaintiff and done without Plaintiff's consent.

60. Brouillette knew or should have known that Plaintiff would find such conduct offensive.

61. As a direct result of Brouillette's intentional conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT TWO

NUISANCE AND REQUEST FOR INJUNCTIVE RELIEF AGAINST THE ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII

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

63. Defendant continues to conspire and engage and/or has conspired and engaged in efforts to: 1) conceal from the general public the sexual assaults committed by, the identity of, and the pedophilic/ephebophilic tendencies of, Queenan, Ferrario, Ford, Brouillette, and Defendant's other agents, some of whom are on its list of credibly accused clerics; 2) attack the credibility of the victims of Defendant's agents; and/or 3) protect Defendant's agents from criminal prosecution for their sexual assaults against children.

64. The negligence and/or deception and concealment by Defendant was and is unlawfully annoying, hurtful, inconvenient, and/or damaging to the general public, is wrongful and/or permits injuries and/or annoys the general public in its enjoyment of

its legal rights, and/or is an obstruction to the free use of property by the general public, including, but not limited to, residents in the Diocese of Honolulu and all other members of the general public who live in communities where Defendant's credibly accused molesters live. It was and is unlawfully annoying and/or damaging, so as to interfere with the general public's comfortable enjoyment of life in that the general public cannot trust Defendant to warn parents of the presence of the current and/or former credibly accused molesters, nor to identify their current and/or former credibly accused molesters, nor to disclose said credibly accused molesters' assignment histories, nor to disclose their patterns of conduct in grooming and sexually assaulting children, all of which create an impairment of the safety of children in the neighborhoods in Hawaii and where Defendant conducted, and continues to conduct, its business.

65. The negligence and/or deception and concealment by Defendant was and continues to be injurious to Plaintiff's health as he was sexually assaulted by Defendant's agents, the Perpetrators.

66. The negligence and/or deception and concealment by Defendant also was injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant, Plaintiff experienced mental and

emotional distress that Plaintiff had been the victim of the Defendant's negligence and/or deception and concealment; that Plaintiff had not been able to help other minors being molested because of the negligence and/or deception and concealment; and that Plaintiff had not been able to because of the negligence and/or deception and concealment to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestation.

67. Plaintiff also suffered particular and peculiar harm after he learned of the Diocese's concealment of clerics credibly accused of sexually molesting minors, which continues as long as these names remain concealed. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of his life, impaired health, emotional distress, and/or physical symptoms of emotional distress. He has also experienced depression, anxiety, and/or anger.

68. The continuing public nuisance created by Defendant was, and continues to be, the proximate cause of the injuries and damages to the general public and of Plaintiff's injuries and damages as alleged.

69. In doing the aforementioned acts, Defendant acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

70. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT THREE

GROSS NEGLIGENCE AGAINST THE CONGREGATION OF CHRISTIAN BROTHERS OF HAWAII, INC. t/a DAMIEN MEMORIAL HIGH SCHOOL; THE SOCIETY OF THE PRIESTS OF SAINT SULPICE, a/k/a THE ASSOCIATED SULPICIAN OF THE UNITED STATES, INC.; THE ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII; AND ALL DOE DEFENDANTS

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

72. Defendants assumed a duty to Plaintiff by:

a. holding the Perpetrators out to the public, including Plaintiff, as competent and trustworthy employees, representatives, brothers, teachers, administrators and/or counselors of high morals;

b. holding their facilities and school out as a safe environment for children;

c. taking and inviting children into their facilities;

d. entrusting children to the care of the Perpetrators during extracurricular activities; and

e. fostering environments in which Plaintiff was inhibited from reporting the sexual abuses against him.

73. Defendants had a duty to exercise care in supervising the Perpetrators in their assignments and failed to prevent the

injuries sustained by Plaintiff as a result of the foreseeable misconduct of its employees, Queenan, Ferrario, Ford, and Brouillette.

74. Defendants breached this duty by exposing Plaintiff to the Perpetrators, unfit agents with dangerous and exploitive propensities.

75. Defendants were grossly negligent in deeming the Perpetrators fit agents for ministry, teaching, and employment and in continuing to employ the Perpetrators in positions of trust and authority as brothers, teachers, counselors, and/or administrators without proper or adequate supervision, thereby providing them the opportunity to commit the wrongful acts against Plaintiff as described herein.

76. The aforesaid occurrences were proximately caused by the willful, wanton, reckless, and grossly negligent conduct of the Defendants, their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of the Perpetrators as it related to the Plaintiff, other young children, other parishioners and/or other students.

77. As a result of the Defendants' grossly negligent retention and inadequate supervision of the Perpetrators, Plaintiff was sexually abused by the Perpetrators when Plaintiff was a minor.

78. As a result of Defendants' grossly negligent conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT FOUR

GROSSLY NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS

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

80. Defendants' conduct was extreme and outrageous.

81. A reasonable person would not expect or tolerate Defendants placing an individual who was known and/or should have been known to Defendants as a child molester, in contact with minors at Damien. A reasonable person would not expect or tolerate Defendants allowing the Perpetrators to have unsupervised contact with minors and failing to supervise or prevent the Perpetrators from committing wrongful sexual acts with minors, including Plaintiff.

