

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT- LAW DIVISION

John Doe 84,

Plaintiff,

vs.

The Jesuits d/b/a Chicago Province
of the Society of Jesus and
Fr. Donald McGuire, s.j.,

Defendants.

FILED
2003 AUG 21 PM 12:15
CLERK OF COURT
LAW
OSL 010095
CALENDAR B
JURY-INTENT

COMPLAINT AT LAW

JURY DEMAND

NOW COMES the Plaintiff, by and through his attorneys, KERN, PITROF, FROST & PEARLMAN and JEFF ANDERSON & ASSOCIATES, and for his causes of action against Defendants, states as follows:

PARTIES

1. Plaintiff John Doe 84 (hereinafter "Plaintiff"), is an adult male resident of the state of Arizona. At all times material, Plaintiff was a minor and a resident of Illinois. The identity of Plaintiff John Doe 84 is made known to Defendants by separate cover letter.

2. At all times material, Defendants the Jesuits were and are a world-wide Roman Catholic religious order of priests with its principal place of business located in Rome, Italy which does business in the state of Illinois as Chicago Province of the Society of Jesus, with its principal place of business located at 2050 N. Clark St., Chicago, IL 60614 (hereinafter "Order"). The Order and its agents and employees were and continue to be responsible for the selection and assignment of clergy, supervision of clergy activities, the exercise of authority over various

members of its religious order, and the maintenance of the well-being of its members attending schools and parishes which are owned and/or operated by the Order in the Chicago area. At all times material to the complaint, Defendant Order was conducting business in the State of Illinois.

3. At all times material, Father Donald McGuire (hereinafter "Defendant McGuire") was a priest and member of Defendant Order and the Archdiocese of Chicago ("Archdiocese"). Defendant McGuire was educated by and ordained by Defendant Order and the Archdiocese. At all times material, Defendant McGuire was under the direct supervision, employ and control of Defendant Order and the Archdiocese. Defendant McGuire was an adult and designated holy figure at the time of the sexual abuse alleged herein.

4. Defendants Order and/or Archdiocese transferred Defendant McGuire to several positions at different educational institutions and parishes including: Loyola Academy, Wilmette, IL; Loyola University, Chicago, IL; University of San Francisco, San Francisco, CA; Bellarmine Hall, Barrington, IL; Canisius House, Evanston, IL; and the Provincial Office, Chicago, IL.

FACTS

5. At all times material, the Catholic Bishop of Chicago, a Corporation Sole (hereinafter "Archdiocese") was and is an Illinois corporation. The Archdiocese has approximately eight hundred fifty four Diocesan priests serving in two counties in the State of Illinois. At all times material to the complaint, the Archdiocese was conducting business in the State of Illinois.

6. At all times material hereto the Archdiocese, fostered and maintained a network of schools throughout the diocese, some of which were under its direct control, and others, such as Loyola Academy were under the control of religious orders, but all of which were under the apparent control of the Archdiocese.

7. In the alternative, whether parishes throughout the Archdiocese were under the direct control of the Archdiocese or not, the Archdiocese was engaged in a joint venture with Defendant Order; said joint venture being a community of interest to promote religious values and education in exchange for money in the form of donations and tuition which was paid by students and their families.

8. Plaintiff was raised in a devout Roman Catholic family, was baptized, confirmed, and regularly celebrated mass, received the sacraments, and participated in church related activities. As a result, Plaintiff developed great admiration, trust, reverence, and respect for, and obedience to Roman Catholic priests. It was through this position of trust, respect and reverence that Defendant McGuire gained access to Plaintiff and his family.

9. Defendant McGuire befriended Plaintiff at Loyola Academy, where Defendant McGuire was a teacher and scholastic advisor.

10. As a result of representations made by Defendants and because Defendants held themselves out as counselors and instructors on matters that were spiritual, moral and ethical, Plaintiff placed trust in Defendants so that Defendants gained control and influence over Plaintiff. Defendants, by maintaining and encouraging such a relationship with Plaintiff, entered into a fiduciary relationship with Plaintiff.

11. Defendant McGuire sexually abused Plaintiff on a regular and repeated basis while Plaintiff was a minor child; specifically, Defendant McGuire sexually abused Plaintiff almost daily during 1968 and 1969. Defendant McGuire intimidated, threatened, and physically beat Plaintiff in order to silence Plaintiff and allow the abuse to continue.

12. In 1969, Plaintiff told Fr. Schultz, a parish priest at Our Lady of Lourdes in North Chicago that Defendant McGuire had repeatedly sexually abused him during the previous year.

