

NEW YORK STATE SUPREME COURT  
ERIE COUNTY

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Index No.: \_\_\_\_\_

MATTHEW SCOTT HELDWEIN, F.Z., WILLIAM  
ANTHONY WACHOWIAK SR., G.W., ROBERT D.  
SCHUBRING, RICHARD FOLGA, DAVID FUNK, A.R.,  
E.W., PATRICIA ANN SWAN, KURT SEIWERT,  
JENNIFER LINDSAY, S.F.,

Date Filed: \_\_\_\_\_

**SUMMONS**

Plaintiffs,

Plaintiffs designate Erie County  
as the place of trial.

-against-

DIOCESE OF BUFFALO AND ST. FRANCIS HIGH  
SCHOOL, BASILICA OF OUR LADY OF VICTORY  
CHURCH AND SCHOOL, CORPUS CHRISTI CHURCH  
AND SCHOOL, ST. ANDREW'S CHURCH AND  
SCHOOL, BISHOP TURNER HIGH SCHOOL, QUEEN  
OF PEACE PARISH, CORONATION OF THE  
BLESSED VIRGIN MARY CHURCH AND SCHOOL,  
ST. BONAVENTURE CATHOLIC CHURCH, AND ST.  
MARY'S CATHOLIC CHURCH AND SCHOOL, ST.  
ALOYSIUS CHURCH AND SCHOOL, ALL SAINTS  
ROMAN CATHOLIC CHURCH AND SCHOOL, ST.  
VINCENT DE PAUL CHURCH AND SCHOOL, QUEEN  
OF HEAVEN CHURCH AND SCHOOL, HOLY  
ANGELS ACADEMY,

The basis of venue is one  
defendant's residence.

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

Defendants.

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TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: August 14, 2019

Respectfully Yours,

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By 

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Attorneys for Plaintiffs

NEW YORK STATE SUPREME COURT  
 ERIE COUNTY

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 MATTHEW SCOTT HELDWEIN, F.Z., WILLIAM  
 ANTHONY WACHOWIAK SR., G.W., ROBERT D.  
 SCHUBRING, RICHARD FOLGA, DAVID FUNK, A.R.,  
 E.W., PATRICIA ANN SWAN, KURT SEIWERT,  
 JENNIFER LINDSAY, and S.F.,

Plaintiffs,

Index No.: \_\_\_\_\_/\_\_\_\_

**COMPLAINT**

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

-against-

DIOCESE OF BUFFALO, ST. FRANCIS HIGH  
 SCHOOL, BASILICA OF OUR LADY OF VICTORY  
 CHURCH AND SCHOOL, CORPUS CHRISTI CHURCH  
 AND SCHOOL, ST. ANDREW'S CHURCH AND  
 SCHOOL, BISHOP TURNER HIGH SCHOOL, QUEEN  
 OF PEACE PARISH, CORONATION OF THE  
 BLESSED VIRGIN MARY CHURCH AND SCHOOL,  
 ST. BONAVENTURE CATHOLIC CHURCH, AND ST.  
 MARY'S CATHOLIC CHURCH AND SCHOOL, ST.  
 ALOYSIUS CHURCH AND SCHOOL, ALL SAINTS  
 ROMAN CATHOLIC CHURCH AND SCHOOL, ST.  
 VINCENT DE PAUL CHURCH AND SCHOOL, QUEEN  
 OF HEAVEN CHURCH AND SCHOOL, and HOLY  
 ANGELS ACADEMY,

Defendants.

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 Plaintiffs, by and through their attorneys, the Marsh Law Firm PLLC and Pfau Cochran  
 Vertetis Amala PLLC, respectfully allege for their complaint the following:

**I. INTRODUCTION**

1. The Diocese of Buffalo (the "Diocese") knew for decades that its priests, clergy, teachers, school administrators, employees, and volunteers were using their positions within the Diocese to groom and to sexually abuse children. Despite that knowledge, the Diocese failed to take reasonable steps to protect children from being sexually abused and actively concealed the abuse.

2. Since 2018, following decades of denial and cover-up, the Diocese of Buffalo began releasing the names of priests who were accused of sexually abusing children. While the Diocese of Buffalo has listed at least 80 priests with substantiated claims of sexual abuse of a minor, it has been reported that there are well over a 100 clergy in the Diocese of Buffalo who have faced allegations of sexually abusing a child. Based on the Diocese's wrongful conduct, a reasonable person could and would conclude that it knowingly and recklessly disregarded the abuse of children and chose to protect its reputation and wealth over those who deserved protection. The result is not surprising: for decades hundreds, if not thousands, of children were sexually abused by Catholic clergy and others who served the Diocese. The plaintiffs in this lawsuit are some of those children who were sexually abused because of the Diocese's wrongful conduct.

## **II. PROCEEDING IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72**

3. This complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each plaintiff's claims were time-barred the day they turned 22 years old. The enactment of the CVA allows plaintiffs, for the first time in their lives, to pursue restorative justice in New York State.

## **III. PARTIES**

4. Plaintiff Matthew Scott Heldwein is an adult male who currently resides in Palmetto, Florida.

5. Upon information and belief, the Diocese is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

6. Upon information and belief, at all relevant times the Diocese conducted business as the "Diocese of Buffalo" and/or "Buffalo Diocese."

7. Upon information and belief, at all relevant times the Diocese employed priests, teachers, school administrators, and others who served various Catholic institutions and families, including plaintiff Matthew Scott Heldwein and his family.

8. Upon information and belief, Father Luke Rutter (“Father Rutter”) was a priest employed by the Diocese to serve Catholic families, including plaintiff Matthew Scott Heldwein and his family. During the time Father Rutter was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Matthew Scott Heldwein.

9. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Rutter used his position as a priest to sexually abuse plaintiff Matthew Scott Heldwein, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

10. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Rutter used his position as a priest to sexually abuse plaintiff Matthew Scott Heldwein, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

11. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

12. Upon information and belief, at all relevant times defendant St. Francis High School (“St. Francis”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

13. Upon information and belief, St. Francis is currently a not-for-profit religious corporation organized under New York law with its principal office in Hamburg, New York.

14. Upon information and belief, at all relevant times St. Francis conducted business as “St. Francis” or “St. Francis High School.”

15. St. Francis is an all-boys Catholic high school located in Hamburg, New York.

16. Upon information and belief, Father Luke Rutter was a priest employed by St. Francis to serve Catholic families in its geographic jurisdiction, including plaintiff Matthew Scott Heldwein and his family. During the time Father Luke Rutter was employed by St. Francis, he used his position as a priest to groom and to sexually abuse plaintiff Matthew Scott Heldwein.

17. To the extent that St. Francis was a different entity, corporation, or organization during the period of time during which Father Rutter used his position as a priest to sexually abuse Scott, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

18. To the extent St. Francis is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Rutter used his position as a priest to sexually abuse Scott, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

19. All such St. Francis-related entities, corporations, or organizations are collectively referred to herein as “St. Francis.”

20. Plaintiff F.Z. is an adult male who currently resides in Hamburg, New York.

21. While he was a minor, plaintiff F.Z. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff F.Z. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

22. In the alternative, plaintiff F.Z. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

23. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff F.Z. and his family.

24. Upon information and belief, Father William Ward ("Father Ward") was a priest employed by the Diocese to serve Catholic families, including plaintiff F.Z. and his family. During the time Father Ward was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff F.Z.

25. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Ward used his position as a priest to sexually abuse plaintiff F.Z., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

26. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Ward used his position as a priest to sexually abuse plaintiff F.Z., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

27. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the "Diocese."

28. Upon information and belief, at all relevant times defendant Basilica of Our Lady of Victory Church and School ("Our Lady of Victory") was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.



29. Upon information and belief, Our Lady of Victory is currently a not-for-profit religious corporation organized under New York law with its principal office in Lackawanna, New York.

30. Upon information and belief, at all relevant times Our Lady of Victory conducted business as “Basilica of Our Lady of Victory,” “Our Lady of Victory Church,” “Our Lady of Victory Parish,” “Our Lady of Victory School,” “OLV,” or “Our Lady of Victory.”

31. Upon information and belief, Our Lady of Victory is a parish with a church and school located in Lackawanna, New York.

32. Upon information and belief, Father William Ward was a priest employed by Our Lady of Victory to serve Catholic families in its geographic jurisdiction, including plaintiff F.Z. and his family. During the time Father William Ward was employed by Our Lady of Victory, he used his position as a priest to groom and to sexually abuse plaintiff F.Z.

33. To the extent that Our Lady of Victory was a different entity, corporation, or organization during the period of time during which Father Ward used his position as a priest to sexually abuse F.Z., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

34. To the extent Our Lady of Victory is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Ward used his position as a priest to sexually abuse F.Z., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

35. All such Our Lady of Victory-related entities, corporations, or organizations are collectively referred to herein as “Our Lady of Victory.”

36. Plaintiff William Anthony Wachowiak Sr. is an adult male who currently resides in Kenmore, New York.

37. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff William Anthony Wachowiak Sr. and his family.

38. Upon information and belief, Sister Julia/Julieta (“Sister Julia/Julieta”) was a nun, school administrator, and/or teacher employed by the Diocese to serve Catholic families, including plaintiff William Anthony Wachowiak Sr. and his family. During the time Sister Julia/Julieta was employed by the Diocese, she used her position as a nun, school administrator, and/or teacher to groom and to sexually abuse plaintiff William Anthony Wachowiak Sr.

39. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Sister Julia/Julieta used her position as a nun, school administrator, and/or teacher to sexually abuse plaintiff William Anthony Wachowiak Sr., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

40. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Sister Julia/Julieta used her position as a nun, school administrator, and/or teacher to sexually abuse plaintiff William Anthony Wachowiak Sr., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

41. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

42. Upon information and belief, at all relevant times defendant Corpus Christi Church and School (“Corpus Christi”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

43. Upon information and belief, Corpus Christi is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

44. Upon information and belief, at all relevant times Corpus Christi conducted business as “Corpus Christi,” “Corpus Christi Church,” “Corpus Christi School,” or “Corpus Christi Church and School.”

45. Corpus Christi is a parish with a church and school located in Buffalo, New York.

46. Upon information and belief, Sister Julia/Julieta was a nun, school administrator, and/or teacher employed by Corpus Christi to serve Catholic families in its geographic jurisdiction, including plaintiff William Anthony Wachowiak Sr. and his family. During the time Sister Julia/Julieta was employed by Corpus Christi, she used her position as a nun, school administrator, and/or teacher to groom and to sexually abuse plaintiff William Anthony Wachowiak Sr.

47. To the extent that Corpus Christi was a different entity, corporation, or organization during the period of time during which Sister Julia/Julieta used her position as a nun, school administrator, and/or teacher to sexually abuse William, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

48. To the extent Corpus Christi is a successor to a different entity, corporation, or organization which existed during the period of time during which Sister Julia/Julieta used her position as a nun, school administrator, and/or teacher to sexually abuse William, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

49. All such Corpus Christi-related entities, corporations, or organizations are collectively referred to herein as “Corpus Christi.”

50. Plaintiff G.W. is an adult male who currently resides in Tonawanda, New York.

51. While he was a minor, plaintiff G.W. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff G.W. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

52. In the alternative, plaintiff G.W. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

53. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff G.W. and his family.

54. Upon information and belief, Father Joseph Schieder (“Father Schieder”) was a priest employed by the Diocese to serve Catholic families, including plaintiff G.W. and his family. During the time Father Schieder was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff G.W.

55. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Schieder used his position as a priest to sexually abuse plaintiff G.W., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

56. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Schieder used his

position as a priest to sexually abuse plaintiff G.W., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

57. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

58. Upon information and belief, at all relevant times defendant St. Andrew’s Church and School (“St. Andrew’s”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

59. Upon information and belief, St. Andrew’s is currently a not-for-profit religious corporation organized under New York law with its principal office in Kenmore, New York.

60. Upon information and belief, at all relevant times St. Andrew’s conducted business as “St. Andrew’s,” “St. Andrew’s Church and School,” “St. Andrew’s Church,” “St. Andrew’s Parish,” and/or “St. Andrew’s School.”

61. St. Andrew’s is a parish with a church and school located in Kenmore, New York.

62. Upon information and belief, Father Joseph Schieder was a priest employed by St. Andrew’s to serve Catholic families in its geographic jurisdiction, including plaintiff G.W. and his family. During the time Father Joseph Schieder was employed by St. Andrew’s, he used his position as a priest to groom and to sexually abuse plaintiff G.W.

63. To the extent that St. Andrew’s was a different entity, corporation, or organization during the period of time during which Father Schieder used his position as a priest to sexually abuse G.W., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

64. To the extent St. Andrew’s is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Schieder used his

position as a priest to sexually abuse G.W., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

65. All such St. Andrew's-related entities, corporations, or organizations are collectively referred to herein as "St. Andrew's."

66. Plaintiff Robert D. Schubring is an adult male who currently resides in Mars, Pennsylvania.

67. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff Robert D. Schubring and his family.

68. Upon information and belief, Father William Stanton ("Father Stanton") was a priest employed by the Diocese to serve Catholic families, including plaintiff Robert D. Schubring and his family. During the time Father Stanton was employed by the Diocese, he used his position as a priest and assistant principal to groom and to sexually abuse plaintiff Robert D. Schubring.

69. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Stanton used his position as a priest and assistant principal to sexually abuse plaintiff Robert D. Schubring, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

70. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Stanton used his position as a priest and assistant principal to sexually abuse plaintiff Robert D. Schubring, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

71. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

72. Upon information and belief, at all relevant times defendant Bishop Turner High School (“Bishop Turner”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

73. Upon information and belief, Bishop Turner is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

74. Upon information and belief, at all relevant times Bishop Turner conducted business as “Bishop Turner High School,” “Bishop Turner,” “Bishop Turner School,” or “Bishop Turner High School.”

75. Bishop Turner is a Catholic high school located in Buffalo, New York.

76. Upon information and belief, Father William Stanton was a priest and assistant principal employed by Bishop Turner to serve Catholic families in its geographic jurisdiction, including plaintiff Robert D. Schubring and his family. During the time Father William Stanton was employed by Bishop Turner, he used his position as a priest and assistant principal to groom and to sexually abuse plaintiff Robert D. Schubring.

77. To the extent that Bishop Turner was a different entity, corporation, or organization during the period of time during which Father Stanton used his position as a priest and assistant principal to sexually abuse Robert, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

78. To the extent Bishop Turner is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Stanton used his position

as a priest and assistant principal to sexually abuse Robert, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

79. All such Bishop Turner-related entities, corporations, or organizations are collectively referred to herein as “Bishop Turner.”

80. Plaintiff Richard Folga is an adult male who currently resides in Gulf Breeze, Florida.

81. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff Richard Folga and his family.

82. Upon information and belief, Father Norbert Orsolits (“Father Orsolits”) was a priest employed by the Diocese to serve Catholic families, including plaintiff Richard Folga and his family. During the time Father Orsolits was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Richard Folga.

83. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Orsolits used his position as a priest to sexually abuse plaintiff Richard Folga, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

84. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Orsolits used his position as a priest to sexually abuse plaintiff Richard Folga, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

85. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”



86. Upon information and belief, at all relevant times defendant Queen of Peace Parish (“Queen of Peace”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

87. Upon information and belief, Queen of Peace is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

88. Upon information and belief, at all relevant times Queen of Peace conducted business as “Queen of Peace,” “Queen of Peace Church,” or “Queen of Peace Parish.”

89. Upon information and belief, Queen of Peace is a parish located in Buffalo, New York.

90. Upon information and belief, Father Norbert Orsolits was a priest employed by Queen of Peace to serve Catholic families in its geographic jurisdiction, including plaintiff Richard Folga and his family. During the time Father Norbert Orsolits was employed by Queen of Peace, he used his position as a priest to groom and to sexually abuse plaintiff Richard Folga.

91. To the extent that Queen of Peace was a different entity, corporation, or organization during the period of time during which Father Orsolits used his position as a priest to sexually abuse Richard, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

92. To the extent Queen of Peace is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Orsolits used his position as a priest to sexually abuse Richard, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

93. All such Queen of Peace-related entities, corporations, or organizations are collectively referred to herein as “Queen of Peace.”

94. Plaintiff David Funk is an adult male who currently resides in Runnells, Iowa.

95. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff David Funk and his family.

96. Upon information and belief, the choir director (“choir director”) was a choir director employed by the Diocese to serve Catholic families, including plaintiff David Funk and his family. During the time the choir director was employed by the Diocese, he used his position as a choir director to groom and to sexually abuse plaintiff David Funk.

97. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which the choir director used his position as a choir director to sexually abuse plaintiff David Funk, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

98. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which the choir director used his position as a choir director to sexually abuse plaintiff David Funk, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

99. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

100. Upon information and belief, at all relevant times defendant Coronation of the Blessed Virgin Mary Church and School (“Blessed Virgin Mary”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

101. Upon information and belief, Blessed Virgin Mary is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

102. Upon information and belief, at all relevant times Blessed Virgin Mary conducted business as “Blessed Virgin Mary,” “Coronation of the Blessed Virgin Mary Church and School,” “Coronation of the Blessed Virgin Mary Church,” “Coronation of the Blessed Virgin Mary School,” “Blessed Virgin Mary Parish,” “Blessed Virgin Mary School,” “Blessed Virgin Mary Church.”

103. Blessed Virgin Mary is a parish with a church and school located in Buffalo, New York.

104. Upon information and belief, the choir director was a choir director employed by Blessed Virgin Mary to serve Catholic families in its geographic jurisdiction, including plaintiff David Funk and his family. During the time the choir director was employed by Blessed Virgin Mary, he used his position as a choir director to groom and to sexually abuse plaintiff David Funk.

105. To the extent that Blessed Virgin Mary was a different entity, corporation, or organization during the period of time during which choir director used his position as a choir director to sexually abuse David, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

106. To the extent Blessed Virgin Mary is a successor to a different entity, corporation, or organization which existed during the period of time during which the choir director used his position as a choir director to sexually abuse David, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

107. All such Blessed Virgin Mary-related entities, corporations, or organizations are collectively referred to herein as “Blessed Virgin Mary.”

108. Plaintiff A.R. is an adult male who currently resides in Lancaster, New York.

109. While he was a minor, plaintiff A.R. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff A.R. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

110. In the alternative, plaintiff A.R. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

111. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff A.R. and his family.

112. Upon information and belief, Father Donald Becker (“Father Becker”) was a priest employed by the Diocese to serve Catholic families, including plaintiff A.R. and his family. During the time Father Becker was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff A.R.

113. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Becker used his position as a priest to sexually abuse plaintiff A.R., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

114. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Becker used his position

as a priest to sexually abuse plaintiff A.R., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

115. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

116. Upon information and belief, at all relevant times defendant St. Mary’s Catholic Church and School (“St. Mary’s”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

117. Upon information and belief, St. Mary’s is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

118. Upon information and belief, at all relevant times St. Mary’s conducted business as “St. Mary’s Catholic Church and School,” “St. Mary’s Church,” “St. Mary’s School,” or “St. Mary’s.”

119. St. Mary’s is a parish with a church and school located in Buffalo, New York.

120. Upon information and belief, Father Donald Becker was a priest employed by St. Mary’s to serve Catholic families in its geographic jurisdiction, including plaintiff A.R. and his family. During the time Father Donald Becker was employed by St. Mary’s, he used his position as a priest to groom and to sexually abuse plaintiff A.R.

