

IN THE CIRCUIT COURT OF THE 9th
JUDICIAL CIRCUIT IN AND FOR
ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

JOHN DOE NO. 4,

CASE NO. 05-CA-7829

Plaintiff,

v.

DIOCESE OF ORLANDO,
a corporation sole,

Defendant.

_____ /

COMPLAINT

Plaintiff, JOHN DOE NO. 4, by and through his undersigned counsel, hereby files this lawsuit against Defendant, DIOCESE OF ORLANDO, a corporation sole, and alleges as follows:

PARTIES AND JURISDICTION

1. Plaintiff, JOHN DOE NO. 4, is an adult male who resides in Orange County, Florida. Plaintiff is identified in this lawsuit by the pseudonym JOHN DOE in that this case involves facts of the utmost intimacy regarding childhood sexual abuse.

2. Defendant, DIOCESE OF ORLANDO, is a corporation sole responsible for the interests of the Roman Catholic Church in nine (9) counties in central Florida.

3. Father Vernon F. Uhran ("FATHER UHRAN") was at all material times a Catholic priest of the DIOCESE OF ORLANDO who was assigned to serve as a pastor at ST. MARY MAGDALEN, a parish operated and controlled by the DIOCESE OF ORLANDO. At all material times, DIOCESE OF ORLANDO was responsible for the assignment of priests and the implementation of policies and procedures at ST. MARY

MAGDALEN.

4. Plaintiff is seeking damages in excess of \$5,000,000.00.
5. Venue properly lies in this judicial circuit in that Defendant, DIOCESE OF ORLANDO, is headquartered in this judicial circuit. This Court has jurisdiction in that this is a claim for damages in excess of fifteen thousand dollars, exclusive of interest, costs, and attorney's fees.

BACKGROUND

6. The Church offers many opportunities for minors and families to become active and involved in Church activities. As a result, priests and clergy have abundant and frequent contacts with minors, individually and in groups.

7. Because of the opportunities to be with minors, The Church attracts many truly caring and giving individuals; however, at the same time, service in The Church attracts an extraordinary number of pedophiles, child molesters and sex abusers.

8. Officials and religious figures at the highest levels of The Church are well aware of the attraction of The Church to those who will do serious harm to minors.

9. Such persons who will do serious harm to minors seek employment by The Church as clergy, where they will obtain privacy with minors and control over them. As religious figures, they wield enormous influence over minors, who are required to address them as "Father" or such other terms connoting love and authority.

10. Religious figures in The Church are bestowed with an heir of infallibility, and are considered conduits for parishioners to make a connection with the deity and live more meaningful lives.

11. As a result, when these seemingly infallible holy men commit

unspeakable, perverted sexual acts with minors, it has an extraordinarily traumatic effect on the victims, psychologically and emotionally.

12. Instead of exercising due care and diligence to protect minors under these circumstances from the serious harm described above, The Church gives clergy complete discretion and freedom to have personal and private encounters with minors. At the same time, The Church has done nothing to screen abusers or protect minors from the sexual predators who infiltrate its ranks.

13. Quite the opposite, The Church has gone to great lengths to protect “its own.” It is the custom, policy and practice of the Roman Catholic Church, through its cardinals, bishops, priests and other officials and agents, to conceal instances of child sexual abuse and complaints by victims. It zealously maintains the secrecy of the horrifying truth of rampant child sexual abuse in The Church, by among other things:

- Failing to disclose complaints to law enforcement officials, parishioners and the public;
- Maintaining secret archives and files of evidence of sex abuse, accessible only to bishops;
- Instructing Church officials in destruction of incriminating documents and spoliation of evidence regarding sexual abuse by clergy;
- Transferring sex offending clergy to The Church facilities in other locations where their pasts would not be known to parishioners, and the abusers would have a “fresh start” with a new group of vulnerable children;
- Threatening and coercing victims and their families to withdraw complaints and retract allegations of sexual abuse;

- Paying “hush money” to victims and their families, in exchange for promises of non-disclosure and confidentiality.

14. Each of the acts and practices set forth above are done to protect and shelter the abuser; obstruct justice; conceal criminal conduct; evade prosecution; avoid being compelled by criminal and civil courts to turn over information or allegations regarding child sexual abuse; avoid public awareness and scandal about pedophile clergy; and avoid financial loss.

15. The Church’s conduct is outrageous given the enormous trust and confidence placed in its religious figures. The Church actively solicits and encourages this trust and confidence from parishioners and the public.