13. Shortly thereafter Plaintiff met with church officials about the abuse. On information and belief, present at the meeting on behalf of the order were: Rev. John Reinke, President of Loyola Academy; Rev. Robert Humbert, Headmaster of Loyola Academy; Rev. John Beall, Principal of Loyola Academy; and others.

14. Immediately after this meeting, in the middle of the school year, Defendants made Plaintiff transfer to another Jesuit school, St. Ignatius as a result of his allegations. Defendants informed the Plaintiff that the transfer was in his best interest. Defendants knew that this conduct would silence Plaintiff and prevent him from recognizing that he had a cause of action against Defendants because the conduct indicated that Plaintiff rather than Defendant McGuire was at fault for the sexual abuse.

15. Despite knowledge of Defendant McGuire's sexual abuse of Plaintiff and the immediate transfer of the Plaintiff to St. Ignatius, Defendant Order allowed Defendant McGuire to remain at Loyola Academy until 1972. Defendant Order never advised parishioners, parents, students or law enforcement regarding McGuire's criminal conduct and danger posed to children.

16. Upon information and belief, both before and after Plaintiff was first sexually abused by Defendant McGuire, Defendant Order and others knew or should have known of McGuire's dangerous and exploitive propensities and/or that he was an unfit agent and failed to act on that knowledge, and thereby increased the likelihood that Plaintiff would be harmed and would fail to obtain help.

17. As a result of Plaintiff's position as a minor, together with Defendant McGuire's position in the Roman Catholic Church as a priest, holy man and authority figure, Defendant McGuire was able to have control and influence over Plaintiff. By his words and actions, Defendant McGuire represented to Plaintiff that the object of his relationship with Plaintiff was

to provide friendship, counseling, comfort and advice. This representation was untrue and was intended by Defendant McGuire to deceive Plaintiff, to gain Plaintiff's trust and confidence and to obtain control over him. Plaintiff believed Defendant McGuire, justifiably relied upon him and gave him his trust and confidence. By his words and actions, Defendant McGuire assured Plaintiff that his conduct was proper and legal. Defendant McGuire actively concealed the wrongfulness of his exploitation and misconduct involving Plaintiff. As a result, Plaintiff was unable to understand the wrongfulness and illegality of Defendant McGuire's abuse of him and the related injury until recently.

18. The applicable statutes of limitations are tolled because the Defendants and others fraudulently concealed Defendant McGuire's exploitation and misconduct from law enforcement, Plaintiff's family and other parishioners. Defendant Order and others further concealed the nature of Defendant McGuire's sexual abuse of Plaintiff by fraudulently allowing Defendant McGuire to continue to serve as a priest and spiritual advisor despite Defendant McGuire's criminal conduct. As a result of Defendants' conduct, Plaintiff was unable to discover the wrongfulness of Defendant McGuire's conduct.

19. Upon information and belief after learning of Defendant McGuire's conduct, Defendant Order and others ratified his conduct by failing to report him to law enforcement authorities, failing to notify police, prosecution, parishioners and the laity after committing the criminal acts as alleged herein. Further, Defendant's and other's conduct communicated to Plaintiff that Defendant McGuire's conduct was proper and that legal action was not necessary. Therefore, Defendants knew, or should have known, that their actions would silence Plaintiff, prevent him from discovering his injuries, his complaints and possible other complaints, and ultimately exacerbate his emotional distress and trauma. Defendants should therefore be

estopped from asserting any defense that Plaintiff's action is not timely under Illinois law because Defendants fraudulently concealed the wrongfulness of Defendant McGuire's conduct and the causal relationship of the harm suffered by Plaintiff.

20. The applicable statute of limitations was further tolled because Defendants' conduct placed Plaintiff under duress. In addition to physically abusing and threatening Plaintiff, Defendants led Plaintiff to believe that Plaintiff could trust Defendant McGuire as a benevolent and trustworthy male and spiritual advisor, who cared about him. Defendant McGuire's conduct placed Plaintiff under powerful psychological duress in that this conduct caused Plaintiff to believe that he must comply or lose the advice, counsel, attention, caring and comfort that Defendant McGuire otherwise purported to give him. Defendant McGuire's exploitation and Defendant Order's concealment placed Plaintiff under continuing duress in that he caused Plaintiff to believe that he was at fault for engaging in sexual conduct with Defendant McGuire.