121. To the extent that St. Mary’s was a different entity, corporation, or organization during the period of time during which Father Becker used his position as a priest to sexually abuse A.R., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

122. To the extent St. Mary’s is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Becker used his position

as a priest to sexually abuse A.R., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

123. All such St. Mary's-related entities, corporations, or organizations are collectively referred to herein as "St. Mary's."

124. Upon information and belief, at all relevant times defendant St. Bonaventure Catholic Church ("St. Bonaventure") was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

125. Upon information and belief, St. Bonaventure is currently a not-for-profit religious corporation organized under New York law with its principal office in West Seneca, New York.

126. Upon information and belief, at all relevant times St. Bonaventure conducted business as "St. Bonaventure Catholic Church," "St. Bonaventure Church," or "St. Bonaventure."

127. St. Bonaventure is a parish with a church located in West Seneca, New York.

128. Upon information and belief, Father Donald Becker was a priest employed by St. Bonaventure to serve Catholic families in its geographic jurisdiction, including plaintiff A.R. and his family. During the time Father Donald Becker was employed by St. Bonaventure, he used his position as a priest to groom and to sexually abuse plaintiff A.R.

129. To the extent that St. Bonaventure was a different entity, corporation, or organization during the period of time during which Father Becker used his position as a priest to sexually abuse A.R., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

130. To the extent St. Bonaventure is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Becker used his position

as a priest to sexually abuse A.R., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

131. All such St. Bonaventure-related entities, corporations, or organizations are collectively referred to herein as “St. Bonaventure.”

132. Plaintiff E.W. is an adult female who currently resides in Hamburg, New York.

133. While she was a minor, plaintiff E.W. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff E.W. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

134. In the alternative, plaintiff E.W. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that her identity is protected from the public while allowing the defendants full access to information necessary for their defense.

135. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff E.W. and her family.

136. Upon information and belief, Father James Spielman (“Father Spielman”) was a priest employed by the Diocese to serve Catholic families, including plaintiff E.W. and her family. During the time Father Spielman was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff E.W.

137. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Spielman used his position as a priest to sexually abuse plaintiff E.W., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

138. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Spielman used his position as a priest to sexually abuse plaintiff E.W., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

139. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

140. Upon information and belief, at all relevant times defendant St. Aloysius Church and School (“St. Aloysius”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

141. Upon information and belief, St. Aloysius is currently a not-for-profit religious corporation organized under New York law with its principal office in Springville, New York.

142. Upon information and belief, at all relevant times St. Aloysius conducted business as “St. Aloysius,” “St. Aloysius Church and School,” “St. Aloysius Church,” “St. Aloysius School,” “St. Aloysius Parish.”

143. St. Aloysius is a parish with a church and school located in Springville, New York.

144. Upon information and belief, Father James Spielman was a priest employed by St. Aloysius to serve Catholic families in its geographic jurisdiction, including plaintiff E.W. and her family, and while plaintiff E.W. was a student. During the time Father James Spielman was employed by St. Aloysius, he used his position as a priest to groom and to sexually abuse plaintiff E.W.

145. To the extent that St. Aloysius was a different entity, corporation, or organization during the period of time during which Father Spielman used his position as a priest to sexually



abuse E.W., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

146. To the extent St. Aloysius is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Spielman used his position as a priest to sexually abuse E.W., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

147. All such St. Aloysius-related entities, corporations, or organizations are collectively referred to herein as “St. Aloysius.”

148. Plaintiff Patricia Ann Swan is an adult female who currently resides in New Castle, Pennsylvania.

149. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff Patricia Ann Swan and her family.

150. Upon information and belief, Father James Hayes (“Father Hayes”) was a priest employed by the Diocese to serve Catholic families, including plaintiff Patricia Ann Swan and her family. During the time Father Hayes was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Patricia Ann Swan.

151. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Hayes used his position as a priest to sexually abuse plaintiff Patricia Ann Swan, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

152. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Hayes used his position

as a priest to sexually abuse plaintiff Patricia Ann Swan, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

153. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

154. Upon information and belief, at all relevant times defendant All Saints Roman Catholic Church and School (“All Saints”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

155. Upon information and belief, All Saints is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

156. Upon information and belief, at all relevant times All Saints conducted business as “All Saints Roman Catholic Church,” “All Saints Roman Catholic Church and School,” “All Saints,” “All Saints Catholic Church,” “All Saints School,” or “All Saints Parish.”

157. Upon information and belief, All Saints is a parish with a church and school located in Buffalo, New York.

158. Upon information and belief, Father James Hayes was a priest employed by All Saints to serve Catholic families in its geographic jurisdiction, including plaintiff Patricia Ann Swan and her family. During the time Father James Hayes was employed by All Saints, he used his position as a priest to groom and to sexually abuse plaintiff Patricia Ann Swan.

159. To the extent that All Saints was a different entity, corporation, or organization during the period of time during which Father Hayes used his position as a priest to sexually abuse Patricia, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

160. To the extent All Saints is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Hayes used his position as a priest to sexually abuse Patricia, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

161. All such All Saints-related entities, corporations, or organizations are collectively referred to herein as “All Saints.”

162. Plaintiff Kurt Seiwert is an adult male who currently resides in Milton, Florida.

163. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff Kurt Seiwert and his family.

164. Upon information and belief, Father Pascal Ipolito (“Father Ipolito”) was a priest employed by the Diocese to serve Catholic families, including plaintiff Kurt Seiwert and his family. During the time Father Ipolito was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Kurt Seiwert.

165. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Ipolito used his position as a priest to sexually abuse plaintiff Kurt Seiwert, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

166. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Ipolito used his position as a priest to sexually abuse plaintiff Kurt Seiwert, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

167. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

168. Upon information and belief, at all relevant times defendant St. Vincent de Paul Church and School (“St. Vincent”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

169. Upon information and belief, St. Vincent is currently a not-for-profit religious corporation organized under New York law with its principal office in Evans, New York.

170. Upon information and belief, at all relevant times St. Vincent conducted business as “St. Vincent,” “St. Vincent de Paul Church and School,” “St. Vincent de Paul Church,” “St. Vincent de Paul School,” “St. Vincent Parish,” “St. Vincent de Paul Parish,” and/or “St. Vincent de Paul.”

171. Upon information and belief, St. Vincent is a parish with a church and school located in Evans, New York.

172. Upon information and belief, Father Pascal Ipolito was a priest employed by St. Vincent to serve Catholic families in its geographic jurisdiction, including plaintiff Kurt Seiwert and his family. During the time Father Pascal Ipolito was employed by St. Vincent, he used his position as a priest to groom and to sexually abuse plaintiff Kurt Seiwert.

173. To the extent that St. Vincent was a different entity, corporation, or organization during the period of time during which Father Ipolito used his position as a priest to sexually abuse Kurt, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

174. To the extent St. Vincent is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Ipolito used his position

as a priest to sexually abuse Kurt, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

175. All such St. Vincent-related entities, corporations, or organizations are collectively referred to herein as “St. Vincent.”

176. Plaintiff Jennifer Lindsay is an adult female who currently resides in Hamburg, New York.

177. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff Jennifer Lindsay and her family.

178. Upon information and belief, Father Robert Moss (“Father Moss”) was a priest employed by the Diocese to serve Catholic families, including plaintiff Jennifer Lindsay and her family. During the time Father Moss was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Jennifer Lindsay.

179. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Moss used his position as a priest to sexually abuse plaintiff Jennifer Lindsay, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

180. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Moss used his position as a priest to sexually abuse plaintiff Jennifer Lindsay, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

181. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

182. Upon information and belief, at all relevant times defendant Queen of Heaven Church and School (“Queen of Heaven”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

183. Upon information and belief, Queen of Heaven is currently a not-for-profit religious corporation organized under New York law with its principal office in West Seneca, New York.

184. Upon information and belief, at all relevant times Queen of Heaven conducted business as “Queen of Heaven,” “Queen of Heaven Church and School,” “Queen of Heaven Church,” “Queen of Heaven School,” and/or “Queen of Heaven Parish.”

185. Queen of Heaven is a parish with a church and school located in West Seneca, New York.

186. Upon information and belief, Father Robert Moss was a priest employed by Queen of Heaven to serve Catholic families in its geographic jurisdiction, including plaintiff Jennifer Lindsay and her family. During the time Father Robert Moss was employed by Queen of Heaven, he used his position as a priest to groom and to sexually abuse plaintiff Jennifer Lindsay.

187. To the extent that Queen of Heaven was a different entity, corporation, or organization during the period of time during which Father Moss used his position as a priest to sexually abuse Jennifer, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

188. To the extent Queen of Heaven is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Moss used his position as a priest to sexually abuse Jennifer, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

189. All such Queen of Heaven-related entities, corporations, or organizations are collectively referred to herein as “Queen of Heaven.”

190. Plaintiff S.F. is an adult female who currently resides in Buffalo, New York.

191. While she was a minor, plaintiff S.F. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff S.F. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

192. In the alternative, plaintiff S.F. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that her identity is protected from the public while allowing the defendants full access to information necessary for their defense.

193. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff S.F. and her family.

194. Upon information and belief, Scott Mitchell (“Mr. Mitchell”) was a teacher employed by the Diocese to serve Catholic families, including plaintiff S.F. and her family. During the time Mr. Mitchell was employed by the Diocese, he used his position as a teacher to groom and to sexually abuse plaintiff S.F.

195. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Mr. Mitchell used his position as a teacher to sexually abuse plaintiff S.F., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

196. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Mitchell used his position

as a teacher to sexually abuse plaintiff S.F., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

197. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

198. Upon information and belief, at all relevant times defendant Holy Angels Academy (“Holy Angels”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

199. Upon information and belief, Holy Angels is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

200. Upon information and belief, at all relevant times Holy Angels conducted business as “Holy Angels Academy,” “Holy Angels,” and/or “Holy Angels School.”

201. Holy Angels was/is an all-girls Catholic school located in Buffalo, New York.

202. Upon information and belief, Scott Mitchell was a teacher employed by Holy Angels to serve Catholic families in its geographic jurisdiction, including plaintiff S.F. and her family. During the time Scott Mitchell was employed by Holy Angels, he used his position as a teacher to groom and to sexually abuse plaintiff S.F.

203. To the extent that Holy Angels was a different entity, corporation, or organization during the period of time during which Mr. Mitchell used his position as a teacher to sexually abuse S.F., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

204. To the extent Holy Angels is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Mitchell used his position



as a teacher to sexually abuse S.F., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

205. All such Holy Angels-related entities, corporations, or organizations are collectively referred to herein as “Holy Angels.”

#### **IV. VENUE**

206. Venue is proper because the Diocese is a domestic corporation authorized to transact business in New York with its principal office located in Erie County.

207. Venue is proper because Erie is the county in which a substantial part of the events or omissions giving rise to each plaintiff’s claim occurred.

208. Venue is proper because St. Francis has its principal office located in Hamburg, New York.

209. Venue is proper because Our Lady of Victory is a domestic corporation authorized to transact business in New York with its principal office located in Lackawanna, New York.

210. Venue is proper because Corpus Christi is a domestic corporation authorized to transact business in New York with its principal office located in Buffalo, New York.

211. Venue is proper because plaintiff William Anthony Wachowiak Sr. currently resides in Kenmore, New York.

212. Venue is proper because St. Andrew's is a domestic corporation authorized to transact business in New York with its principal office located in Kenmore, New York.

213. Venue is proper because plaintiff G.W. currently resides in Tonawanda, New York.

214. Venue is proper because Bishop Turner is a domestic corporation authorized to transact business in New York with its principal office located in Buffalo, New York.

215. Venue is proper because Queen of Peace is a domestic corporation authorized to transact business in New York with its principal office located in Buffalo, New York.

216. Venue is proper because Blessed Virgin Mary is a domestic corporation authorized to transact business in New York with its principal office located in Buffalo, New York.

217. Venue is proper because St. Mary's is a domestic corporation authorized to transact business in New York with its principal office located in Lancaster, New York.

218. Venue is proper because St. Bonaventure is a domestic corporation authorized to transact business in New York with its principal office located in West Seneca, New York.

219. Venue is proper because plaintiff A.R. currently resides in Lancaster, New York.

220. Venue is proper because St. Aloysius is a domestic corporation authorized to transact business in New York with its principal office located in Springville, New York.

221. Venue is proper because plaintiff E.W. currently resides in Hamburg, New York.

222. Venue is proper because All Saints is a domestic corporation authorized to transact business in New York with its principal office located in Buffalo, New York.

223. Venue is proper because St. Vincent is a domestic corporation authorized to transact business in New York with its principal office located in Evans, New York.

224. Venue is proper because Queen of Heaven is a domestic corporation authorized to transact business in New York with its principal office located in West Seneca, New York.

225. Venue is proper because plaintiff Jennifer Lindsay currently resides in Hamburg, New York.

226. Venue is proper because Holy Angels is a domestic corporation authorized to transact business in New York with its principal office located in Buffalo, New York.

227. Venue is proper because plaintiff S.F. currently resides in Buffalo, New York.

**V. STATEMENT OF FACTS AS TO PLAINTIFF MATTHEW SCOTT HELDWEIN**

228. Upon information and belief, at all relevant times the Diocese was the owner of St. Francis and held itself out to the public as the owner of St. Francis.

229. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Francis.

230. Upon information and belief, at all relevant times the Diocese employed priests, teachers, school administrators, and others who served Catholic families at St. Francis, including plaintiff Matthew Scott Heldwein and his family.

231. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Francis, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Francis.

232. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Francis.

233. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Francis.

234. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Francis, including the services of Father Rutter and the services of those who managed and supervised Father Rutter.

235. Upon information and belief, at all relevant times St. Francis ran an all-boys Catholic high school.

236. Upon information and belief, at all relevant times St. Francis held itself out to the public as the owner of St. Francis.

237. Upon information and belief, at all relevant times St. Francis employed priests, teachers, school administrators, and others who served Catholic families, including plaintiff Matthew Scott Heldwein and his family.

238. Upon information and belief, at all relevant times St. Francis, its agents, servants, and employees managed, maintained, operated, and controlled St. Francis, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Francis.

239. Upon information and belief, at all relevant times St. Francis was responsible for and did the staffing and hiring at St. Francis.

240. Upon information and belief, at all relevant times St. Francis was responsible for and did the recruitment and staffing of volunteers at St. Francis.

241. Upon information and belief, at all relevant times St. Francis materially benefitted from the operation of St. Francis, including the services of Father Rutter and the services of those who managed and supervised Father Rutter.

242. Upon information and belief, at all relevant times Father Rutter was a priest of the Diocese.

243. Upon information and belief, at all relevant times Father Rutter was on the staff of, acted as an agent of, and served as an employee of the Diocese.

244. Upon information and belief, at all relevant times Father Rutter was acting in the course and scope of his employment with the Diocese.

245. Upon information and belief, at all relevant times Father Rutter was employed by the Diocese and assigned to St. Francis.

246. Upon information and belief, at all relevant times Father Rutter was a priest of St. Francis.

247. Upon information and belief, at all relevant times Father Rutter was on the staff of, was an agent of, and served as an employee of St. Francis.

248. Upon information and belief, at all relevant times Father Rutter was acting in the course and scope of his employment with St. Francis.

249. Upon information and belief, at all relevant times Father Rutter had an office on the premises of St. Francis.

250. When plaintiff Matthew Scott Heldwein was a minor, he was a member of the Diocese and a resident student at St. Francis.

251. At all relevant times, the Diocese and St. Francis, their agents, servants, and employees, held Father Rutter out to the public, to Scott, and to his parents, as their agent and employee.

252. At all relevant times, the Diocese and St. Francis, their agents, servants, and employees, held Father Rutter out to the public, to Scott, and to his parents, as having been vetted, screened, and approved by those defendants.

253. At all relevant times, Scott and his parents reasonably relied upon the acts and representations of the Diocese and St. Francis, their agents, servants, and employees, and reasonably believed that Father Rutter was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

254. At all relevant times, Scott and his parents trusted Father Rutter because the Diocese and St. Francis held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Scott.

255. At all relevant times, Scott and his parents believed that the Diocese and St. Francis would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Scott.

256. When Scott was a minor, Father Rutter sexually abused him.

257. Scott was sexually abused by Father Rutter when Scott was approximately 14 to 16 years old.

258. Based on the representations of the Diocese and St. Francis that Father Rutter was safe and trustworthy, Scott and his parents allowed Scott to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Francis, including during the times when Scott was sexually abused by Father Rutter.

259. Based on the representations of the Diocese and St. Francis that Father Rutter was safe and trustworthy, Scott and his parents allowed Scott to be under the supervision of, and in the care, custody, and control of, Father Rutter, including during the times when Scott was sexually abused by Father Rutter.

260. Neither Scott nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Francis, or Father Rutter if the Diocese or St. Francis had disclosed to Scott or his parents that Father Rutter was not safe and was not trustworthy, and that he in fact posed a danger to Scott in that Father Rutter was likely to sexually abuse Scott.

261. No parent of ordinary prudence in comparable circumstances would have allowed Scott to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Francis, or Father Rutter if the Diocese or St. Francis had disclosed to Scott or his parents that Father Rutter was not safe and was not trustworthy, and that he in fact posed a danger to Scott in that Father Rutter was likely to sexually abuse him.

262. From approximately 1980 through 1982, Father Rutter exploited the trust and authority vested in him by defendants by grooming Scott to gain his trust and to obtain control over him as part of Father Rutter's plan to sexually molest and abuse Scott and other children.

263. Father Rutter used his position of trust and authority as a priest of the Diocese and of St. Francis to groom Scott and to sexually abuse him multiple times, including when Scott was under the supervision of, and in the care, custody, or control of, the Diocese, St. Francis, and Father Rutter.

264. At certain times, the sexual abuse of Scott by Father Rutter occurred at St. Francis, including at the school.

265. At certain times, Father Rutter's sexual abuse of Scott occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Francis, including during the resident program.

266. Upon information and belief, prior to the times mentioned herein, Father Rutter was a known sexual abuser of children.

267. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Rutter was a known sexual abuser of children.

268. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Rutter's sexual abuse of children would likely result in injury to others, including the sexual abuse of Scott and other children by Father Rutter.

269. Upon information and belief, at certain times between 1980 and 1982, defendants, their agents, servants, and employees knew or should have known that Father Rutter was sexually abusing Scott and other children at St. Francis and elsewhere.

270. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Rutter of Scott was ongoing.

271. Upon information and belief, the Diocese and St. Francis, their agents, servants, and employees, knew or should have known before and during Father Rutter's sexual abuse of Scott that priests, teachers, school administrators, and other persons serving the Diocese and St. Francis had used their positions with those defendants to groom and to sexually abuse children.

272. Upon information and belief, the Diocese and St. Francis, their agents, servants, and employees, knew or should have known before and during Father Rutter's sexual abuse of Scott that such priests, teachers, school administrators, and other persons could not be "cured" through treatment or counseling.

273. Upon information and belief, the Diocese and St. Francis, their agents, servants, and employees, concealed the sexual abuse of children by Father Rutter in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Rutter would continue to molest children.

274. Upon information and belief, the Diocese and St. Francis, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Rutter would use his position with the defendants to sexually abuse children, including Scott.

275. Upon information and belief, the Diocese and St. Francis, their agents, servants, and employees, disregarded their knowledge that Father Rutter would use his position with them to sexually abuse children, including Scott.

276. Upon information and belief, the Diocese and St. Francis, their agents, servants, and employees, acted in concert with each other or with Father Rutter to conceal the danger that



Father Rutter posed to children, including Scott, so that Father Rutter could continue serving them despite their knowledge of that danger.