SEXUAL ABUSE OF JOHN DOE

16. JOHN DOE NO. 4 (“JOHN”) was born in 1957 and raised as a devout Catholic. During his youth, JOHN and his family were active parishioners at St. Mary Magdalen Catholic Church in Altamonte Springs, Florida.

17. As a result of his involvement at St. Mary Magdalen, JOHN had frequent and direct contact with the church’s pastor, FATHER UHRAN. JOHN’s family also developed a close friendship with FATHER UHRAN.

18. FATHER UHRAN was a frequent guest for dinner at the home of JOHN’s family. JOHN also became an altar boy under the direction of FATHER UHRAN at St. Mary Magdalen. During this period, JOHN developed a close friendship with FATHER UHRAN based on trust and confidence in FATHER UHRAN’s status as a Priest in the Catholic Church. JOHN looked to FATHER UHRAN for spiritual guidance and direction.

19. During the summer of 1971, FATHER UHRAN took a three-month cross-country road trip in a Winnebago with JOHN and several other boys whom he met in the

course of performing his duties as a pastor at St. Mary Magdalen. FATHER UHRAN told the boys parents' that he was taking their children on a spiritual retreat.

20. The sleeping quarters in the Winnebago were tight, and FATHER UHRAN insisted that JOHN share a bunk with FATHER UHRAN in the front of the Winnebago. FATHER UHRAN used this opportunity to sexually abuse JOHN on approximately ten (10) occasions during the cross-country trip.

21. The sexual abuse by FATHER UHRAN has caused JOHN to experience severe psychological injuries, including but not limited to loss of faith, depression, constant fear, nightmares, flashbacks, anxiety, mood swings, and the loss of enjoyment of life. These injuries are persistent, permanent, and debilitating in nature.

COUNT I
(NEGLIGENCE)

22. Plaintiff repeats and re-alleges Paragraphs 1 through 21 above.

23. At all material times, DIOCESE OF ORLANDO owed a duty to JOHN to use reasonable care to ensure JOHN's safety, care, health, and well-being.

24. DIOCESE OF ORLANDO's duties encompassed the hiring, retention, assignment and/or supervision of pastors who would not pose a threat to the safety, care, health, and well-being of minors.

25. At all relevant times, DIOCESE OF ORLANDO knew or in the exercise of reasonable care should have known that FATHER UHRAN was unfit, dangerous, and a threat to the health, safety and welfare of JOHN.

26. DIOCESE OF ORLANDO breached these duties by failing to provide a safe environment for JOHN where he would be free from the unwanted sexual advances and dangerous propensities of FATHER UHRAN, a pastor, agent and/or employee of DIOCESE OF ORLANDO. DIOCESE OF ORLANDO also breached their duties by failing to investigate and/or disclose its awareness of facts regarding FATHER UHRAN

that created a likely potential for harm to JOHN.

27. FATHER UHRAN began sexually abusing altar boys and other minors at parishes in the DIOCESE OF ORLANDO as early as the mid-1960's while he was a seminarian. Upon becoming a pastor, FATHER UHRAN continued to sexually abuse altar boys and other minor parishioners he met in connection with his duties as a pastor of the DIOCESE OF ORLANDO.

28. In 1969, Bishop Borders received reports from a victim and his mother that FATHER UHRAN had sexually abused a minor parishioner. FATHER UHRAN was not removed from the active ministry or otherwise disciplined. Instead, the DIOCESE OF ORLANDO continued to permit FATHER UHRAN to have unfettered access to minors, have frequent sleepovers in the Rectory, and was allowed to take minors away from their parents on vacation.

29. Despite knowledge of FATHER UHRAN's serious threat to the health, safety and welfare of Plaintiff, DIOCESE OF ORLANDO continued to provide FATHER UHRAN with unfettered access to minors, including JOHN.

30. The DIOCESE OF ORLANDO concealed information that was pertinent and necessary for JOHN to bring civil claims in this matter. At the time he was abused, JOHN was unaware that the DIOCESE OF ORLANDO had received other allegations that FATHER UHRAN sexually abused minors. Thus, JOHN was also unaware that the DIOCESE OF ORLANDO's failure to take any action contributed to his own abuse by FATHER UHRAN.

31. Upon information and belief, after finding out about the abuse, the Defendant actively took steps to conceal the abuse for purposes of protecting itself from civil liability and evading same.