21. The sexual abuse of the Plaintiff, and the circumstances under which the abuse occurred, caused Plaintiff to develop various psychological coping mechanisms and symptoms of psychological distress, including great shame, guilt, self-blame, depression, repression and dissociation. Due to the Defendants' representations, their concealment of their knowledge of Defendant McGuire's sexual molestation of children, their relationship with Plaintiff and Plaintiff's coping mechanisms, Plaintiff was further unable to appreciate the wrongful nature of the Defendants' conduct and/or know or have reason to know that he was a victim of sexual abuse committed upon him by Defendant McGuire.

22. Due to these same psychological coping mechanisms, Plaintiff was incapable of recognizing that he experienced injuries that were causally related to this sexual abuse. As a result, Plaintiff did not know, nor through the exercise of reasonable diligence did he have reason

to know of the fact of the injury or its causal relationship to the sexual abuse until less than two years prior to commencement of this action when Plaintiff began to make this discovery. In addition, Plaintiff did not know or have any reason to know through the exercise of due diligence that the Defendant Order knew of Father McGuire's prior sexual misconduct and yet negligently continued to employ and failed to supervise Father McGuire as a parish priest. In addition, since approximately 1969, Plaintiff has been subjected to manipulation by Defendant Order in that Defendant Order failed to disclose to Plaintiff that Defendant Order knew of and concealed Defendant McGuire's acts of sexual abuse of children both before and after Defendant McGuire's sexual abuse of Plaintiff. Because Defendants failed to disclose this information to Plaintiff, Plaintiff was unaware that he had a cause of action against Defendants until recently. Under Illinois state law, the statute of limitations is therefore tolled. Plaintiff's claims against the Defendants, and each of them, are therefore timely.

23. The applicable statutes of limitations are tolled because Plaintiff John Doe 83 was mentally incapacitated and/or disabled and was unable to bring this action until this time.

24. As a direct result of Defendant McGuire's sexual abuse, and the negligent and wrongful conduct of Defendant Order and others, Plaintiff has suffered and continues to suffer severe and permanent emotional distress, terror, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life, loss of religious faith, difficulty in practicing his religion through the church, severe psychological injury and deprivation of earning capacity, and has incurred and will continue to incur expenses for psychological treatment, therapy and counseling.

FACTS APPLICABLE TO THE CONSPIRACY

25. Since approximately the 1960's through to the present, persons controlling or directing the affairs of Defendants' and other's engaged in or joined in a conspiracy to intentionally, recklessly and/or negligently conceal criminal conduct of their agents, aid and abet

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the concealment of criminal conduct, aid and abet criminal sexual conduct, fail to report criminal conduct of their agents, obstruct justice, obstruct criminal investigation, obstruct state and/or local law enforcement, evade criminal and/or civil prosecution and liability, bribe and/or pay money to victims in order to keep their criminal conduct secret, violate the civil rights of children and families, engage in mail and/or wire fraud, and commit fraud and/or fraudulent inducement of their parishioners in furtherance of their scheme to protect molesting priests and other clergy from criminal prosecution, to maintain or increase charitable contributions and tuition payments and/or avoid public scandal in the Roman Catholic Church.

26. This conspiracy was conducted by and through Defendant Order and others and directed by the Holy Roman Catholic Church (a/k/a, the Holy See).

27. Evidence of this conspiracy done by Defendant Order and others and the Holy See and of their knowledge that Roman Catholic clergy were sexually abusing children can be seen in the Holy See's 1962 INSTRUCTION entitled "On the Manner of Proceeding in Cases of Solicitation." (Attached as Exhibit A.) This INSTRUCTION was intended to reach all patriarchs, archbishops, superiors and diocesan ordinaries (bishops). At the top of this INSTRUCTION, it states that it is "to be diligently stored in the secret archives of the Curia as strictly confidential. Nor is it to be published nor added to with any commentaries." (Ex. A.) The INSTRUCTION contains explicit instructions as to how bishops and church leaders are to proceed in cases where a priest entices a penitent to engage in sexual conduct. (Ex. A.) The INSTRUCTION specifically mentions that these cases encompass situations where children are sexually abused. (Ex. A, §§ 62, 73). It mentions that church officials could transfer offending priests to different assignments. (Ex. A, § 4.) At all points of the process of handling sex abuse cases dealing with a penitent, the matters are to be kept secret. (Ex. A.) In particular if church

leaders find that the allegations lack foundation, they are mandated to destroy all of the documents. If, however, the allegations are found to have foundation the Bishop and church leaders must keep the pertinent documents in secret archives. (Ex. A, ¶ 42.) The Vatican INSTRUCTION also encourages Bishops and church leaders to avoid "scandal." (Ex. A, ¶¶ 35,36, 64.) The INSTRUCTION identifies the worst crime as any obscene, external act, gravely sinful, perpetrated in any way by a priest with youths of either sex or sex with brute animals (bestiality). (Ex. A, ¶ 73.)