277. Upon information and belief, the Diocese and St. Francis, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Scott, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

278. Upon information and belief, the Diocese and St. Francis, their agents, servants, and employees, concealed the sexual abuse of children by priests, teachers, school administrators, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, teachers, school administrators, and other persons would continue to molest children.

279. By reason of the wrongful acts of the Diocese and St. Francis as detailed herein, Scott sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Scott has and/or will become obligated to expend sums of money for treatment.

## **VI. STATEMENT OF FACTS AS TO PLAINTIFF F.Z.**

280. Upon information and belief, at all relevant times the Diocese was the owner of Our Lady of Victory and held itself out to the public as the owner of Our Lady of Victory.

281. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Victory.

282. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at Our Lady of Victory, including plaintiff F.Z. and his family.

283. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Victory, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Our Lady of Victory.

284. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Our Lady of Victory.

285. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Our Lady of Victory.

286. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Our Lady of Victory, including the services of Father Ward and the services of those who managed and supervised Father Ward.

287. Upon information and belief, at all relevant times Our Lady of Victory owned a parish, church, and school.

288. Upon information and belief, at all relevant times Our Lady of Victory held itself out to the public as the owner of Our Lady of Victory.

289. Upon information and belief, at all relevant times Our Lady of Victory employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff F.Z. and his family.

290. Upon information and belief, at all relevant times Our Lady of Victory, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Victory, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Our Lady of Victory.

291. Upon information and belief, at all relevant times Our Lady of Victory was responsible for and did the staffing and hiring at Our Lady of Victory.

292. Upon information and belief, at all relevant times Our Lady of Victory was responsible for and did the recruitment and staffing of volunteers at Our Lady of Victory.

293. Upon information and belief, at all relevant times Our Lady of Victory materially benefitted from the operation of Our Lady of Victory, including the services of Father Ward and the services of those who managed and supervised Father Ward.

294. Upon information and belief, at all relevant times Father Ward was a priest of the Diocese.

295. Upon information and belief, at all relevant times Father Ward was on the staff of, acted as an agent of, and served as an employee of the Diocese.

296. Upon information and belief, at all relevant times Father Ward was acting in the course and scope of his employment with the Diocese.

297. Upon information and belief, at all relevant times Father Ward was employed by the Diocese and assigned to Our Lady of Victory.

298. Upon information and belief, at all relevant times Father Ward was a priest of Our Lady of Victory.

299. Upon information and belief, at all relevant times Father Ward was on the staff of, was an agent of, and served as an employee of Our Lady of Victory.

300. Upon information and belief, at all relevant times Father Ward was acting in the course and scope of his employment with Our Lady of Victory.

301. Upon information and belief, at all relevant times Father Ward had an office on the premises of Our Lady of Victory.

302. When plaintiff F.Z. was a minor, he and his parents were members of the Diocese and Our Lady of Victory, including when F.Z. was an altar boy.

303. At all relevant times, the Diocese and Our Lady of Victory, their agents, servants, and employees, held Father Ward out to the public, to F.Z., and to his parents, as their agent and employee.

304. At all relevant times, the Diocese and Our Lady of Victory, their agents, servants, and employees, held Father Ward out to the public, to F.Z., and to his parents, as having been vetted, screened, and approved by those defendants.

305. At all relevant times, F.Z. and his parents reasonably relied upon the acts and representations of the Diocese and Our Lady of Victory, their agents, servants, and employees, and reasonably believed that Father Ward was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

306. At all relevant times, F.Z. and his parents trusted Father Ward because the Diocese and Our Lady of Victory held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of F.Z.

307. At all relevant times, F.Z. and his parents believed that the Diocese and Our Lady of Victory would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of F.Z.

308. When F.Z. was a minor, Father Ward sexually abused him.

309. F.Z. was sexually abused by Father Ward when F.Z. was approximately 13 years old.

310. Based on the representations of the Diocese and Our Lady of Victory that Father Ward was safe and trustworthy, F.Z. and his parents allowed F.Z. to be under the supervision of, and in the care, custody, and control of, the Diocese and Our Lady of Victory, including when F.Z. was sexually abused by Father Ward.

311. Based on the representations of the Diocese and Our Lady of Victory that Father Ward was safe and trustworthy, F.Z. and his parents allowed F.Z. to be under the supervision of, and in the care, custody, and control of, Father Ward, including when F.Z. was sexually abused by Father Ward.

312. Neither F.Z. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Our Lady of Victory, or Father Ward if the Diocese or Our Lady of Victory had disclosed to F.Z. or his parents that Father Ward was not safe and was not trustworthy, and that he in fact posed a danger to F.Z. in that Father Ward was likely to sexually abuse F.Z.

313. No parent of ordinary prudence in comparable circumstances would have allowed F.Z. to be under the supervision of, or in the care, custody, or control of, the Diocese, Our Lady of Victory, or Father Ward if the Diocese or Our Lady of Victory had disclosed to F.Z. or his parents that Father Ward was not safe and was not trustworthy, and that he in fact posed a danger to F.Z. in that Father Ward was likely to sexually abuse him.

314. From approximately 1955 through 1956, Father Ward exploited the trust and authority vested in him by defendants by grooming F.Z. to gain his trust and to obtain control over him as part of Father Ward's plan to sexually molest and abuse F.Z. and other children.

315. Father Ward used his position of trust and authority as a priest of the Diocese and of Our Lady of Victory to groom F.Z. and to sexually abuse him, including when F.Z. was under the supervision of, and in the care, custody, or control of, the Diocese, Our Lady of Victory, and Father Ward.

316. Father Ward's sexual abuse of F.Z. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Our Lady of Victory, including during a trip to the movies that Father Ward organized as his priest.

317. Upon information and belief, prior to the times mentioned herein, Father Ward was a known sexual abuser of children.

318. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Ward was a known sexual abuser of children.

319. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Ward's sexual abuse of children would likely result in injury to others, including the sexual abuse of F.Z. and other children by Father Ward.

320. Upon information and belief, the defendants, their agents, servants, and employees, knew or should have known that Father Ward was sexually abusing F.Z. and other children at Our Lady of Victory and elsewhere.

321. Upon information and belief, the Diocese and Our Lady of Victory, their agents, servants, and employees, knew or should have known before and during Father Ward's sexual abuse of F.Z. that priests, school administrators, teachers, religious sisters, and/or other persons

serving the Diocese and Our Lady of Victory had used their positions with those defendants to groom and to sexually abuse children.

322. Upon information and belief, the Diocese and Our Lady of Victory, their agents, servants, and employees, knew or should have known before and during Father Ward's sexual abuse of F.Z. that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

323. Upon information and belief, the Diocese and Our Lady of Victory, their agents, servants, and employees, concealed the sexual abuse of children by Father Ward in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Ward would continue to molest children.

324. Upon information and belief, the Diocese and Our Lady of Victory, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Ward would use his position with the defendants to sexually abuse children, including F.Z.

325. Upon information and belief, the Diocese and Our Lady of Victory, their agents, servants, and employees, disregarded their knowledge that Father Ward would use his position with them to sexually abuse children, including F.Z.

326. Upon information and belief, the Diocese and Our Lady of Victory, their agents, servants, and employees, acted in concert with each other or with Father Ward to conceal the danger that Father Ward posed to children, including F.Z., so that Father Ward could continue serving them despite their knowledge of that danger.

327. Upon information and belief, the Diocese and Our Lady of Victory, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including F.Z., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

328. Upon information and belief, the Diocese and Our Lady of Victory, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

329. By reason of the wrongful acts of the Diocese and Our Lady of Victory as detailed herein, F.Z. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and F.Z. has and/or will become obligated to expend sums of money for treatment.

**VII. STATEMENT OF FACTS AS TO PLAINTIFF WILLIAM ANTHONY WACHOWIAK SR.**

330. Upon information and belief, at all relevant times the Diocese was the owner of Corpus Christi and held itself out to the public as the owner of Corpus Christi.



331. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Corpus Christi.

332. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at Corpus Christi, including plaintiff William Anthony Wachowiak Sr. and his family.

333. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Corpus Christi, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Corpus Christi.

334. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Corpus Christi.

335. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Corpus Christi.

336. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Corpus Christi, including the services of Sister Julia/Julieta and the services of those who managed and supervised Sister Julia/Julieta.

337. Upon information and belief, at all relevant times Corpus Christi owned a parish, church, convent, and school.

338. Upon information and belief, at all relevant times Corpus Christi held itself out to the public as the owner of Corpus Christi.

339. Upon information and belief, at all relevant times Corpus Christi employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff William Anthony Wachowiak Sr. and his family.

340. Upon information and belief, at all relevant times Corpus Christi, its agents, servants, and employees managed, maintained, operated, and controlled Corpus Christi, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Corpus Christi.

341. Upon information and belief, at all relevant times Corpus Christi was responsible for and did the staffing and hiring at Corpus Christi.

342. Upon information and belief, at all relevant times Corpus Christi was responsible for and did the recruitment and staffing of volunteers at Corpus Christi.

343. Upon information and belief, at all relevant times Corpus Christi materially benefitted from the operation of Corpus Christi, including the services of Sister Julia/Julieta and the services of those who managed and supervised Sister Julia/Julieta.

344. Upon information and belief, at all relevant times Sister Julia/Julieta was a nun, school administrator, and/or teacher of the Diocese.

345. Upon information and belief, at all relevant times Sister Julia/Julieta was on the staff of, acted as an agent of, and served as an employee of the Diocese.

346. Upon information and belief, at all relevant times Sister Julia/Julieta was acting in the course and scope of her employment with the Diocese.

347. Upon information and belief, at all relevant times Sister Julia/Julieta was employed by the Diocese and assigned to Corpus Christi.

348. Upon information and belief, at all relevant times Sister Julia/Julieta was a nun, school administrator, and/or teacher of Corpus Christi.

349. Upon information and belief, at all relevant times Sister Julia/Julieta was on the staff of, was an agent of, and served as an employee of Corpus Christi.

350. Upon information and belief, at all relevant times Sister Julia/Julieta was acting in the course and scope of her employment with Corpus Christi.

351. Upon information and belief, at all relevant times Sister Julia/Julieta had an office on the premises of Corpus Christi.

352. When plaintiff William Anthony Wachowiak Sr. was a minor, he and his parents were members of the Diocese and Corpus Christi, including when plaintiff William was a student.

353. At all relevant times, the Diocese and Corpus Christi, their agents, servants, and employees, held Sister Julia/Julieta out to the public, to William, and to his parents, as their agent and employee.

354. At all relevant times, the Diocese and Corpus Christi, their agents, servants, and employees, held Sister Julia/Julieta out to the public, to William, and to his parents, as having been vetted, screened, and approved by those defendants.

355. At all relevant times, William and his parents reasonably relied upon the acts and representations of the Diocese and Corpus Christi, their agents, servants, and employees, and reasonably believed that Sister Julia/Julieta was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

356. At all relevant times, William and his parents trusted Sister Julia/Julieta because the Diocese and Corpus Christi held her out as someone who was safe and could be trusted with the supervision, care, custody, and control of William.

357. At all relevant times, William and his parents believed that the Diocese and Corpus Christi would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of William.

358. When William was a minor, Sister Julia/Julieta sexually abused him.

359. William was sexually abused by Sister Julia/Julieta when William was approximately 9 to 10 years old.

360. Based on the representations of the Diocese and Corpus Christi that Sister Julia/Julieta was safe and trustworthy, William and his parents allowed William to be under the supervision of, and in the care, custody, and control of, the Diocese and Corpus Christi, including during the times when William was sexually abused by Sister Julia/Julieta.

361. Based on the representations of the Diocese and Corpus Christi that Sister Julia/Julieta was safe and trustworthy, William and his parents allowed William to be under the supervision of, and in the care, custody, and control of, Sister Julia/Julieta, including during the times when William was sexually abused by Sister Julia/Julieta.

362. Neither William nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Corpus Christi, or Sister Julia/Julieta if the Diocese or Corpus Christi had disclosed to William or his parents that Sister Julia/Julieta was not safe and was not trustworthy, and that she in fact posed a danger to William in that Sister Julia/Julieta was likely to sexually abuse William.

363. No parent of ordinary prudence in comparable circumstances would have allowed William to be under the supervision of, or in the care, custody, or control of, the Diocese, Corpus Christi, or Sister Julia/Julieta if the Diocese or Corpus Christi had disclosed to William or his parents that Sister Julia/Julieta was not safe and was not trustworthy, and that she in fact posed a danger to William in that Sister Julia/Julieta was likely to sexually abuse him.

364. From approximately 1956 through 1957, Sister Julia/Julieta exploited the trust and authority vested in her by defendants by grooming William to gain his trust and to obtain control

over him as part of Sister Julia/Julieta's plan to sexually molest and abuse William and other children.

365. Sister Julia/Julieta used her position of trust and authority as a nun, school administrator, and/or teacher of the Diocese and of Corpus Christi to groom William and to sexually abuse him multiple times, including when William was under the supervision of, and in the care, custody, or control of, the Diocese, Corpus Christi, and Sister Julia/Julieta.

366. At certain times, the sexual abuse of William by Sister Julia/Julieta occurred at Corpus Christi, including in the school and in the convent.

367. At certain times, Sister Julia/Julieta's sexual abuse of William occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Corpus Christi, including during school activities.

368. Upon information and belief, prior to the times mentioned herein, Sister Julia/Julieta was a known sexual abuser of children.

369. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Sister Julia/Julieta was a known sexual abuser of children.

370. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Sister Julia/Julieta's sexual abuse of children would likely result in injury to others, including the sexual abuse of William and other children by Sister Julia/Julieta.

371. Upon information and belief, at certain times between 1956 and 1957, defendants, their agents, servants, and employees knew or should have known that Sister Julia/Julieta was sexually abusing William and other children at Corpus Christi and elsewhere.

372. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Sister Julia/Julieta of William was ongoing.

373. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, knew or should have known that Sister Julia/Julieta was likely to abuse children, including William, because plaintiff William's father complained about Sister Julia/Julieta to the defendants.

374. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, knew or should have known before and during Sister Julia/Julieta's sexual abuse of William that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and Corpus Christi had used their positions with those defendants to groom and to sexually abuse children.

375. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, knew or should have known before and during Sister Julia/Julieta's sexual abuse of William that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

376. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, concealed the sexual abuse of children by Sister Julia/Julieta in order to conceal their own bad acts in failing to protect children from her, to protect their reputation, and to prevent victims of such sexual abuse by her from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Sister Julia/Julieta would continue to molest children.

377. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Sister Julia/Julieta would use her position with the defendants to sexually abuse children, including William.

378. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, disregarded their knowledge that Sister Julia/Julieta would use her position with them to sexually abuse children, including William.

379. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, acted in concert with each other or with Sister Julia/Julieta to conceal the danger that Sister Julia/Julieta posed to children, including William, so that Sister Julia/Julieta could continue serving them despite their knowledge of that danger.

380. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including William, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

381. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

382. By reason of the wrongful acts of the Diocese and Corpus Christi as detailed herein, William sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and William has and/or will become obligated to expend sums of money for treatment.

#### **VIII. STATEMENT OF FACTS AS TO PLAINTIFF G.W.**

383. Upon information and belief, at all relevant times the Diocese was the owner of St. Andrew's and held itself out to the public as the owner of St. Andrew's.

384. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Andrew's.

385. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at St. Andrew's, including plaintiff G.W. and his family.

386. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Andrew's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Andrew's.

387. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Andrew's.

388. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Andrew's.



389. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Andrew's, including the services of Father Schieder and the services of those who managed and supervised Father Schieder.

390. Upon information and belief, at all relevant times St. Andrew's owned a parish, church, and school.

391. Upon information and belief, at all relevant times St. Andrew's held itself out to the public as the owner of St. Andrew's.

392. Upon information and belief, at all relevant times St. Andrew's employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff G.W. and his family.

393. Upon information and belief, at all relevant times St. Andrew's, its agents, servants, and employees managed, maintained, operated, and controlled St. Andrew's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Andrew's.

394. Upon information and belief, at all relevant times St. Andrew's was responsible for and did the staffing and hiring at St. Andrew's.

395. Upon information and belief, at all relevant times St. Andrew's was responsible for and did the recruitment and staffing of volunteers at St. Andrew's.

396. Upon information and belief, at all relevant times St. Andrew's materially benefitted from the operation of St. Andrew's, including the services of Father Schieder and the services of those who managed and supervised Father Schieder.

397. Upon information and belief, at all relevant times Father Schieder was a priest of the Diocese.

398. Upon information and belief, at all relevant times Father Schieder was on the staff of, acted as an agent of, and served as an employee of the Diocese.

399. Upon information and belief, at all relevant times Father Schieder was acting in the course and scope of his employment with the Diocese.

400. Upon information and belief, at all relevant times Father Schieder was employed by the Diocese and assigned to St. Andrew's.

401. Upon information and belief, at all relevant times Father Schieder was a priest of St. Andrew's.

402. Upon information and belief, at all relevant times Father Schieder was on the staff of, was an agent of, and served as an employee of St. Andrew's.

403. Upon information and belief, at all relevant times Father Schieder was acting in the course and scope of his employment with St. Andrew's.

404. Upon information and belief, at all relevant times Father Schieder had an office on the premises of St. Andrew's.

405. When plaintiff G.W. was a minor, he and his parents were members of the Diocese and St. Andrew's, including when G.W. served as an altar boy.

406. At all relevant times, the Diocese and St. Andrew's, their agents, servants, and employees, held Father Schieder out to the public, to G.W., and to his parents, as their agent and employee.

407. At all relevant times, the Diocese and St. Andrew's, their agents, servants, and employees, held Father Schieder out to the public, to G.W., and to his parents, as having been vetted, screened, and approved by those defendants.

408. At all relevant times, G.W. and his parents reasonably relied upon the acts and representations of the Diocese and St. Andrew's, their agents, servants, and employees, and reasonably believed that Father Schieder was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

409. At all relevant times, G.W. and his parents trusted Father Schieder because the Diocese and St. Andrew's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of G.W.

410. At all relevant times, G.W. and his parents believed that the Diocese and St. Andrew's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of G.W.

411. When G.W. was a minor, Father Schieder sexually abused him.

412. G.W. was sexually abused by Father Schieder when G.W. was approximately 13 to 14 years old.

413. Based on the representations of the Diocese and St. Andrew's that Father Schieder was safe and trustworthy, G.W. and his parents allowed G.W. to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Andrew's, including during the times when G.W. was sexually abused by Father Schieder.

414. Based on the representations of the Diocese and St. Andrew's that Father Schieder was safe and trustworthy, G.W. and his parents allowed G.W. to be under the supervision of, and in the care, custody, and control of, Father Schieder, including during the times when G.W. was sexually abused by Father Schieder.

415. Neither G.W. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Andrew's, or Father Schieder if the

Diocese or St. Andrew's had disclosed to G.W. or his parents that Father Schieder was not safe and was not trustworthy, and that he in fact posed a danger to G.W. in that Father Schieder was likely to sexually abuse G.W.

416. No parent of ordinary prudence in comparable circumstances would have allowed G.W. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Andrew's, or Father Schieder if the Diocese or St. Andrew's had disclosed to G.W. or his parents that Father Schieder was not safe and was not trustworthy, and that he in fact posed a danger to G.W. in that Father Schieder was likely to sexually abuse him.

417. From approximately 1963 through 1964, Father Schieder exploited the trust and authority vested in him by defendants by grooming G.W. to gain his trust and to obtain control over him as part of Father Schieder's plan to sexually molest and abuse G.W. and other children.

418. Father Schieder used his position of trust and authority as a priest of the Diocese and of St. Andrew's to groom G.W. and to sexually abuse him multiple times, including when G.W. was under the supervision of, and in the care, custody, or control of, the Diocese, St. Andrew's, and Father Schieder.

