

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

ARTHUR P. ANDREAS,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO: 03CC-002583
)	
ARCHDIOCESE OF ST. LOUIS,)	DIV.: 15
)	
Defendant,)	
_____)	

FIRST AMENDED PETITION

For his First Amended Petition against the Archdiocese of St. Louis, the Plaintiff states:

1. Plaintiff is an adult man and a resident of the State of Missouri. Plaintiff was a minor at the time of the sexual abuse described herein.
2. At all times material, Defendant Archdiocese of St. Louis (hereinafter "Archdiocese") was and continues to be an unincorporated association doing business in this state with its principal place of business at 4445 Lindell Boulevard, St. Louis, Missouri 63108.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS OF THE PETITION

3. Plaintiff attended school at St. Joseph's Home for Boys in St. Louis, Missouri where Father Alexander Anderson was a priest.

4. During approximately 1988 - 1989, while Plaintiff attended St. Joseph's Home for Boys, Anderson, in the course of their relationship, had unlawful sexual contact with Plaintiff in and around St. Joseph's Home for Boys. At the time, Plaintiff was a minor.
5. In approximately the months of March and/or April of 2002, and in response to a public request by the Archdiocese for all victims of sexual abuse to come forward for healing, Plaintiff reported to the Archdiocese that Defendant had sexually abused him on multiple occasions.
6. This report was made in confidence to the agents of the Archdiocese.
7. In approximately the months of May and/or June of 2002, Plaintiff reported that Defendant had sexually abused him on multiple occasions to the St. Louis Circuit Attorney.
8. This report was made in confidence to the St. Louis Circuit Attorney.
9. Prior to June 2, 2002, Anderson and the Archdiocese came to an agreement whereby Anderson would maliciously and publicly file a lawsuit against Plaintiff for defamation in order to intimidate the Plaintiff into withdrawing his sexual abuse complaint with the Archdiocese. In addition, Anderson and the Archdiocese came to an agreement that Anderson would engage in a media campaign relating to his lawsuit against Plaintiff in order to avoid criminal and civil liability by discouraging other victims of sexual abuse by Roman Catholic clergy from contacting law enforcement authorities to report the abuse for fear they would be sued for defamation.
10. Pursuant to this agreement between Anderson and the Archdiocese, Anderson and the Archdiocese committed at least one act in furtherance of this agreement by filing the current lawsuit and the related statements to the media.
11. On or about June 2, 2002, Anderson, in concert with the Archdiocese, caused to be

published to third persons both orally and in writing that Plaintiff, by name, had reported Anderson's sexual abuse of Plaintiff. Father Anderson, in concert with the Archdiocese, also caused to be published both orally and in writing that Plaintiff, by name, was a liar and that Anderson never abused Plaintiff. Specifically Father Anderson caused to be published to third persons a document dated June 2, 2002 and entitled "Statement of Fr. Alex Anderson" which states:

In the Gospel of St. Matthew, the Lord exhorts us to "turn the other cheek" (5:39). No one interprets this to mean however that He wants our lives to be used as doormats.

A priest without a good name is like a carpenter without a hammer. He may be the best carpenter in the world, but no one will ever know, and no one will ever call upon him for help. In justice, and in order to continue in my work as a priest and pastor, I need and I am certainly entitled to the restoration of my honor.

We must all take responsibility for our actions. If I had done to my accuser what he has alleged, I would have to suffer the consequences. In fairness, he should now take responsibility for what he has done to my reputation. Therefore, it is only reasonable and fair, I believe, that within a week of receiving this message, Arthur Andreas withdraws his allegations of sexual abuse against me and makes an apology for the damage and disruption he has caused to me, to Sacred Heart Parish, and to anyone else associated with this situation. Failure to do so will result in legal action against him for slander.

If I was the only one affected by these allegations, I would be inclined to let this matter go. But I am not. The future reputation of too many innocent people - priests, coaches, teachers, volunteers and all those work with children is at stake here. In a genuine effort to protect the innocence of children, let us not lose sight of fairness and honesty.

12. Upon information and belief, after June 2, 2002, Anderson in concert with the Archdiocese caused additional statements similar to those appearing in the June 2, 2002 statement to be published to third persons.

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

COUNT I

**TORT OF UNREASONABLE PUBLICITY AND
CONSPIRACY TO COMMIT TORT OF UNREASONABLE PUBLICITY**

14. Plaintiff incorporates all paragraphs of this First Amended Petition as if fully set forth herein.

15. By engaging in the conduct described herein, Anderson published to third persons Plaintiff's name and the fact that Plaintiff had been sexually abused as a child by Anderson.

16. The public had no legitimate concern in the private and confidential matter of the above facts.

17. The Archdiocese is liable for the acts of Anderson because said acts were undertaken

while Anderson was a managing agent of the Archdiocese and while in the course and scope of Anderson's employment with the Archdiocese. The Archdiocese is liable for the acts of Anderson because the Archdiocese ratified said acts.

18. The conduct of the Archdiocese described herein constitutes conspiracy to commit the common law tort of Unreasonable Publicity in that the Archdiocese and the Anderson came to a meeting of the minds to avoid civil and criminal liability by intimidating the Plaintiff, and other victims of sexual abuse, into not reporting the fact that they had been abused to law enforcement authorities, among others, by maliciously and publicly filing the current lawsuit and the related media coverage.

19. By so filing this lawsuit and making public statements related thereto, Anderson and the Archdiocese committed at least one act in furtherance of the conspiracy.

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

COUNT II

DEFAMATION AND CONSPIRACY TO COMMIT DEFAMATION

21. Plaintiff incorporates all paragraphs of this First Amended Petition as if fully set forth

herein.

22. By engaging in the conduct described herein, Anderson published a defamatory statement that identifies Plaintiff.

23. Said defamatory statement was false and Anderson knew that the statement was false.

24. The Archdiocese is liable for the acts of Anderson because said acts were undertaken while Anderson was a managing agent of the Archdiocese and while in the course and scope of Anderson's employment with the Archdiocese. The Archdiocese is liable for the acts of Anderson because the Archdiocese ratified said acts.

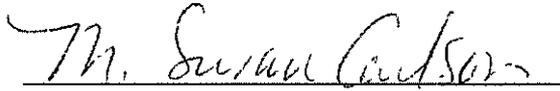
25. The conduct of the Archdiocese described herein constitutes conspiracy to commit the tort of Defamation in that the Archdiocese and Anderson came to a meeting of the minds to avoid civil and criminal liability by defaming the Plaintiff as described above.

26. By so filing this lawsuit and making public statements related thereto, Anderson and the Archdiocese committed at least one act in furtherance of the conspiracy.

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

WHEREFORE, Plaintiff demands judgment against the Archdiocese in an amount exceeding \$50,000 that is adjudged as fair and reasonable, plus costs, disbursements, interest, and whatever other relief the Court deems just and equitable.

Respectfully submitted,



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Certificate of Service

I certify that on September 7, 2003, a copy of the foregoing was mailed, postage prepaid to each of the following:

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