28. As further evidence of this conspiracy, of an effort to avoid "scandal," and that persons controlling the affairs of Defendant Order and others had knowledge that Roman Catholic clergy were sexually abusing children, in 1985, the National Conference of Catholic Bishops received a report titled "The Problem of Sexual Molestations By Roman Catholic Clergy." This report described the continuing and growing problem of child sexual abuse by priests within the Roman Catholic Church. According to the report, if the Roman Catholic Church failed to deal with the problem of its pedophile (abuser of pre-pubescent children) and ephebophile (abuser of post-pubescent adolescents) priests and clergy, the Church could face liability in excess of \$1,000,000,000.00 over ten years. In addition, the report outlined steps that the Roman Catholic Church, through the National Conference of Catholic Bishops, must take to protect the Church and parishioners from the devastating effects of priests who molest children. In response, the National Conference of Bishops ignored the report and recommendations and, instead, continued actions, which allowed molesting priests to continue their actions. Upon information and belief, Defendant Order and others engaged in the wrongful activity described above in order to protect financial interests in addition to protecting priests engaged in child molestation and other clergy protecting those priests from criminal prosecution and the other

aspects of the scheme described above.

29. In that same report, the reporter cautioned the National Conference of Catholic Bishops to resist the practice by some to sanitize or purge the secret files of potentially dangerous material. In addition, the reporter warned the National Conference of Catholic Bishops that their practice of moving files containing potentially dangerous material to the Papal Apostolic Delegate, where the files would be immune from subpoena, could ultimately destroy the immunity enjoyed by the Holy See. These warnings were not heeded.

30. In furtherance of its scheme and enterprise to protect molesting priests and other clergy from criminal prosecution, maintain or increase charitable contributions and tuition payments and/or avoid public scandal in the Roman Catholic Church, persons controlling or directing the affairs of Defendants and others, intentionally and fraudulently engaged in the routine practice of maintaining secret "sub secreto" archival files of sexual misconduct by priests. These sub secreto files were and are accessible to the Bishops only. Such secret files were not reported to or made available to law enforcement authorities, or others, in order for law enforcement to investigate the known crimes of the priests. In fact, on information and belief, the Roman Catholic Church periodically fraudulently purged files and hid them from persons, including law enforcement authorities, seeking access to them.

31. As evidence of this fraudulent practice and its widespread use, in 1990, in an address by Bishop A. James Quinn to the National Conference of Catholic Bishops titled "NCCB Guidelines, and other Considerations in Pedophilia Cases," Bishop Quinn stated:

Nevertheless, personnel files should be carefully examined to determine their content. Unsigned letters alleging misconduct should be expunged. Standard personnel files should contain no documentation relating to possible criminal behavior. Serious moral questions, signed allegations, those should be a part of the secret file anyhow. But they still subpoena them. But comb through your files.

Now, when files have been subpoenaed, they cannot be tampered with; destroyed, removed; that constitutes obstruction of justice and contempt of court. Prior, however, thought and study ought to be given if you think its going to be necessary; if there's something there you really don't want people to see you might send it off to the Apostolic Delegate, because they have immunity to protect something that is potentially dangerous, or that you consider to be dangerous, you might send it there.

The Apostolic Delegate is the delegate from the Vatican and Holy See, which the Church contends enjoys sovereign immunity from lawsuits and subpoenas.

32. In furtherance of its scheme, persons controlling or directing the affairs of Defendant Order and others have routinely entered into secret settlement agreements with confidentiality provisions that required victims of sexual abuse to preserve the Bishop's secrets from scrutiny by the public and law enforcement authorities. When litigation occurred, attorneys for the victims were required to return to all records produced to the Plaintiffs' attorneys (typically under an order of confidentiality) as a condition of settlement of the case.

33. As a result of the acts of persons controlling or directing the affairs of Defendant Order and others, priests, including Defendant McGuire, were allowed to perpetrate criminal acts of child sexual abuse throughout the United States over at least a 30-year period of time. Persons controlling or directing the affairs of Defendant Order and others maintained this web by making fraudulent representations, concealing criminal activity, obstructing justice and criminal investigations, evading civil and/or criminal liability, and by payment of money to victims in order to keep their criminal conduct secret, violating civil rights of children and families.