419. At certain times, the sexual abuse of G.W. by Father Schieder occurred at St. Andrew's.

420. At certain times, Father Schieder's sexual abuse of G.W. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Andrew's, including during altar boy service.

421. Upon information and belief, prior to the times mentioned herein, Father Schieder was a known sexual abuser of children.

422. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Schieder was a known sexual abuser of children.

423. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Schieder's sexual abuse of children would likely result in injury to others, including the sexual abuse of G.W. and other children by Father Schieder.

424. Upon information and belief, at certain times between 1963 and 1964, defendants, their agents, servants, and employees knew or should have known that Father Schieder was sexually abusing G.W. and other children at St. Andrew's and elsewhere.

425. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Schieder of G.W. was ongoing.

426. Upon information and belief, the Diocese and St. Andrew's, their agents, servants, and employees, knew or should have known before and during Father Schieder's sexual abuse of G.W. that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and St. Andrew's had used their positions with those defendants to groom and to sexually abuse children.

427. Upon information and belief, the Diocese and St. Andrew's, their agents, servants, and employees, knew or should have known before and during Father Schieder's sexual abuse of G.W. that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

428. Upon information and belief, the Diocese and St. Andrew's, their agents, servants, and employees, concealed the sexual abuse of children by Father Schieder in order to conceal their

own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Schieder would continue to molest children.

429. Upon information and belief, the Diocese and St. Andrew's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Schieder would use his position with the defendants to sexually abuse children, including G.W.

430. Upon information and belief, the Diocese and St. Andrew's, their agents, servants, and employees, disregarded their knowledge that Father Schieder would use his position with them to sexually abuse children, including G.W.

431. Upon information and belief, the Diocese and St. Andrew's, their agents, servants, and employees, acted in concert with each other or with Father Schieder to conceal the danger that Father Schieder posed to children, including G.W., so that Father Schieder could continue serving them despite their knowledge of that danger.

432. Upon information and belief, the Diocese and St. Andrew's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including G.W., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

433. Upon information and belief, the Diocese and St. Andrew's, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from

coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

434. By reason of the wrongful acts of the Diocese and St. Andrew's as detailed herein, G.W. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and G.W. has and/or will become obligated to expend sums of money for treatment.

**IX. STATEMENT OF FACTS AS TO PLAINTIFF ROBERT D. SCHUBRING**

435. Upon information and belief, at all relevant times the Diocese was the owner of Bishop Turner and held itself out to the public as the owner of Bishop Turner.

436. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Bishop Turner.

437. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at Bishop Turner, including plaintiff Robert D. Schubring and his family.

438. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Bishop Turner, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Bishop Turner.

439. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Bishop Turner.

440. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Bishop Turner.

441. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Bishop Turner, including the services of Father Stanton and the services of those who managed and supervised Father Stanton.

442. Upon information and belief, at all relevant times Bishop Turner owned a school.

443. Upon information and belief, at all relevant times Bishop Turner held itself out to the public as the owner of Bishop Turner.

444. Upon information and belief, at all relevant times Bishop Turner employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff Robert D. Schubring and his family.

445. Upon information and belief, at all relevant times Bishop Turner, its agents, servants, and employees managed, maintained, operated, and controlled Bishop Turner, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Bishop Turner.

446. Upon information and belief, at all relevant times Bishop Turner was responsible for and did the staffing and hiring at Bishop Turner.

447. Upon information and belief, at all relevant times Bishop Turner was responsible for and did the recruitment and staffing of volunteers at Bishop Turner.

448. Upon information and belief, at all relevant times Bishop Turner materially benefitted from the operation of Bishop Turner, including the services of Father Stanton and the services of those who managed and supervised Father Stanton.



449. Upon information and belief, at all relevant times Father Stanton was a priest of the Diocese.

450. Upon information and belief, at all relevant times Father Stanton was on the staff of, acted as an agent of, and served as an employee of the Diocese.

451. Upon information and belief, at all relevant times Father Stanton was acting in the course and scope of his employment with the Diocese.

452. Upon information and belief, at all relevant times Father Stanton was employed by the Diocese and assigned to Bishop Turner.

453. Upon information and belief, at all relevant times Father Stanton was a priest and assistant principal of Bishop Turner.

454. Upon information and belief, at all relevant times Father Stanton was on the staff of, was an agent of, and served as an employee of Bishop Turner.

455. Upon information and belief, at all relevant times Father Stanton was acting in the course and scope of his employment with Bishop Turner.

456. Upon information and belief, at all relevant times Father Stanton had an office on the premises of Bishop Turner.

457. When plaintiff Robert D. Schubring was a minor, he and his parents were members of the Diocese and Bishop Turner, including when plaintiff Robert was a student.

458. At all relevant times, the Diocese and Bishop Turner, their agents, servants, and employees, held Father Stanton out to the public, to Robert, and to his parents, as their agent and employee.

459. At all relevant times, the Diocese and Bishop Turner, their agents, servants, and employees, held Father Stanton out to the public, to Robert, and to his parents, as having been vetted, screened, and approved by those defendants.

460. At all relevant times, Robert and his parents reasonably relied upon the acts and representations of the Diocese and Bishop Turner, their agents, servants, and employees, and reasonably believed that Father Stanton was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

461. At all relevant times, Robert and his parents trusted Father Stanton because the Diocese and Bishop Turner held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Robert.

462. At all relevant times, Robert and his parents believed that the Diocese and Bishop Turner would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Robert.

463. When Robert was a minor, Father Stanton sexually abused him.

464. Robert was sexually abused by Father Stanton when Robert was approximately 14 or 15 years old.

465. Based on the representations of the Diocese and Bishop Turner that Father Stanton was safe and trustworthy, Robert and his parents allowed Robert to be under the supervision of, and in the care, custody, and control of, the Diocese and Bishop Turner, including during the times when Robert was sexually abused by Father Stanton.

466. Based on the representations of the Diocese and Bishop Turner that Father Stanton was safe and trustworthy, Robert and his parents allowed Robert to be under the supervision of,

and in the care, custody, and control of, Father Stanton, including during the times when Robert was sexually abused by Father Stanton.

467. Neither Robert nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Bishop Turner, or Father Stanton if the Diocese or Bishop Turner had disclosed to Robert or his parents that Father Stanton was not safe and was not trustworthy, and that he in fact posed a danger to Robert in that Father Stanton was likely to sexually abuse Robert.

468. No parent of ordinary prudence in comparable circumstances would have allowed Robert to be under the supervision of, or in the care, custody, or control of, the Diocese, Bishop Turner, or Father Stanton if the Diocese or Bishop Turner had disclosed to Robert or his parents that Father Stanton was not safe and was not trustworthy, and that he in fact posed a danger to Robert in that Father Stanton was likely to sexually abuse him.

469. From approximately 1964 through 1965, Father Stanton exploited the trust and authority vested in him by defendants by grooming Robert to gain his trust and to obtain control over him as part of Father Stanton's plan to sexually molest and abuse Robert and other children.

470. Father Stanton used his position of trust and authority as a priest of the Diocese and of Bishop Turner to groom Robert and to sexually abuse him, including when Robert was under the supervision of, and in the care, custody, or control of, the Diocese, Bishop Turner, and Father Stanton.

471. The sexual abuse of Robert by Father Stanton occurred at Bishop Turner, including in Father Stanton's office.

472. Father Stanton's sexual abuse of Robert occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Bishop Turner, including during a visit to the health clinic at Bishop Turner.

473. Upon information and belief, prior to the times mentioned herein, Father Stanton was a known sexual abuser of children.

474. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Stanton was a known sexual abuser of children.

475. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Stanton's sexual abuse of children would likely result in injury to others, including the sexual abuse of Robert and other children by Father Stanton.

476. Upon information and belief, the defendants, their agents, servants, and employees, knew or should have known that Father Stanton was sexually abusing Robert and other children at Bishop Turner and elsewhere.

477. Upon information and belief, the Diocese and Bishop Turner, their agents, servants, and employees, knew or should have known before and during Father Stanton's sexual abuse of Robert that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and Bishop Turner had used their positions with those defendants to groom and to sexually abuse children.

478. Upon information and belief, the Diocese and Bishop Turner, their agents, servants, and employees, knew or should have known before and during Father Stanton's sexual abuse of

Robert that such priests, school administrators, teachers, religious sisters, and/or other persons could not be “cured” through treatment or counseling.

479. Upon information and belief, the Diocese and Bishop Turner, their agents, servants, and employees, concealed the sexual abuse of children by Father Stanton in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Stanton would continue to molest children.

480. Upon information and belief, the Diocese and Bishop Turner, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Stanton would use his position with the defendants to sexually abuse children, including Robert.

481. Upon information and belief, the Diocese and Bishop Turner, their agents, servants, and employees, disregarded their knowledge that Father Stanton would use his position with them to sexually abuse children, including Robert.

482. Upon information and belief, the Diocese and Bishop Turner, their agents, servants, and employees, acted in concert with each other or with Father Stanton to conceal the danger that Father Stanton posed to children, including Robert, so that Father Stanton could continue serving them despite their knowledge of that danger.

483. Upon information and belief, the Diocese and Bishop Turner, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Robert, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

484. Upon information and belief, the Diocese and Bishop Turner, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

485. By reason of the wrongful acts of the Diocese and Bishop Turner as detailed herein, Robert sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Robert has and/or will become obligated to expend sums of money for treatment.

**X. STATEMENT OF FACTS AS TO PLAINTIFF RICHARD FOLGA**

486. Upon information and belief, at all relevant times the Diocese was the owner of Queen of Peace and held itself out to the public as the owner of Queen of Peace.

487. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Queen of Peace.

488. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at Queen of Peace, including plaintiff Richard Folga and his family.

489. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Queen of Peace, and held out to the

public its agents, servants, and employees as those who managed, maintained, operated, and controlled Queen of Peace.

490. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Queen of Peace.

491. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Queen of Peace.

492. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Queen of Peace, including the services of Father Orsolits and the services of those who managed and supervised Father Orsolits.

493. Upon information and belief, at all relevant times Queen of Peace owned a parish.

494. Upon information and belief, at all relevant times Queen of Peace held itself out to the public as the owner of Queen of Peace.

495. Upon information and belief, at all relevant times Queen of Peace employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff Richard Folga and his family.

496. Upon information and belief, at all relevant times Queen of Peace, its agents, servants, and employees managed, maintained, operated, and controlled Queen of Peace, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Queen of Peace.

497. Upon information and belief, at all relevant times Queen of Peace was responsible for and did the staffing and hiring at Queen of Peace.

498. Upon information and belief, at all relevant times Queen of Peace was responsible for and did the recruitment and staffing of volunteers at Queen of Peace.

499. Upon information and belief, at all relevant times Queen of Peace materially benefitted from the operation of Queen of Peace, including the services of Father Orsolits and the services of those who managed and supervised Father Orsolits.

500. Upon information and belief, at all relevant times Father Orsolits was a priest of the Diocese.

501. Upon information and belief, at all relevant times Father Orsolits was on the staff of, acted as an agent of, and served as an employee of the Diocese.

502. Upon information and belief, at all relevant times Father Orsolits was acting in the course and scope of his employment with the Diocese.

503. Upon information and belief, at all relevant times Father Orsolits was employed by the Diocese and assigned to Queen of Peace.

504. Upon information and belief, at all relevant times Father Orsolits was a priest of Queen of Peace.

505. Upon information and belief, at all relevant times Father Orsolits was on the staff of, was an agent of, and served as an employee of Queen of Peace.

506. Upon information and belief, at all relevant times Father Orsolits was acting in the course and scope of his employment with Queen of Peace.

507. Upon information and belief, at all relevant times Father Orsolits had an office on the premises of Queen of Peace.

508. When plaintiff Richard Folga was a minor, he and his parents were members of the Diocese and Queen of Peace, including when they were parishioners.



509. At all relevant times, the Diocese and Queen of Peace, their agents, servants, and employees, held Father Orsolits out to the public, to Richard, and to his parents, as their agent and employee.

510. At all relevant times, the Diocese and Queen of Peace, their agents, servants, and employees, held Father Orsolits out to the public, to Richard, and to his parents, as having been vetted, screened, and approved by those defendants.

511. At all relevant times, Richard and his parents reasonably relied upon the acts and representations of the Diocese and Queen of Peace, their agents, servants, and employees, and reasonably believed that Father Orsolits was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

512. At all relevant times, Richard and his parents trusted Father Orsolits because the Diocese and Queen of Peace held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Richard.

513. At all relevant times, Richard and his parents believed that the Diocese and Queen of Peace would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Richard.

514. When Richard was a minor, Father Orsolits sexually abused him.

515. Richard was sexually abused by Father Orsolits when Richard was approximately 16 or 17 years old.

516. Based on the representations of the Diocese and Queen of Peace that Father Orsolits was safe and trustworthy, Richard and his parents allowed Richard to be under the supervision of, and in the care, custody, and control of, the Diocese and Queen of Peace, including when Richard was sexually abused by Father Orsolits.

517. Based on the representations of the Diocese and Queen of Peace that Father Orsolits was safe and trustworthy, Richard and his parents allowed Richard to be under the supervision of, and in the care, custody, and control of, Father Orsolits, including when Richard was sexually abused by Father Orsolits.

518. Neither Richard nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Queen of Peace, or Father Orsolits if the Diocese or Queen of Peace had disclosed to Richard or his parents that Father Orsolits was not safe and was not trustworthy, and that he in fact posed a danger to Richard in that Father Orsolits was likely to sexually abuse Richard.

519. No parent of ordinary prudence in comparable circumstances would have allowed Richard to be under the supervision of, or in the care, custody, or control of, the Diocese, Queen of Peace, or Father Orsolits if the Diocese or Queen of Peace had disclosed to Richard or his parents that Father Orsolits was not safe and was not trustworthy, and that he in fact posed a danger to Richard in that Father Orsolits was likely to sexually abuse him.

520. From approximately 1965 through 1966, Father Orsolits exploited the trust and authority vested in him by defendants by grooming Richard to gain his trust and to obtain control over him as part of Father Orsolits's plan to sexually molest and abuse Richard and other children.

521. Father Orsolits used his position of trust and authority as a priest of the Diocese and of Queen of Peace to gain access to Richard and his family, and to groom Richard and to sexually abuse him, including when Richard was under the supervision of, and in the care, custody, or control of, the Diocese, Queen of Peace, and Father Orsolits.

522. The sexual abuse of Richard by Father Orsolits occurred in Richard's home, which Father Orsolits was able to access because of his position as a priest of the defendants.

523. Upon information and belief, prior to the times mentioned herein, Father Orsolits was a known sexual abuser of children.

524. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Orsolits was a known sexual abuser of children.

525. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Orsolits's sexual abuse of children would likely result in injury to others, including the sexual abuse of Richard and other children by Father Orsolits.

526. Upon information and belief, the defendants, their agents, servants, and employees, knew or should have known that Father Orsolits was sexually abusing Richard and other children at Queen of Peace and elsewhere.

527. Upon information and belief, the Diocese and Queen of Peace, their agents, servants, and employees, knew or should have known before and during Father Orsolits's sexual abuse of Richard that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and Queen of Peace had used their positions with those defendants to groom and to sexually abuse children.

528. Upon information and belief, the Diocese and Queen of Peace, their agents, servants, and employees, knew or should have known before and during Father Orsolits's sexual abuse of Richard that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

529. Upon information and belief, the Diocese and Queen of Peace, their agents, servants, and employees, concealed the sexual abuse of children by Father Orsolits in order to

conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Orsolits would continue to molest children.

530. Upon information and belief, the Diocese and Queen of Peace, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Orsolits would use his position with the defendants to sexually abuse children, including Richard.

531. Upon information and belief, the Diocese and Queen of Peace, their agents, servants, and employees, disregarded their knowledge that Father Orsolits would use his position with them to sexually abuse children, including Richard.

532. Upon information and belief, the Diocese and Queen of Peace, their agents, servants, and employees, acted in concert with each other or with Father Orsolits to conceal the danger that Father Orsolits posed to children, including Richard, so that Father Orsolits could continue serving them despite their knowledge of that danger.

533. Upon information and belief, the Diocese and Queen of Peace, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Richard, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

534. Upon information and belief, the Diocese and Queen of Peace, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse

from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

535. By reason of the wrongful acts of the Diocese and Queen of Peace as detailed herein, Richard sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Richard has and/or will become obligated to expend sums of money for treatment.

**XI. STATEMENT OF FACTS AS TO PLAINTIFF DAVID FUNK**

536. Upon information and belief, at all relevant times the Diocese was the owner of Blessed Virgin Mary and held itself out to the public as the owner of Blessed Virgin Mary.

537. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Blessed Virgin Mary.

538. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at Blessed Virgin Mary, including plaintiff David Funk and his family.

539. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Blessed Virgin Mary, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Blessed Virgin Mary.

540. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Blessed Virgin Mary.

541. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Blessed Virgin Mary.

542. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Blessed Virgin Mary, including the services of the choir director and the services of those who managed and supervised choir director.

543. Upon information and belief, at all relevant times Blessed Virgin Mary owned a parish, church, and school.

544. Upon information and belief, at all relevant times Blessed Virgin Mary held itself out to the public as the owner of Blessed Virgin Mary.

545. Upon information and belief, at all relevant times Blessed Virgin Mary employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff David Funk and his family.

546. Upon information and belief, at all relevant times Blessed Virgin Mary, its agents, servants, and employees managed, maintained, operated, and controlled Blessed Virgin Mary, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Blessed Virgin Mary.

547. Upon information and belief, at all relevant times Blessed Virgin Mary was responsible for and did the staffing and hiring at Blessed Virgin Mary.

548. Upon information and belief, at all relevant times Blessed Virgin Mary was responsible for and did the recruitment and staffing of volunteers at Blessed Virgin Mary.

549. Upon information and belief, at all relevant times Blessed Virgin Mary materially benefitted from the operation of Blessed Virgin Mary, including the services of the choir director and the services of those who managed and supervised the choir director.

550. Upon information and belief, at all relevant times the choir director was a choir director of the Diocese.

551. Upon information and belief, at all relevant times the choir director was on the staff of, acted as an agent of, and served as an employee of the Diocese.

552. Upon information and belief, at all relevant times the choir director was acting in the course and scope of his employment with the Diocese.

553. Upon information and belief, at all relevant times the choir director was employed by the Diocese and assigned to Blessed Virgin Mary.

554. Upon information and belief, at all relevant times the choir director was a choir director of Blessed Virgin Mary.

555. Upon information and belief, at all relevant times the choir director was on the staff of, was an agent of, and served as an employee of Blessed Virgin Mary.

556. Upon information and belief, at all relevant times the choir director was acting in the course and scope of his employment with Blessed Virgin Mary.

557. Upon information and belief, at all relevant times the choir director had an office on the premises of Blessed Virgin Mary.

558. When plaintiff David Funk was a minor, he and his parents were members of the Diocese and Blessed Virgin Mary, and David was a student of their school.

559. At all relevant times, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, held the choir director out to the public, to David, and to his parents, as their agent and employee.

560. At all relevant times, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, held the choir director out to the public, to David, and to his parents, as having been vetted, screened, and approved by those defendants.

561. At all relevant times, David and his parents reasonably relied upon the acts and representations of the Diocese and Blessed Virgin Mary, their agents, servants, and employees, and reasonably believed that the choir director was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

562. At all relevant times, David and his parents trusted the choir director because the Diocese and Blessed Virgin Mary held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of David.