82. Defendants' conduct was grossly negligent and done for the purpose of causing with a substantial certainty or reckless or conscious disregard of the likelihood that Plaintiff would suffer the injuries and damages described herein.

83. As a direct and proximate result of the severe emotional distress, Plaintiff has suffered emotional, psychological and physical injury.

COUNT FIVE

GROSSLY NEGLIGENT MISREPRESENTATION AGAINST THE CONGREGATION OF CHRISTIAN BROTHERS OF HAWAII, INC. t/a DAMIEN MEMORIAL HIGH SCHOOL; THE SOCIETY OF THE PRIESTS OF SAINT SULPICE, a/k/a THE ASSOCIATED SULPICIAN OF THE UNITED STATES, INC.; THE ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII; AND ALL DOE DEFENDANTS

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

85. Defendants, through their agents, represented to Plaintiff and his family that the Perpetrators did not have histories of molesting children and did not pose a danger to children.

86. The Perpetrators did have histories of molesting children and were dangerous to children.

87. Defendants' representations to Plaintiff, his family and others regarding the Perpetrators were false and Defendants were grossly negligent in their care and/or competence in providing said representations.

88. As a direct and proximate result of Defendants' above-described conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT SIX

PUNITIVE DAMAGES

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

90. The conduct of Defendants constituted gross negligence, intentional, willful and wanton, or malicious misconduct or was conducted with such a want of care as to constitute a conscious indifference to the rights of others including Plaintiff warranting the imposition of punitive damages.

WHEREFORE, Plaintiff prays that this Court issue an order enjoining the Roman Catholic Church in the State of Hawaii from further concealing the names of all clerics credibly accused of child molestation and requiring that the Roman Catholic Church in the State of Hawaii publicly release the names of all credibly accused child molesting clerics, each such cleric's history of abuse, each such cleric's pattern of grooming and sexual behavior, and his last known address. This includes the release of names of all clerics accused of child molestation in the Roman Catholic Church in the State of Hawaii, those not on Defendant's 2002 list of credibly accused clerics, and clerics that have been accused of child molestation since 2002. This also includes the release of the Roman Catholic Church in the State of Hawaii's documents on the clerics.

WHEREFORE, Plaintiff prays that judgment be entered in his favor, and against Defendants, for general, special, and punitive damages, together with costs of suit, attorney's fees,

pre- and post-judgment interest, and other relief pursuant to Rule 54 of the Hawaii Rules of Civil Procedure.

DATED: Honolulu, Hawaii, April 3, 2014

A handwritten signature in black ink, appearing to read "Mark T. Gallagher", is written over a horizontal line.

Mark Gallagher, Esq.
Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI`I

JOHN ROE NO. 27,

Plaintiff,

vs.

CONGREGATION OF CHRISTIAN
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PROFIT ENTITIES 1-10; and DOE
GOVERNMENTAL ENTITIES 1-10

Defendants.

CIVIL NO.

(Non-Vehicle Tort)

SUMMONS

SUMMONS

STATE OF HAWAI`I

To the above-named Defendant:

You are hereby summoned and required to file with the court and serve upon THE LAW OFFICE OF MARK GALLAGHER, Plaintiff's attorney, whose address is 66 Kaiholu Place, Kailua, Hawai'i 96734, an answer to the Complaint which is herewith served upon you, within twenty (20) days after service of this

Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

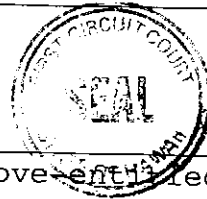
This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the general public, unless a judge of the above-entitled court permits, in writing on this summons, personal delivery during those hours.

A failure to obey this summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: Honolulu, Hawai'i, _____

APR 24 2014

N. MIYATA



Clerk of the above-entitled court

In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the First Circuit Court Administration Office at PHONE NO. 539-4333, FAX 539-4322, or TTY 539-4853, at least ten (10) working days prior to your hearing or appointment date.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

JOHN ROE NO. 27,

Plaintiff,

vs.

CIVIL NO.
(Non-Vehicle Tort)

DEMAND FOR JURY TRIAL

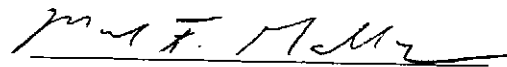
CONGREGATION OF CHRISTIAN
BROTHERS OF HAWAII, INC, t/a
DAMIEN MEMORIAL SCHOOL; THE
ROMAN CATHOLIC CHURCH IN THE
STATE OF HAWAII; a Hawaii not
for profit corporation; SOCIETY
OF THE PRIESTS OF SAINT SULPICE
a/k/a THE ASSOCIATED SULPCIANS
OF THE UNITED STATES, INC.;
BROTHER ROBERT N. BROUILLETTE;
JOHN DOES 1-10; JANE DOES 1-10;
DOE CORPORATIONS 1-10; DOE
PARTNERSHIPS 1-10; DOE NON-
PROFIT ENTITIES 1-10; and DOE
GOVERNMENTAL ENTITIES 1-10

Defendants.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues so triable.

DATED: Honolulu, Hawai'i, April 3, 2014.


Mark F. Gallagher, Esq.
Attorney for Plaintiff