32. FATHER UHRAN and JOHN were in a fiduciary relationship. FATHER UHRAN was in a position of trust and confidence with JOHN. JOHN looked to FATHER UHRAN for spiritual counseling and guidance.

33. The DIOCESE OF ORLANDO was in a fiduciary relationship with JOHN. The DIOCESE OF ORLANDO was in a position of trust and confidence with JOHN. JOHN looked to the DIOCESE OF ORLANDO and its representatives for spiritual counseling and guidance. DIOCESE OF ORLANDO owed JOHN a fiduciary duty to:

- (a) Investigate and warn JOHN and his parents of the potential for harm from FATHER UHRAN;
- (b) Disclose its awareness of facts regarding FATHER UHRAN that created a likely potential for harm;
- (c) Disclose its negligence with regard to the hiring, supervision, assignment, and retention of FATHER UHRAN;
- (d) Provide a safe environment for JOHN where he would be free from abuse; and
- (e) Protect JOHN from exposure to harmful individuals like FATHER UHRAN.

34. DIOCESE OF ORLANDO breached its fiduciary duty to JOHN by failing to:

- (a) Investigate and warn JOHN of the potential for harm from FATHER UHRAN;
- (b) Disclose its awareness of facts regarding FATHER UHRAN that created a likely potential for harm;
- (c) Disclose its own negligence with regard to hiring, supervision and retention of FATHER UHRAN;
- (d) Provide a safe environment for JOHN where he was free from abuse; and
- (e) Protect JOHN from exposure to harmful individuals like FATHER UHRAN.

35. As a direct and proximate result of DIOCESE OF ORLANDO's negligence, JOHN has suffered severe and permanent psychological, emotional and

physical injuries, including but not limited to loss of faith, depression, constant fear, nightmares, flashbacks, anxiety, difficulties with intimacy, mood swings, and the loss of enjoyment of life. These injuries are persistent, permanent, and debilitating in nature.

WHEREFORE, Plaintiff, JOHN DOE NO. 4, demands judgment against Defendant, DIOCESE OF ORLANDO, for compensatory damages, costs and such other and further relief as this Court may deem appropriate. Plaintiff intends to move to amend the Complaint in accordance with Florida Statutes to assert a claim for punitive damages.

COUNT II
(RESPONDEAT SUPERIOR / VICARIOUS LIABILITY)

36. Plaintiff repeats and re-alleges Paragraphs 1 through 21 above.

37. FATHER UHRAN was at all material times the employee, appointee and/or agent of the DIOCESE OF ORLANDO.

38. FATHER UHRAN was authorized to be alone with and take cross-country-trips in his Winnebago with JOHN and other minor parishioners, as well as to have unlimited pastoral visits and sleepovers at the Rectory.

39. FATHER UHRAN's initial contact and relationship with JOHN was in furtherance of the business of DIOCESE OF ORLANDO. In addition, FATHER UHRAN was authorized to touch JOHN and display affection in a manner consistent with providing care, spiritual guidance and leadership. FATHER UHRAN extended and converted his authorized touching into the sexual assault of JOHN as described herein. The sexual assault of JOHN occurred during FATHER UHRAN's working hours, and occurred in the course and scope of the performance of FATHER UHRAN's duties.

40. Upon information and belief, FATHER UHRAN was authorized to touch JOHN in an improper manner.

41. The wrongful acts of FATHER UHRAN were committed in the actual or apparent course and scope of his employment or agency with DIOCESE OF ORLANDO.

42. As a direct and proximate result of the sexual abuse perpetrated by FATHER UHRAN, JOHN has suffered severe and permanent psychological, emotional and physical injuries, including but not limited to loss of faith, depression, constant fear, nightmares, flashbacks, anxiety, difficulties with intimacy, mood swings, and the loss of enjoyment of life. These injuries are persistent, permanent, and debilitating in nature.

43. Under the doctrine of respondeat superior, DIOCESE OF ORLANDO is responsible for the actions of its servant, FATHER UHRAN, committed in the actual or apparent scope of his duties.

WHEREFORE, Plaintiff, JOHN DOE NO. 4, demands judgment against Defendant, DIOCESE OF ORLANDO, for compensatory damages, costs and such other and further relief as this Court deems just and proper. Plaintiff intends to move to amend the Complaint in accordance with Florida Statutes to assert a claim for punitive damages.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action.

DATED THIS 12th September, 2005.

Respectfully submitted,

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