563. At all relevant times, David and his parents believed that the Diocese and Blessed Virgin Mary would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of David.

564. When David was a minor, the choir director sexually abused him.

565. David was sexually abused by the choir director when David was approximately 7 to 11 years old.

566. Based on the representations of the Diocese and Blessed Virgin Mary that the choir director was safe and trustworthy, David and his parents allowed David to be under the supervision of, and in the care, custody, and control of, the Diocese and Blessed Virgin Mary, including during the times when David was sexually abused by the choir director.

567. Based on the representations of the Diocese and Blessed Virgin Mary that the choir director was safe and trustworthy, David and his parents allowed David to be under the supervision



of, and in the care, custody, and control of, the choir director, including during the times when David was sexually abused by the choir director.

568. Neither David nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Blessed Virgin Mary, or the choir director if the Diocese or Blessed Virgin Mary had disclosed to David or his parents that the choir director was not safe and was not trustworthy, and that he in fact posed a danger to David in that the choir director was likely to sexually abuse David.

569. No parent of ordinary prudence in comparable circumstances would have allowed David to be under the supervision of, or in the care, custody, or control of, the Diocese, Blessed Virgin Mary, or the choir director if the Diocese or Blessed Virgin Mary had disclosed to David or his parents that the choir director was not safe and was not trustworthy, and that he in fact posed a danger to David in that the choir director was likely to sexually abuse him.

570. From approximately 1965 through 1969, the choir director exploited the trust and authority vested in him by defendants by grooming David to gain his trust and to obtain control over him as part of the choir director's plan to sexually molest and abuse David and other children.

571. The choir director used his position of trust and authority as a choir director of the Diocese and of Blessed Virgin Mary to groom David and to sexually abuse him multiple times, including when David was under the supervision of, and in the care, custody, or control of, the Diocese, Blessed Virgin Mary, and the choir director.

572. At certain times, the sexual abuse of David by the choir director occurred at Blessed Virgin Mary, including in the choir loft of the church.

573. At certain times, choir director's sexual abuse of David occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Blessed Virgin Mary, including during choir practice.

574. Upon information and belief, prior to the times mentioned herein, the choir director was a known sexual abuser of children.

575. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that the choir director was a known sexual abuser of children.

576. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that the choir director's sexual abuse of children would likely result in injury to others, including the sexual abuse of David and other children by the choir director.

577. Upon information and belief, at certain times between 1965 and 1969, defendants, their agents, servants, and employees knew or should have known that the choir director was sexually abusing David and other children at Blessed Virgin Mary and elsewhere.

578. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by the choir director of David was ongoing.

579. Upon information and belief, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, knew or should have known that choir director was likely to abuse children, including David, because nuns at the school were aware that the choir director was isolating minor boys and spending alone time with minor boys, including David.

580. Upon information and belief, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, knew or should have known before and during the choir director's sexual

abuse of David that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and Blessed Virgin Mary had used their positions with those defendants to groom and to sexually abuse children.

581. Upon information and belief, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, knew or should have known before and during the choir director's sexual abuse of David that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

582. Upon information and belief, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, concealed the sexual abuse of children by the choir director in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that the choir director would continue to molest children.

583. Upon information and belief, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that the choir director would use his position with the defendants to sexually abuse children, including David.

584. Upon information and belief, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, disregarded their knowledge that the choir director would use his position with them to sexually abuse children, including David.

585. Upon information and belief, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, acted in concert with each other or with the choir director to conceal the danger that choir director posed to children, including David, so that the choir director could continue serving them despite their knowledge of that danger.

586. Upon information and belief, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including David, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

587. Upon information and belief, the Diocese and Blessed Virgin Mary, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

588. By reason of the wrongful acts of the Diocese and Blessed Virgin Mary as detailed herein, David sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and David has and/or will become obligated to expend sums of money for treatment.

## **XII. STATEMENT OF FACTS AS TO PLAINTIFF A.R.**

589. Upon information and belief, at all relevant times the Diocese was the owner of St. Mary's and St. Bonaventure and held itself out to the public as the owner of St. Mary's and St. Bonaventure.

590. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's and St. Bonaventure.

591. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at St. Mary's and St. Bonaventure, including plaintiff A.R. and his family.

592. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's and St. Bonaventure, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Mary's and St. Bonaventure.

593. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Mary's and St. Bonaventure.

594. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Mary's and St. Bonaventure.

595. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Mary's and St. Bonaventure, including the services of Father Becker and the services of those who managed and supervised Father Becker.

596. Upon information and belief, at all relevant times St. Mary's owned a parish, church, and school.

597. Upon information and belief, at all relevant times St. Mary's held itself out to the public as the owner of St. Mary's.

598. Upon information and belief, at all relevant times St. Mary's employed priests and others who served Catholic families, including plaintiff A.R. and his family.

599. Upon information and belief, at all relevant times St. Mary's, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Mary's.

600. Upon information and belief, at all relevant times St. Mary's was responsible for and did the staffing and hiring at St. Mary's.

601. Upon information and belief, at all relevant times St. Mary's was responsible for and did the recruitment and staffing of volunteers at St. Mary's.

602. Upon information and belief, at all relevant times St. Mary's materially benefitted from the operation of St. Mary's, including the services of Father Becker and the services of those who managed and supervised Father Becker.

603. Upon information and belief, at all relevant times St. Bonaventure owned a parish and church.

604. Upon information and belief, at all relevant times St. Bonaventure held itself out to the public as the owner of St. Bonaventure.

605. Upon information and belief, at all relevant times St. Bonaventure employed priests and others who served Catholic families.

606. Upon information and belief, at all relevant times St. Bonaventure, its agents, servants, and employees managed, maintained, operated, and controlled St. Bonaventure, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Bonaventure.

607. Upon information and belief, at all relevant times St. Bonaventure was responsible for and did the staffing and hiring at St. Bonaventure.

608. Upon information and belief, at all relevant times St. Bonaventure was responsible for and did the recruitment and staffing of volunteers at St. Bonaventure.

609. Upon information and belief, at all relevant times St. Bonaventure materially benefitted from the operation of St. Bonaventure, including the services of Father Becker and the services of those who managed and supervised Father Becker.

610. Upon information and belief, at all relevant times Father Becker was a priest of the Diocese.

611. Upon information and belief, at all relevant times Father Becker was on the staff of, acted as an agent of, and served as an employee of the Diocese.

612. Upon information and belief, at all relevant times Father Becker was acting in the course and scope of his employment with the Diocese.

613. Upon information and belief, at all relevant times Father Becker was employed by the Diocese and assigned to St. Mary's.

614. Upon information and belief, at all relevant times Father Becker was a priest of St. Mary's.

615. Upon information and belief, at all relevant times Father Becker was on the staff of, was an agent of, and served as an employee of St. Mary's.

616. Upon information and belief, at all relevant times Father Becker was acting in the course and scope of his employment with St. Mary's.

617. Upon information and belief, at all relevant times Father Becker had an office on the premises of St. Mary's.

618. Upon information and belief, at all relevant times Father Becker was employed by the Diocese and assigned to St. Bonaventure.

619. Upon information and belief, at all relevant times Father Becker was a priest of St. Bonaventure.

620. Upon information and belief, at all relevant times Father Becker was on the staff of, was an agent of, and served as an employee of St. Bonaventure.

621. Upon information and belief, at all relevant times Father Becker was acting in the course and scope of his employment with St. Bonaventure.

622. Upon information and belief, at all relevant times Father Becker had an office on the premises of St. Bonaventure.

623. When plaintiff A.R. was a minor, he and his parents were members of the Diocese, St. Mary's, and St. Bonaventure.

624. At all relevant times, the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, held Father Becker out to the public, to A.R., and to his parents, as their agent and employee.

625. At all relevant times, the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, held Father Becker out to the public, to A.R., and to his parents, as having been vetted, screened, and approved by those defendants.

626. At all relevant times, A.R. and his parents reasonably relied upon the acts and representations of the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, and reasonably believed that Father Becker was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

627. At all relevant times, A.R. and his parents trusted Father Becker because the Diocese, St. Mary's, and St. Bonaventure held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of A.R.



628. At all relevant times, A.R. and his parents believed that the Diocese, St. Mary's, and St. Bonaventure would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of A.R.

629. When A.R. was a minor, Father Becker sexually abused him.

630. A.R. was sexually abused by Father Becker when A.R. was approximately 13 to 14 years old.

631. Based on the representations of the Diocese, St. Mary's, and St. Bonaventure that Father Becker was safe and trustworthy, A.R. and his parents allowed A.R. to be under the supervision of, and in the care, custody, and control of, the Diocese, St. Mary's, and St. Bonaventure, including during the times when A.R. was sexually abused by Father Becker.

632. Based on the representations of the Diocese, St. Mary's, and St. Bonaventure that Father Becker was safe and trustworthy, A.R. and his parents allowed A.R. to be under the supervision of, and in the care, custody, and control of, Father Becker, including during the times when A.R. was sexually abused by Father Becker.

633. Neither A.R. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Mary's, St. Bonaventure, or Father Becker if the Diocese, St. Mary's, or St. Bonaventure had disclosed to A.R. or his parents that Father Becker was not safe and was not trustworthy, and that he in fact posed a danger to A.R. in that Father Becker was likely to sexually abuse A.R.

634. No parent of ordinary prudence in comparable circumstances would have allowed A.R. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Mary's, St. Bonaventure, or Father Becker if the Diocese, St. Mary's, or St. Bonaventure had disclosed to

A.R. or his parents that Father Becker was not safe and was not trustworthy, and that he in fact posed a danger to A.R. in that Father Becker was likely to sexually abuse him.

635. From approximately 1970 through 1972, Father Becker exploited the trust and authority vested in him by defendants by grooming A.R. to gain his trust and to obtain control over him as part of Father Becker's plan to sexually molest and abuse A.R. and other children.

636. Father Becker used his position of trust and authority as a priest of the Diocese, of St. Mary's, and of St. Bonaventure to groom A.R. and to sexually abuse him multiple times, including when A.R. was under the supervision of, and in the care, custody, or control of, the Diocese, St. Mary's, St. Bonaventure, and Father Becker.

637. At certain times, the sexual abuse of A.R. by Father Becker occurred at St. Bonaventure, including in the church rectory.

638. Upon information and belief, prior to the times mentioned herein, Father Becker was a known sexual abuser of children.

639. Upon information and belief, at all relevant times defendants, their agents, servants, and employees, knew or should have known that Father Becker was a known sexual abuser of children.

640. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Becker's sexual abuse of children would likely result in injury to others, including the sexual abuse of A.R. and other children by Father Becker.

641. Upon information and belief, at certain times between 1970 and 1972, defendants, their agents, servants, and employees knew or should have known that Father Becker was sexually abusing A.R. and other children at St. Bonaventure.

642. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Becker of A.R. was ongoing.

643. Upon information and belief, the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, knew or should have known before and during Father Becker's sexual abuse of A.R. that priests and other persons serving the Diocese, St. Mary's, and St. Bonaventure had used their positions with those defendants to groom and to sexually abuse children.

644. Upon information and belief, the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, knew or should have known before and during Father Becker's sexual abuse of A.R. that such priests and other persons could not be "cured" through treatment or counseling.

645. Upon information and belief, the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, concealed the sexual abuse of children by Father Becker in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Becker would continue to molest children.

646. Upon information and belief, the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Becker would use his position with the defendants to sexually abuse children, including A.R.

647. Upon information and belief, the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, disregarded their knowledge that Father Becker would use his position with them to sexually abuse children, including A.R.

648. Upon information and belief, the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, acted in concert with each other or with Father Becker to conceal the danger that Father Becker posed to children, including A.R., so that Father Becker could continue serving them despite their knowledge of that danger.

649. Upon information and belief, the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including A.R., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

650. Upon information and belief, the Diocese, St. Mary's, and St. Bonaventure, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

651. By reason of the wrongful acts of the Diocese, St. Mary's, and St. Bonaventure as detailed herein, A.R. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some

or all of these injuries are of a permanent and lasting nature, and A.R. has and/or will become obligated to expend sums of money for treatment.

### **XIII. STATEMENT OF FACTS AS TO PLAINTIFF E.W.**

652. Upon information and belief, at all relevant times the Diocese was the owner of St. Aloysius and held itself out to the public as the owner of St. Aloysius.

653. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Aloysius.

654. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at St. Aloysius, including plaintiff E.W. and her family.

655. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Aloysius, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Aloysius.

656. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Aloysius.

657. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Aloysius.

658. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Aloysius, including the services of Father Spielman and the services of those who managed and supervised Father Spielman.

659. Upon information and belief, at all relevant times St. Aloysius owned a parish, church, and school.

660. Upon information and belief, at all relevant times St. Aloysius held itself out to the public as the owner of St. Aloysius.

661. Upon information and belief, at all relevant times St. Aloysius employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff E.W. and her family.

662. Upon information and belief, at all relevant times St. Aloysius, its agents, servants, and employees managed, maintained, operated, and controlled St. Aloysius, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Aloysius.

663. Upon information and belief, at all relevant times St. Aloysius was responsible for and did the staffing and hiring at St. Aloysius.

664. Upon information and belief, at all relevant times St. Aloysius was responsible for and did the recruitment and staffing of volunteers at St. Aloysius.

665. Upon information and belief, at all relevant times St. Aloysius materially benefitted from the operation of St. Aloysius, including the services of Father Spielman and the services of those who managed and supervised Father Spielman.

666. Upon information and belief, at all relevant times Father Spielman was a priest of the Diocese.

667. Upon information and belief, at all relevant times Father Spielman was on the staff of, acted as an agent of, and served as an employee of the Diocese.

668. Upon information and belief, at all relevant times Father Spielman was acting in the course and scope of his employment with the Diocese.

669. Upon information and belief, at all relevant times Father Spielman was employed by the Diocese and assigned to St. Aloysius.

670. Upon information and belief, at all relevant times Father Spielman was a priest of St. Aloysius.

671. Upon information and belief, at all relevant times Father Spielman was on the staff of, was an agent of, and served as an employee of St. Aloysius.

672. Upon information and belief, at all relevant times Father Spielman was acting in the course and scope of his employment with St. Aloysius.

673. Upon information and belief, at all relevant times Father Spielman had an office on the premises of St. Aloysius.

674. When plaintiff E.W. was a minor, she and her parents were members of the Diocese and St. Aloysius, including when E.W. was a student.

675. At all relevant times, the Diocese and St. Aloysius, their agents, servants, and employees, held Father Spielman out to the public, to E.W., and to her parents, as their agent and employee.

676. At all relevant times, the Diocese and St. Aloysius, their agents, servants, and employees, held Father Spielman out to the public, to E.W., and to her parents, as having been vetted, screened, and approved by those defendants.

677. At all relevant times, E.W. and her parents reasonably relied upon the acts and representations of the Diocese and St. Aloysius, their agents, servants, and employees, and reasonably believed that Father Spielman was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

678. At all relevant times, E.W. and her parents trusted Father Spielman because the Diocese and St. Aloysius held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of E.W.

679. At all relevant times, E.W. and her parents believed that the Diocese and St. Aloysius would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of E.W.

680. When E.W. was a minor, Father Spielman sexually abused her.

681. E.W. was sexually abused by Father Spielman when E.W. was approximately 12 to 13 years old.

682. Based on the representations of the Diocese and St. Aloysius that Father Spielman was safe and trustworthy, E.W. and her parents allowed E.W. to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Aloysius, including during the times when E.W. was sexually abused by Father Spielman.

683. Based on the representations of the Diocese and St. Aloysius that Father Spielman was safe and trustworthy, E.W. and her parents allowed E.W. to be under the supervision of, and in the care, custody, and control of, Father Spielman, including during the times when E.W. was sexually abused by Father Spielman.

684. Neither E.W. nor her parents would have allowed her to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Aloysius, or Father Spielman if the Diocese or St. Aloysius had disclosed to E.W. or her parents that Father Spielman was not safe and was not trustworthy, and that he in fact posed a danger to E.W. in that Father Spielman was likely to sexually abuse E.W.



685. No parent of ordinary prudence in comparable circumstances would have allowed E.W. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Aloysius, or Father Spielman if the Diocese or St. Aloysius had disclosed to E.W. or her parents that Father Spielman was not safe and was not trustworthy, and that he in fact posed a danger to E.W. in that Father Spielman was likely to sexually abuse her.

686. From approximately 1971 through 1972, Father Spielman exploited the trust and authority vested in him by defendants by grooming E.W. to gain her trust and to obtain control over her as part of Father Spielman's plan to sexually molest and abuse E.W. and other children.

687. Father Spielman used his position of trust and authority as a priest of the Diocese and of St. Aloysius to groom E.W. and to sexually abuse her multiple times, including when E.W. was under the supervision of, and in the care, custody, or control of, the Diocese, St. Aloysius, and Father Spielman.

688. At certain times, the sexual abuse of E.W. by Father Spielman occurred at St. Aloysius, including outside of the school and in the school gymnasium.

689. Upon information and belief, prior to the times mentioned herein, Father Spielman was a known sexual abuser of children.

690. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Spielman was a known sexual abuser of children.

691. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Spielman's sexual abuse of children would likely result in injury to others, including the sexual abuse of E.W. and other children by Father Spielman.

692. Upon information and belief, at certain times between 1971 and 1972, defendants, their agents, servants, and employees knew or should have known that Father Spielman was sexually abusing E.W. and other children at St. Aloysius and elsewhere.

693. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Spielman of E.W. was ongoing.

694. Upon information and belief, the Diocese and St. Aloysius, their agents, servants, and employees, knew or should have known before and during Father Spielman's sexual abuse of E.W. that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and St. Aloysius had used their positions with those defendants to groom and to sexually abuse children.

695. Upon information and belief, the Diocese and St. Aloysius, their agents, servants, and employees, knew or should have known before and during Father Spielman's sexual abuse of E.W. that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

696. Upon information and belief, the Diocese and St. Aloysius, their agents, servants, and employees, concealed the sexual abuse of children by Father Spielman in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Spielman would continue to molest children.

697. Upon information and belief, the Diocese and St. Aloysius, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Spielman would use his position with the defendants to sexually abuse children, including E.W.

698. Upon information and belief, the Diocese and St. Aloysius, their agents, servants, and employees, disregarded their knowledge that Father Spielman would use his position with them to sexually abuse children, including E.W.

699. Upon information and belief, the Diocese and St. Aloysius, their agents, servants, and employees, acted in concert with each other or with Father Spielman to conceal the danger that Father Spielman posed to children, including E.W., so that Father Spielman could continue serving them despite their knowledge of that danger.

700. Upon information and belief, the Diocese and St. Aloysius, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including E.W., and she did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

701. Upon information and belief, the Diocese and St. Aloysius, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

702. By reason of the wrongful acts of the Diocese and St. Aloysius as detailed herein, E.W. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to her nervous system, physical pain and mental anguish,

and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and E.W. has and/or will become obligated to expend sums of money for treatment.

#### **XIV. STATEMENT OF FACTS AS TO PLAINTIFF PATRICIA ANN SWAN**

703. Upon information and belief, at all relevant times the Diocese was the owner of All Saints and held itself out to the public as the owner of All Saints.

704. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled All Saints.

705. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at All Saints, including plaintiff Patricia Ann Swan and her family.

706. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled All Saints, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled All Saints.

707. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at All Saints.

708. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at All Saints.

709. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of All Saints, including the services of Father Hayes and the services of those who managed and supervised Father Hayes.

710. Upon information and belief, at all relevant times All Saints owned a parish, church, and school.

711. Upon information and belief, at all relevant times All Saints held itself out to the public as the owner of All Saints.