**COUNT I: CHILDHOOD SEXUAL ABUSE/BATTERY -
DEFENDANT MCGUIRE**

Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges:

34. From approximately 1968 through 1969, Defendant McGuire repeatedly engaged in unpermitted, exploitative and harmful sexual contact upon the person of Plaintiff.

35. As already alleged and described herein, the sexual abuse of Plaintiff was undertaken while Defendant McGuire was a managing agent of Defendant Order, while in the course and scope of Defendant McGuire's employment with Defendant Order, and/or was ratified by Defendant Order and others.

36. As a direct result of this sexual abuse, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff demands judgment against in an amount in excess of \$50,000, plus costs, disbursements, reasonable attorney's fees, interest and such other relief as the court deems just and equitable.

**COUNT II: VICARIOUS LIABILITY
DEFENDANT ORDER**

Plaintiff incorporates all paragraphs of this Complaint as if fully set forth in this count and further alleges:

37. Defendant Order ordained Defendant McGuire and in so doing granted him facilities to perform as a priest, teacher, spiritual leader and counselor within Defendants Archdiocese and Order and held Defendant McGuire out to the community as a fit and competent agent of Defendant Order. At all times material, Defendant McGuire was employed by and/or

was an agent of Defendant Order and was under its direct supervision and control when he negligently performed his duties and committed the wrongful acts described herein. Defendant McGuire committed the acts alleged within the apparent authority arising from his agency. Said conduct was undertaken while Defendant McGuire was a managing agent of Defendant Order, while in the course and scope of Defendant McGuire's employment with Defendant Order and/or was ratified by Defendant Order.

38. As a direct result of Defendant Order's conduct, Plaintiff has sustained and continues to sustain the injuries and damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount in excess of \$50,000, plus costs, disbursements, reasonable attorney's fees, interest and such other relief as the court deems just and equitable.

COUNT III: BREACH OF FIDUCIARY DUTY
DEFENDANT MCGUIRE

Plaintiff incorporates all paragraphs of the Complaint as if fully set forth under this count and further alleges:

39. As already alleged and described herein, and by holding himself out as a qualified Catholic priest, religious instructor, counselor, and by undertaking to provide religious counsel and guidance to the Plaintiff, Defendant McGuire entered into a fiduciary relationship with Plaintiff. Defendant McGuire breached his fiduciary duty to the Plaintiff by engaging in the negligent and wrongful conduct described herein, causing the Plaintiff to sustain substantial personal injury constituting the tort of breach of fiduciary duty under Illinois Law.

40. As a direct result of Defendant McGuire's conduct, Plaintiff has sustained and continues to sustain the injuries and damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount in excess of \$50,000, plus costs, disbursements, reasonable attorney's fees, interest and such other relief as the court deems just and equitable.

COUNT IV: BREACH OF FIDUCIARY DUTY
DEFENDANT ORDER

Plaintiff incorporates all paragraphs of this Complaint as if fully set forth in this count and further alleges:

41. By holding Loyola Academy out as a safe and secure environment, and by undertaking the religious and educational instruction and spiritual and emotional counseling of Plaintiff, Defendant Order entered into a fiduciary relationship with the minor Plaintiff. Defendant Order breached their fiduciary duty to the Plaintiff by engaging in the negligent and wrongful conduct described herein.

42. As a direct result of Defendant Order's conduct, Plaintiff has sustained and continues to sustain the injuries and damages described herein.

WHEREFORE, Plaintiff demands judgment in an amount in excess of \$50,000, plus costs, disbursements, reasonable attorney's fees, interest and such other relief as the court deems just and equitable.

COUNT V: NEGLIGENCE
DEFENDANTS ORDER

Plaintiff incorporates all paragraphs in this Complaint as if fully set forth in this count and further alleges:

43. Defendant Order by accepting minor parishioners and holding Loyola Academy out as a place of safety, guidance, healing, refuge and support and by holding Defendant McGuire out as a fit agent, Defendant Order agreed to and did undertake to provide for the

supervision, care and physical safety of Plaintiff. As such Defendant Order owed Plaintiff a duty to provide for the supervision, care, and physical safety of Plaintiff in a reasonable manner.