712. Upon information and belief, at all relevant times All Saints employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff Patricia Ann Swan and her family.

713. Upon information and belief, at all relevant times All Saints, its agents, servants, and employees managed, maintained, operated, and controlled All Saints, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled All Saints.

714. Upon information and belief, at all relevant times All Saints was responsible for and did the staffing and hiring at All Saints.

715. Upon information and belief, at all relevant times All Saints was responsible for and did the recruitment and staffing of volunteers at All Saints.

716. Upon information and belief, at all relevant times All Saints materially benefitted from the operation of All Saints, including the services of Father Hayes and the services of those who managed and supervised Father Hayes.

717. Upon information and belief, at all relevant times Father Hayes was a priest of the Diocese.

718. Upon information and belief, at all relevant times Father Hayes was on the staff of, acted as an agent of, and served as an employee of the Diocese.

719. Upon information and belief, at all relevant times Father Hayes was acting in the course and scope of his employment with the Diocese.

720. Upon information and belief, at all relevant times Father Hayes was employed by the Diocese and assigned to All Saints.

721. Upon information and belief, at all relevant times Father Hayes was a priest of All Saints.

722. Upon information and belief, at all relevant times Father Hayes was on the staff of, was an agent of, and served as an employee of All Saints.

723. Upon information and belief, at all relevant times Father Hayes was acting in the course and scope of his employment with All Saints.

724. Upon information and belief, at all relevant times Father Hayes had an office on the premises of All Saints.

725. When plaintiff Patricia Ann Swan was a minor, she and her parents were members of the Diocese and All Saints, including when they were parishioners.

726. At all relevant times, the Diocese and All Saints, their agents, servants, and employees, held Father Hayes out to the public, to Patricia, and to her parents, as their agent and employee.

727. At all relevant times, the Diocese and All Saints, their agents, servants, and employees, held Father Hayes out to the public, to Patricia, and to her parents, as having been vetted, screened, and approved by those defendants.

728. At all relevant times, Patricia and her parents reasonably relied upon the acts and representations of the Diocese and All Saints, their agents, servants, and employees, and reasonably believed that Father Hayes was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

729. At all relevant times, Patricia and her parents trusted Father Hayes because the Diocese and All Saints held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Patricia.

730. At all relevant times, Patricia and her parents believed that the Diocese and All Saints would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Patricia.

731. When Patricia was a minor, Father Hayes sexually abused her.

732. Patricia was sexually abused by Father Hayes when Patricia was approximately 11 to 15 years old.

733. Based on the representations of the Diocese and All Saints that Father Hayes was safe and trustworthy, Patricia and her parents allowed Patricia to be under the supervision of, and in the care, custody, and control of, the Diocese and All Saints, including during the times when Patricia was sexually abused by Father Hayes.

734. Based on the representations of the Diocese and All Saints that Father Hayes was safe and trustworthy, Patricia and her parents allowed Patricia to be under the supervision of, and in the care, custody, and control of, Father Hayes, including during the times when Patricia was sexually abused by Father Hayes.

735. Neither Patricia nor her parents would have allowed her to be under the supervision of, or in the care, custody, or control of, the Diocese, All Saints, or Father Hayes if the Diocese or All Saints had disclosed to Patricia or her parents that Father Hayes was not safe and was not trustworthy, and that he in fact posed a danger to Patricia in that Father Hayes was likely to sexually abuse Patricia.

736. No parent of ordinary prudence in comparable circumstances would have allowed Patricia to be under the supervision of, or in the care, custody, or control of, the Diocese, All Saints, or Father Hayes if the Diocese or All Saints had disclosed to Patricia or her parents that Father Hayes was not safe and was not trustworthy, and that he in fact posed a danger to Patricia in that Father Hayes was likely to sexually abuse her.

737. From approximately 1972 through 1976, Father Hayes exploited the trust and authority vested in him by defendants by grooming Patricia to gain her trust and to obtain control over her as part of Father Hayes's plan to sexually molest and abuse Patricia and other children.

738. Father Hayes used his position of trust and authority as a priest of the Diocese and of All Saints to groom Patricia and to sexually abuse her multiple times, including when Patricia was under the supervision of, and in the care, custody, or control of, the Diocese, All Saints, and Father Hayes.

739. At certain times, the sexual abuse of Patricia by Father Hayes occurred at All Saints, including in the church sacristy and in the church rectory.

740. At certain times, Father Hayes's sexual abuse of Patricia occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and All Saints, including during events at the church.

741. Upon information and belief, prior to the times mentioned herein, Father Hayes was a known sexual abuser of children.

742. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Hayes was a known sexual abuser of children.



743. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Hayes's sexual abuse of children would likely result in injury to others, including the sexual abuse of Patricia and other children by Father Hayes.

744. Upon information and belief, at certain times between 1972 and 1976, defendants, their agents, servants, and employees knew or should have known that Father Hayes was sexually abusing Patricia and other children at All Saints and elsewhere.

745. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Hayes of Patricia was ongoing.

746. Upon information and belief, the Diocese and All Saints, their agents, servants, and employees, knew or should have known before and during Father Hayes's sexual abuse of Patricia that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and All Saints had used their positions with those defendants to groom and to sexually abuse children.

747. Upon information and belief, the Diocese and All Saints, their agents, servants, and employees, knew or should have known before and during Father Hayes's sexual abuse of Patricia that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

748. Upon information and belief, the Diocese and All Saints, their agents, servants, and employees, concealed the sexual abuse of children by Father Hayes in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of

limitations prior to the enactment of the CVA, despite knowing that Father Hayes would continue to molest children.

749. Upon information and belief, the Diocese and All Saints, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Hayes would use his position with the defendants to sexually abuse children, including Patricia.

750. Upon information and belief, the Diocese and All Saints, their agents, servants, and employees, disregarded their knowledge that Father Hayes would use his position with them to sexually abuse children, including Patricia.

751. Upon information and belief, the Diocese and All Saints, their agents, servants, and employees, acted in concert with each other or with Father Hayes to conceal the danger that Father Hayes posed to children, including Patricia, so that Father Hayes could continue serving them despite their knowledge of that danger.

752. Upon information and belief, the Diocese and All Saints, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Patricia, and she did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

753. Upon information and belief, the Diocese and All Saints, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the

CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

754. By reason of the wrongful acts of the Diocese and All Saints as detailed herein, Patricia sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Patricia has and/or will become obligated to expend sums of money for treatment.

#### **XV. STATEMENT OF FACTS AS TO PLAINTIFF KURT SEIWERT**

755. Upon information and belief, at all relevant times the Diocese was the owner of St. Vincent and held itself out to the public as the owner of St. Vincent.

756. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Vincent.

757. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at St. Vincent, including plaintiff Kurt Seiwert and his family.

758. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Vincent, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Vincent.

759. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Vincent.

760. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Vincent.

761. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Vincent, including the services of Father Ipolito and the services of those who managed and supervised Father Ipolito.

762. Upon information and belief, at all relevant times St. Vincent owned a parish, church, and school.

763. Upon information and belief, at all relevant times St. Vincent held itself out to the public as the owner of St. Vincent.

764. Upon information and belief, at all relevant times St. Vincent employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff Kurt Seiwert and his family.

765. Upon information and belief, at all relevant times St. Vincent, its agents, servants, and employees managed, maintained, operated, and controlled St. Vincent, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Vincent.

766. Upon information and belief, at all relevant times St. Vincent was responsible for and did the staffing and hiring at St. Vincent.

767. Upon information and belief, at all relevant times St. Vincent was responsible for and did the recruitment and staffing of volunteers at St. Vincent.

768. Upon information and belief, at all relevant times St. Vincent materially benefitted from the operation of St. Vincent, including the services of Father Ipolito and the services of those who managed and supervised Father Ipolito.

769. Upon information and belief, at all relevant times Father Ipolito was a priest of the Diocese.

770. Upon information and belief, at all relevant times Father Ipolito was on the staff of, acted as an agent of, and served as an employee of the Diocese.

771. Upon information and belief, at all relevant times Father Ipolito was acting in the course and scope of his employment with the Diocese.

772. Upon information and belief, at all relevant times Father Ipolito was employed by the Diocese and assigned to St. Vincent.

773. Upon information and belief, at all relevant times Father Ipolito was a priest of St. Vincent.

774. Upon information and belief, at all relevant times Father Ipolito was on the staff of, was an agent of, and served as an employee of St. Vincent.

775. Upon information and belief, at all relevant times Father Ipolito was acting in the course and scope of his employment with St. Vincent.

776. Upon information and belief, at all relevant times Father Ipolito had an office on the premises of St. Vincent.

777. When plaintiff Kurt Seiwert was a minor, he and his parents were members of the Diocese and St. Vincent, including when plaintiff Kurt was a parishioner.

778. At all relevant times, the Diocese and St. Vincent, their agents, servants, and employees, held Father Ipolito out to the public, to Kurt, and to his parents, as their agent and employee.

779. At all relevant times, the Diocese and St. Vincent, their agents, servants, and employees, held Father Ipolito out to the public, to Kurt, and to his parents, as having been vetted, screened, and approved by those defendants.

780. At all relevant times, Kurt and his parents reasonably relied upon the acts and representations of the Diocese and St. Vincent, their agents, servants, and employees, and reasonably believed that Father Ipolito was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

781. At all relevant times, Kurt and his parents trusted Father Ipolito because the Diocese and St. Vincent held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Kurt.

782. At all relevant times, Kurt and his parents believed that the Diocese and St. Vincent would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Kurt.

783. When Kurt was a minor, Father Ipolito sexually abused him.

784. Kurt was sexually abused by Father Ipolito when Kurt was approximately 13 to 14 years old.

785. Based on the representations of the Diocese and St. Vincent that Father Ipolito was safe and trustworthy, Kurt and his parents allowed Kurt to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Vincent, including during the times when Kurt was sexually abused by Father Ipolito.

786. Based on the representations of the Diocese and St. Vincent that Father Ipolito was safe and trustworthy, Kurt and his parents allowed Kurt to be under the supervision of, and in the

care, custody, and control of, Father Ipolito, including during the times when Kurt was sexually abused by Father Ipolito.

787. Neither Kurt nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Vincent, or Father Ipolito if the Diocese or St. Vincent had disclosed to Kurt or his parents that Father Ipolito was not safe and was not trustworthy, and that he in fact posed a danger to Kurt in that Father Ipolito was likely to sexually abuse Kurt.

788. No parent of ordinary prudence in comparable circumstances would have allowed Kurt to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Vincent, or Father Ipolito if the Diocese or St. Vincent had disclosed to Kurt or his parents that Father Ipolito was not safe and was not trustworthy, and that he in fact posed a danger to Kurt in that Father Ipolito was likely to sexually abuse him.

789. From approximately 1981 through 1982, Father Ipolito exploited the trust and authority vested in him by defendants by grooming Kurt to gain his trust and to obtain control over him as part of Father Ipolito's plan to sexually molest and abuse Kurt and other children.

790. Father Ipolito used his position of trust and authority as a priest of the Diocese and of St. Vincent to groom Kurt and to sexually abuse him multiple times, including when Kurt was under the supervision of, and in the care, custody, or control of, the Diocese, St. Vincent, and Father Ipolito.

791. At certain times, the sexual abuse of Kurt by Father Ipolito occurred at St. Vincent, including in the church rectory.

792. At certain times, Father Ipolito's sexual abuse of Kurt occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Vincent, including during Boy Scouts meetings.

793. Upon information and belief, prior to the times mentioned herein, Father Ipolito was a known sexual abuser of children.

794. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Ipolito was a known sexual abuser of children.

795. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Ipolito's sexual abuse of children would likely result in injury to others, including the sexual abuse of Kurt and other children by Father Ipolito.

796. Upon information and belief, at certain times between 1981 and 1982, defendants, their agents, servants, and employees knew or should have known that Father Ipolito was sexually abusing Kurt and other children at St. Vincent and elsewhere.

797. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Ipolito of Kurt was ongoing.

798. Upon information and belief, the Diocese and St. Vincent, their agents, servants, and employees, knew or should have known before and during Father Ipolito's sexual abuse of Kurt that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and St. Vincent had used their positions with those defendants to groom and to sexually abuse children.



799. Upon information and belief, the Diocese and St. Vincent, their agents, servants, and employees, knew or should have known before and during Father Ipolito's sexual abuse of Kurt that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

800. Upon information and belief, the Diocese and St. Vincent, their agents, servants, and employees, concealed the sexual abuse of children by Father Ipolito in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Ipolito would continue to molest children.

801. Upon information and belief, the Diocese and St. Vincent, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Ipolito would use his position with the defendants to sexually abuse children, including Kurt.

802. Upon information and belief, the Diocese and St. Vincent, their agents, servants, and employees, disregarded their knowledge that Father Ipolito would use his position with them to sexually abuse children, including Kurt.

803. Upon information and belief, the Diocese and St. Vincent, their agents, servants, and employees, acted in concert with each other or with Father Ipolito to conceal the danger that Father Ipolito posed to children, including Kurt, so that Father Ipolito could continue serving them despite their knowledge of that danger.

804. Upon information and belief, the Diocese and St. Vincent, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Kurt,

and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

805. Upon information and belief, the Diocese and St. Vincent, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

806. By reason of the wrongful acts of the Diocese and St. Vincent as detailed herein, Kurt sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Kurt has and/or will become obligated to expend sums of money for treatment.

#### **XVI. STATEMENT OF FACTS AS TO PLAINTIFF JENNIFER LINDSAY**

807. Upon information and belief, at all relevant times the Diocese was the owner of Queen of Heaven and held itself out to the public as the owner of Queen of Heaven.

808. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Queen of Heaven.

809. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at Queen of Heaven, including plaintiff Jennifer Lindsay and her family.

810. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Queen of Heaven, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Queen of Heaven.

811. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Queen of Heaven.

812. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Queen of Heaven.

813. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Queen of Heaven, including the services of Father Moss and the services of those who managed and supervised Father Moss.

814. Upon information and belief, at all relevant times Queen of Heaven owned a parish, church, and school.

815. Upon information and belief, at all relevant times Queen of Heaven held itself out to the public as the owner of Queen of Heaven.

816. Upon information and belief, at all relevant times Queen of Heaven employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff Jennifer Lindsay and her family.

817. Upon information and belief, at all relevant times Queen of Heaven, its agents, servants, and employees managed, maintained, operated, and controlled Queen of Heaven, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Queen of Heaven.

818. Upon information and belief, at all relevant times Queen of Heaven was responsible for and did the staffing and hiring at Queen of Heaven.

819. Upon information and belief, at all relevant times Queen of Heaven was responsible for and did the recruitment and staffing of volunteers at Queen of Heaven.

820. Upon information and belief, at all relevant times Queen of Heaven materially benefitted from the operation of Queen of Heaven, including the services of Father Moss and the services of those who managed and supervised Father Moss.

821. Upon information and belief, at all relevant times Father Moss was a priest of the Diocese.

822. Upon information and belief, at all relevant times Father Moss was on the staff of, acted as an agent of, and served as an employee of the Diocese.

823. Upon information and belief, at all relevant times Father Moss was acting in the course and scope of his employment with the Diocese.

824. Upon information and belief, at all relevant times Father Moss was employed by the Diocese and assigned to Queen of Heaven.

825. Upon information and belief, at all relevant times Father Moss was a priest of Queen of Heaven.

826. Upon information and belief, at all relevant times Father Moss was on the staff of, was an agent of, and served as an employee of Queen of Heaven.

827. Upon information and belief, at all relevant times Father Moss was acting in the course and scope of his employment with Queen of Heaven.

828. Upon information and belief, at all relevant times Father Moss had an office on the premises of Queen of Heaven.

829. When plaintiff Jennifer Lindsay was a minor, she and her parents were members of the Diocese and Queen of Heaven, including when Jennifer was a parishioner.

830. At all relevant times, the Diocese and Queen of Heaven, their agents, servants, and employees, held Father Moss out to the public, to Jennifer, and to her parents, as their agent and employee.

831. At all relevant times, the Diocese and Queen of Heaven, their agents, servants, and employees, held Father Moss out to the public, to Jennifer, and to her parents, as having been vetted, screened, and approved by those defendants.

832. At all relevant times, Jennifer and her parents reasonably relied upon the acts and representations of the Diocese and Queen of Heaven, their agents, servants, and employees, and reasonably believed that Father Moss was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

833. At all relevant times, Jennifer and her parents trusted Father Moss because the Diocese and Queen of Heaven held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Jennifer.

834. At all relevant times, Jennifer and her parents believed that the Diocese and Queen of Heaven would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Jennifer.

835. When Jennifer was a minor, Father Moss sexually abused her.

836. Jennifer was sexually abused by Father Moss when Jennifer was approximately 10 to 13 years old.

837. Based on the representations of the Diocese and Queen of Heaven that Father Moss was safe and trustworthy, Jennifer and her parents allowed Jennifer to be under the supervision of,

and in the care, custody, and control of, the Diocese and Queen of Heaven, including during the times when Jennifer was sexually abused by Father Moss.

838. Based on the representations of the Diocese and Queen of Heaven that Father Moss was safe and trustworthy, Jennifer and her parents allowed Jennifer to be under the supervision of, and in the care, custody, and control of, Father Moss, including during the times when Jennifer was sexually abused by Father Moss.

839. Neither Jennifer nor her parents would have allowed her to be under the supervision of, or in the care, custody, or control of, the Diocese, Queen of Heaven, or Father Moss if the Diocese or Queen of Heaven had disclosed to Jennifer or her parents that Father Moss was not safe and was not trustworthy, and that he in fact posed a danger to Jennifer in that Father Moss was likely to sexually abuse Jennifer.

840. No parent of ordinary prudence in comparable circumstances would have allowed Jennifer to be under the supervision of, or in the care, custody, or control of, the Diocese, Queen of Heaven, or Father Moss if the Diocese or Queen of Heaven had disclosed to Jennifer or her parents that Father Moss was not safe and was not trustworthy, and that he in fact posed a danger to Jennifer in that Father Moss was likely to sexually abuse her.

841. From approximately 1982 through 1984, Father Moss exploited the trust and authority vested in him by defendants by grooming Jennifer to gain her trust and to obtain control over her as part of Father Moss's plan to sexually molest and abuse Jennifer and other children.

842. Father Moss used his position of trust and authority as a priest of the Diocese and of Queen of Heaven to groom Jennifer and to sexually abuse her multiple times, including when Jennifer was under the supervision of, and in the care, custody, or control of, the Diocese, Queen of Heaven, and Father Moss.

843. At certain times, the sexual abuse of Jennifer by Father Moss occurred at Queen of Heaven, including on church grounds.

844. At certain times, Father Moss's sexual abuse of Jennifer occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Queen of Heaven, including during religious services and counseling sessions.

845. Upon information and belief, prior to the times mentioned herein, Father Moss was a known sexual abuser of children.

846. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Moss was a known sexual abuser of children.

847. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Moss's sexual abuse of children would likely result in injury to others, including the sexual abuse of Jennifer and other children by Father Moss.

848. Upon information and belief, at certain times between 1982 and 1984, defendants, their agents, servants, and employees knew or should have known that Father Moss was sexually abusing Jennifer and other children at Queen of Heaven and elsewhere.

849. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Moss of Jennifer was ongoing.

850. Upon information and belief, the Diocese and Queen of Heaven, their agents, servants, and employees, knew or should have known before and during Father Moss's sexual abuse of Jennifer that priests, school administrators, teachers, religious sisters, and/or other persons

serving the Diocese and Queen of Heaven had used their positions with those defendants to groom and to sexually abuse children.

851. Upon information and belief, the Diocese and Queen of Heaven, their agents, servants, and employees, knew or should have known before and during Father Moss's sexual abuse of Jennifer that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

852. Upon information and belief, the Diocese and Queen of Heaven, their agents, servants, and employees, concealed the sexual abuse of children by Father Moss in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Moss would continue to molest children.

853. Upon information and belief, the Diocese and Queen of Heaven, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Moss would use his position with the defendants to sexually abuse children, including Jennifer.

854. Upon information and belief, the Diocese and Queen of Heaven, their agents, servants, and employees, disregarded their knowledge that Father Moss would use his position with them to sexually abuse children, including Jennifer.

855. Upon information and belief, the Diocese and Queen of Heaven, their agents, servants, and employees, acted in concert with each other or with Father Moss to conceal the danger that Father Moss posed to children, including Jennifer, so that Father Moss could continue serving them despite their knowledge of that danger.



856. Upon information and belief, the Diocese and Queen of Heaven, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Jennifer, and she did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

857. Upon information and belief, the Diocese and Queen of Heaven, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

858. By reason of the wrongful acts of the Diocese and Queen of Heaven as detailed herein, Jennifer sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Jennifer has and/or will become obligated to expend sums of money for treatment.

#### **XVII. STATEMENT OF FACTS AS TO PLAINTIFF S.F.**

859. Upon information and belief, at all relevant times the Diocese was the owner of Holy Angels and held itself out to the public as the owner of Holy Angels.

860. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Holy Angels.

861. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at Holy Angels, including plaintiff S.F. and her family.

862. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Holy Angels, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Holy Angels.

863. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Holy Angels.

864. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Holy Angels.

865. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Holy Angels, including the services of Mr. Mitchell and the services of those who managed and supervised Mr. Mitchell.

866. Upon information and belief, at all relevant times Holy Angels owned a school.

867. Upon information and belief, at all relevant times Holy Angels held itself out to the public as the owner of Holy Angels.

868. Upon information and belief, at all relevant times Holy Angels employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff S.F. and her family.

869. Upon information and belief, at all relevant times Holy Angels, its agents, servants, and employees managed, maintained, operated, and controlled Holy Angels, and held out to the

public its agents, servants and employees as those who managed, maintained, operated, and controlled Holy Angels.

870. Upon information and belief, at all relevant times Holy Angels was responsible for and did the staffing and hiring at Holy Angels.

871. Upon information and belief, at all relevant times Holy Angels was responsible for and did the recruitment and staffing of volunteers at Holy Angels.

872. Upon information and belief, at all relevant times Holy Angels materially benefitted from the operation of Holy Angels, including the services of Mr. Mitchell and the services of those who managed and supervised Mr. Mitchell.

873. Upon information and belief, at all relevant times Mr. Mitchell was a teacher of the Diocese.

874. Upon information and belief, at all relevant times Mr. Mitchell was on the staff of, acted as an agent of, and served as an employee of the Diocese.

875. Upon information and belief, at all relevant times Mr. Mitchell was acting in the course and scope of his employment with the Diocese.

876. Upon information and belief, at all relevant times Mr. Mitchell was employed by the Diocese and assigned to Holy Angels.

877. Upon information and belief, at all relevant times Mr. Mitchell was a teacher of Holy Angels.

878. Upon information and belief, at all relevant times Mr. Mitchell was on the staff of, was an agent of, and served as an employee of Holy Angels.

879. Upon information and belief, at all relevant times Mr. Mitchell was acting in the course and scope of his employment with Holy Angels.

880. Upon information and belief, at all relevant times Mr. Mitchell had an office on the premises of Holy Angels.

881. When plaintiff S.F. was a minor, she and her parents were members of the Diocese and Holy Angels, including when S.F. was a student.

882. At all relevant times, the Diocese and Holy Angels, their agents, servants, and employees, held Mr. Mitchell out to the public, to S.F., and to her parents, as their agent and employee.

883. At all relevant times, the Diocese and Holy Angels, their agents, servants, and employees, held Mr. Mitchell out to the public, to S.F., and to her parents, as having been vetted, screened, and approved by those defendants.

884. At all relevant times, S.F. and her parents reasonably relied upon the acts and representations of the Diocese and Holy Angels, their agents, servants, and employees, and reasonably believed that Mr. Mitchell was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

885. At all relevant times, S.F. and her parents trusted Mr. Mitchell because the Diocese and Holy Angels held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of S.F.

886. At all relevant times, S.F. and her parents believed that the Diocese and Holy Angels would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of S.F.

887. When S.F. was a minor, Mr. Mitchell sexually abused her.

888. S.F. was sexually abused by Mr. Mitchell when S.F. was approximately 16 to 17 years old.

889. Based on the representations of the Diocese and Holy Angels that Mr. Mitchell was safe and trustworthy, S.F. and her parents allowed S.F. to be under the supervision of, and in the care, custody, and control of, the Diocese and Holy Angels, including during the times when S.F. was sexually abused by Mr. Mitchell.

890. Based on the representations of the Diocese and Holy Angels that Mr. Mitchell was safe and trustworthy, S.F. and her parents allowed S.F. to be under the supervision of, and in the care, custody, and control of, Mr. Mitchell, including during the times when S.F. was sexually abused by Mr. Mitchell.

891. Neither S.F. nor her parents would have allowed her to be under the supervision of, or in the care, custody, or control of, the Diocese, Holy Angels, or Mr. Mitchell if the Diocese or Holy Angels had disclosed to S.F. or her parents that Mr. Mitchell was not safe and was not trustworthy, and that he in fact posed a danger to S.F. in that Mr. Mitchell was likely to sexually abuse S.F.

892. No parent of ordinary prudence in comparable circumstances would have allowed S.F. to be under the supervision of, or in the care, custody, or control of, the Diocese, Holy Angels, or Mr. Mitchell if the Diocese or Holy Angels had disclosed to S.F. or her parents that Mr. Mitchell was not safe and was not trustworthy, and that he in fact posed a danger to S.F. in that Mr. Mitchell was likely to sexually abuse her.

893. From approximately 1994 through 1995, Mr. Mitchell exploited the trust and authority vested in him by defendants by grooming S.F. to gain her trust and to obtain control over her as part of Mr. Mitchell's plan to sexually molest and abuse S.F. and other children.

894. Mr. Mitchell used his position of trust and authority as a teacher of the Diocese and of Holy Angels to groom S.F. and to sexually abuse her multiple times, including when S.F. was

under the supervision of, and in the care, custody, or control of, the Diocese, Holy Angels, and Mr. Mitchell.

895. At certain times, the sexual abuse of S.F. by Mr. Mitchell occurred at Holy Angels, including in a classroom at the school.

896. At certain times, Mr. Mitchell's sexual abuse of S.F. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Holy Angels, including during class.

897. Upon information and belief, prior to the times mentioned herein, Mr. Mitchell was a known sexual abuser of children.

898. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Mr. Mitchell was a known sexual abuser of children.

899. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Mr. Mitchell's sexual abuse of children would likely result in injury to others, including the sexual abuse of S.F. and other children by Mr. Mitchell.

900. Upon information and belief, at certain times between 1994 and 1995, defendants, their agents, servants, and employees knew or should have known that Mr. Mitchell was sexually abusing S.F. and other children at Holy Angels and elsewhere.

901. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Mr. Mitchell of S.F. was ongoing.

902. Upon information and belief, the Diocese and Holy Angels, their agents, servants, and employees, knew or should have known that Mr. Mitchell was likely to abuse children,

including S.F., because plaintiff S.F.'s art teacher asked S.F. if there was anything going on with Mr. Mitchell due to his suspicion that he was sexually abusing her.

903. Upon information and belief, the Diocese and Holy Angels, their agents, servants, and employees, knew or should have known before and during Mr. Mitchell's sexual abuse of S.F. that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and Holy Angels had used their positions with those defendants to groom and to sexually abuse children.

904. Upon information and belief, the Diocese and Holy Angels, their agents, servants, and employees, knew or should have known before and during Mr. Mitchell's sexual abuse of S.F. that such teachers, priests, and other persons could not be "cured" through treatment or counseling.

905. Upon information and belief, the Diocese and Holy Angels, their agents, servants, and employees, concealed the sexual abuse of children by Mr. Mitchell in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Mr. Mitchell would continue to molest children.

906. Upon information and belief, the Diocese and Holy Angels, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Mr. Mitchell would use his position with the defendants to sexually abuse children, including S.F.

907. Upon information and belief, the Diocese and Holy Angels, their agents, servants, and employees, disregarded their knowledge that Mr. Mitchell would use his position with them to sexually abuse children, including S.F.

908. Upon information and belief, the Diocese and Holy Angels, their agents, servants, and employees, acted in concert with each other or with Mr. Mitchell to conceal the danger that Mr. Mitchell posed to children, including S.F., so that Mr. Mitchell could continue serving them despite their knowledge of that danger.

909. Upon information and belief, the Diocese and Holy Angels, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including S.F., and she did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

910. Upon information and belief, the Diocese and Holy Angels, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

911. By reason of the wrongful acts of the Diocese and Holy Angels as detailed herein, S.F. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and S.F. has and/or will become obligated to expend sums of money for treatment.



**XVIII. CAUSES OF ACTION AS TO PLAINTIFF MATTHEW SCOTT HELDWEIN****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

912. Plaintiff Matthew Scott Heldwein repeats and re-alleges all of his allegations above and below.

913. The Diocese and St. Francis had a duty to take reasonable steps to protect plaintiff Matthew Scott Heldwein, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

914. The Diocese and St. Francis also had a duty to take reasonable steps to prevent Father Rutter from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Scott.

915. The Diocese and St. Francis were supervising Scott, and had care, custody, and control of Scott, when he was a student at St. Francis, including a resident student, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

916. These circumstances created a special relationship between the Diocese and Scott, and between St. Francis and Scott, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

917. The Diocese and St. Francis breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Rutter from harming Scott, including sexually abusing him.

918. In breaching their duties, including hiring, retaining, and failing to supervise Father Rutter, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Scott, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Scott and other children who were

under their supervision and in their care, custody, and control, the Diocese and St. Francis created a risk that Scott would be sexually abused by Father Rutter. The Diocese and St. Francis through their actions and inactions created an environment that placed Scott in danger of unreasonable risks of harm under the circumstances.

919. In breaching their duties, including hiring, retaining, and failing to supervise Father Rutter, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Scott, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Scott and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Francis acted willfully and with conscious disregard for the need to protect Scott. The Diocese and St. Francis through their actions and inactions created an environment that placed Scott in danger of unreasonable risks of harm under the circumstances.

920. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Scott.

921. As a direct and proximate result of the acts and omissions of the Diocese and St. Francis, Father Rutter groomed and sexually abused Scott, which has caused Scott to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

922. Plaintiff Matthew Scott Heldwein repeats and re-alleges all of his allegations above and below.

923. The Diocese and St. Francis engaged in reckless, extreme, and outrageous conduct by providing Father Rutter with access to children, including plaintiff Matthew Scott Heldwein,

despite knowing that he would likely use his position to groom and to sexually abuse them, including Scott. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

924. As a result of this reckless, extreme, and outrageous conduct, Father Rutter gained access to Scott and sexually abused him.

925. The Diocese and St. Francis knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Scott did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

#### **XIX. CAUSES OF ACTION AS TO PLAINTIFF F.Z.**

##### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

926. Plaintiff F.Z. repeats and re-alleges all of his allegations above and below.

927. The Diocese and Our Lady of Victory had a duty to take reasonable steps to protect plaintiff F.Z., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

928. The Diocese and Our Lady of Victory also had a duty to take reasonable steps to prevent Father Ward from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including F.Z.

929. The Diocese and Our Lady of Victory were supervising F.Z., and had care, custody, and control of F.Z., when he served as an altar boy and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

930. These circumstances created a special relationship between the Diocese and F.Z., and between Our Lady of Victory and F.Z., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

931. The Diocese and Our Lady of Victory breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Ward from harming F.Z., including sexually abusing him.

932. In breaching their duties, including hiring, retaining, and failing to supervise Father Ward, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn F.Z., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for F.Z. and other children who were under their supervision and in their care, custody, and control, the Diocese and Our Lady of Victory created a risk that F.Z. would be sexually abused by Father Ward. The Diocese and Our Lady of Victory through their actions and inactions created an environment that placed F.Z. in danger of unreasonable risks of harm under the circumstances.

933. In breaching their duties, including hiring, retaining, and failing to supervise Father Ward, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn F.Z., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for F.Z. and other children who were under their supervision and in their care, custody, and control, the Diocese and Our Lady of Victory acted willfully and with conscious disregard for the need to protect F.Z. The Diocese and Our Lady

of Victory through their actions and inactions created an environment that placed F.Z. in danger of unreasonable risks of harm under the circumstances.

934. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of F.Z.

935. As a direct and proximate result of the acts and omissions of the Diocese and Our Lady of Victory, Father Ward groomed and sexually abused F.Z., which has caused F.Z. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

936. Plaintiff F.Z. repeats and re-alleges all of his allegations above and below.

937. The Diocese and Our Lady of Victory engaged in reckless, extreme, and outrageous conduct by providing Father Ward with access to children, including plaintiff F.Z., despite knowing that he would likely use his position to groom and to sexually abuse them, including F.Z. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

938. As a result of this reckless, extreme, and outrageous conduct, Father Ward gained access to F.Z. and sexually abused him.

939. The Diocese and Our Lady of Victory knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and F.Z. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XX. CAUSES OF ACTION AS TO PLAINTIFF WILLIAM ANTHONY  
WACHOWIAK SR.**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

940. Plaintiff William Anthony Wachowiak Sr. repeats and re-alleges all of his allegations above and below.

941. The Diocese and Corpus Christi had a duty to take reasonable steps to protect plaintiff William Anthony Wachowiak Sr., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

942. The Diocese and Corpus Christi also had a duty to take reasonable steps to prevent Sister Julia/Julieta from using the tasks, premises, and instrumentalities of her position with the defendants to target, groom, and sexually abuse children, including William.

943. The Diocese and Corpus Christi were supervising William, and had care, custody, and control of William, when he was a student and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

944. These circumstances created a special relationship between the Diocese and William, and between Corpus Christi and William, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

945. The Diocese and Corpus Christi breached each of the foregoing duties by failing to exercise reasonable care to prevent Sister Julia/Julieta from harming William, including sexually abusing him.

946. In breaching their duties, including hiring, retaining, and failing to supervise Sister Julia/Julieta, giving her access to children, entrusting their tasks, premises, and instrumentalities to her, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn William, his parents, and other parents of the danger

of sexual abuse, and failing to create a safe and secure environment for William and other children who were under their supervision and in their care, custody, and control, the Diocese and Corpus Christi created a risk that William would be sexually abused by Sister Julia/Julieta. The Diocese and Corpus Christi through their actions and inactions created an environment that placed William in danger of unreasonable risks of harm under the circumstances.

947. In breaching their duties, including hiring, retaining, and failing to supervise Sister Julia/Julieta, giving her access to children, entrusting their tasks, premises, and instrumentalities to her, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn William, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for William and other children who were under their supervision and in their care, custody, and control, the Diocese and Corpus Christi acted willfully and with conscious disregard for the need to protect William. The Diocese and Corpus Christi through their actions and inactions created an environment that placed William in danger of unreasonable risks of harm under the circumstances.

948. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of William.

949. As a direct and proximate result of the acts and omissions of the Diocese and Corpus Christi, Sister Julia/Julieta groomed and sexually abused William, which has caused William to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

950. Plaintiff William Anthony Wachowiak Sr. repeats and re-alleges all of his allegations above and below.

951. The Diocese and Corpus Christi engaged in reckless, extreme, and outrageous conduct by providing Sister Julia/Julieta with access to children, including plaintiff William Anthony Wachowiak Sr., despite knowing that she would likely use her position to groom and to sexually abuse them, including William. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

952. As a result of this reckless, extreme, and outrageous conduct, Sister Julia/Julieta gained access to William and sexually abused him.

953. The Diocese and Corpus Christi knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and William did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

## **XXI. CAUSES OF ACTION AS TO PLAINTIFF G.W.**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

954. Plaintiff G.W. repeats and re-alleges all of his allegations above and below.

955. The Diocese and St. Andrew's had a duty to take reasonable steps to protect plaintiff G.W., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

956. The Diocese and St. Andrew's also had a duty to take reasonable steps to prevent Father Schieder from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including G.W.



957. The Diocese and St. Andrew's were supervising G.W., and had care, custody, and control of G.W., when he was a student and an altar boy, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

958. These circumstances created a special relationship between the Diocese and G.W., and between St. Andrew's and G.W., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

959. The Diocese and St. Andrew's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Schieder from harming G.W., including sexually abusing him.

960. In breaching their duties, including hiring, retaining, and failing to supervise Father Schieder, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn G.W., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for G.W. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Andrew's created a risk that G.W. would be sexually abused by Father Schieder. The Diocese and St. Andrew's through their actions and inactions created an environment that placed G.W. in danger of unreasonable risks of harm under the circumstances.

961. In breaching their duties, including hiring, retaining, and failing to supervise Father Schieder, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn G.W., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for G.W. and other children who

were under their supervision and in their care, custody, and control, the Diocese and St. Andrew's acted willfully and with conscious disregard for the need to protect G.W. The Diocese and St. Andrew's through their actions and inactions created an environment that placed G.W. in danger of unreasonable risks of harm under the circumstances.

962. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of G.W.

963. As a direct and proximate result of the acts and omissions of the Diocese and St. Andrew's, Father Schieder groomed and sexually abused G.W., which has caused G.W. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

964. Plaintiff G.W. repeats and re-alleges all of his allegations above and below.

965. The Diocese and St. Andrew's engaged in reckless, extreme, and outrageous conduct by providing Father Schieder with access to children, including plaintiff G.W., despite knowing that he would likely use his position to groom and to sexually abuse them, including G.W. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

966. As a result of this reckless, extreme, and outrageous conduct, Father Schieder gained access to G.W. and sexually abused him.

967. The Diocese and St. Andrew's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and G.W. did in fact suffer severe emotional and psychological distress and

personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

## **XXII. CAUSES OF ACTION AS TO PLAINTIFF ROBERT D. SCHUBRING**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

968. Plaintiff Robert D. Schubring repeats and re-alleges all of his allegations above and below.

969. The Diocese and Bishop Turner had a duty to take reasonable steps to protect plaintiff Robert D. Schubring, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

970. The Diocese and Bishop Turner also had a duty to take reasonable steps to prevent Father Stanton from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Robert.

971. The Diocese and Bishop Turner were supervising Robert, and had care, custody, and control of Robert, when he was a student and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

972. These circumstances created a special relationship between the Diocese and Robert, and between Bishop Turner and Robert, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

973. The Diocese and Bishop Turner breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Stanton from harming Robert, including sexually abusing him.

974. In breaching their duties, including hiring, retaining, and failing to supervise Father Stanton, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from

sexual abuse and other harm, failing to warn Robert, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Robert and other children who were under their supervision and in their care, custody, and control, the Diocese and Bishop Turner created a risk that Robert would be sexually abused by Father Stanton. The Diocese and Bishop Turner through their actions and inactions created an environment that placed Robert in danger of unreasonable risks of harm under the circumstances.

975. In breaching their duties, including hiring, retaining, and failing to supervise Father Stanton, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Robert, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Robert and other children who were under their supervision and in their care, custody, and control, the Diocese and Bishop Turner acted willfully and with conscious disregard for the need to protect Robert. The Diocese and Bishop Turner through their actions and inactions created an environment that placed Robert in danger of unreasonable risks of harm under the circumstances.

976. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Robert.

977. As a direct and proximate result of the acts and omissions of the Diocese and Bishop Turner, Father Stanton groomed and sexually abused Robert, which has caused Robert to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

978. Plaintiff Robert D. Schubring repeats and re-alleges all of his allegations above and below.

979. The Diocese and Bishop Turner engaged in reckless, extreme, and outrageous conduct by providing Father Stanton with access to children, including plaintiff Robert D. Schubring, despite knowing that he would likely use his position to groom and to sexually abuse them, including Robert. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

980. As a result of this reckless, extreme, and outrageous conduct, Father Stanton gained access to Robert and sexually abused him.

981. The Diocese and Bishop Turner knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Robert did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

### **XXIII. CAUSES OF ACTION AS TO PLAINTIFF RICHARD FOLGA**

#### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

982. Plaintiff Richard Folga repeats and re-alleges all of his allegations above and below.

983. The Diocese and Queen of Peace had a duty to take reasonable steps to protect plaintiff Richard Folga, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

984. The Diocese and Queen of Peace also had a duty to take reasonable steps to prevent Father Orsolits from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Richard.

985. The Diocese and Queen of Peace were supervising Richard, and had care, custody, and control of Richard, when he was a parishioner and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

986. These circumstances created a special relationship between the Diocese and Richard, and between Queen of Peace and Richard, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

987. The Diocese and Queen of Peace breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Orsolits from harming Richard, including sexually abusing him.

988. In breaching their duties, including hiring, retaining, and failing to supervise Father Orsolits, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Richard, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Richard and other children who were under their supervision and in their care, custody, and control, the Diocese and Queen of Peace created a risk that Richard would be sexually abused by Father Orsolits. The Diocese and Queen of Peace through their actions and inactions created an environment that placed Richard in danger of unreasonable risks of harm under the circumstances.

989. In breaching their duties, including hiring, retaining, and failing to supervise Father Orsolits, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Richard, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Richard and other children

who were under their supervision and in their care, custody, and control, the Diocese and Queen of Peace acted willfully and with conscious disregard for the need to protect Richard. The Diocese and Queen of Peace through their actions and inactions created an environment that placed Richard in danger of unreasonable risks of harm under the circumstances.

990. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Richard.

991. As a direct and proximate result of the acts and omissions of the Diocese and Queen of Peace, Father Orsolits groomed and sexually abused Richard, which has caused Richard to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

992. Plaintiff Richard Folga repeats and re-alleges all of his allegations above and below.

993. The Diocese and Queen of Peace engaged in reckless, extreme, and outrageous conduct by providing Father Orsolits with access to children, including plaintiff Richard Folga, despite knowing that he would likely use his position to groom and to sexually abuse them, including Richard. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

994. As a result of this reckless, extreme, and outrageous conduct, Father Orsolits gained access to Richard and sexually abused him.

995. The Diocese and Queen of Peace knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Richard did in fact suffer severe emotional and psychological distress and

personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

#### **XXIV. CAUSES OF ACTION AS TO PLAINTIFF DAVID FUNK**

##### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

996. Plaintiff David Funk repeats and re-alleges all of his allegations above and below.

997. The Diocese and Blessed Virgin Mary had a duty to take reasonable steps to protect plaintiff David Funk, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

998. The Diocese and Blessed Virgin Mary also had a duty to take reasonable steps to prevent the choir director from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including David.

999. The Diocese and Blessed Virgin Mary were supervising David, and had care, custody, and control of David, when he was a student and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1000. These circumstances created a special relationship between the Diocese and David, and between Blessed Virgin Mary and David, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1001. The Diocese and Blessed Virgin Mary breached each of the foregoing duties by failing to exercise reasonable care to prevent the choir director from harming David, including sexually abusing him.

1002. In breaching their duties, including hiring, retaining, and failing to supervise the choir director, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn David, his parents, and other parents of the danger of



sexual abuse, and failing to create a safe and secure environment for David and other children who were under their supervision and in their care, custody, and control, the Diocese and Blessed Virgin Mary created a risk that David would be sexually abused by the choir director. The Diocese and Blessed Virgin Mary through their actions and inactions created an environment that placed David in danger of unreasonable risks of harm under the circumstances.

1003. In breaching their duties, including hiring, retaining, and failing to supervise the choir director, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn David, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for David and other children who were under their supervision and in their care, custody, and control, the Diocese and Blessed Virgin Mary acted willfully and with conscious disregard for the need to protect David. The Diocese and Blessed Virgin Mary through their actions and inactions created an environment that placed David in danger of unreasonable risks of harm under the circumstances.

1004. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of David.

1005. As a direct and proximate result of the acts and omissions of the Diocese and Blessed Virgin Mary, the choir director groomed and sexually abused David, which has caused David to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1006. Plaintiff David Funk repeats and re-alleges all of his allegations above and below.

1007. The Diocese and Blessed Virgin Mary engaged in reckless, extreme, and outrageous conduct by providing the choir director with access to children, including plaintiff

David Funk, despite knowing that he would likely use his position to groom and to sexually abuse them, including David. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1008. As a result of this reckless, extreme, and outrageous conduct, the choir director gained access to David and sexually abused him.

1009. The Diocese and Blessed Virgin Mary knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and David did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

## **XXV. CAUSES OF ACTION AS TO PLAINTIFF A.R.**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1010. Plaintiff A.R. repeats and re-alleges all of his allegations above and below.

1011. The Diocese, St. Mary's, and St. Bonaventure had a duty to take reasonable steps to protect plaintiff A.R., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1012. The Diocese, St. Mary's, and St. Bonaventure also had a duty to take reasonable steps to prevent Father Becker from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including A.R.

1013. The Diocese, St. Mary's, and St. Bonaventure were supervising A.R., and had care, custody, and control of A.R., when he was a parishioner and student, when he was with Father Becker, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1014. These circumstances created a special relationship between the Diocese and A.R., and between St. Mary's and A.R., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1015. The Diocese, St. Mary's, and St. Bonaventure breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Becker from harming A.R., including sexually abusing him.

1016. In breaching their duties, including hiring, retaining, and failing to supervise Father Becker, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn A.R., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for A.R. and other children who were under their supervision and in their care, custody, and control, the Diocese, St. Mary's, and St. Bonaventure created a risk that A.R. would be sexually abused by Father Becker. The Diocese, St. Mary's, and St. Bonaventure through their actions and inactions created an environment that placed A.R. in danger of unreasonable risks of harm under the circumstances.

1017. In breaching their duties, including hiring, retaining, and failing to supervise Father Becker, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn A.R., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for A.R. and other children who were under their supervision and in their care, custody, and control, the Diocese, St. Mary's, and St. Bonaventure acted willfully and with conscious disregard for the need to protect A.R. The

Diocese, St. Mary's, and St. Bonaventure through their actions and inactions created an environment that placed A.R. in danger of unreasonable risks of harm under the circumstances.

1018. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of A.R.

1019. As a direct and proximate result of the acts and omissions of the Diocese, St. Mary's, and St. Bonaventure, Father Becker groomed and sexually abused A.R., which has caused A.R. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1020. Plaintiff A.R. repeats and re-alleges all of his allegations above and below.

1021. The Diocese, St. Mary's, and St. Bonaventure engaged in reckless, extreme, and outrageous conduct by providing Father Becker with access to children, including plaintiff A.R., despite knowing that he would likely use his position to groom and to sexually abuse them, including A.R. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1022. As a result of this reckless, extreme, and outrageous conduct, Father Becker gained access to A.R. and sexually abused him.

1023. The Diocese, St. Mary's, and St. Bonaventure knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and A.R. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXVI. CAUSES OF ACTION AS TO PLAINTIFF E.W.****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1024. Plaintiff E.W. repeats and re-alleges all of her allegations above and below.

1025. The Diocese and St. Aloysius had a duty to take reasonable steps to protect plaintiff E.W., a child, from foreseeable harm when she was under their supervision and in their care, custody, and control.

1026. The Diocese and St. Aloysius also had a duty to take reasonable steps to prevent Father Spielman from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including E.W.

1027. The Diocese and St. Aloysius were supervising E.W., and had care, custody, and control of E.W., when she was a student and at other times, during which time those defendants had a duty to take reasonable steps to protect her.

1028. These circumstances created a special relationship between the Diocese and E.W., and between St. Aloysius and E.W., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1029. The Diocese and St. Aloysius breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Spielman from harming E.W., including sexually abusing her.

1030. In breaching their duties, including hiring, retaining, and failing to supervise Father Spielman, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn E.W., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for E.W. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Aloysius

created a risk that E.W. would be sexually abused by Father Spielman. The Diocese and St. Aloysius through their actions and inactions created an environment that placed E.W. in danger of unreasonable risks of harm under the circumstances.

1031. In breaching their duties, including hiring, retaining, and failing to supervise Father Spielman, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn E.W., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for E.W. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Aloysius acted willfully and with conscious disregard for the need to protect E.W. The Diocese and St. Aloysius through their actions and inactions created an environment that placed E.W. in danger of unreasonable risks of harm under the circumstances.

1032. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of E.W.

1033. As a direct and proximate result of the acts and omissions of the Diocese and St. Aloysius, Father Spielman groomed and sexually abused E.W., which has caused E.W. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1034. Plaintiff E.W. repeats and re-alleges all of her allegations above and below.

1035. The Diocese and St. Aloysius engaged in reckless, extreme, and outrageous conduct by providing Father Spielman with access to children, including plaintiff E.W., despite knowing that he would likely use his position to groom and to sexually abuse them, including E.W. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as

measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1036. As a result of this reckless, extreme, and outrageous conduct, Father Spielman gained access to E.W. and sexually abused her.

1037. The Diocese and St. Aloysius knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and E.W. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXVII. CAUSES OF ACTION AS TO PLAINTIFF PATRICIA ANN SWAN**  
**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1038. Plaintiff Patricia Ann Swan repeats and re-alleges all of her allegations above and below.

1039. The Diocese and All Saints had a duty to take reasonable steps to protect plaintiff Patricia Ann Swan, a child, from foreseeable harm when she was under their supervision and in their care, custody, and control.

1040. The Diocese and All Saints also had a duty to take reasonable steps to prevent Father Hayes from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Patricia.

1041. The Diocese and All Saints were supervising Patricia, and had care, custody, and control of Patricia, when she was a parishioner and at other times, during which time those defendants had a duty to take reasonable steps to protect her.

1042. These circumstances created a special relationship between the Diocese and Patricia, and between All Saints and Patricia, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1043. The Diocese and All Saints breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Hayes from harming Patricia, including sexually abusing her.

1044. In breaching their duties, including hiring, retaining, and failing to supervise Father Hayes, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Patricia, her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Patricia and other children who were under their supervision and in their care, custody, and control, the Diocese and All Saints created a risk that Patricia would be sexually abused by Father Hayes. The Diocese and All Saints through their actions and inactions created an environment that placed Patricia in danger of unreasonable risks of harm under the circumstances.

1045. In breaching their duties, including hiring, retaining, and failing to supervise Father Hayes, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Patricia, her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Patricia and other children who were under their supervision and in their care, custody, and control, the Diocese and All Saints acted willfully and with conscious disregard for the need to protect Patricia. The Diocese and All



Saints through their actions and inactions created an environment that placed Patricia in danger of unreasonable risks of harm under the circumstances.

1046. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Patricia.

1047. As a direct and proximate result of the acts and omissions of the Diocese and All Saints, Father Hayes groomed and sexually abused Patricia, which has caused Patricia to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1048. Plaintiff Patricia Ann Swan repeats and re-alleges all of her allegations above and below.

1049. The Diocese and All Saints engaged in reckless, extreme, and outrageous conduct by providing Father Hayes with access to children, including plaintiff Patricia Ann Swan, despite knowing that he would likely use his position to groom and to sexually abuse them, including Patricia. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1050. As a result of this reckless, extreme, and outrageous conduct, Father Hayes gained access to Patricia and sexually abused her.

1051. The Diocese and All Saints knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Patricia did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXVIII. CAUSES OF ACTION AS TO PLAINTIFF KURT SEIWERT****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1052. Plaintiff Kurt Seiwert repeats and re-alleges all of his allegations above and below.

1053. The Diocese and St. Vincent had a duty to take reasonable steps to protect plaintiff Kurt Seiwert, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1054. The Diocese and St. Vincent also had a duty to take reasonable steps to prevent Father Ipolito from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Kurt.

1055. The Diocese and St. Vincent were supervising Kurt, and had care, custody, and control of Kurt, when he was a parishioner, when he attended services and meetings at St. Vincent de Paul, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1056. These circumstances created a special relationship between the Diocese and Kurt, and between St. Vincent and Kurt, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1057. The Diocese and St. Vincent breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Ipolito from harming Kurt, including sexually abusing him.

1058. In breaching their duties, including hiring, retaining, and failing to supervise Father Ipolito, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Kurt, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Kurt and other children who were

under their supervision and in their care, custody, and control, the Diocese and St. Vincent created a risk that Kurt would be sexually abused by Father Ipolito. The Diocese and St. Vincent through their actions and inactions created an environment that placed Kurt in danger of unreasonable risks of harm under the circumstances.

1059. In breaching their duties, including hiring, retaining, and failing to supervise Father Ipolito, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Kurt, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Kurt and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Vincent acted willfully and with conscious disregard for the need to protect Kurt. The Diocese and St. Vincent through their actions and inactions created an environment that placed Kurt in danger of unreasonable risks of harm under the circumstances.

1060. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Kurt.

1061. As a direct and proximate result of the acts and omissions of the Diocese and St. Vincent, Father Ipolito groomed and sexually abused Kurt, which has caused Kurt to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1062. Plaintiff Kurt Seiwert repeats and re-alleges all of his allegations above and below.

1063. The Diocese and St. Vincent engaged in reckless, extreme, and outrageous conduct by providing Father Ipolito with access to children, including plaintiff Kurt Seiwert, despite knowing that he would likely use his position to groom and to sexually abuse them, including Kurt.

Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1064. As a result of this reckless, extreme, and outrageous conduct, Father Ipolito gained access to Kurt and sexually abused him.

1065. The Diocese and St. Vincent knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Kurt did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

## **XXIX. CAUSES OF ACTION AS TO PLAINTIFF JENNIFER LINDSAY**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1066. Plaintiff Jennifer Lindsay repeats and re-alleges all of her allegations above and below.

1067. The Diocese and Queen of Heaven had a duty to take reasonable steps to protect plaintiff Jennifer Lindsay, a child, from foreseeable harm when she was under their supervision and in their care, custody, and control.

1068. The Diocese and Queen of Heaven also had a duty to take reasonable steps to prevent Father Moss from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Jennifer.

1069. The Diocese and Queen of Heaven were supervising Jennifer, and had care, custody, and control of Jennifer, when she was a parishioner and at other times, during which time those defendants had a duty to take reasonable steps to protect her.

1070. These circumstances created a special relationship between the Diocese and Jennifer, and between Queen of Heaven and Jennifer, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1071. The Diocese and Queen of Heaven breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Moss from harming Jennifer, including sexually abusing her.

1072. In breaching their duties, including hiring, retaining, and failing to supervise Father Moss, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Jennifer, her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Jennifer and other children who were under their supervision and in their care, custody, and control, the Diocese and Queen of Heaven created a risk that Jennifer would be sexually abused by Father Moss. The Diocese and Queen of Heaven through their actions and inactions created an environment that placed Jennifer in danger of unreasonable risks of harm under the circumstances.

1073. In breaching their duties, including hiring, retaining, and failing to supervise Father Moss, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Jennifer, her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Jennifer and other children who were under their supervision and in their care, custody, and control, the Diocese and Queen of Heaven acted willfully and with conscious disregard for the need to protect Jennifer. The

Diocese and Queen of Heaven through their actions and inactions created an environment that placed Jennifer in danger of unreasonable risks of harm under the circumstances.

1074. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Jennifer.

1075. As a direct and proximate result of the acts and omissions of the Diocese and Queen of Heaven, Father Moss groomed and sexually abused Jennifer, which has caused Jennifer to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1076. Plaintiff Jennifer Lindsay repeats and re-alleges all of her allegations above and below.

1077. The Diocese and Queen of Heaven engaged in reckless, extreme, and outrageous conduct by providing Father Moss with access to children, including plaintiff Jennifer Lindsay, despite knowing that he would likely use his position to groom and to sexually abuse them, including Jennifer. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1078. As a result of this reckless, extreme, and outrageous conduct, Father Moss gained access to Jennifer and sexually abused her.

1079. The Diocese and Queen of Heaven knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Jennifer did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXX. CAUSES OF ACTION AS TO PLAINTIFF S.F.****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1080. Plaintiff S.F. repeats and re-alleges all of her allegations above and below.

1081. The Diocese and Holy Angels had a duty to take reasonable steps to protect plaintiff S.F., a child, from foreseeable harm when she was under their supervision and in their care, custody, and control.

1082. The Diocese and Holy Angels also had a duty to take reasonable steps to prevent Mr. Mitchell from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including S.F.

1083. The Diocese and Holy Angels were supervising S.F., and had care, custody, and control of S.F., when she was a student and at other times, during which time those defendants had a duty to take reasonable steps to protect her.

1084. These circumstances created a special relationship between the Diocese and S.F., and between Holy Angels and S.F., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1085. The Diocese and Holy Angels breached each of the foregoing duties by failing to exercise reasonable care to prevent Mr. Mitchell from harming S.F., including sexually abusing her.

1086. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Mitchell, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn S.F., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for S.F. and other children who were under their supervision and in their care, custody, and control, the Diocese and Holy Angels

created a risk that S.F. would be sexually abused by Mr. Mitchell. The Diocese and Holy Angels through their actions and inactions created an environment that placed S.F. in danger of unreasonable risks of harm under the circumstances.

1087. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Mitchell, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn S.F., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for S.F. and other children who were under their supervision and in their care, custody, and control, the Diocese and Holy Angels acted willfully and with conscious disregard for the need to protect S.F. The Diocese and Holy Angels through their actions and inactions created an environment that placed S.F. in danger of unreasonable risks of harm under the circumstances.

1088. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of S.F.

1089. As a direct and proximate result of the acts and omissions of the Diocese and Holy Angels, Mr. Mitchell groomed and sexually abused S.F., which has caused S.F. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1090. Plaintiff S.F. repeats and re-alleges all of her allegations above and below.

1091. The Diocese and Holy Angels engaged in reckless, extreme, and outrageous conduct by providing Mr. Mitchell with access to children, including plaintiff S.F., despite knowing that he would likely use his position to groom and to sexually abuse them, including S.F. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of



decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1092. As a result of this reckless, extreme, and outrageous conduct, Mr. Mitchell gained access to S.F. and sexually abused her.

1093. The Diocese and Holy Angels knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and S.F. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

#### **XXXI. CPLR 1603 – NO APPORTIONMENT OF LIABILITY**

1094. Pursuant to CPLR 1603, the foregoing causes of action are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2), CPLR 1602(5), 1602(7) and 1602(11), thus precluding defendants from limiting their liability by apportioning some portion of liability to any joint tortfeasor.

#### **XXXII. PRAYER FOR RELIEF**

1095. The plaintiffs demand judgment against the defendants named in their causes of action, together with compensatory and punitive damages to be determined at trial, and the interest, cost and disbursements pursuant to their causes of action, and such other and further relief as the Court deems just and proper.

1096. The plaintiffs specifically reserve the right to pursue additional causes of action, other than those outlined above, that are supported by the facts pleaded or that may be supported by other facts learned in discovery.

Dated: August 14, 2019

Respectfully Yours,

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By 

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