44. Defendant Order, by and through its agents, servants and employees, knew or should reasonably have known of McGuire's dangerous and exploitative propensities as a child sexual abuser and/or an unfit agent. Despite such knowledge, Defendant Order negligently retained and/or failed to supervise McGuire in his position of trust and authority as a Roman Catholic priest, where he was able to commit the wrongful acts against Plaintiff.

45. Defendant Order failed to provide adequate warning to Plaintiff and his family of McGuire's dangerous and exploitive propensities.

46. Defendant Order breached its duty of care by exposing the minor Plaintiff to unsupervised contact with McGuire, wherein he was able to sexually abuse Plaintiff.

47. As a direct result of this negligent conduct, Plaintiff has sustained and continues to sustain the injuries and damages alleged herein.

WHEREFORE, Plaintiff requests a jury trial and demands judgment in an amount in excess of \$50,000.00 plus costs, disbursements, reasonable attorney's fees, interest, and such other relief as the court deems just and equitable.

COUNT VI: FIDUCIARY FRAUD
DEFENDANT ORDER

Plaintiff incorporates all paragraphs in this Complaint as if fully set forth in this count and further alleges:

48. By holding itself, and its agents such as Defendant McGuire, out as leaders, holy figures and representatives of the Catholic Church, Defendant Order solicited, accepted and/or entered into a relationship with Plaintiff whereby Defendant Order held a position of power and control over Plaintiff. Plaintiff entrusted his health, welfare and safety to Defendant Order

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because of Defendants' position of power and control, thus resulting in a fiduciary relationship between Defendant Order and Plaintiff.

49. As such, Defendant Order had a duty to Plaintiff to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of Defendant McGuire.

50. On information and belief, Defendant Order and others had actual or constructive knowledge of Defendant McGuire's negligent and wrongful behavior. Defendant Order, however, misrepresented, concealed, failed to investigate, failed to warn and/or failed to disclose information relating to sexual misconduct and other inappropriate behavior of Defendant McGuire.

51. Plaintiff justifiably relied upon Defendant Order for information, assistance and guidance relating to sexual misconduct and other inappropriate behavior of Defendant McGuire.

52. Upon information and belief, Defendant Order intended to conceal or failed to disclose information relating to the sexual misconduct and other inappropriate behavior of Defendant McGuire.

53. Had Plaintiff been aware of the information described above, Plaintiff would have acted differently.

54. As a direct result of Defendants Archdiocese and Order's conduct, Plaintiff has sustained and continues to sustain the injuries and damages described herein.

WHEREFORE, Plaintiff requests a jury trial and demands judgment in an amount in excess of \$50,000.00 plus costs, disbursements, reasonable attorney's fees, interest, and such other relief as the court deems just and equitable.

**COUNT VIII: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST ALL DEFENDANTS**

Plaintiff incorporates all paragraphs in this Complaint as if fully set forth in this count and further alleges:

55. The Defendants' conduct described herein is extreme and outrageous.

56. The Defendants knew that there was a high probability that its conduct would inflict severe emotional distress upon Plaintiff.

57. The Defendants recklessly disregarded the high probability that its conduct would inflict severe emotional distress upon Plaintiff causing Plaintiff severe emotional distress.

58. Plaintiff suffered medically significant and diagnosable distress as a result of Defendants' actions as set forth in the Facts above.

WHEREFORE, Plaintiff requests a jury trial and demands judgment against Defendants in an amount in excess of \$50,000.00 plus costs, disbursements, reasonable attorney's fees, interest, and such other relief as the court deems just and equitable.

**COUNT IX: CONSPIRACY
AGAINST ALL DEFENDANTS**

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

60. Upon information and belief, Defendant Order and others, in concert with each other, and with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to disclose information relating to the sexual misconduct of Defendant Order's agents, including Defendant McGuire. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

61. As a direct result, Plaintiffs have suffered substantial personal injury and damages described herein.

WHEREFORE, Plaintiffs requests a trial by jury and demands judgment in an amount in excess of \$50,000.00, plus costs, disbursements, reasonable attorney's fees, interest, and whatever relief the court deems just and equitable



Attorneys for Plaintiff JOHN DOE 84

KERNS, PITROF, FROST & PEARLMAN
Marc Pearlman
333 West Wacker Drive, Suite 1840
Chicago, IL 60606
Atty No.: 38766
(312) 261-4550

Jeffrey R. Anderson
JEFF ANDERSON AND ASSOCIATES, P.A.
E-1000 First National Bank Building
332 Minnesota Street
St. Paul, Minnesota 55101
(651) 227-9990

ATTORNEYS FOR PLAINTIFF